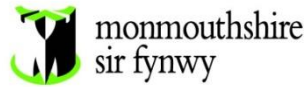


# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 26 September 2022

Notice of meeting:

## Planning Committee

Tuesday, 4th October, 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 - 22
4.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
4.1.	Application DM/2021/01950 - Proposed construction of a standalone nursery unit, access path and use of off-site existing car park area to be used as parent drop off/pick up facility. Trellech Primary School, Monmouth Road, Trellech.	23 - 30
4.2.	Application DM/2022/00395 - New two-storey extension to side of property to provide annex accommodation. 1 Pipistrelle Court, Llanfoist, Abergavenny, NP7 9NF.	31 - 38
4.3.	Application DM/2022/00696 - Proposed single storey front extension. Arosfa, Llanfair Discoed, Monmouthshire, NP16 6LY.	39 - 46

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 or to attend the meeting in person and address the Planning Committee.**

### Who Can Speak

#### Community and Town Councils

Community and town councils can address Planning Committee via a pre-recorded video or in person at the meeting.. 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 or in person at the Planning Committee meeting.

When is speaking permitted?

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

### Registering Requests to Speak

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

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

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

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

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

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

### 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. Alternatively, the community or town council representatives may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the objector may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the supporter may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting up to 5 minutes in duration.
  - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
  - Speakers may speak only once.
  - Committee Members may then raise technical questions with officers.
  -
- Planning Committee members will then debate the application, commencing with the

local member if a Member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.

- Where an objector or supporter or applicant/agent community or town council has spoken on an application no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the Committee unless there has been a material change in the application.
- The Chair's decision regarding a procedural matter is final.
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly.
- When the motion has been seconded the Chair shall identify the Members who proposed and seconded the motion and repeat the motion proposed (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.
- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention.
- The Legal Officer shall count the votes and announce the decision.
- 
- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.



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# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance  
on Tuesday, 6th September, 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,  
Ben Callard, Tony Easson, Steven Garratt, Meirion Howells,  
Su McConnel, Jayne McKenna, Phil Murphy, Maureen Powell,  
Sue Riley, Dale Rooke and Ann Webb

County Councillors: Louise Brown, Richard John and  
Angela Sandles attended the meeting by invitation of the Chair.

### **OFFICERS IN ATTENDANCE:**

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Joanne Chase	Solicitor
Wendy Barnard	Democratic Services Officer

### **APOLOGIES:**

County Councillors: Jan Butler and John Crook

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

County Councillor Jayne McKenna declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2022/00494 as she was a member of Shirenewton Community Council prior to April 2022. During this time, she voted on application DM/2022/00494. She left the meeting taking no part in the discussion or voting thereon.

County Councillor Jayne McKenna declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2022/00851 as she was a member of Shirenewton Community Council prior to April 2022. She was involved with the funding of application DM/2022/00851 but not the planning application. She left the meeting taking no part in the discussion or voting thereon.

County Councillor Meirion Howells declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2021/00691 as he knew the applicant. County Councillor Howells abstained from voting in respect of this application.

County Councillor Tony Easson declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2022/00492 as he is a member of the Police and Crime Panel.

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

The minutes of the Planning Committee meeting dated 2<sup>nd</sup> August 2022 were confirmed and signed by the Chair.

### **3. Application DM/2021/01823 - Change of use from agricultural to One Planet development. Land south of Trecastle Farm, Trecastle Road, Llangovan, Monmouthshire.**

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

The local Member for Mitchel Troy and Trellech United attended the meeting by invitation of the Chair and outlined the following points:

- Concerns have been raised regarding the impact on the landscape of the proposed buildings which will be particularly visible during the autumn and winter months.
- It is an essential One Planet Development (OPD) requirement that there is a 'light touch' on the environment with a positive landscape impact.
- OPD guidance states that dwellings and structures should not stand out in views from public vantage points and the OPD should enhance the landscape in which it sits.
- The report of the application stated that the Landscape Officer considers the development proposal acceptable subject to additional clarification around the specifics of the proposal and longer-term maintenance.
- The local Member referred to the conditions outlined in the report in that they are related to the landscape and appear to require substantial additional information. Concern was expressed that these were not being addressed at the application stage.
- It was suggested that the applicant should consider submitting the information required to allow the Planning Committee to make an informed decision in respect of the application.
- The Cruck Barn will be the most visible building due to its elevation on the site and will not have a grass roof but one made of metal or slate. The plan and elevation states that the exact material and colour are to be conditioned to allow the use of a reclaimed product. However, there appears to be no such condition in the report of the application.

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- The applicant intends to construct a dwelling workshop and barn with reclaimed materials and that the exact appearance of the structures may vary from that presented in the application drawings. Concern was expressed that the importance of preserving the environment was key and that this would not be acceptable. Greater clarity was required in respect of this matter.
- Concern was expressed regarding the degree of the impact on the landscape in terms of the long access track which will cross a water course. This was considered not to be a 'light touch' on the environment.
- OPD guidance states that all water needs are met from water available on site. There are two streams on the site, but both have dried up this summer.
- The local Member asked for details regarding rainfall harvesting calculations.
- The local Member asked whether independent monitoring will be undertaken.
- The residents' impression is that the application has been given a 'light touch' in terms of ensuring its compliance with the requirement of the Policy. This is building in the open countryside with concerns regarding the landscape impact.
- Applications of this nature need to be vigorously stress tested by independent experts. Concern was expressed regarding the lack of transparency.
- Residents were concerned that approval of the application would result in disparate buildings being scattered across the open countryside.

The applicant, Paul Trotter, attended the meeting by invitation of the Chair and outlined the following information:

- The OPD is an opportunity for the applicant to dramatically increase his sustainability while promoting biodiversity.
- Over the last five years the applicant has devoted time to research into low impact living, permaculture, regenerative agriculture, and natural building. This has come together to form the planning application presented to Planning Committee today.
- Thousands of broad leaf trees will be planted locking carbon into the soil, while increasing shelter and forage for wildlife, as well as for livestock.
- Systems have been incorporated to capture and use nutrients on site, protecting watercourses from animal manure.
- The applicant is looking forward to living with a 'light touch' on the planet, being self sufficient in water, heating and electricity, as well as growing and rearing the majority of their food.

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- The applicant's transport impacts will be around half the norm and their ecological footprints will be 70% lower than the Welsh average.
- The development will be a local exemplar of sustainable living and inspire other families to address the climate change and biodiversity crises.
- The applicant intends to live on the site for the rest of their lives, raising a family and being a part of the community. Local connections have already been established locally by supporting events and volunteering in community projects.
- Produce would be sold locally providing residents with more sustainable choices.
- The applicant wants the project to benefit the local community directly. The management plan details the applicant's commitment.
- Many letters of support have been received regarding the application with a small number of objections having been received.
- There has been ample time for Officers and professional consultees to examine the application in depth.
- The concerns raised by objectors have not been supported by the assessments of the professionals.
- Monmouthshire County Council's Highways, Biodiversity and Ecology, landscapes, drainage and Natural Resources Wales (NRW) have all indicated that the proposal is acceptable and in line with Planning Policy.
- The independent OPD assessors are satisfied that the application successfully meets the criteria of the One Planet Development Policy.
- The applicant asked the Planning Committee to consider approval of the application.

The Development Management Area Manager responded as follows:

- Details of soft landscaping will be agreed as a pre-commencement condition.
- The site is already well screened by established mature vegetation.
- The use of planning conditions to agree further soft landscaping is appropriate and in accordance with the planning conditions circular.
- If the application was approved, samples of finishes could be agreed prior to construction.

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- The applicant would be tied to a legal agreement and the monitoring report would be subject to annual review via the Planning Department's Monitoring Enforcement Officer.
- Officers are satisfied that there are sufficient stringent steps in place for the development to be monitored and the conditions are fully enforceable.

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

- Concern was expressed that the applicant was able to submit his own visual impact statement which was considered to not be accurate. The site can be seen from roads, footpaths, the historic Motte and Bailey and listed buildings.
- The independent assessor had not undertaken the individual impact statement.
- Many of the trees surrounding the site have Ash Dieback and will need to be removed.
- The half kilometre track to the dwelling is for agricultural purposes. Clarification was sought as to whether a residential driveway will need to be applied for.
- Visibility when exiting the site is poor when looking right. The Highways Department has expressed concern and the applicant had tried to mitigate this matter by drawing up an agreement with the farmer who owns the hedge either side of the track. This notice can be ceased within seven days-notice by the farmer and will become void if either party sells their property. The highways risk to road users remains.
- Llangovan is located within a phosphate zone. Concern was expressed that a new family dwelling with livestock will produce phosphates adding to an existing problem.
- Both water courses run into the River Usk. It was considered that the business plan and predictions were questionable. With the considerable rise in living costs and high inflation, it was considered that the applicant's living figures were no longer valid which could affect the business plan and the sustainability of the development.
- The applicant predicts that the three-bed detached dwelling will be within Council Tax band A, valuing the property at £44,000 or less providing a Council Tax bill of £1071 per annum. This valuation is considerably lower than other three bed detached properties in Monmouthshire. Concern was expressed regarding the accuracy of these figures.
- The letters of support for the application do not come from local residents.

