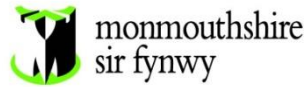


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 28 November 2022

Notice of meeting:

Planning Committee

Tuesday, 6th December, 2022 at 2.00 pm,
County Hall, The Rhadyr, Usk, NP15 1GA

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 - 16
4.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
4.1.	DM/2018/01995 Outline application for a six dwelling residential development with primary access off Baron Street with some matters reserved - The Willows, 20 Baron Street, Usk, Monmouthshire, NP15 1AS	17 - 34
4.2.	DM/2022/00263 Extension and change of use of existing garage into dog day care facility. Change of use of field to dog walking paddock - Rhewl Cottage, Shirenewton To Rhewl Farm, Shirenewton, Monmouthshire, NP16 6AG	35 - 44
4.3.	DM/2022/00484 Full planning application for the construction of 9 dwellings including means of access, drainage, landscaping, associated engineering and infrastructure works - Land at former Tythe House, Church Road, Undy, NP26 3EN	45 - 66
4.4.	DM/2022/01146 Retention of an outbuilding - 3 Hollybush Cottages, Gwent Road, Llantilio Pertholey, Monmouthshire, NP7 6NH	67 - 70
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received	
5.1.	CAS-02073-X3J9F7 17 Grove Gardens, Caldicot, Monmouthshire NP26 4HN	71 - 72

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

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

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Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon two working days before the meeting. 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. 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, 1st November, 2022 at 2.00 pm

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

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

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
Nicola Perry	Senior Democracy Officer

APOLOGIES:

County Councillors Jill Bond and Emma Bryn

1. Declarations of Interest.

Item 8: DM/2021/00357 Provision of 120 dwellings on parcels B and C2 - Rockfield Farm, Undy, Monmouthshire, NP26 3EL - County Councillor Tony Easson declared a non-prejudicial interest as Chair of Licensing and Regulatory Committee in respect of the footpath extinguishment and realignment that may be consulted upon.

2. To confirm for accuracy the minutes of the previous meeting.

The minutes of the meeting held on 4th October 2022 were confirmed as an accurate record.

3. To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):

4. DM/2019/01684: Change of use of agricultural land to B8 storage - Land to the south of Bryn Garage, B4598 Llangattock Lodge To Kemeys Road, Penpergwm, Monmouthshire

We considered the report of the application and late correspondence received which was recommended for approval subject to the conditions outlined in the report. Presented to Planning Committee due to a request by the ex-ward member, an objection from the local community council and objections from five households.

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

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- The agricultural field has lorries and equipment. The application allows the return to agricultural use.
- A recommendation was suggested to limit the times trailers access the field in terms of lighting.
- Confirmation was also requested of the number of people employed during events.
- It was queried if the security floodlight is properly shielded in respect of light pollution.

The Development Area Manager responded:

- Land use is under consideration so the numbers employed is not material to application. Officers' views are that it is appropriate use of land.
- In terms of late-night use, any activity connected to storage use would be controlled by the operating hours condition. Works within the B8 use outside those hours is a breach of conditions and would be addressed by the planning enforcement function.
- The floodlights are on existing buildings and there are no permitted development light restrictions in place. This aspect can be looked at separately.

It was proposed by County Councillor M. Powell and seconded by County Councillor S. McConnel that application DM/2019/01684 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/2019/01684 be approved subject to revised condition 10 as follows: Within 3 months of the date of this decision a restoration plan of the adjoining agricultural field (edged in red in the South East corner of the site as shown on drawing R M Hockey Scale 1:1250) shall be submitted for approval in writing by the Local Planning Authority. The plan shall include details of the removal of any hard surfacing and its return to grassland, it shall also include a timetable for implementation. The approved restoration plan shall be implemented in accordance with the approved details and timetable.

REASON: In the interests of visual amenity, LDP Policy DES1.

5. DM/2020/00762: Full planning application for the change of use of the visitor centre at Llandegfedd, to allow the building to be used for meetings, functions and events and to extend the opening hours approved under planning permission DC/2012/00442 - Visitor Centre, Llandegfedd Visitor Centre, Croes-gweddyn Road, Coed-y-Paen, Monmouthshire

We considered the reports of applications DM/2020/00762 and DM/2020/00763 together and with late correspondence, which were recommended for approval subject to the conditions outlined in the report.

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Councillor Graham Rogers, Llangybi Community Council, attended the meeting and outlined the following points:

- The commercialisation proposed will impact on the users of the Water Sports Centre which was originally granted permission for the exclusive use for water-based activities.
- The impact on local residents of noise, light pollution, traffic and the general wellbeing of visitors who wish to walk or sit quietly enjoying nature are important considerations.
- Many rare birds visit the site; the reservoir and surrounding land is a designated Site of Special Scientific Interest (SSSI). All public bodies must take reasonable steps to further the conservation and enhancements of the reasons for the SSSI.
- In Planning Policy Wales 11 there is a presumption against development likely to damage a SSSI echoed by Julie James MS for Climate Change, who proposes that the policy protection afforded to the SSSI needs to be strengthened. The proposals will not enhance the SSSI.
- The proposals will damage the site and disturb over-wintering birds. Suggestion that this will not occur is based on a wintering bird survey which is lacking in robustness.
- If permission is granted, a further condition is suggested that no indoor events extend after 5pm between 1st November to 28th February to minimise the risk to overwintering birds.

The Local Member for Llangybi Fawr, also Planning Committee Member outlined the following points:

- Urged deferment, or referral to Delegated Panel, for more in-depth surveys to ensure the SSSI will not be affected and no detrimental effect on wildlife.
 - No plausible justification to extend opening hours other than monetary. No objection to holding business meetings but object to indoor and outdoor functions.
 - Introducing more human activity and loud music will have a negative impact on wildlife.
 - The Senedd introduced a nature emergency in 2021. This application will be an overdevelopment of an SSSI site.
 - Torfaen CBC has a holding objection due to lack of evidence in surveys.
 - There are winding, narrow country lanes to access the site with no public transport so private vehicles and minibuses accessing functions will pose a threat to wildlife (badgers and otters especially in later evenings or early mornings) with no mitigation.
 - Residents will be impacted by large numbers of vehicles late at night
 - Lack of wintering bird surveys conducted.
 - Concerned that sound tests highlighted noticeable changes in behaviour of mallards.
 - Multiple organisations representing custodians of the environment have objected.
 - Referred to letter from Coed y Paen Residents Association suggested that if approved, consideration is given to amending the conditions
1. Conditions 2 & 3: Suggested development only starts once the reports mentioned in Condition 4 have been supplied and reviewed by the planning authority. Also, to remove the phrase "subsequent year".
 2. Condition 10: It is requested that officers investigate an ongoing issue and clarify how the Committee can be satisfied that the light spillage has not had an adverse effect on wildlife especially bats. An existing condition has not been enforced.

A Video was presented by Nicholas Morley, Coed Y Paen Residents Association on behalf of the objectors to make the following points:

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- The proposed changes will damage the tranquillity and wildlife, and threaten existing activities in the Visitor and Water Sports Centre
- Clear majority of Residents Association Members express opposition.
- Additional human activity, additional hours with additional traffic, parking, and goods vehicles, additional noise and lighting will affect the ecology of the site.
- Commercial activities would disrupt water sports activities and public access to the café, information sources and the water source centre.
- The car park will overflow at peak times.
- Accessible by single track lane which is e.g. too dangerous for children to cycle.
- Strongly object to the proposals

Dylan Green, Applicants Agent responded in support of the changes with the following points:

- Visitor Centre already benefits from planning permission for it to be used as a café and exhibition space, so principle of such functions in the visitor centre has already been agreed.
- Proposed extended opening hours and of expansion of the functions of the Visitor Centre doesn't fundamentally change the use of the building so the principle of development is considered acceptable.
- Objections from consultees due mainly to the reservoirs SSSI designation. Welsh Water has liaised closely with the Council throughout the application and fully adhered to all requests and agreed to carry out further assessments to mitigate the impact of development.
- Many initial objections from statutory consultees have been removed to reflect the additional assessments that have been submitted. NRW welcomes the overwinter bird survey work and is satisfied that initial concerns can be overcome and damage to the features the SSSI can be avoided if the proposed mitigation measures are implemented. The Council's biodiversity officer offers no objections and confirmed that the imposition of strict management limitations of no outdoor activities during the main overwintering bird season (November to February) would mitigate adverse impact on the features of the SSSI.
- Highways state no detriment to highway safety or capacity on immediate local highway network and Environmental Health Officer agrees.
- Whilst the planning application is for all year round use of the buildings, any activities on site would be primarily in line with the conditions of the SSSI. There will be no external events with live or recorded music and indoor music will be limited to 11pm.
- Regarding the change in opening hours, noise impact assessments have been carried out and concluded that as the nearest residential property is over 400m from the site on the other side of the reservoir, any noise generated from the facility will have a negligible effect.
- Over-wintering bird surveys on the impact on the bird population have concluded with imposition of the suggested conditions, it is not anticipated that elevated noise levels will have significant impact on waterfowl abundance. Llandegfedd Reservoir is considered as a green infrastructure asset for the public to enjoy that ties into Planning Policy Wales in terms of place making and contributes to the seven goals of wellbeing in the Future Generations Act.
- Safety of people using the visitor centre for events and potential behaviour is not a material planning consideration.