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- The local Member considers that the application will neither enhance nor benefit the community and could be harmful to local businesses that sell similar products which does not adhere to OPD policy.
- Clarity was sought as to why Section 106 monies were not being undertaken.
- The local Member considers that the application does not fully meet OPD policy or that the business model is robust and sustainable.

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

- The proposal is an inspirational development and will enhance its natural environment by increasing biodiversity in the area.
- It was suggested that consideration of the application be deferred on a public health basis. It was considered that the business plan fails to incorporate how meat will be stored in chest freezers throughout the winter months when solar panels cannot generate enough electricity to keep freezers permanently running. Concern was also expressed that some produce will be delivered via E Bikes. It was considered that the Environmental Health Department needed to scrutinise the practicality and public safety of the business plan. The development also competes with local businesses which sell similar produce. OPD policy states that the proposed business should not create a negative impact on other local businesses.

The Development Management Area Manager responded as follows:

- Advice has been taken via the independent assessor regarding the business case.
- The findings of the Council's Landscape and Urban Design Officer is that the development would be acceptable.
- Natural Resources Wales (NRW) has confirmed that it does not have any objection in respect of the nature of the development in terms of phosphates which has been screened out under the Habitats Regulations Assessment.
- Contributions towards affordable housing are set out in the Authority's Affordable Housing Supplementary Planning Guidance (SPG) but would not be required for a OPD proposal. Therefore, Section 106 monies are not being sought.
- The independent assessor is aware that there is a need to provide refrigeration on site and is satisfied that this can be provided but not to the detriment of the wider energy needs. The storage of meat would be subject to Environmental Health Standards and is not a Planning matter for consideration.

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- Planning permission had been granted in 2020 for the track to be surfaced with granular material for agricultural purposes. The track is sufficient and would not require any additional surfacing. The track could therefore be used in conjunction with the OPD site.
- the Independent Assessor has accepted the calculations presented by the applicant in respect of the value of the property and has advised officers accordingly.
- Consultant advice indicates that the proposed development will not be prejudicial or harmful to other local businesses.

It was proposed by County Councillor Ben Callard and seconded by County Councillor Jill Bond that application DM/2021/01823 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement.

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

For approval	-	9
Against approval	-	1
For deferral	-	2
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2021/01823 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement.

#### **4. Application DM/2021/01763 - Change of Use of the Land to an Animal Sanctuary. Temporary accommodation in the form of a touring caravan, to allow staff working at the Animal Sanctuary to stay occasionally overnight to assist with ill or injured animals. Rhewl Farm, Shirenewton To Rhewl Farm, Shirenewton, Chepstow.**

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

The applicant attended the meeting by invitation of the Chair and outlined the following points:

- The animal sanctuary offers a home for life for unwanted, neglected, abused and abandoned animals.
- Currently, the site is home to 200 farmed animals. The farm is a registered charity.
- The site comprises 62 acres with woods and low pasture.

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- Orchards have been planted within the sanctuary, as well as planting a medicinal herb garden for the animals. The applicant is rewilding a number of areas throughout the sanctuary.
- Work has been undertaken with wildlife charities since 2019. Orphaned bats are rehabilitated back into the wild at the sanctuary.
- 50 dormice boxes have also been put into the woods.
- Fertilizers or chemicals are never used on the land and animals are fed organic and non-genetically modified food.
- Matt Pritchard, celebrity chef, is the sanctuary's patron.
- The sanctuary had been voted one of the UK's favourite animal sanctuaries in 2020 and 2021.
- The sanctuary's team of staff are locally based and there are up to 230 volunteers that help with small events.
- The sanctuary is supported by donations and fundraisers.
- Local people are getting to know the sanctuary and are wanting to visit and volunteer. All focus is on the wellbeing of the animals which means that people cannot turn up and visit the site. However, bespoke visits have been arranged.
- It is not a commercial venture but a small sanctuary wanting to help animals in need, to protect the environment and offer support and wellbeing for people who need it.
- The caravan is required to allow staff to remain overnight and help sick animals in emergency situations.

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

- The sanctuary is located inappropriately off a narrow rural road. The local member made reference to the Highways Department's view in the report of the application outlining that the area has very poor sustainable transport provision with visitors attending the sanctuary having to travel by car. The open days generate additional traffic with the concentrated vehicle movements associated with the high number of open days in the sanctuary which are considered to be detrimental to the safety and capacity of the narrow, rural highway network. The Highway Authority recommends that the number of open days run by the sanctuary is controlled by way of a suitably worded condition.



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- This application was part of a previous joint application which dealt with the aspect of any opening to the public but this application had been withdrawn. However, the condition allows for open days. It was considered that the application does not fully deal with all concerns. The Highways Department had submitted a strong objection to the previous application that had been withdrawn due to the nature of the road.
- Local residents are concerned regarding the highway situation. Coaches have blocked the road for a period of time whilst entering and exiting the sanctuary.
- Staff, volunteers and seasonal workers also access the site.
- The Highways Department considered that the number of open days should not be increased.
- The local Member asked the Planning Committee to defer consideration of the application as it does not deal with all the aspects of the centre. However, if the application were to be approved, the local Member asked that the Planning Committee does not alter the condition to see 16 open days for the public. 16 sessional days would be more appropriate in line with the recommendation of the Highways Department.

The Development Management Area Manager responded as follows:

- The previous application has been withdrawn.
- This application is for the touring caravan and for the operation of the site as an animal sanctuary.
- The Highways Department has considered the application and did not raise any objections to the proposals in terms of traffic movements. Highways did indicate that a restriction on the number of open days should be considered and is outlined in the conditions to the report. The limitation is to 16 open days per calendar year.
- Cars can access the site and there is ample parking provision. The level of activity should not create a significant amount of congestion or obstruction on the lane, which has been confirmed by the Highways Department.

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

- The caravan was required in order to provide overnight care to sick animals.
- If the open days become significant or offer a tourist attraction, then this would be considered a change of use and would be subject to a separate planning application.

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- Before the sanctuary takes on any additional animals an assessment is undertaken regarding the impact that this will have on the existing animals within the sanctuary.
- The applicant was asked to consider communication with local residents when an open day is scheduled.
- For the open days, chemical toilets will be brought onto the site and taken away.

The local Member summed up as follows:

- The Planning Committee was asked to reconsider the 16 open days open to the public. Currently, the list of visitor days included VIP visits and corporate days. Over the previous 18 months there were 24 visits. It was considered that the 16 days would be adequate to cover all the types of visits.
- The local Member suggested that the Planning Committee considers 16 visitor sessions on 16 days.

In response the Development Management Area Manager informed the Committee that scale and function of the sanctuary will limit the number of people going into and leaving the site. The number of visitors will be linked to the scale of the business. The number of open days would be for the Planning Committee to determine.

Following discussion, it was proposed that the wording of the condition to control event numbers be agreed via the Delegation Panel.

It was proposed by County Councillor Jill Bond and seconded by County Councillor Ben Callard that application DM/2021/01763 be approved subject to the conditions outlined in the report and that the condition to control event numbers be agreed via the Delegation Panel.

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

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2021/01763 be approved subject to the conditions outlined in the report and that the condition to control event numbers be agreed via the Delegation Panel.

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**Minutes of the meeting of Planning Committee held  
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance  
on Tuesday, 6th September, 2022 at 2.00 pm**

### **5. Application DM/2022/00696 - Proposed single storey front extension. Arosfa, Llanfair Discoed, Monmouthshire, NP16 6LY.**

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 Caerwent, also a Planning Committee Member, informed the Committee that locally, there is concern regarding the length of the extension.

Councillor M. John, representing Caerwent Community Council, attended the meeting by invitation of the Chair and outlined the following points:

- The Community Council objects to the application under Policy H6 – the extension of rural dwellings.
- In order to protect the character of the countryside, extensions to dwellings outside village boundaries should be modest and respect or enhance the appearance of the existing dwelling. They will be required to be subordinate to the existing building. Where the building is of a traditional nature to respect its existing form including the pattern and shape of openings and materials.
- The Community Council does not consider that this application fulfils the requirements of Policy H6.
- Any extension that will result in an increase of more than 50% in the volume of a rural dwelling will not normally be considered to comply with Policy H6.
- The Community Council considers that this property has merit and should be considered as traditional rural dwellings particular to the local environment. They are a characteristic and unusual feature of the locality. The dwellings are similar to foresters' cottages which are located nearby.
- Under permitted development rights, this extension would not be allowed as it currently stands.
- The Community Council knows that permitted development rules do not preclude a planning application but consider that they provide a point of reference when considering applications.
- None of the land settlement houses in the near and extended neighbourhood have extensions on their front elevations. Some have been extended sideways. Some of these houses have porches which are subordinate and are mainly in keeping with the original buildings.
- It is difficult to understand how this extension can be described as subordinate. The view of the proposed extension driving out of the village from the A48 differs to the photographs shown from another viewpoint.