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

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- It was questioned if there could be two events on at the same time – may be better to consider the applications separately as there's the potential to halve the impact by potentially approving one and rejecting the other.
- It was asked if light spill onto the reservoir is permissible under the current planning consent as the photos looked quite bad and could affect birds and bats.
- Clarification was sought on the cut-off time for music indoors.

The Development Manager responded:

- Confirming it states 12 external events for each application so 24 events per year. 28 days per calendar year to use land for a specific purpose for is allowed under permitted development rights. The application is limited to 24 days per calendar year. There is a condition limiting concurrent events to two, and outdoor events would have to finish at 5.00pm. Indoor events can go on later with music limited to 11.00pm.
- The light spill observed was from the Visitor Centre internal lighting. The condition on the original planning permission that would seek to control external lighting rather than internal lighting will be checked. A new condition can be considered to try and control external and internal lighting to limit light spillage from the buildings.

The Head of Planning explained there is a difference of opinion with NRW, other professionals and ecologists. The Council's Biodiversity Officer had no objections. Members were encouraged to make a balanced decision referring to the robust conditions, monitoring and ecological enhancement.

Continuing to consider the report of the application and the views expressed, the following points were noted:

- The proposals will affect the site and surrounding communities (humans and nature)
- The volume of documents and objections is overwhelming.
- Objections from ecologists, NRW, Wildlife experts and organisations cannot be ignored e.g. the impact on birds, otters, bats, badgers etc
- The condition monitoring otter or badger mortality at the site entrance is upsetting, retrospect and won't stop wildlife mortality.
- How will litter be managed?
- What is classed as an event and how many people can the venues hold?
- Is the public able to access the site during events. What impact will there be on the highway and verges if visitors cannot park on site. If events are advertised the narrow roads will be busier.
- Welcome a meeting on site with Torfaen CBC officers, NRW, the applicant and ecologists to get a better understanding of the hides and the types of wildlife.
- Is this a suitable party venue? No objections to meetings and events but not a party venue.
- The balcony of The Visitor Centre is allowed as an extension of the venue until 11 o'clock at night so with the light spill and music, its similar to an external event.
- Regarding the overwintering birds report and other wildlife, it was queried if there are plans to monitor ongoing impact if approval is granted.
- It was considered that the only advantage is to the applicant.

The Development Manager responded:

- Otters are unfortunately commonly subject to road mortality. The proposals would not significantly increase the number of vehicles using the highway network. There is an

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opportunity to establish a baseline from a survey of otter mortality. Adjustments can be made if the trend rises.

- The large carpark should cater for the users of the premises.
- Noise will be contained within the building and if there is noise when windows are open, Environmental Health can monitor that. Welsh Water is the responsible body with corporate responsibility to engage with the community, to be considerate and responsible operators of the site.
- Regarding over wintering birds there is condition which provides a safeguard of no use (including internal use) between 1st November to 28th February until a winter bird monitoring program has been agreed by the local planning authority with NRW.

The Head of Planning referred to the wildlife and emphasised that a balance is needed in terms of planning policy with the Minister for Climate Change's letter regarding the need to protect our SSSI. The proposed uses are heavily restricted. Members were reminded that there are two applications. If there are concerns about the cumulative impacts of both developments, it may be more appropriate for members to consider whether just one of the applications is considered favourably. Members were reminded not accepting officers' recommendations when there are no objections, could incur appeal process costs.

Continuing to consider the report of the application and the views expressed, the following points were noted:

- It was understood that Welsh Water considers the water sport building is underused but as it is in an SSSI, it should be considered how to better use it to reflect its special nature.
- A Member suggested a compromise of rejecting the Visitor Centre but approving the heavily conditioned application on the water sports centre. It reduces the impact on the wildlife as it's further away.
- A Member suggested deferment to allow Welsh Water to consider which application to bring back.
- The Visitors Centre is nearest to the road so after dark there are lights from passing vehicles. The reservoir has areas where wildlife can exist well without being affected and would be further away from nesting birds.

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

For approval	- 3
Against approval	- 11
Abstentions	- 0

The proposal based on the officer's recommendation was rejected.

We resolved that application DM/2020/00762 be deferred to be refused

Proposed by CC Ben Callard and seconded by CC Jan Butler, the reason of refusal was based on ecological reasons but, as per adopted protocol, the matter would be reported back to a subsequent Committee for a reason for refusal to be debated.

6. DM/2020/00763 Full planning application for the change of use of the water sports facility at Llandegfedd to allow the building to be used for meetings, functions and events and to extend the opening hours approved under planning permission DC/2012/00317 - Water Sports Centre, Llandegfedd Water Sports Centre, Croes-gweddyn Road, Coed-y-Paen

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The application was considered together with DM/2020/00762

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

For approval	- 2
Against approval	- 11
Abstentions	- 0

The proposal based on the officer's recommendation was rejected.

We resolved that application DM/2020/00762 be deferred to be refused

Proposed by CC Ben Callard and seconded by CC Jan Butler reason of refusal was based on ecological reasons but, as per adopted protocol, the matter would be reported back to a subsequent Committee for a reason for refusal to be debated.

7. DM/2021/00357 Provision of 120 dwellings on parcels B and C2 - Rockfield Farm, Undy, Monmouthshire, NP26 3EL

County Councillor Tony Easson declared a non-prejudicial interest as Chair of Licensing and Regulatory Committee in respect of the footpath extinguishment and realignment and may be consulted upon.

We considered the report of the application and late correspondence received which were recommended for approval subject to the conditions outlined in the report, and to defer the matter to delegated panel to resolve the issues of how to overcome the adoption of the highway.

The Local Member for Magor East with Undy, also Planning Committee Member outlined the following points:

- Highways refers to the impact of the existing public highway boundaries of Silurian Road and Elms Road where there are unresolved issues of property boundaries and parking issues
- How will access/egress to the site be managed.
- Lack of infrastructure
- The developers have chosen to retain the public highway with appropriate demarcation and to provide segregation between the plots. This needs to be resolved.
- There are concerns over the proposed proximity of plot 64 where there is a significant swathe of public Highway between the footway and the front of the dwelling. It is likely that the public Highway will be incorporated within the plot boundary. The plot layout could be changed or the applicant apply to extinguish the public Highway outside all plots.

The Senior Development Management Officer responded:

- The extinguishment is acknowledged, and it is noted that the public Highway runs along the front boundary of the plots. The main concern is plot 64 which has the largest expanse of adopted Highway within the front garden.
- The key issue is to ensure there is no housing or built form within the Highway location; which there is not.

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- Highways has no objection to the extinguishment of the highway. We seek to take the means of resolving the highways issue to delegated panel.
- In terms of access, this would be via the B4245 and through the new development. This allocation forms part of a wider plan potentially linking to developments that have been approved on Vinegar Hill and to Grange Road. This will be considered later.

The Local Member for Magor East with Undy continued:

- There are unresolved issues e.g. the objection from the bio-diversity officer on at least eight points of concern. For example, there is no explanation how lost hedgerows will be replaced, nor how adequate provision for bats and birds made. It was responded that the most recent comments from the ecologist have removed the objection being satisfied with the proposed enhancements. A length of hedgerow was previously damaged through no fault of the applicant, but they have compensated with replanting of hedgerows throughout the site. Hedgerows and native hedgerow planting are proposed around the sink.
- The objection from public rights of way states that concerns can be addressed through the imposition of the condition in the report but there are other concerns. The applicant fails to acknowledge Public footpath 372/23 and the plan should be resubmitted including detail of the public right-of-way crossing and adjoining the site and should identify adverse impacts. It was responded that there is a public footpath that runs through the site. Due to its current alignment it would make development of this site almost impossible as it would take out a significant portion of the developable land. The applicants are aware that they need to apply to realign the footpath. It is proposed to run from the public open space in the southwest through the site through the central pedestrianised link and then would meet Silurian Road.
- A concern is how to ensure that that footpath is always open and free to use by the public as stipulated. The Head of Planning explained that it's the same with any construction sites with regards to footpaths. They may get temporarily diverted or protected by barriers to maintain access during construction.
- The eleven comments concerning landscaping were raised. It was responded that amended plans overcome the issues raised since the holding objection was received. Referring to the front of plot 64, planting is not allowed within the highway. There is a lot of on-street tree planting mitigating for the loss of the hedgerows.
- Accessibility to seating areas. It was responded that in the public area of open space in the south west there are three seating areas. The landscape officer asked for them to be multi-purpose. Seating areas providing access to those less Mobile would require paths which would erode open space. To resolve this there is additional seating areas throughout the site that are DDA compliant.
- The traffic management scheme is required before work commences. It was responded that condition 8 states that prior to any works commencing that a construction management plan would be received. The Head of Planning addressed the concerns stating that significant meetings took place with green infrastructure, landscape and highways colleagues. There are inevitable compromises across the site to balance all the different issues. This scheme has higher than average affordable housing provision and tree-lined streets. There is fully a sustainable drainage system, attenuation ponds and a protected SINC. There is a protected woodland area in the middle that is being further enhanced with additional hedgerow and planting.