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- The Community Council has concerns regarding the volume of the proposed development and the increase in the volume of the cottage from its original state. An increase of 61% since 2013.
- The Community Council has recommended that the application be refused.

Mr. S. Roderick, objecting to the application, attended the meeting by invitation of the Chair and outlined the following points:

- Design and impact on the local character, paragraphs b, c, e and g of Policy DES1 apply.
- The extension is very large at the front of the property running adjacent to his boundary. It is not a porch. It extends 4 metres from the front elevation, is over half the height of the main dwelling and is nearly 4 metres wide.
- It will be nearly 16 times larger than a wooden porch and it can be seen from the village. It is substantially bigger than extensions of nearby neighbours and similar land settlement dwellings.
- Not one extension exceeds more than a metre from the front elevation and all are no more than 3sq.m in footprint. These extensions respect local distinctiveness, compliment their surroundings and respect their history. This application does not.
- The proposed extension is unacceptably oversized and does not enhance any architectural aspect and fails to follow the aesthetic lines of the original dwelling.
- It doesn't adhere to the local vernacular, it harms the objector's immediate landscape and the larger surrounding area.
- Policy EP1 states extensions to existing buildings should have regard to privacy, amenity and health of occupiers of neighbouring properties.
- Policy DES1 paragraph d, the equalities legislation and TAN 12 apply.
- The objector's property lies within green belt open countryside. Land Map rates the visual and sensory landscape as high and exceptional and emphasises the importance of the open undulating Caerwent landscape.
- This amenity provides a sense of openness and freedom allowing for a positive state of mental health and wellbeing. The objector has benefitted from this for the previous 13 years.
- The extension will have a detrimental impact and affect the sense of wellbeing.

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- On leaving his property the objector will be presented with a 4 metre high wall reducing amenity at the front of the property by almost 50%. In the autumn and winter months this loss will be exacerbated. The loss of amenity will be amplified for the objector's wife as she relies on the use of a wheelchair. The wall will be oppressive for her lowering the quality of life that she currently enjoys.
- In making the decision to recommend approval of the application the Planning Department was required to undertake an impact assessment of the effect on people's protected characteristics. It was considered that this had been ignored.
- Policy H6 and strategic vision – all parties agree that the proposal added to the extension of 2013 would exceed the volume limit between 61% to 71%. The 50% limit would be exceeded.
- Policy H6 requires an extension to be modest. The guidance provides a clear definition for this concept. A new extension was deemed to be modest if it does not exceed 30% volume of the original dwelling. However, this could be adjusted up to 37% but it must not exceed 50%. If an extension is built after 2006 it is unlikely that another extension can be permitted unless the new works added to those carried out earlier fall within the size limit, no more than 50%.
- Approval of the application would undermine the Local Development Plan (LDP) strategy.
- The objector asked that the Planning Committee considers refusal of the application.

Richard Shuck, the applicants' representative, attended the meeting by invitation of the Chair and outlined the following points:

- The applicants have lived in the area for a number of years and appreciate the landscape that they live in.
- The garden is agricultural / rural in nature with overgrown grass and various plant life.
- Discussions had been held with the neighbour regarding the location of the extension and it had been recommended by the applicants' representative that the extension be put at the front of the property with a view to addressing the issues raised by the neighbouring party.
- The proposed extension is 1 metre from the boundary to limit, as much as possible, the loss of light in that area.
- The applicants wanted the extension to be the same size as was originally proposed on the rear of the property under permitted development rights.

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- The proposed extension is in keeping with the existing property with a slate look, composite tile on the roof with a rendered finish.
- The plot size is large enough to take another small extension to the front of the property and acknowledges that it does exceed the limits of the 50% volume. However, in this case it was considered to be acceptable.
- The properties in this area have a small footprint. Therefore, it is necessary for families to increase the size of the footprint for these properties.
- The applicants require more living space via the proposed extension to accommodate an additional member of their family.

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

- A single storey extension to the rear of the property should not cover more than half the area around the original house. The eaves height of the extension cannot be higher than the eaves height of that of the house from which the extension projects. If the extension is located within 2 metres of any boundary of a house the eaves height cannot exceed 3 metres and the extension cannot be more than 4 metres long projecting from the rear of the property measured from the rear wall of the original house. The extension cannot be more than 4 metres in total in height.
- If the applicants extended their property to the rear and remained within these limitations then planning permission would not be required as the development could be constructed under permitted development rights.
- The proposed extension has been designed in a manner with its roof that reduces its impact on shading.
- Concern was expressed regarding the visual aspect of the proposed extension as it would change the vernacular of the neighbouring property.

It was proposed by County Councillor Dale Rooke and seconded by County Councillor Tony Easson that we be minded to refuse application DM/2022/00696 on the following grounds and that the application be re-presented to a future meeting of Planning Committee with appropriate reasons for refusal:

- Adverse impact on the amenity of the neighbouring property.
- Location, scale and design would be incongruous and out of character.
- Non-compliance with Policy H6 (volume and harmful to the character of the dwelling).

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

For refusal	-	10
Against refusal	-	2
Abstentions	-	1

The proposition was carried.

We resolved that we be minded to refuse application DM/2022/00696 on the following grounds and that the application be re-presented to a future meeting of Planning Committee with appropriate reasons for refusal:

- Adverse impact on the amenity of the neighbouring property.
- Location, scale and design would be incongruous and out of character.
- Non-compliance with Policy H6 (volume and harmful to the character of the dwelling).

**6. Application DM/2021/00691 - Change of use of agricultural barn to B1 (light industrial/office) including replacement cladding. It is intended for the building to be used as premises for producing a small range of organic, fermented apple cider vinegar drinks and tonics, and fermented condiments aiming to improve natural gut health. Parc Farm, Parc Road, Llangybi, Usk, Monmouthshire.**

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 Llangybi Fawr, also a Planning Committee Member, outlined the following points:

- She had noted the objections received regarding traffic on Parc Road and had raised these objections with the Highways Department.
- Signage on Parc Road is to be upgraded and installed within the coming weeks.

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

- Traffic movements would be kept to a minimum. Vehicle size and volume is likely to be decreased.
- The cladding and design will enhance the surrounding area.
- Visibility is clear when entering and exiting the site.
- The business is producing a profit and is sustainable.

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- The application will help the local economy grow.
- The application has a condition regarding the removal of permitted development in respect of lighting.

It was proposed by County Councillor Maureen Powell and seconded by County Councillor Jayne McKenna that application DM/2021/00691 be approved subject to the conditions outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2021/00691 be approved subject to the conditions outlined in the report.

#### **7. Application DM/2021/02037 - Proposed change of use of agricultural land to provide access track to Roseham Cottage, Lane End Cottage and Wyeswood. Roseham Cottage, Bigsnap Wood Lane, Pen Y Fan, The Narth, Monmouth.**

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

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

- The area resides within the Wye Valley AONB. However, it cannot be seen from vantage points due to the topography of the land. Much of the track is screened by trees and hedgerows with a large proportion located through an area of woodland on private land.
- Only one property could be affected by the proposal. However, the track runs to the side aspect of the dwelling and should not be greatly visually impacted upon.
- The existing driveway to the three properties is narrow with overhanging large trees and a solid stone wall either side of the entrance which large vehicles would struggle to access. In particular, emergency services vehicles.

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

- In response to a question raised regarding the lack of response from the Wye Valley AONB Unit it was noted that the requirements of the Local Development



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Plan (LDP) policy in respect of the Wye Valley AONB would not be compromised and that the visual impact could be properly considered without the input from the Wye Valley AONB Unit.

It was proposed by County Councillor Jayne Mckenna and seconded by County Councillor Ann Webb that application DM/2021/02037 be approved subject to the conditions outlined in the report.

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

For approval	-	13
Against approval	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2021/02037 be approved subject to the conditions outlined in the report.

#### **8. Application DM/2022/00492 - Proposed construction of Police Station (use class B1) and associated works. Land Between Llanfoist Highways Depot And Llanfoist Farm, Merthyr Road, Llanfoist.**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and subject to agreement of the detail of the access (and any associated minor changes to the site layout) being delegated to officers to agree via consultation with the Council's Delegation Panel. Also, that an informative be added regarding an active travel route from the site and that Condition 8 to be changed to a compliance condition from a pre-commencement condition.

The local Member for Llanfoist and Govilon, also a Planning Committee Member, outlined the following points:

- He fully supports the application and agrees with the location.
- Concern was expressed regarding the height of the fence and that it was against the pavement making this route somewhat inhospitable.

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

- The Gwent Police and Crime Panel has approved the application.
- The fencing is 2.1 metres. It was noted that details regarding the fence could be agreed via the Delegation Panel which could include the local Member.

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- The proposal will enhance the area.

It was proposed by County Councillor Jayne Mckenna and seconded by County Councillor Maureen Powell that application DM/2022/00492 be approved subject to the conditions outlined in the report and subject to agreement of the detail of the access (and any associated minor changes to the site layout) being delegated to officers to agree via consultation with the Council's Delegation Panel. Also, that an informative be added regarding an active travel route from the site and that Condition 8 to be changed to a compliance condition from a pre-commencement condition.