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

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- It was questioned how the houses are heated and why solar panels are not installed on all the buildings.
- Regarding the proposed road names, it was suggested not to use variations of the same name ("Rockfield") to avoid confusion.

The Senior Development Management Officer responded:

- Heating of the buildings and solar panels are building control matters and not within the remit of the planning committee but may be considered in the revised local development plan.
- Street naming is not the remit of the Planning Committee but the comments can be passed to the relevant department.
- Houses are needed in the county and the necessary infrastructure for the people who will live in all the new housing developments was identified in the adopted LDP and financial contributions secured via a s106 agreement relating to the earlier outline permission for this site.

The Senior Development Management Officer responded:

- The required 25% affordable housing has been exceeded.
- Accessibility of the site was explored during the allocation when the local development plan was being adopted and it was decided that this was a sustainable location that had access to facilities within the vicinity. Additionally, the outline consent was subject to a S106 that provided financial contributions for e.g. play, and improvements to the highway network. New residents will use facilities e.g. provide support for local shops, pubs, and businesses.

Continuing consideration of the report of the application, the following points were noted:

- Long-term upkeep of the hedges and trees is a concern. It was responded that the intention is that the public right of way be adopted by the council that would take on responsibility.
- Solar PV panels, air source heat pumps and electric charge points should be installed, and this message should be fed back to the developers. The Head of Planning applauded this thought but explained it is not embedded in national planning policy. However, the officer has negotiated 84% electric charging infrastructure and the developer is delivering that as part of the scheme so the Energy Efficiency of these buildings will be to a high standard.
- It was queried if the developers could approach purchasers to see if they would be interested in installing heat pumps.
- It was requested that there are no issues with adopting the roads referring to the delays at Kingswood Gate, Monmouth.
- Sports facilities should be considered and an Active Travel Plan. It was commented that there are lots of sports facilities local to the site.
- Considering Active Travel, provisions for future bus routes and wide pavements are encouraging for walking. It would be good to see some safe dedicated cycle routes in the design maybe as a shared pavement.
- The types of houses on the site will naturally house families so it is good to see links to the neighbouring park.
- The traffic management plan for the construction must be adhered to.

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It was confirmed that the roads have been designed to be of adoptable standard but adoption can be subject to delay. To deliver the required number of dwellings, there was no land available for sports facilities. There is the area of open space that is proposed to be used for informal play and a financial contribution was secured through the section 106 agreement. Active Travel was not considered as part of the wider plan for this site. To address this element, several footpath links have been designed with pedestrian permeability in mind also links to the existing Road network and infrastructure.

The Head of Planning had received a message from Monmouthshire Housing that all units will be off gas, EPCA rated and all will have PV panels.

Summing up, the Local Member for Magor East with Undy was pleased many of his concerns had been considered. He still took issue with the infrastructure on behalf of the residents and area. He supported the application.

It was proposed by County Councillor J. Crook and seconded by County Councillor A. Easson that application DM/2021/00357 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/2021/00357 be approved subject to the conditions outlined in the report and subject to referral to the Council's Delegated Panel to clarify i) resolution of the extinguishment of the highway on Silurian Road and 1m wide service strip on east-west access road.

8. DM/2021/02005 Revision of Allowed Appeal APP/E6840/A/17/3168486 to create an additional pitch (7 to 8) with modifications to layout, design and ecological enhancements - Land Adjacent To Upper Maerdy Farm, Red Hill To The B4235, Llangeview Monmouthshire

We considered the report of the application and late correspondence received which was recommended for approval subject to the conditions outlined in the report, and the additional condition to secure implementation of the soft landscaping scheme.

The Local Member for Llanybi Fawr, also Planning Committee Member outlined the following points:

- Welcomed the application that meets the needs of the local development plan and the gypsy and traveller guidance from Welsh Government.
- Clarification was requested regarding the need for thirteen pitches, and if this pitch would contribute to the thirteen.
- Damaged hedgerows had not been reinstated but was included in the conditions.
- Concerns raised on the planning application web site had been answered in the officer's report.

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- The site is well kept, well laid out, and is to accommodate a family member.
- The application was supported with officers' recommendations

The Head of Planning confirmed that our gypsy and traveller assessment confirms the authority has to make provision for thirteen pitches. The pitch in question would meet part of that need.

It was proposed by County Councillor F. Bromfield and seconded by County Councillor M. Powell that application DM/2021/02005 be approved subject to the conditions outlined in the report and the additional condition to secure implementation of landscaping.

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

For approval	- 12
Against approval	- 0
Abstentions	- 0

The proposition was carried.

We resolved that application DM/2021/02005 be approved subject to the conditions outlined in the report.

9. DM/2022/00969 Erection of a steel framed portal building to be used for the production and canning of spring water - Tump Farm, Usk Road, Llantrisant, NP15 1LU

We considered the report of the application which was referred by the Delegation Panel and is recommended for approval subject to the conditions outlined in the report with the additional condition as presented today as follows:

- Prior to the initial production of canned spring water, a noise management plan should be submitted and approved in writing by the local planning authority. The noise management plan should detail measures that will be implemented to manage noise from the proposed development, including operating hours, to prevent impact on the amenity of residents living in the locality. The proposed development shall therefore be carried out in accordance with the noise management plan in perpetuity, unless otherwise agreed in writing by the local planning authority. Reason: To protect the amenity of neighbouring properties and to ensure compliance with LDP Policy EP1.

The Local Member for Llangybi Fawr, also Planning Committee Member outlined the following points:

- The application to create a diversified farm business was welcomed.
- Spring water is already being extracted and stored on site. Natural Resources Wales has no concerns other than noting that if the business is expanded, this would warrant a planning application and a license will also be required.
- In terms of the road to the farm, this is frequently used by HGVs to several farms, it was suggested that one additional HGV per week would not cause a detrimental effect.
- The planting of fruit trees was welcomed for the wildlife and biodiversity on the farm.
- The canning process is planned to be sustainable and carbon neutral.
- The applicant has been sympathetic to the design of the building and kept it aligned to buildings on the farm.

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- Very little noise will be generated from the canning process. Business hours will be 7am to 6pm (Monday-Saturday)

No speakers from Llantrisant Community Council were present. At the Chair's discretion, Jonathan Eadie, spoke on behalf of residents of three properties impacted by the application excluding the applicants' properties.

- The three properties are supplied by a borehole and sited off the Old road, Llantrisant abutting Wentwood Forest and are omitted from the report.
- NRW has assessed water requirements for the farm, current, and approved dwellings, and the new canning operation.
- Environmental Health wants to consider noise levels of the proposed operations in an inferior single skin, uninsulated metal shed. Noise emanating from the valley side is amplified upwards contrary to the report and is not mitigated by vegetation as recessed in the valley. A noise management plan was requested.
- The proposal offends NRW's duty under the Future Wales National Plan to balance current and future water needs (environment, society, and economy).
- Extraction and removal from site reduces water resilience and places incremental strain on a single source. Reduced water levels and borehole pressures threaten viability of existing homes and businesses.
- Tankers bringing water from offsite sources increases noise and traffic
- Similar ventures have scaled to 24/7 operation with increased noise and traffic, and other adverse outcomes.
- Unsuppressed manufacturing noise for 48 hours over a six-day week is not the same as intermittent agricultural activity which is acceptable.
- Creation of an orchard does not materially offset the industrial impacts and risks to rare and protected species.
- The report does not allow the committee to discharge its duty under Planning Policy Wales (PPW11).