Details regarding the fence would also be agreed via the Delegation Panel which would include the local Member.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2022/00492 be approved subject to the conditions outlined in the report and subject to agreement of the detail of the access (and any associated minor changes to the site layout) being delegated to officers to agree via consultation with the Council's Delegation Panel. Also, that an informative be added regarding an active travel route from the site and that Condition 8 to be changed to a compliance condition from a pre-commencement condition.

Details regarding the fence would also be agreed via the Delegation Panel which would include the local Member.

#### **9. Application DM/2022/00494 - New dwelling (Plot 2). Azalea Cottage, Old School Hill, Mynyddbach, NP16 6RP.**

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

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

- Concern was expressed that there was outline planning permission for two plots with a shared drive. However, there will now be the development of both shared drives under condition 8.
- Condition 11 has a construction method statement. The local Member suggested that that the following be added:

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- Operation to avoid blocking of the road by construction vehicles during primary school starting and leaving times.
- Concern has been raised regarding overlooking issues. Condition 14 refers to the biodiversity enhancement statement which should be followed in 4. This refers to an area of woodland trees to be retained and improved at the northern end of the site. Properties in the area can now be overlooked. The local member asked that the woodland area be improved as it is contained within the current conditions. Holly trees had been removed recently exacerbating the overlooking in this area.

The Development Management Area Manager responded as follows:

- There is a condition proposed for a Construction Method Statement but this relates to ecology rather than transport vehicles entering and leaving the site. However, a Construction Traffic Management Plan could be added via condition should the Committee consider this necessary.
- In terms of overlooking, there is a 30 metre rear garden from the rear of the new property to the boundary. There is a further 30 metres from the boundary to the property behind equating to a 60 metre distance between the two dwellings. There are also a number of substantial trees with Tree Preservation Orders (TPOs) at the bottom of the garden that are to be retained along with other trees that are within that planting area. There is a significant slope on site. Therefore, it is not considered that there is a detrimental impact in terms of overlooking on the neighbours. Due to the height and vegetation in between the amenity of the neighbours is protected.
- Some felling of holly trees had been undertaken on site in order to relocate the electricity pole. There are other trees that are to be retained via condition. There are also other ecological conditions.
- Condition 14 illustrates the design and location of ecological enhancement measures which will come into force when development commences.

It was proposed by County Councillor Ben Callard and seconded by County Councillor Fay Bromfield that application DM/2022/00494 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement with an additional condition for a Construction Traffic Management Plan.

For approval - 13

Against approval - 0

Abstentions - 0

The proposition was carried.

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We resolved that application DM/2022/00494 be approved subject to the conditions outlined in the report and subject to a Section 106 legal agreement with an additional condition for a Construction Traffic Management Plan.

**10. Application DM/2022/00514 - Demolition of existing buildings and erection of 2no. new buildings incorporating retail space, storage and ancillary offices associated with existing retail business. Improvements to existing carpark. Usk Garden Centre, Llanbadoc, Usk.**

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

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

- Advice would be sought with the applicant to consider installing electricity vehicle charging points and cycle racks within the car park.
- The applicant would be asked to reuse material where possible.

It was proposed by County Councillor Sue Riley and seconded by County Councillor Emma Bryn that application DM/2022/00514 be approved subject to the conditions outlined in the report.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2022/00514 be approved subject to the conditions outlined in the report.

**11. Application DM/2022/00851 - Hard path around recreation field. Recreation Ground, Earlswood Road, Shirenewton.**

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 Shirenewton attended the meeting by invitation of the Chair and outlined the following points:

- Shirenewton Community Council undertook a survey of local residents, which is undertaken every five years. The previous survey suggested having a boardwalk

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and the Community Council included this as part of its five-year plan. This application was made due to the time limits for grant matters.

- There were a number of local objections to the application.
- The Community Council and the Recreation Association agreed that the Recreation Association could survey the community about it.
- Shirenewton Community Council had agreed that it would not proceed until the agreement of the Recreation Association had been obtained.
- The next survey of residents by Shirenewton Community Council is due in 2024.
- In view of these circumstances it would be for the Planning Committee to consider whether to defer or approve the application.

The Development Management Area Manager informed the Committee that Shirenewton Community Council is the applicant and the Planning Department had not received a request for the application to be withdrawn.

Having considered the report of the application and the views expressed, it was proposed by County Councillor Dale Rooke and seconded by County Councillor Emma Bryn that application DM/2022/00851 be approved subject to the conditions outlined in the report.

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

For approval - 13

Against approval - 0

Abstentions - 0

The proposition was carried.

We resolved that application DM/2022/00851 be approved subject to the conditions outlined in the report.

**12. Application DM/2022/00923 - Two proposed dormers to the front/south-east facing elevation. Rear dormer and roof terrace to rear/north-west facing elevation. Crooklands, Church Road, Undy, Caldicot, NP26 3EN.**

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

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

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- No overlooking would occur into the rear garden. There are privacy screens to the side of the terrace to protect the amenity at the back of the properties either side of Crooklands.

It was proposed by County Councillor Ben Callard and seconded by County Councillor Jayne McKenna that application DM/2022/00923 be approved subject to the conditions outlined in the report.

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

For approval - 14

Against approval - 0

Abstentions - 0

The proposition was carried.

We resolved that application DM/2022/00923 be approved subject to the conditions outlined in the report.

**The meeting ended at 6.25 pm.**

**Application Number:** DM/2021/01950

**Proposal:** Proposed construction of a standalone nursery unit, access path and use of off-site existing car park area to be used as parent drop off/pick up facility

**Address:** Trellech Primary School, Monmouth Road, Trellech

**Applicant:** Property Services, Monmouthshire CC

**Plans:** A9562/PA/01 - , A9562/PA/02 - , A9562/PA/03 - , Preliminary Ecological Appraisal - Just Mammals, November 2, DW/a9562/Response 07/06/2022 - , ARBORICULTURAL SURVEY - , Design and Access Statement - , A response from the agent - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Mr David Wong

Date Valid: 14.12.2021

### **1.0 APPLICATION DETAILS**

**The proposal is on behalf and on Monmouthshire County Council land. This application is presented to Planning Committee due to the objection from the Trellech United Community Council; they have no objection to the principle of a nursery unit, or to its design. However, they are concerned about parking provision and traffic congestion**

#### 1.1 Site Description

1.1.2 The proposal is for the erection of a standalone building for a children's day nursery within the grounds of the Trellech Primary School. The proposed building is single storey and will be measured some 11m in width, 18.7m in length and 5m to the ridge. The proposed external walls will have a mix of render and brickwork (i.e. two course brickwork above ground level with render above), a black slate roof, metal rainwater goods with aluminium double glazed windows and doors. Four rooflights will be installed to allow nature light into the classroom. Also, solar panels will be installed to improve the energy efficiency of the building.

1.1.2 According to the submission, a local play group, Busy Bodies Playgroup, is currently operating in the local community village hall, which is located some 44m south of the Trellech Primary School. The existing nursery facility can accommodate 24 children, though the playgroup rarely accepts more than 19 children per session. Four members of staff work within the existing nursery facility, up to a maximum of six members of staff. These numbers are expected to remain the same in use going forward with the new facility at Trellech Primary School. In addition, it is noted within the submitted document that Monmouthshire County Council after completion of this new facility, will still be involved with the future operations of this nursery, despite main operational control under the named independent play group.

1.1.3 In terms of parking, off-site parking provision will be provided to serve the proposed nursery. This off-site parking provision is located immediately north-west of the School; a new pedestrian access will be formed, linking this parking provision with the school site. Disabled parking is currently available within the existing parking provision of the school. This off-site parking provision can accommodate 10 cars for drop off/pick up. The opening times of the current nursery will be retained for the new facility; between Monday and Friday 9:15 to 13:15 and Tuesday, Wednesday and Thursday 9:15 to 15:15. It is useful to note that at Trellech Primary School, pupils start to arrive from around 8:30am for 9am opening, and the school day finishes at 15:15. Therefore, parents normally start to arrive from around 14:30.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2011/00472	Erection of bespoke canopy system to provide pupils with shelter from the elements.	Approved	27.06.2011
DC/2015/01364	Discharge of condition 14 from previous application DC/2015/00097 Bat/Bird enhancements.	Approved	21.03.2016
DC/2009/00065	Erection of 6m flagpole and Eco-School award flag	Approved	08.04.2009

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S5 LDP Community and Recreation Facilities  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

### Development Management Policies

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
MV1 LDP Proposed Developments and Highway Considerations  
NE1 LDP Nature Conservation and Development  
SD2 LDP Sustainable Construction and Energy Efficiency

### Supplementary Planning Guidance

Adopted Parking Standards

## 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

**Trellech United Community Council** - Councillors are concerned about parking provision and traffic congestion at the school site, which are already a problem and will only be made worse. However, there is no objection to the principle of a nursery unit, or to its design.