The applicant, Mark Williams, attended the meeting and outlined the following points:

- Family Farm with costs too high and revenue too low hence the need to diversify.
- A sustainable development supporting the climate agenda, for the family and community and supports the Council's own objectives. The Corporate Plan refers to sustainable, local agricultural and farming practices with public services and residents consuming more local and seasonal produce, to provide more encourage businesses and with a focus on innovation in the food and drink sector.
- The shed is in keeping with existing farm buildings and planning to reinstate the orchard with more fruit trees that could possibly flavour the water in future.
- The farm is part of a Welsh Government project involving planting hedgerows, trees and creating streamside corridors and ponds. The environment is a key focus.
- Local hospitality and businesses are keen to stock the water to support Monmouthshire's food and drink sector.
- The water is the farm's own personal / private supply and water from farming practices is utilised - no abstraction license is required. The water has been tested; outcomes awaited. The spring water emerges naturally 24 hours a day. No boreholes are planned. It is stored in a storage tank and taken by gravity to the farm. If the water is not used, it is returned to the stream or ground.
- A fully costed business plan has been shared with planning officers and significant further investment is planned.

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, 1st November, 2022 at 2.00 pm

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

- There is sufficient distance from neighbours not to be affected by noise.
- Water supply: Residents have their own water supply via borehole.
- The Farm has 250 acres; in periods of rainfall there will be considerable run off likely to be in excess of requirements.
- Water extraction is not a planning consideration.
- The site is accessed on the highway between Wentwood and Usk which is a good road for motor vehicles to use.
- The driveway entrance has a large visibility display and therefore good visibility on entry/exit to site.
- The report anticipated just HGV and three small vans at the site per week and would cause little impact on the highway and volume of traffic. Highways has raised concerns if the site was to expand only.
- Low key development, low height building and low detrimental impact.
- Tree planting will provide the benefit of low carbon emissions and will improve the visual impact of the area
- Biodiversity benefit of providing wildlife with food, shelter and habitat.
- More detail on renewable energy and sustainable methods was requested.
- Farmers need to diversify and additional income needs to be derived from the land.
- It's a rural county and there is a need to support start-up businesses such as this

The Development Management Area Manager responded:

- Policy background relates to RE3 agricultural diversification that has several criteria (three not relevant) and the application meets the remainder:
 1. Non agricultural development is running in conjunction complementary to the activities on the site at present
 2. Supported by a business case
 3. Can demonstrate that all the existing buildings are being used where a new build is required
 4. Proposals for new builds meet the criteria in LC1 (landscape policies)
 5. Proposed the building will be cut into the bank so there is a proposed condition to require a full Section drawing to show the level of cut, the retaining wall, and its construction. It is anticipated it will match the existing arrangements in blockwork with timber post and rail fence.

The application is supported and policy compliant.

- In terms of scalability, the proposed equipment is capable of canning 8000 cans a day equating to 1 HGV and three small van visits per week. The Highways Officer is satisfied. In terms of production and highways impact, the operation is considered acceptable.
- There is a condition to limit use within this building so if the business expands with a new building, a planning application would be required.
- The noise management plan requires operating hours to be specified and adhered to.
- Water abstraction is not part of the consideration of this application and is dealt with through NRW.

MONMOUTHSHIRE COUNTY COUNCIL

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- In terms of biodiversity, the land is grazed and has limited ecological value. There are biodiversity enhancements such as tree planting on the site plan considered acceptable with no objections from NRW
- Energy efficiency measures: Policy does not prescribe levels of energy efficiency. This aspect can be managed through building regulations. The applicants have made a commitment that the building will be environmentally friendly.
- Clarification was provided that on the elevation drawings it is shown that there are juniper green metal sheeting for all elevations on the building so if timber cladding was to be used, that would need separate consideration as part of an amendment to the plans. An amended plan would be considered by Delegated Panel.

The applicant responded to the following points:

- The cut in level with the other buildings will be one uniform level.
- 8000 cans a day is the maximum capacity of the proposed machinery achievable by e.g. Year 3.
- Plan to installed PV panels on the roof after two years, also rainwater harvesting .
- Sustainable local wood will be used for the cladding on the front of the building. With Juniper Green 40mm insulated panels around the outside

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 to approve application: DM/2022/00969 subject to agreeing a revised external materials plan (to include timber cladding) via Panel; additional conditions to require a site section and a Noise Management Plan

10. DM/2022/00484 Full planning application for the construction of 9 dwellings including means of access, drainage, landscaping, associated engineering and infrastructure works - Land at former Tythe House, Church Road, Undy, NP26 3EN

Application DM/2022/00484 was deferred to December 2022 meeting.

11. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received

12. CAS-01509-P1Z2X3 - 2-4 Monnow Street, Monmouth, Monmouthshire, NP25 3EE

We received a Planning Inspectorate Appeals decision regarding 2-4 Monnow Street, Monmouth (a planning application to change from A1 use (Music Shop) to an adult gaming centre). The application was refused by officers under delegated powers citing concerns on vitality attractiveness and viability of our central shopping area. It was appealed and the inspector didn't feel that such a use would cause unacceptable harm and would safeguard the vitality and viability of the town centre and was compliant with our one of our retail policies (RET2) in the current local development plan.

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, 1st November, 2022 at 2.00 pm

The inspector observed some vacant units in the Town Centre noting that it would retain a shop front and that it was not evidenced that it wouldn't attract footfall.

Officers' decision was overturned, and planning permission granted.

The following points were noted:

- The two carousels in the window must be moved following an appeal to the Gambling Commission.
- The Town Council was very disappointed about this decision and it has been recorded in the local press as a Welsh government decision rather than being that of an independent inspector.
- It was queried if all the conditions been met with the correct documentation. It was responded that an application has been made to the local planning Authority in respect of conditions 3 and 4 and consultation is in progress with the relevant consultees in respect of noise management, and the scheme of enhancement has been consulted on with our ecologists. The application is currently pending consideration.
- It was clarified that the centre can be used by over 18s.

The meeting ended at 6.10 pm

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Application Number: DM/2018/01995

Proposal: Outline application for a six dwelling residential development with primary access off Baron Street with some matters reserved

Address: The Willows, 20 Baron Street, Usk, Monmouthshire, NP15 1AS

Applicant: Mr John Lewis

Plans: Location Plan G (1) - , General Green Infrastructure Assets Plan - , General Green Infrastructure Opportunities Plan - , Bat Survey - , FCA FCA V3 - , Other Transport Statement - , Other Preliminary Ecology Report - , All Proposed Plans Sites Sections G (3) Rev. A - , All Existing Plans Topographical Survey - , Site Layout G (2) - Rev G, Drainage Klargester Product Guide Feb2018 - , Drainage TDS0038-02 BA-BC Phosphate Reduction - , Drainage Certificate PIA Kingspan BioDisc +P - December 2020

RECOMMENDATION: Approved

Case Officer: Kate Bingham
Date Valid: 15.04.2019

This application is presented to Planning Committee due to the number of objections exceeding the threshold of five households

1.0 APPLICATION DETAILS

1.1 Site Description

The application site is located to the south of the settlement of Usk, off Baron Street. The application site forms part of the wider Willows Garden Centre which extends westwards towards the River Usk.

The application site currently accommodates commercial greenhouses which were constructed in the 1970s and 1980s and were part of a nursery associated with the garden centre. The garden centre to the west will continue to operate.

To the north and east of the application is residential development, there is open land to the south and, as mentioned above, the garden centre to the west.

The site is currently accessed via Baron Street.

The application is located within the Usk Conservation Area and near to several listed buildings, the most closely related being nos. 7, 9, 11 and 13 Baron Street to the north. The site is also within the Phosphorous Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

1.2 Value Added

The application as originally submitted proposed 7no. dwellings. It became clear following discussions with Natural Resources Wales that to deal with potential flood risk the site was not capable of accommodating 7no. dwelling since space was needed on site to provide flood storage. The proposed development was therefore reduced to 6no. dwellings.

Also, the proposed dimensions included a minimum and maximum height of 9m and 9.5m, respectively. The Heritage Officer raised concerns regarding the proposed height on the basis

that a dwelling over two storeys, considering the ground level increases required for the flood mitigation, would look out of keeping with the Conservation Area and would not preserve its character or appearance. As such, the minimum and maximum height is restricted via condition to 8.2m, despite the proposed maximum dimension proposed by the applicant.

1.3 Proposal Description

Proposed Development

The proposed application seeks outline permission with *all matters reserved except access*. The proposed layout shows an adoptable standard access road to the north-west of the site via Baron Street. The access leads eastwards into the site forming a small cul-de-sac which splits to the north and south. The dwellings front onto the access road.