**MCC Highways** - There are concerns that the proposed use of the car park drop off/collection area off Harold Close is remote from the nursery unit; therefore it is not attractive and readily accessible for parents and children. It is more likely that parents will utilise the existing access, car park and turning area for the Primary School. Notwithstanding the above we cannot sustain an objection to the proposed use of the existing car park considering the referred improvements to the pedestrian access and remodelling of car park. Therefore, there is no objection, subject to conditions.

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

<https://www.monmouthshire.gov.uk/sab>

The SAB is entitled to a period of at least seven weeks to determine applications.

**MCC Trees** – Initial concerns identified (specification for the construction and installation of the new stepped access path, the location of all new service runs and any level changes for the proposed new hard standing area). Further information was submitted for consideration. Having reviewed the additional submitted information, I have no further objection to development proposals.

**MCC Biodiversity and Ecology** - No objection. A Preliminary Ecological Appraisal report (Just Mammals, November 2021) has been provided. A detailed specification for a sensitive external lighting scheme is requested via condition as light-sensitive bat species and hazel dormouse may disperse across the area or use adjacent habitats. In terms of ecological enhancement measures, a detailed scheme of ecological enhancement measures consistent with recommendations in Section 10 the ecology report should be secured by condition.

**NRW** – No objection. The site is within the Phosphorus Sensitive Area Wye Valley Catchment. We understand that the nursery will replace an existing play group held at the community hall in the village and the proposed method of foul drainage is to the mains sewer. If you determine that there will not be an increase in wastewater as a result of the proposals, and as such you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

**Glamorgan Gwent Archaeological Trust** - The area has been disturbed for the creation of the existing school and grounds, and for drainage and landscaping purposes; it is our opinion that the development is unlikely to encounter significant archaeological features. We therefore we do not

propose any archaeological mitigation. As the archaeological advisors to your Members, we have no objection to the positive determination of this application.

SEWBRc - No significant ecological record identified.

### 5.2 Neighbour Notification

No response to date.

### 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**

LDP Policy S5 would support the provision of the proposed nursery:

Policy S5 helps to meet LDP objectives 1 and 5 by providing, protecting and enhancing community facilities and open spaces to assist in promoting sustainable communities in Monmouthshire.

*Policy S5 – Community and Recreation Facilities Development proposals that provide and/or enhance community and recreation facilities will be permitted within or adjoining town and village development boundaries subject to detailed planning considerations. Development proposals that result in the unjustified loss of community and recreation facilities will not be permitted.*

For the purposes of this policy, community facilities are defined as facilities used by local communities for leisure, social, health education and cultural purposes and include village halls and shops, schools, GP surgeries / health centres, leisure centres, public houses, places of worship, cemeteries and libraries. Community facilities can be considered appropriate in residential and non-residential areas as they serve the needs of the wider community. Whilst there is a general presumption in favour of community facilities, they should not erode the character and appearance of the natural and built environment, nor the design qualities of their location. New facilities need to have good access to public transport, as well as be a walkable distance to as many homes as possible. The criteria against which proposals that involve the loss of community or recreation facilities will be assessed are set out in Development Management policies CRF1 and CRF3.

Recreation facilities are taken to include formal sport, recreation and leisure pursuits such as team games, children's play facilities, as well as more informal activities such as walking in the countryside. Further details on the categories of public recreation and open space is provided in paragraph 6.1.41. Recreation and leisure facilities are an important generator of tourism and, in practice, the difference between facilities for locals and tourists is difficult to define. However, for the purposes of the plan, policies which relate to recreation and leisure refer to activities primarily undertaken by local residents as opposed to the more tourist-related activities associated with visitors.

### **6.2 Impact on Amenity**

A children's nursery, which is not normally a high noise generating use, will only be operational during the day time. The proposed nursery building will be within the Trellech Primary School grounds and the proposed opening hours are reasonable and considered to be similar to the operational hours of the school. The neighbouring properties nearest to the proposal have also been consulted and there is no objection to date.

This would involve a purpose-built nursery building and in terms of noise insulation measures, it is not known if any sound proofing measures will be incorporated at this building. In any case, the general nature of day nurseries is similar to schools and this nursery building is of a modest scale and will be located within an existing educational setting. In addition, regarding people arriving and

leaving the nursery, this will not be different from activity associated with the school. In addition, the operation hours are between Monday and Friday 9:15 to 13:15 and Tuesday, Wednesday and Thursday 9:15 to 15:15. At Trellech Primary School, pupils start to arrive from around 8:30am for 9am opening, and the school day finishes at 15:15. Therefore, parents normally start to arrive from around 14:30. The proposed operational times are acceptable as they are considered to be within the range of normal working/sociable hours. An hours of use condition would be imposed to manage the opening times of the nursery, ensuring that neighbour amenity is protected.

The proposed building is single storey and is modest in scale. It would be located well away from the neighbouring properties i.e. some 29m from the nearest dwelling. No issues relating to overlooking, any sense of being overbearing and any form of overshadowing is anticipated. Given the above, the proposal accords with LDP Policy EP1.

### **6.3 Design and Energy Efficiency**

The proposed nursery building would be single storey. The design of the proposed building is functional and is visually acceptable in its setting. In terms of the proposed external finishing materials, they are acceptable in this context. Given the above, the proposal is in accordance with LDP Policy DES1. In terms of energy efficiency, solar panels will be installed to reduce energy demand, which is compliant with the thrust of LDP Policy SD2.

### **6.4 Highway Safety**

As part of this application, off-site car parking provision with a new pedestrian access will be provided to link to the proposed nursery. The Council's Highways Department advised that the proposed off-site car park off Harold Close is remote from the nursery unit and that parents are more likely to use the existing access, car park and turning area for the School. However, an objection to the proposed use of the existing car park could not be sustained; relevant conditions are requested i.e. no occupation of the nursery until the improvements to the car parking area and pedestrian access have been implemented and a Construction Traffic Management Plan (CTMP) is submitted prior to commencement. Furthermore, no adverse concern is raised in relation to the anticipated traffic movements from the proposed nursery. Given the above, it is considered that the application is in accordance with LDP Policy MV1.

### **6.5 Biodiversity**

There is no objection from both the Council's Biodiversity Officer or NRW in relation to this element of the application. As part of the planning process, it is now mandatory to provide Biodiversity Net Benefit and this element can be managed via the use of an appropriately worded planning condition. Also, a standard lighting scheme will be requested for consideration prior to commencement. Given the above, the proposal is in accordance with policies EP3 and NE1 of the LDP.

### **6.6 Drainage**

A sustainable drainage system is required in this instance as the total construction area is greater than 100 square metres. The applicant is aware of this requirement and their consultant is already engaging with the Council's SAB Team. The SAB approval is separate from the Planning process and an informative will be used to inform the applicant accordingly.

### **6.7 Foul Drainage**

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

According to the latest phosphate guidance, it advises that any developments intended to provide services, facilities, commercial sites, or places of employment (e.g. community buildings, schools etc.) for a local population already served by residential connections to existing public or private sewers discharging within the SAC river catchment can be screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs. This children's nursery is exactly just that i.e. it is intended to serve the local population, and so the proposal can be screened out and is not subject to Appropriate Assessment.

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

Trellech United Community Council objected to this application and the objection is addressed in section 6.4 of this report (Highway Safety).

### **6.9 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.

### **6.10 Conclusion**

LDP Policy S5 would support the provision of the proposed nursery. On the basis of the above, it is considered that the proposal would not have a detrimental impact on the character and appearance of the area, highway safety or residential amenity. The proposal would not increase phosphorus pollution and the biodiversity net gain enhancement measure can be secured via an appropriately worded condition. Given the above, the application is considered compliant with the relevant policies of the LDP and is recommended for approval.

## **7.0 RECOMMENDATION: APPROVE**

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

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

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

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

3 The nursery shall not be used for the approved purposes outside the following times:- Monday and Friday 9:15 to 13:15 and Tuesday, Wednesday and Thursday 9:15 to 15:15.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

4 The development shall be carried out in strict accordance with Section 10 of the Preliminary Ecological Appraisal report (Just Mammals, November 2021). Should the development not be carried out in strict accordance with the approved mitigation plan/strategy or if variations are proposed, all works shall cease immediately until alternative means of mitigation have been submitted to and approved in writing by the Local Planning Authority. The agreed alternative scheme shall be carried out in accordance with the timescale approved within that alternative mitigation scheme.

REASON: To comply with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) and Wildlife and Countryside Act 1981 regarding the requirement to protect bats, nesting birds and hazel dormouse, to avoid spread of non-native invasive species and to ensure compliance with LDP Policy NE1.

5 Prior to commencement of any construction works, a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bird nesting and bat roosting provision, native or wildlife-friendly planting and hedgehog habitat and connectivity measures identifying location, positioning and specification. The scheme shall provide for the future management and an implementation timetable and shall be submitted to an approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: To provide no net loss and net gain of biodiversity in accordance with the Section 6 Duty of the Environment (Wales) Act 2016 and LDP Policy NE1.

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 additional lighting or lighting fixtures shall be installed on site until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include lighting type, positioning and specification and must demonstrate that key flightlines for bats are not illuminated. The scheme shall be agreed in writing with the Local Planning Authority and implemented in full.

REASON: To safeguard foraging/commuting habitat for bat species and other light-sensitive wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and LDP policies NE1 and EP3.

7 There shall be no occupation of the nursery until it has been clearly demonstrated that the proposed improvements to the car parking area and pedestrian access have been implemented.

REASON: To ensure compliance with LDP Policy MV1.

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, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP.

REASON: To ensure compliance with LDP Policy MV1.

9 Prior to commencement, a service run drawing showing the locations of all new service runs (electricity, gas, water, telecommunications etc) shall be submitted and approved by the Local Planning Authority. The tree retention and protection plan shall also be amended to include this information. The works shall be carried in accordance with the approved drawing.

REASON: To protect the trees on site (LDP Policy NE1).

## **INFORMATIVES**

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

2 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).

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

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

5 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>

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 UN-NECESSARY REDESIGN COSTS.

6 Please be advised that, in addition to planning permission, it is your responsibility to ensure they secure all other permits/consents/licences relevant to their development.

**Application Number:** DM/2022/00395

**Proposal:** New two-storey extension to side of property to provide annex accommodation

**Address:** 1 Pipistrelle Court, Llanfoist, Abergavenny, NP7 9NF

**Applicant:** Mr Wakeley

**Plans:** All Existing Plans 2155-01 - , All Proposed Plans 2155-02 - E, All Existing Plans 2155-03 - , All Proposed Plans 2155-04 - B, Location Plan - , Ecology Report

## **RECOMMENDATION: Approve**

Case Officer: Ms Alice King  
Date Valid: 11.03.2022

**This application is presented to Planning Committee at the request of the previous Ward Member, Giles Howard**

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

No. 1 Pipistrelle Court is a new-build detached four-bedroom house in Llanfoist, Monmouthshire. It is one of two new houses on the site of the former Llanfoist Primary School, Llanellen Road (NP7 9NF) constructed in 2020 under planning permission DM/2019/00003. The planning permission also included the new vehicle access to the houses, known as Pipistrelle Court.

### 1.2 Value Added

The applicant has provided plans that would see a new bird nesting box erected to the north-west elevation of the dwelling close to the eaves. Furthermore, a bat access ridge tile will be installed within the proposed extension and planting has been proposed within the garden. The proposed net benefit measures are considered sufficient for the size and scale of the proposals therefore providing for the biodiversity net gain, meeting the terms of LDP Policy of NE1.

### 1.3 Proposal Description

Planning permission is sought for a two storey extension to the side of the property to provide annex accommodation for a family member.

## **2.0 RELEVANT PLANNING HISTORY**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2021/00696	Side extension/annexe to domestic dwelling	Withdrawn	25.08.2021

### 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

**Llanfoist Fawr Community Council** - Objected to the previous version of the plans submitted; no comments received to date on the latest plans.

**Natural Resources Wales** - We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the document and drawings identified below are included in the approved plans and documents condition on the decision notice:

- No. 1 Pipistrelle Court, Llanfoist, Abergavenny, Monmouthshire, NP7 9NF -Ecology Report prepared by Pure Ecology, dated July 2022



- Drawing no. 2155-04-B 'Proposed Site/Roof Plan Rev. B' by Morgan & Horowskyj Architects, dated 19 July 2022
- Drawing no. 2155-02-E 'Proposed Floor Plans and Elevations Rev. E' by Morgan & Horowskyj Architects, dated 18 July 2022

Please note, without the inclusion of these drawings and document we would object to this planning application.

#### Protected Species – Bats

On the basis of the submitted information as noted above, we do not consider that the development is likely to be detrimental to the maintenance of the population of species of bats outlined in previous ecological surveys, and referenced in the above ecological report, at a favourable conservation status in their natural range, provided that the mitigation measures outlined in Section 5: Recommendations of the ecology report, and the specified drawings, are implemented.

**MCC Biodiversity** - A previous biodiversity response was provided on 09/05/2022 which deemed that the application had 'not sufficiently demonstrated that it will retain the dark corridor along the north-west boundary, which is considered an important ecological feature of the site.'

In response, the applicant has updated a number of documents in order to address the points raised. I have reviewed the points in turn to assess whether they now ensure the previously raised issues have been sufficiently addressed.

#### Retention of Dark Corridor

In response to previous objections raised the design has been updated to remove the windows within the north-west gable. The drawings entitled 'Proposed Site / Roof Plan Revision B' and 'Proposed Floor Plans and Elevations Revision E' have been updated with this detail. Additionally, the plan details the addition of four fruit trees and two low growing shrubs along the boundary. It is agreed that the removal of the proposed window will prevent significant light spill onto the boundary feature, and the proposed planting will result in a welcomed reinforcement of the commuting/foraging corridor.

#### Biodiversity Net Benefit

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The updated plans detail the installation of bat roosting and nesting bird provision as part of the new application. This includes the installation of an integrated bat box and a bird nesting box on the new gable wall. Furthermore, a bat access ridge tile will be installed within the new extension. The proposed net benefit measures are considered sufficient for the size and scale of the proposals.

**Landscape and GI Officer** - The recent application DM/2022/00395 and the submitted documentation to construct a new two-storey extension to side of the property to provide annex accommodation have been reviewed from a Landscape and GI perspective. The application site is within a relatively new development on a former Area of Amenity Importance (LDP Policy DES2) partly sold for development. The site is located within the development boundary of Llanfoist. The application is for a new two-storey extension to the northwest elevation of the existing property. The design shows a development that is subservient to the existing dwelling with lower ridgeline and ground floor, half-pitched roof front and part side extension. The material palette is to match. Additional new fruit trees are proposed as per 2155-04-B.

From a landscape and GI perspective the revised plans are acceptable.

#### 5.2 Neighbour Notification

Five objections have been received from neighbours which cover the following:

- Loss of amenity, overlooking, and loss of light
- Lack of parking, inadequate access, and overdevelopment

- Sustainability and protected species
- Form, scale, design and character
- Landscaping, access and layout
- Impact on the Conservation Area
- Inaccuracies of plans.

### 5.3 Local Member Representations

(Previous Ward Member) County Councillor Giles Howard - Referred the application to Planning Committee.

## **6.0 EVALUATION**

### **6.1 Good Design/ Place making**

6.1.1 The applicant is seeking permission for a side extension to provide additional ground floor and first floor accommodation in the house. The design of the proposed two-storey side extension is considered acceptable. The extension, although two-storeys, would be subservient to the existing dwelling house having a lower ridge height and being recessed in from both the front and rear elevations. The design and materials of the two-storey extension are in keeping with the existing property therefore having a minimal impact on the street scene. There is enough space to the side of the existing property to accommodate this size of extension.

6.1.2 The design of the extension to the dwelling is considered to be positive and would not detract from the appearance of the dwelling in its urban setting. The proposal in accords with Policy DES1 and EP1 of the LDP.

### **6.2 Historic Environment**

6.2.1 The dwelling is not listed or within the curtilage of a listed building and there are no sites of historic or archaeological significance visible from the site. The village of Llanfoist is also not designated as a Conservation Area.

### **6.3 Impact on Residential Amenity**

6.3.1 No detrimental amenity impact is anticipated. The proposed windows and doors face the rear and front gardens; no windows are proposed for the side elevation. There are no residential properties to the rear. Given this, no adverse overlooking impact is anticipated as a result of the development.

6.3.2 The side extension is set approximately 2m from the boundary which is shared with the nearest dwelling, Tamarisk. As existing, the dwelling is 7m from the boundary wall and 13m from the Tamarisk. The side extension will mean the distance goes from 13m to approximately 8m. The adopted Supplementary Planning Guidance (SPG) in respect of infill development does provide guidance on privacy standards. Section 7 of the SPG illustrates that the back to side separation distance should be at least 15m. Therefore whilst it is acknowledged that the distance here is below 15m there are mitigating factors. The neighbouring dwelling, Tamarisk, is set in an elevated position compared to the application site which would lessen any overbearing impact. Furthermore, the rear elevation of Tamarisk does not face directly towards the side elevation and is angled away, facing towards the south-east. The topography and orientation of the dwellings mean that the proposal would maintain reasonable levels of privacy and amenity for the occupiers of the neighbouring properties.

6.3.2 The proposal involves an extension to the residential dwelling which is proposed to be used as an annex for a family member that currently lives at the address. There is no anticipated intensification of use that would generate any disturbance to any adjacent properties.

### **6.4 Access / Highway Safety**

6.4.1 There is no proposed change to the parking or access arrangements as a result of the proposed side extension and therefore there is not considered to be an adverse impact upon parking or residential amenity.

## **6.5 Biodiversity**

6.5.1 The application site is within a relatively new development on part of a former Area of Amenity Importance. Surveys to inform this previous application identified a common pipistrelle maternity roost in the porch roof of the former school building, as well as a number of other non-breeding roosts used by various bat species. The submitted 2017 Bat Survey report noted that the north-west boundary provided 'an important feature of the site' due to its use as a commuting corridor by bats.