The proposed dwellings are shown to be a mix of detached and semi-detached dwellings within the following minimum and maximum dimensions:

Plot	Length		Width		Height	
	Min	Max	Min	Max	Min	Max
1	9m	10m	7m	8m	8.2m	8.2m
2	9m	10m	7m	8m	8.2m	8.2m
3	9m	10m	8m	10m	8.2m	8.2m
4	8m	10m	6m	8m	8.2m	8.2m
5	8m	10m	6m	8m	8.2m	8.2m
6	11m	12m	8m	10m	8.2m	8.2m

To accommodate the flood mitigation measures the finished floor levels of the site will need to be raised to a maximum of 16.8m AOD, which is a level rise of approximately 1m compared to the existing ground level. The proposals include an area of flood storage to the south of the site.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00299	Change of use of horticultural shop/display area to children's activity/play area	Approved	19.04.2018
DM/2018/00303	Discharge of conditions 2, 7, 8 & 9 of DC/2017/01081.	Approved	22.11.2018
DM/2020/01090	Demolition of commercial greenhouses (Conservation Area Consent)	Pending Consideration	
DC/2014/01289	Proposed replacement of glazed roof of existing glasshouse by colour coated profiled steel sheets and translucent sheets.	Approved	15.12.2014

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
HE1 LDP Development in Conservation Areas
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations

Conservation Area Appraisal

Usk Conservation Area Appraisal. The existing buildings that are proposed to be demolished have not been identified as having an especially positive impact on the Conservation Area.

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

Technical Advice Notes

TAN15 - Flood Risk and Development.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Usk Town Council - The Town Council recommended approval of the application.

MCC Heritage Officer - No objection, subject to a condition controlling the maximum height of the proposed dwellings.

Natural Resources Wales - No objection, subject to conditions.

Response to Habitats Regulations Appropriate Assessment - Agreed. We have reviewed your Habitats Regulation Assessment Record dated 28/06/2022 along with supporting evidence submitted with the planning application reference DM/2018/01995. We apologise for the time it has taken for us to respond to this consultation.

You have concluded a likely significant effect from the project on the River Usk Special Area of Conservation. As such you have taken forward the following potential impact pathways into an Appropriate Assessment (AA) for further consideration:

- Change in water chemistry during operation stage, this includes increased loading of Phosphorus
- Toxic contamination and siltation/sediment/turbidity during the construction stage
- Changes in surface flooding during both construction and operation stage
- Otter entrapment during construction stage
- Disturbances during construction stage, including noise and increased activity

We agree with the above and provide the following advice on your AA.

Operational stage - phosphorus loading

We agree that the project has the potential to increase phosphorus loading on the River Usk SAC. The AA has largely relied on the Phosphate Statement prepared by N.J.Bowen (Rev C, dated 2/3/22) to consider this impact further. The statement provides a baseline of existing Phosphorus (P) loading at the site from its existing use against a future predicted P loading from its proposed use. The statement explains that the crops and plants within the existing greenhouses are fertilised with a combination of base fertilisers dug into the soil and soluble fertilisers in irrigation water.

The Phosphate Statement references several research studies, including a desktop study by Defra to understand how much fertilizer and therefore P could be discharged from the site. Using these studies, the Statement provides a P emission rate of 9.35 kg/ha/year at this site from the existing use, which is equivalent to a total phosphorus load of 2.89kg/year. It is likely that a new commercial greenhouse operation would yield a much lower figure than this, based on the fact that they would have more efficient irrigation systems. However, the Defra study suggests that older operations tend to use fertilizers more freely, with little attention paid to efficiency of nutrient use. We are not aware of any evidence opposing the Defra study, and therefore we consider this to be reasonable.

The other element to consider is whether there is a pathway for P to enter the SAC river from the existing operations at the site. We consider a pathway to surface waters (including the SAC river itself) or highway drains via run-off of P is unlikely due to the greenhouses being covered.

In terms of a pathway via groundwater, P does not normally move in soluble form within sub-surface flows. This is because it binds in the soil, where the soil has capacity. However, there would be exceptions to this where there is excessive application of P over long periods of time.

The evidence submitted by the applicant shows the operation of the greenhouse is likely to have resulted in over-application of fertilizer (and therefore P) over several decades, therefore it is likely the soils have no further capacity for retention of P through binding. As a result, it is likely the soil would be free draining, and as such the P would be finding its way to the river. This effectively creates a pathway.

Therefore, the applicant states there are existing P losses from the site which have been and are entering the river environment via sub-surface flow. Further, the information submitted by the applicant concludes that the new proposal can achieve neutrality or betterment, resulting in a net reduction of 0.459kg/year total phosphorus. This conclusion is based upon calculations for 6 residential units, with an average occupancy of 2.3 people, using 110l/p/d and a total phosphorus concentration of 4.4mg/l being discharged from the Usk wastewater treatment works. In our view, without any further evidence to the contrary, the figures for total phosphorus above are reasonable to use in assessing the overall phosphorus balance.

Based on this assessment, we agree with your conclusion that there will be no adverse effect on the integrity of the River Usk SAC.

Construction stage - all pathways

We agree with the elements of the construction of the project which you have taken through to Appropriate Assessment. We note the proposed Construction Environmental Management Plan and the Surface Water Management Plan conditions which are set out under 5.3 of the AA. Subject to the approval and implementation of these conditions and relevant mitigation measures, we agree with your conclusion that there will be no adverse effect on the integrity of the River Usk SAC during the construction stage.

Operational stage - Surface water

We note the applicant has demonstrated that surface water can be managed through infiltration and that a SAB consent will be required. We agree with your conclusion that there will be no adverse effect on the integrity of the River Usk SAC.

Summary

We agree with the conclusions of your appropriate assessment that subject to the above planning conditions being attached and implemented, there will be no adverse effect on the integrity of the River Usk SAC.

Dwr Cymru Welsh Water – No objections subject to condition.

We can accommodate an increase in foul flows generated from the site into the public sewerage network as well as catchment's waste water treatment works.

Condition: No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Glamorgan Gwent Archaeology Trust - No objection, subject to conditions.

MCC Highways - No objection.

MCC Biodiversity Officer - No objection.

MCC Housing Officer - We had originally asked for 2 affordable units on site but the viability assessment considers this to be unviable. If there is an opportunity for a financial contribution for affordable housing, which the viability assessment suggests that there is, I would welcome this.

MCC SAB - Now they have been able to show the site can infiltrate that will take away my concerns. As the site needs a full SAB app I am happy for this to be managed through that process.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

13no. objections to the application received raising the following concerns:

- Raising site levels will adversely impact on neighbouring amenity;
- Loss of privacy;
- Increased risk of flooding to surrounding properties;
- A similar application was refused by the Council in the past;
- Increased air pollution;
- The application site is opposite a retirement complex with vulnerable residents;
- Disturbance during construction in relation to traffic, noise and dust;
- Adverse impact on Highway Safety due to increased traffic on substandard access road;
- Adverse impact on pedestrian safety;
- Adverse impact on parking;
- Adverse visual impact;
- Adverse impact an increase in traffic would have on the structure of the surroundings dwellings;
- The development should fund the resurfacing of the riverside path;
- Consultation not carried out correctly;
- The road should be resurfaced.

5.3 Other Representations

Usk Civic Society - The Civic Society objected to the application on the following grounds:

- Concerns regarding the flood risk
- Concerns regarding third party impact of flooding
- Concerns regarding the capability of the access road to cater for additional traffic;
- Concerns regarding the traffic impact of large vehicles serving remaining nursery as well as the proposed development.

Usk Trail Access Group - Trail Access Group would like to see MCC negotiate some improvements to local access provision should this development get planning permission. A priority should be safe walking and cycle provision to and from the site to school and improvements to the surface of the path along the riverbank to make it accessible to all ages and abilities.

5.4 Local Member Representations

No comments received.

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

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

6.0 EVALUATION

6.1 Principle of Development

The site is located within the settlement boundary of Usk, which is defined as a rural secondary settlement in the Local Development Plan. Policy H1 supports development in rural secondary settlements in principle, subject to detailed material planning considerations. The primary material planning considerations relevant to this application are:

- Heritage Considerations;
- Section 106 Requirements;
- Flood Risk;
- Residential Amenity;

- Impact on Highways; and
- Ecological Considerations.

6.2 Good Design / Historic Environment

The application site lies within the Usk Conservation Area and, therefore, must be assessed against whether the proposed development preserves and enhances the Conservation Area in accordance with Policy HE1 and Policy DES1, which relates to good design. The site also lies in an area of archaeological sensitivity. Planning Policy Wales 11 (PPW) requires development to ensure the protection of the archaeological resource. These heritage matters will be discussed in turn below.

Policy HE1 requires development in the Conservation Area to meet the following criteria:

- preserve or enhance the character or appearance of the area and its landscape setting;
- have no serious adverse effect on significant views into and out of the Conservation Area;
- have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape;
- use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and
- pay special attention to the setting of the building and its open areas.

The existing buildings are of low architectural value and the redevelopment of the site represents an opportunity to develop a high-quality scheme which is sympathetic to the historic context.