6.5.2 A previous response from the Council's ecologist was provided in May 2022 which deemed that the application had 'not sufficiently demonstrated that it will retain the dark corridor along the north-western boundary, which is considered an important ecological feature of the site.' In response, the applicant has updated a number of documents in order to address the points raised. The plans detail the addition of four fruit trees and two low growing shrubs along the boundary. It is agreed that the removal of the originally proposed window will prevent significant light spill onto the boundary feature, and the proposed planting will be positive, resulting in a reinforcement of the commuting/foraging corridor. The updated plans also detail the installation of bat roosting and nesting bird provision as part of the new application. This includes the installation of an integrated bat box and a bird nesting box on the new gable wall. Furthermore, a bat access ridge tile will be installed within the new extension. The proposed net benefit measures are considered sufficient for the size and scale of the proposal; a condition will be attached to ensure these means of mitigation are retained in perpetuity.

6.5.4 NRW has set new phosphate standards for the river (Special Areas of Conservation) 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 Habitats Regulations Assessment (HRA) to determine whether they are likely to have a significant effect on the SAC condition.

6.5.5 This application has been screened in accordance with NRW's interim advice for planning applications within the river SACs catchments. 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 (two-storey side extension) that does not increase occupancy or the volume of drainage.

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

6.6.1 The fact that the original developer of the site was non-complaint with the previously approved plans should not prejudice the determination of this latest application which must be considered on its own merits.

6.6.2 Biodiversity concerns have been addressed in Section 6.5 of this report. Concerns set out by occupiers of surrounding dwellings have been received in respect to the bat corridor and the former Area of Amenity Importance. Whilst these comments have been duly noted, the Council's Biodiversity team has no objections to the amended plans. Furthermore, the Area of Amenity Importance has been partly developed and therefore a precedent has been set. Extending the existing dwelling is not anticipated to have any adverse impacts on the already disturbed Area of Amenity Importance.

6.6.3 Regarding concerns that include the movement of heavy goods vehicles or lorries whilst the extension is being built and the impact they may have on the nearby one way system, this would be short-lived and managed like any deliveries to a normal home. There are no existing restrictions that may prevent lorries or HGVs from passing through regardless of this planning application. Furthermore, other works could take place under 'Permitted Development' rights where larger vehicles might need to access the site.

6.6.4 In terms of Policy H4, this policy is not relevant to this application. Policy H4 relates to the conversion/rehabilitation of buildings in the open countryside for residential use, which only allows very modest extensions. Number 1 Pipistrelle Court is not a conversion nor is it a rehabilitation of a building in the open countryside. Furthermore, previous conditions were bought up as reasons for a refusal - however a condition applied before only restricts permitted development rights, meaning applicants need planning permission to carry out the works (not that any form of development is unacceptable) and an application has been submitted and is now before Members.

6.6.5 Regarding the unapproved gateway onto the field from the application site, a retrospective planning application or certificate of lawfulness would need to be applied for, but this is not related to the application proposal and this should have no impact on the proposed two-storey extension that should be decided based on its own merits.

6.6.5 Concerns have been noted regarding loss of privacy. The additional windows on the annex are not anticipated to cause unacceptable levels of overlooking.

6.6.6 Comments were also received regarding accuracies on the proposed plans. After checking this, no inaccuracies have been identified and there is a scale bar on the floor plans and elevations.

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

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

## **6.8 Conclusion**

6.8.1 Having regard to all relevant material planning considerations as well as policies identified in the adopted LDP (as identified in Section 3 above) the proposed two-storey extension is considered acceptable subject to the planning conditions detailed below.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

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

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

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

3 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 The approved 'Proposed Site / Roof Plan Revision B' and 'Proposed Floor Plans and Elevations Revision E' drawings, which illustrate the position of the biodiversity net benefit features, shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the local planning authority no more than three months later than the first beneficial use of the extension.

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

5 Prior to the commencement of development full details of both soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:  
- Soft landscape details shall include: means of protection, planting plan, specifications including cultivation and other operations associated with tree establishment.

Reason: In the interests of visual and landscape amenity; in accordance with Policies LC4 & LC1/5, GI1 and NE1 of the Local Development Plan

6 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

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

7 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to occupation and shall include details of the arrangements for its implementation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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**Application Number:** DM/2022/00696

**Proposal:** Proposed single storey front extension

**Address:** Arosfa, Llanfair Discoed, Monmouthshire, NP16 6LY

**Applicant:** Mr Duffield

**Plans:** Block Plan Dated 13.07.2022 - , Other Shading - Summer - Page 1, Other Shading - March/Sept - Page 2, Other Shading - December - Page 3, Elevations - Existing - , Other Biodiversity Statement - , Location Plan - , Block Plan With 45 degree rule - , Elevations - Proposed Dated 13.07.2022 - ,

## **RECOMMENDATION: Approve**

Case Officer: Mr Ryan Bentley  
Date Valid: 09.05.2022

**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 the 6<sup>th</sup> September 2022 with a recommendation for approval. This was not accepted by Members who resolved to refuse the application. The application has been deferred to the next available Committee to set out the reasons for refusal. The following reasons for refusal are suggested for consideration in the event that Members consider the current proposal to be unacceptable:

1. The proposed extension to the front elevation of the property is considered to be unacceptable and contrary to criterion c) of the Monmouthshire Local Development Plan (LDP) Policy DES 1, (General Design) by virtue of its scale, location and design which will have an adverse impact on the character of the area.
2. The proposed extension is considered to be contrary to LDP Policy EP1 (Amenity and Environmental Protection) by virtue of its scale and position creating an adverse impact on the amenity of the neighbouring property.
3. The proposed extension is considered to be contrary to LDP Policy H6 (Extensions to Rural Dwellings) by virtue of its scale and location, failing to respect or enhance the appearance of the existing building.

The previous report and recommendation are below.

## PREVIOUS REPORT (September Meeting)

### 1.0 APPLICATION DETAILS

#### 1.1 Site Description

This application relates to a semi-detached two-storey dwelling located in a rural area on the outskirts of the minor village, Llanvair Discoed. The site is located just off the road from Dovecote Barn to A48 and is not located within a Development Boundary. Therefore, the application is subject to Policy H6 of the adopted Local Development Plan (LDP).

#### 1.2 Value Added

The applicant has provided amended plans that detail a bird box is to be fitted within the rear garden. A log pile and rock pile are also proposed within the garden which will provide a home for wildlife. Further details can be found in the supporting biodiversity statement. This would serve as biodiversity enhancement.

The proposed extension has not been amended to date. The drainage on the site has been amended to include a new soakaway within the front garden. Plans have also been submitted to show the potential overshadowing of the adjoining property, Cartref.

#### 1.3 Proposal Description

Planning permission is sought for the erection of a single storey extension to the principal elevation of the dwelling. The site has previously had a two-storey side extension approved in 2013, under application no. DC/2013/00562. The proposed extension will be located 1m from the boundary of the property. The extension will measure 4m in length and will be 3.6m in width. The height to the eaves will be 2.5m and the height to the ridge will be 3.5m. The external walls will be finished in a render to match the existing. The hipped roof on the extension will have composite slate tiles. On the south elevation, there will be bifold doors. There will be a window located on the front (west) elevation. This will be white upvc.

### 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/00696	Proposed single storey front extension.	Pending Consideration	
DC/2005/01402	Ground floor extension to side of existing semi-detached house to provide dining/kitchen facility	Approved	30.05.2006
DC/2013/00562	Two storey extension to side of existing semi-detached dwelling house	Approved	21.10.2013

### 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  
H6 LDP Extension of Rural Dwellings  
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

**Caerwent Community Council** - recommends refusal. Commented that this is due to rulings from Welsh Government and from within the Local Development Plan H6 - (Extensions & Rural Dwellings) and also H4 (part d and f) which mentions that extensions should be modest or subordinate to the existing dwelling. This proposal does not conform to these as the development allowance has already been exceeded. There are no other extensions attached to the front elevation of any other dwellings in the local area. This does not conform to the vernacular of the area and is totally out of keeping.

### 5.2 Neighbour Notification

Seven neighbour comments have been received, from four separate households. They have objected for the following reasons:

- Accuracy of the application
- Overdevelopment
- Design and impact on the character of the dwelling and the surrounding area.

- Impact on neighbour amenity - overshadowing and damp
- Drainage
- Impact on biodiversity
- Impact on Green Belt
- Need for an archaeological survey
- If not allowed under permitted development, why should it be allowed under planning control.

In the event of planning being granted could the following conditions be included:

1/ The land adjacent to our houses is joint access. No building material, vehicle or plant should be placed on there. All materials etc to be sited within Arosfa's property. Given the unspoiled beauty of the area one can reasonably anticipate that builders/contractor may take the easy option during construction to use this site as they did in 2013. Further this area contains a right of way for the farmer to his field and needs to be accessible 24-7.

2/ In the event of power being disrupted to us we are provided with generated power to enable my disabled wife to use her mobility aids (e.g. toilet lift).

### 5.3 Local Member Representations

Cllr P Murphy - requests that the application be presented to Committee.