The application is made in outline for 6no. dwellings with key matters such as layout and appearance reserved for later consideration. It is considered that the amount of development proposed is in keeping and would integrate well with the existing urban grain of the area. The proposed appearance and materials can be secured at reserved matters stage to ensure they are acceptable in the historic setting and in accordance with Policy DES1.

The Heritage Officer has reviewed the application and raised no objection to the loss of the existing buildings. They considered the proposed development to be acceptable in terms of density and the concept of detached and semi-detached dwellings is appropriate. The heritage officer does, however, have concern regarding the scale of the proposed dwellings and the potential impact on the character of Baron Street, featuring several listed buildings (no. 7, 9, 11 and 13 Baron Street) and the wider Conservation Area. Due to the lack of detail regarding the proposed house types and their scale, the Heritage Officer has requested that a condition be imposed limiting the ridge height of the proposed dwellings to a maximum of 8.2m to ensure the scale of the dwellings is acceptable in the Conservation Area. The height is already limited to 8.2m as it is an agreed perimeter as part of the application and therefore should a future developer wish to increase the height above those agreed in this application, then this would have to be considered as part of a Full Application rather than Reserved Matters. However, it has been included as a condition below for clarity.

On the basis of the above, it is considered that the proposed development, subject to an acceptable design and scale to be agreed at reserved matters, would improve the appearance of the site within the Conservation Area and preserve and enhance its setting, in accordance with LDP policies HE1 and DES1.

The application site is also in an Area of Special Archaeological Sensitivity (ASA) and, therefore, there may be archaeological remains of significance on site. Glamorgan Gwent Archaeological Trust (GGAT) has been consulted and advised that during an archaeological evaluation undertaken in 2006, archaeological remains (pottery and metalworking slag) and features of medieval and potentially of Roman origin, were encountered. This indicates that further archaeological features are likely to exist within the application area which would require further investigation and recording during any future development of the site. GGAT have raised no objection subject to a condition to secure a written scheme of historic environment mitigation.

The proposed development is considered acceptable in accordance with the requirements of PPW, subject to the condition requested by GGAT which will be imposed.

6.3 Biodiversity

The site is within 100m of the River Usk Special Area of Conservation (SAC). There is a pathway for potential adverse impacts on water quality on the SAC both during construction and operation. The site is also within the buffer area for Otter which have the potential to be detrimentally impacted by the development. As such the Council undertook an Appropriate Assessment (AA) under the Habitats Regulations Assessment. This has concluded that there will be no adverse impact on site integrity of the River Usk SAC because of change in water chemistry (increase in phosphates).

In respect of the other hazards to be considered by this Appropriate Assessment it is considered that subject to the imposition and incorporation of the additional mitigation measures via appropriately worded planning conditions and the subsequent enforcement and monitoring of implementation and conditions, it is concluded that the hazards associated with the project will not adversely affect the integrity of the River Usk SAC. The Assessment was sent to NRW for review as required who agreed with this conclusion.

In terms of other ecological considerations, a Preliminary Ecological Appraisal (PEA) has been submitted to assess the potential impacts on habitats, protected species and designated sites, arising from proposals to demolish the existing greenhouses and sheds and build new houses in their place. This concluded that the onsite leylandii and Russian vine hedge and the ornamental trees with ivy are considered to be the most ecologically valuable habitat on site, as they can provide nesting opportunities for birds. The plastic sheet flooring within the greenhouses (G1 & G3) and the small pile of wood and brash in the south-east corner of the site offer potential habitat for reptiles to use as refuge. The brash pile and grassland offer potential habitat to amphibians including Great Crested Newts (GCNs). All of the on-site buildings have negligible potential to support roosting bats.

Consequently, all works would be required be carried out following the recommendations in the PEA report (Section 5) and secured via a condition requiring a Construction Environmental Management Plan (CEMP) to be submitted prior to development. This should include details of an external lighting scheme to avoid negative impacts on foraging and commuting bats or any bats roosting, reasonable avoidance measures for reptiles and GCNs, vegetation clearance to only take place outside of the bird breeding season (i.e. this must take place within the period September to February inclusive). Furthermore, all on-site and neighbouring trees/hedgerows which are to be retained will require a Root Protection Area (RPA) to be calculated and fenced off prior to work commencing. The on-site leylandii hedgerow and the ornamental shrubs to the north-east of the site will be removed during the proposed works. This must be compensated for by the planting of a new, native species rich hedgerow to the rear of the new houses and the planting of native plant species around the site. Furthermore, in order to fulfil the requirements PPW, the enhancements provided in the PEA (Section 5) should be followed. This can also be secured via condition should Members be minded to approve the application.

Subject to the conditions referred to above, it is considered that the proposed development will not adversely affect local biodiversity and the provisions of LDP Policy NE1 can be met.

6.4 Impact on Amenity

The application is made in outline and, therefore, no final layout or dwelling design has been proposed. The application description, however, confirms that permission is being sought for a maximum of 6no. dwellings and the applicant has provided the minimum and maximum dimensions which are detailed earlier in this report. The proposed dimensions indicate a maximum height of 8.2m. There would be an increase in ground levels and finished floor levels to a maximum of 1m when measured from Baron Street. Details of the finished floor levels would be conditioned to ensure full details are assessed as part of the reserved matters application.

A full assessment of the impact on neighbour amenity is not possible at this stage since the final layout and house types have not been finalised and will be subject to a reserved matters application. It will be necessary that the final scheme takes into account neighbouring properties and to ensure there is no adverse overlooking, and this will be fully assessed at reserved matters stage.

Whilst a full assessment is not possible, the indicative layout demonstrates that 6no. dwellings can be achieved on the site without affecting neighbour amenity. There is sufficient space on the site and enough flexibility in the agreed parameters to achieve a layout which does not adversely affect amenity of existing or future occupiers. Given the size of the site, the offset the proposed dwellings can achieve in relation to surrounding neighbours, ensures that the proposed increase in ground levels will not result in an adverse overbearing impact.

The proposed outline development is considered capable of according with policies DES1 and EP1 at reserved matters and no further details are needed at this stage.

6.5 Highways

6.5.1 Sustainable Transport Hierarchy

The site is located in the town of Usk which benefits from a regular bus service connecting it to Cwmbran, Monmouth and Abergavenny. The town also has a variety of shops and services that are all within walking distance of the site reducing day-to-day reliance on car usage.

6.5.2 Access / Highway Safety

The proposed development will be accessed via a new entry point located off Baron Street. The proposed access point will be designed to adoptable standards and includes a 5.5m wide carriageway and 2m wide footpaths either side. *The point of access off Baron Street is not a reserved matter and is to be determined as part of the outline permission.*

Internally to the site, the proposed road would reduce to 4.8m in width and provide a footway on one side of the road. The internal road layout could be subject to change at reserved matters stage, but the indicative layout plan shows an acceptable highway arrangement can be achieved.

The indicative layout also demonstrates the necessary parking provision of 1no. space per bedroom to a maximum of 3no. spaces. The layout also provides for 4no. additional spaces to serve visitors and existing properties adjacent to the site.

The proposals also include localised widening of Baron Street to allow vehicles to pass. This will require the applicant to enter into a legal agreement with MCC Highways to agree and enable these works to take place.

In terms of traffic movements, the development is likely to generate 7no. movements in the peak period which is unlikely to coincide with the existing commercial and retail activities associated with the adjacent garden centre.

The Highway Authority has assessed the proposed development and confirm the proposed means of access and widening works along Baron Street are acceptable. The traffic generation is not considered to be significant and would not be detrimental to the current capacity or operation of Baron Street. The Highway Authority recommends a Construction Traffic Management Plan (CTMP) is prepared to alleviate potential impact on neighbours as a result of the construction traffic associated with the development.

The Highway Authority concludes that they have no objection to the development subject to conditions in relation to the following:

- No development shall take commence until detailed design, technical and safety audits have been agreed with the Local Planning Authority to ensure the safety of the highway works proposed;
- Provision of a CTMP;

- Details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority.

The Highway Authority also requested Section 106 obligations to secure the following:

- The applicant enters into a Section 278 agreement to secure the off-site highway improvements to Baron Street; and
- A Financial contribution of £3,000 per dwelling towards sustainable travel improvements; and
- Provision of electric charging points.

Whilst the requirement to enter a Section 278 will be essential, the provision of £3,000 per property has been subject to a viability assessment which has concluded that the development would not be viable with these additional costs (see paragraph 6.6 below for further details).

To conclude on highway matters, the proposed development will result in very limited traffic generation and there is capacity within the existing highway network to accommodate the traffic without there being an adverse impact on highway safety. The access to the site, subject to localised widening along Baron Street, is appropriate and safe. The proposed development can provide sufficient parking provision in accordance with the Council's Parking Standards SPG.

The proposed development is acceptable in terms of its impact on highway safety in accordance with LDP Policy MV1.

6.6 Affordable Housing (AH) / Section 106 Contributions

Under Policy S4 of the LDP, the site should provide affordable housing on site (35%). However, the applicant has stated that any contribution either on site or as a payment for off-site provision is not economically viable. A viability report has been provided and sent to the District Valuer (DV) for an independent assessment.

The DV has determined that a scheme that reflects a planning compliant scheme with 35% AH and section 106 obligations of £38,352 achieves a profit rate of 13.90%. This results in a deficit of £49,496. However, a scheme based on the same parameters excluding the Section 106 contributions achieves a profit rate of 15.98%. This results in a deficit of £9,516. Therefore, based on the information provided and the subsequent revisions, the DV is of the opinion that the proposed scheme cannot achieve a competitive rate of return of 16.5% with or without the proposed planning obligation payment.

The abnormal costs associated with the development are as a result of the requirement of the Flood Consequence Assessment submitted in support of the application that the proposed dwellings incorporate several flood resilient measures. The DV adopted an additional abnormal cost of £60,000 (£10,000 per unit) to account for this requirement. The DV also deemed it appropriate to include off site highways works at a rate of 15% abnormal costs that will be required as part of any Section 278 agreement. As such, it would not be appropriate to seek any provision for affordable housing on this site as it would result in the development becoming unviable.

6.7 Flooding

The site is in TAN15 defended floodplain (C1 flood zone). As such Strategic Policy S12 and supporting development management Policy SD3 of the LDP relating to Flood Risk together with national planning policy TAN 15 are relevant.

The proposal relates to 6no. new residential dwellings, which would be highly vulnerable development, in a floodplain. It is, therefore, necessary to consider whether the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN 15 to justify vulnerable development in the defended floodplain and whether the criteria in Policy SD3 is met. These policy requirements will be addressed below.

The TAN 15 justification tests are extracted below and discussed in turn.

i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement.

The site is in the settlement of Usk and will develop 6no. new homes on a currently vacant, previously developed site. The site's redevelopment will support the function of the existing settlement and the viability of Usk town centre.

Or

ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

Not applicable since i) is met.

And:

iii. It concurs with the aims of PPW and meets the definition of previously developed land

The site is previously developed in accordance with the definition included in Planning Policy Wales 10.

iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

A Flood Consequences Assessment, (hereafter referred to as FCA) and Modelling Technical Note has been prepared to support the application and reviewed NRW. The FCA includes for the potential 25% blockage of Usk Town Bridge. The assessment below in respect of 1% plus climate change and 0.1% flood event takes account of the flood risk including the bridge blockage scenario, representing a robust assessment of the flood consequences. NRW has assessed the potential consequences of flooding in relation to the proposed development and this is discussed in more detail below.

1% plus Climate Change Allowance Event

NRW has advised that the proposed development including raising of the ground level of the development to between 16.3m - 16.55m AOD, the finished floor level between 16.6m -16.8m AOD and lowering a track towards the south of the site and two storage areas result in the site becoming flood free in the 1% plus climate change (+CCA) flood event (with 25% blockage i.e. 5% to each of the 5 arches to Usk Town Bridge). NRW acknowledge that small areas within the gardens are predicted to flood during this flood event but this will be less than 10mm. NRW conclude that whilst the small level of flooding does not comply fully with the requirements of A1.14 of TAN15, in this instance, due to the nature of the areas predicted to flood and their shallow depths, they raise no significant concerns in relation to the proposals.

0.1% Flood Event (Extreme Flood Event)

NRW concluded that during the 0.1% flood event with 25% of the Usk bridge blocked, the properties are predicted to flood to a maximum depth of up to 200mm with some of the wider site, including site access and gardens flooding up to 400mm. These depths are in line with the tolerable limits set out within table A1.15 of TAN15 (i.e. less than 600mm) and, therefore, acceptable.

The predicted maximum velocities at the site would be less than 0.2 metres/sec which is in line with the tolerable limits set out in TAN 15.

Third Party Flood Risk

In terms of third-party flooding, it is proposed to improve flood conveyance locally to the site (on land under the ownership of the developer) by constructing a flood conveyance route using lower level land alongside the development. This is predicted to reduce the risk of flooding to the area around the periphery of the site to the north.

During the 1% Flood Event plus climate change adverse impacts on maximum water levels are limited to the south of the proposed development and the vast majority of the detriment experienced is limited to the flood storage and conveyance areas and land within the applicant's ownership.

During the 0.1% flood event (extreme event) there is an increase in flooding beyond the redline and limited to less than 25mm. The increase of 25mm in depths does not result in an increase in the frequency or extent of flooding elsewhere. NRW has raised no concerns in relation to this flood impact.

The Local Planning Authority has considered the third-party flood risk further. The flood risk of the proposed development in a 1% Flood event results in no third-party impact. In terms of the extreme event, there is a minimal increase on flooding of up to 25mm on undeveloped land. Whilst this does represent an impact on third-party land, the impact would only be realised in an extreme event which is very rare, and the proposed flood increase would be minimal. Since the land is not in a sensitive or highly vulnerable use, it is not considered the impact would be perceivable and adversely affect the use or enjoyment of this land in its current form. On balance, the risk to third parties is considered acceptable.

Flooding at Access Point

The FCA indicates that during the 1% flood event plus climate change the access/egress on Baron Street is predicted to flood to a maximum depth of 0.6m with velocities of up to 1m/s which is classified as a hazard rating of danger for most. During the extreme event, the predicted depth at the access is greater than 1m with a velocity of greater than 1m per second which is hazardous to all.

The flood risk at the access point is an issue for the Local Planning Authority. In this case, the whole of Usk is affected by flooding and it is challenging for new development to achieve a flood free access. Indeed, most existing development in Usk does not achieve a flood free access. In this case, the flood depths in the 1% flood event plus climate change is up to a maximum of 600mm which is within the tolerable limit of TAN 15 and, therefore, is acceptable.

It is acknowledged the access would flood significantly during an extreme flood event. This type of event is very rare and if it were to occur the whole of Usk would be affected, not just the proposed development site. Given the unlikelihood of this type of event and the fact that the whole of Usk would be affected but would still need to be accessed if necessary, it is considered unreasonable to refuse the application on this basis.

The proposed flood risk to the access and egress is considered to be acceptable.

Usk Town Flood Defences

NRW has confirmed that a structural assessment of the existing Usk Town flood defences has been undertaken and confirmed to be capable of withstanding overtopping conditions during the 0.1% extreme event.

Flood Risk: Conclusion

The flood risk to proposed development is compliant with the requirements of TAN 15. NRW do not object providing the mitigation measures included in the FCA are conditioned, including raising the ground level to between 16.3m - 16.55m AOD, the finished floor levels of the proposed dwellings between 16.6m - 16.8m AOD and a lowered access road within the site to assist flood water conveyance. The proposed dwellings should also include flood resilient measures since as passive flood doors, air brick and tiled floors. These measures will be conditioned.

The proposed development has an acceptable impact in terms of flood risk, subject to conditions. The proposal accords with national planning policy TAN 15 and local planning policies S12 and SD3.

6.8 Drainage

It is proposed that the foul water from the new residential development will be fed into the adjacent 375mm diameter Dwr Cymru combined foul / storm sewer. The 2018 amendment to document G of the building regulations Wales requires water consumption in new dwellings to be limited to 110 litres / person / day. Dwr Cymru Welsh Water have confirmed in a letter dated 22/9/21 that they can accommodate the increased flows generated by the proposed development at the Usk WwTW.

Each four bedroom dwelling will generate 0.9 m3 of discharge per day. Phosphate levels for the whole development site are provided as being:

6 Residential Units = Additional Population of 14.4 Persons (Based on average household size of 2.4)

Total Phosphates = 14.256kg TP / Year (Based on 0.99 kg Total Phosphates per person per year)

The site is currently covered with 2,500m² of commercial greenhouses which were erected in the late 1960's and early 1970's. Impermeable concrete pathways have been constructed between the greenhouses. As this is a developed site a phosphate export coefficient of 1.38 kg/Ha/year has been calculated based on Zhang et al (2014) after HR Wallingford method (DoE, 1981) using locally specific information. The phosphate budget calculation within Appendix A of Phosphate Statement rev C (3/3/22) demonstrates that the change of use of the site will result in a yearly phosphate budget of - 0.459 kg.

A negative phosphate budget figure demonstrates that the proposed development will provide phosphate neutrality or betterment. As such there will be no adverse impact on the integrity of the River Usk SAC as a result of the development.

The applicant has also demonstrated via soakaway testing that surface water can be infiltrated from the site. The development must also obtain SAB consent.