## **6.0 EVALUATION**

### **6.1 Good Design/ Place making**

6.1.1 The dwelling is not considered to be a traditional rural dwelling like a cottage. The building is a typical semi-detached post war property which has been modernised and extended. Nevertheless, the proposed single storey extension, despite being at the front of the building, represents a modest addition to the dwelling that would clearly read as a secondary and subordinate element. The extension would be limited to the ground floor, set lower than the main roof ridge with a modest footprint. The extension incorporates a large section of glazing on the south and west elevations which will provide solar gain to the property and will allow natural light to enter the dwelling.

6.1.2 The semi-detached properties have been altered over the years, with Arosfa having a two-storey extension approved in 2013. Therefore, the properties are no longer considered to mirror one another and the original traditional nature of the buildings has been lost over time. In the surrounding area there are a number of similar semi-detached dwellings. These properties have had a range of alterations to the principal elevation. Whilst it is recognised that these are mostly front porches, they are all different and there is no uniform design. It is noted that this extension will be larger than those on the neighbouring properties but it is not considered to be of an unacceptable size. It is also considered that a sufficient area of amenity space would be retained to offset the structure and prevent the appearance of overdevelopment.

6.1.3 From a visual impact perspective, the dwelling is raised compared to the level of the road. There is an existing 1.8m high fence located on the boundary along the road which reduces the visual impact as it screens a portion of the property when travelling along the road. Therefore, the visual impact of the development on the wider landscape is considered to be negligible.

6.1.4 Planning Policy H6 states that in order to protect the character of the countryside extensions to dwellings outside village boundaries should be modest and respect or enhance the appearance of the existing dwelling. They will be required to:

- a) be subordinate to the existing building; and
- b) where the building is of a traditional nature, to respect its existing form, including the pattern and shape of openings, and materials.

The Supplementary Planning Guidance for Policies H5 and H6 (April 2015) section 3.9 states that where a dwelling that is proposed for extension is of no particular merit or where its original character has been lost through previous unsympathetic alteration and/or extension, the primary consideration in assessing any proposal will be the need to ensure that there is no significant harmful impact on the countryside through the increased size of the resulting building.

It is recognised that the property has previously been increased by 46% when the two-storey extension was approved. The single storey extension to the front represents 15% which will increase the overall volume of the property by 61% from its original state (prior to 2013). As the H6 Supplementary Planning Guidance states, a larger volume will not normally be allowed unless it can be clearly demonstrated either that there will be no harmful intrusive impact in the landscape through the increased size of the dwelling or that there is an enhancement in the appearance of the existing dwelling, subject, in any event, to the increase in volume being no more than 50%. Attention should be drawn to section 3.3 of the H6 SPG that states:

"Any extension that will result in an increase of more than 50% in the volume of a rural dwelling will not normally be considered to comply with Policy H6."

It is noted that the extension will have a cumulative volume increase of over 50%. The guidance notes states that whilst it is not normal for extensions of over 50% to be allowed, there may be scope for development of over 50%. The guidance also sets out, 'Where a dwelling that is proposed for extension is of no particular merit or where its original character has been lost through previous unsympathetic alteration and/or extension, the primary consideration in assessing any proposal will be the need to ensure that there is no significant harmful impact on the countryside through the increased size of the resulting building.' It must also be made clear that this document is to be used as guidance and that Policy H6 states that the extension must be subordinate to the main dwelling. In conclusion, it is considered the design, form, siting and appearance of the works would be subordinate and would not have a detrimental impact on the overall character and appearance of the immediate or wider rural area. Therefore it is considered to meet the relevant criteria of policies DES1 and H6 of the adopted LDP.

## **6.2 Impact on Residential Amenity**

6.2.1 Firstly, with regard to scale, the proposed single storey extension is of a modest form and is located 1m away from the common boundary. Concerns have been raised that the development will cause overshadowing of the adjoining property. The applicant has submitted amended plans that detail the 45 degree rule and the potential for overshadowing. It is noted that the extension will be located to the south of the neighbouring property. As the roof is hipped and the extension is single storey, this reduces the level of overshadowing that is caused by the development. The summer drawing shows that there will be no impact on Cartref. In the spring/autumn, the plans show that there will be a limited amount of shadowing to Cartref. On the winter plan, there is potential for a limited level of overshadowing to Cartref but this will reduce as the day goes on and there is less light in the winter. Due to the nature of the extension and the limited impact on the neighbour, this is considered to be acceptable. The 45 degree rule also clearly shows that no loss of light will be caused to a habitable room. Therefore, the scale of the development is considered to be acceptable.

6.2.2 With regard to privacy, the property is in a rural area and there are no neighbours to the south, east or west of the property. There are no proposed windows on the north elevation which faces the neighbouring property, Cartref. As the extension is also single storey, by nature, it is not considered to cause an unacceptable loss of privacy. It is considered that the proposal would not result in an unacceptable impact upon the living conditions of neighbouring occupiers. The proposal is therefore considered to adhere to the relevant criteria within policies DES1 and EP1 of the adopted LDP.

## **6.3 Biodiversity**

6.3.1 Having regard to PPW 11 and the Dear CPO letter (23/10/19) this application must demonstrate a net benefit for biodiversity. Accordingly, the applicant has updated the submitted drawings that would see a bird box fitted within the rear garden. A log pile and rock pile are also proposed within the garden which will provide a home for wildlife. Further details can be found in the supporting biodiversity statement. It is therefore considered on balance that the proposal accords with Policy NE1 of the adopted LDP.

6.3.2 It is noted that the location of the dwelling is potentially suitable for wildlife but the roof is tight and when conducting the site visit it was confirmed that the roof was in good condition. The proposal

also does not require any alterations to the roof of the main dwelling as it is single storey and lower than the existing eaves. Therefore, on balance, it is considered that a bat survey is not required for the application.

6.3.3 Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

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

6.4.1 It is noted that Caerwent Community Council recommends refusal. It should be stated that Policy H4 does not apply to this application as this refers to the conversion/rehabilitation of buildings for residential use. There has been no change of use regarding the building. With regards to the development allowance being exceeded, the report has covered these points in section 6.1.4. With regards to alterations to the front elevation on neighbouring dwellings, this has been covered in section 6.1.2.

6.4.2 Concerns have been raised over the accuracy of the application. This related mainly to the application form and the size of the fence on the common boundary. Following discussion with the agent these concerns have been addressed.

6.4.3 With regard to overdevelopment and design/impact on the local character of the area, this has been covered in section 6.1.4 of the report. Further comments have been received regarding the accuracy of the volume calculations. The volume calculations as submitted are considered to be accurate and take into account the original dwelling volume and the extension in 2013. The attached outbuilding has been included in these figures due to its nature and it being demolished to accommodate the extension in 2013. The inclusion of this in the volume calculations is not considered to be double counting and the volume increase of the resulting development is 61%.

6.4.5 The impact on the neighbour, Cartref, has been addressed in section 6.2 of the report. Further comments have been received mentioning that the shadowing caused by the fence is a red herring as this will be replaced in due course, probably with open chain link. The submitted plans indicate the fence as it currently stands and future boundary treatments between the two dwellings cannot be anticipated. The degree of overshadowing is not considered to be harmful.

6.4.6 With regards to the drainage at the site, the agent has provided amended plans that detail rainwater drainage from the extension will be directed towards a new soakaway in the front garden. This is considered to be acceptable. Further comments have been received regarding the positioning of the soakaway. The plans as submitted are acceptable from a planning perspective. If any issues arise with the location of the soakaway, this will be covered by the Building Control officer.

6.4.7 With regard to the potential impact on biodiversity, specifically bats, this has been addressed in section 6.3.2. The proposed extension is not located near to the existing roof and the potential impact of the development is not considered to require a bat survey.

6.4.8 With regard to the need for an archaeological survey, the site is not located within an archaeologically sensitive area. Therefore, an archaeological survey is not required to support the application.

6.4.9 With regard to the impact on the Green Belt, the application is a householder extension to an existing dwelling. Due to the nature and size of the extension it is not considered to have an unacceptable impact on the Green Belt.

6.4.10 With regards to the comments about permitted development, just because an extension does not conform to permitted development does not mean that it is unacceptable. If the front extension was to be located on the rear elevation of the property then it would be classed as permitted development. As the extension is located forward of the principal elevation it requires planning permission and is subject to the relevant planning policies and considerations. Following evaluation, as the report states, due to the nature and scale of the development, it is considered to be acceptable.

6.4.11 With regards to the requested conditions, the neighbour has highlighted some concerns in relation to the electricity supply and the storage of building materials within a shared access. These are not issues that can be subject to planning control.

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

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

## **6.6 Conclusion**

6.6.1 For the reasons detailed above in this report, having regard to the relevant policies and all other material considerations the proposed development is considered to be acceptable subject to the conditions set out below.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

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

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

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

3 The net biodiversity enhancement measures shall be installed in accordance with the details shown on the supporting document "Biodiversity Statement" and drawing "Block Plan dated 13.07.2022" within one month of the single storey extension hereby approved being brought into beneficial use and retained as such in perpetuity.

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

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