6.9 Planning Obligations

None required due to lack of financial viability .

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

The application has received a number of responses from interested parties and for completeness these comments will be addressed in turn below.

Trail Access Group

The trail Access Group requested that the development include improvements including a safe walking and cycle provision to and from the site to school and improvements to the surface of the path along the riverbank to make it accessible to all ages and abilities. The proposed development is small scale and would result in the increase of 6no. households. It is not considered the scale of development justifies the costs of improvements to local footpaths. The improvement works sought are not integral to the acceptability of the development or directly related to the development and, therefore, are not deemed necessary to mitigate the impact of the development.

Usk Civic Society

The Civic Society raised concerns regarding the flood risk/ Concerns regarding third party impact of flooding. The flood risk has been assessed at length with NRW over a period of nearly two years. The negotiation has included additional flood modelling being completed including accounting for a potential blockage at the Usk Town Bridge. NRW has concluded, based on the extensive information provided, that the risk of flooding is acceptable. This consideration has assessed impact of flooding on future occupiers and existing neighbouring properties, as detailed in full earlier in this report. The Local Planning Authority is satisfied that the risk of flooding is acceptable and accords with TAN15.

Concerns regarding the capability of the access road to cater for additional traffic:

The Highways Authority has assessed the proposal in detail and concludes that the additional traffic generation would be very limited at 7no. vehicles at peak times. The existing road network can accommodate the increase in traffic. It is considered the proposed increase in traffic is acceptable and would not have an adverse impact.

Concerns regarding the traffic impact of large vehicles serving the remaining nursery as well as the proposed development:

The proposed development includes localised widening along Baron Street to enable vehicles to pass. This will improve the access road along Baron Street and make it easier and safer for larger vehicles to enter the garden centre as well as improving the access to serve the proposed development. Notwithstanding the improvement works, as discussed above the proposed traffic increase would not be significant and unlikely to coincide with traffic associated with the Garden Centre.

Neighbours

Raising site levels will adversely impact on neighbouring amenity/ Loss of privacy:

This application is made in outline and scale, layout and appearance are matters reserved for later consideration.

Despite this, the indicative layout, minimum and maximum scale parameters and proposed finished floor levels provide sufficient information to indicate that the application site would be able to accommodate 6no. dwellings in a manner which would not adversely affect neighbour amenity due to the separation distance which can be achieved. Notwithstanding this, a full assessment of residential amenity can be carried out at reserved matters stage to ensure there is no adverse overlooking or overbearing impact as a result of the proposed dwellings.

Increased risk of flooding to surrounding properties:

As discussed above in detail, the proposed development would not increase flood risk to surrounding residential properties.

A similar application was refused by the Council in the past:

Multiple applications can be submitted on sites and, regardless of the outcome, it does not indicate whether a future development would be successful or unsuccessful. This application has been considered on, amongst other things, the current policy regime and up to date flood information and it is against these relevant material considerations that this application is recommended for approval.

Increased air pollution:

The proposed development would result in a minor increase in traffic and it is not considered this would result in an adverse impact on air quality to an extent which would warrant refusal of the application.

The application site is opposite a retirement complex with vulnerable residents:

The proposed development is for residential development which is not a use which is incompatible or would pose a risk to surrounding uses.

Disturbance during construction in relation to traffic, noise and dust:

It is inevitable there will be a level of disruption during construction, however, this will be temporary. To reduce the impact during construction a Construction Traffic Management Plan will be conditioned requiring the applicant to agree measures to reduce the impact of traffic, noise and dust during the construction.

Adverse impact on Highway Safety due to increased traffic on substandard access road:

This has been addressed above.

Adverse impact on pedestrian safety:

The proposed development will result in only a small increase in traffic and include localised improvement works. The proposed development is considered to have a neutral impact on pedestrian safety.

Adverse impact on parking:

The proposed parking provision accords with the adopted Parking Standards Supplementary Planning Guidance.

Adverse visual impact:

The appearance of the proposed dwellings is reserved for later consideration. Notwithstanding this, the existing site currently accommodates glass houses with limited architectural merit. The proposed development, subject to the final design, will offer a betterment and improved streetscene.

Adverse impact increase traffic would have on the structure of the surroundings dwellings:

There is no evidence to suggest increased traffic generation will adversely affect the structural integrity of nearby dwellings.

Consultation not carried out correctly:

The consultation was carried out in accordance with the legislative requirements, including direct neighbour notification, press and site notices.

The Road should be resurfaced:

There will be widening works along Baron Street where required and these works will include localised surfacing to accommodate the widening. Full resurfacing of Baron Street is not reasonable given the small scale of the proposed development.

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

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

6.12 Conclusion

The proposed redevelopment of the application site accords with LDP Policy H1 and offers an opportunity to redevelopment an underutilised brownfield site for residential purposes. The proposal represents an efficient use of land and accords with the principles of Planning Policy Wales.

The consequences of flooding have been assessed in detail and considered by NRW. NRW raise no objection and the Local Planning Authority is satisfied that the risk of flooding is within tolerable limits as set out in TAN15 and in accordance with the relevant policies.

The proposed access point and localised widening works along Baron Road are acceptable a represent an appropriate access arrangement which would not impact on highway safety in accordance with Policy MV1.

The application is made in outline with all matters except the point of access reserved, so a full assessment in terms of heritage matters and residential amenity are not possible at this stage. The information provided, however, demonstrates that it possible an acceptable development in relation to these material considerations can be achieved and, therefore, full assessment can be reserved for later consideration.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of the Outline permission or within 2 years of the date of approval of the last of the reserved matters to be approved whichever is the later.

REASON: To Comply with Section 92 of the Town and Country Planning Act 1990.

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

REASON: The application is in outline only.

3 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.

4 No development shall take place (including ground works, vegetation clearance) until a Contractor's Construction Environmental Management (Biodiversity) plan has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

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

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and the Integrity of the River Usk SAC.

5 No development shall commence until a Surface Water Management Plan (SWMP) for the protection of water quality in the River Usk and River Usk SAC has been submitted to and approved in writing by the Local Planning Authority.

The Approved SWMP must be adhered to throughout the demolition and construction phases and should include, but not be limited to the following:

1. Identification of all potential sources of contaminated water that may be generated on or brought to site during all construction phases until development completion. This includes identifying how

silty water could travel on/off site, i.e. pollution pathways, considering drains, watercourses, slope and topography. Seasonal variation will need to be considered i.e. wetter autumn/winter months will require increased pollution prevention measures and management.

2. Specification of what mitigation measures will be deployed (e.g. lagoons, silt fencing, straw bales, attenuation tanks, SuDS), and when and how they will be deployed throughout the construction phases until completion.

3. Demonstration of the use of clean surface water separation e.g. cut-off trenches/diversion ditches, vegetation corridors, buffer strips to separate clean from contaminated water on site, promoting sustainable development and preventing generation and propagation of contaminated water.

4. Mitigation management procedures including maintenance and monitoring programmes to ensure mitigation methods employed are working effectively. Consideration needs to be given to the type of mitigation measure being deployed and the appropriate monitoring and repair/replacement frequency.

5. Emergency/contingency plans to prevent and control spills and emissions. All staff/contractors employed during the phases must be aware of the SWMP and its requirements, including reporting procedures, as well as contact details for NRW in the event of pollution to the environment.

6. Relevant guidance documents e.g. NetRegs GPP5, CIRIA C532 that support and assist mitigation measures to avoid, minimise and reduce potentially adverse effects that have been identified and described in the WMP.

The approved SWMP shall be adhered to and implemented throughout the development phases, strictly in accordance with the approved details.

REASON: To ensure the Integrity of the River Usk SAC.

6 In conjunction with the submission of the first of the reserved matters, a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the local planning authority. The details shall include a timetable for the implementation of the approved means of enhancement. The approved details shall be implemented in accordance with the agreed timetable and retained as such in perpetuity.

REASON: Future Wales, Planning Policy Wales and Policy NE1 of the Monmouthshire Local Development Plan requires all development to maintain and enhance biodiversity.

7 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

8 Prior to the commencement of development, a Construction Transport Management Statement shall be submitted to and approved by the local planning authority. The agreed method statement shall be implemented in full.

REASON: In the interests of highway safety in accordance with LDP Policy MV1.

9 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

10. The dwellings hereby approved shall have a maximum ridge height of 8.2 metres.

REASON: In the interests of visual amenity and to preserve the character and appearance of the Usk Conservation Area in accordance with LDP Policies DES1 and HE1.

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Application Number: DM/2022/00263

Proposal: Extension and change of use of existing garage into dog day care facility. Change of use of field to dog walking paddock

Address: Rhewl Cottage, Shirenewton To Rhewl Farm, Shirenewton, Monmouthshire, NP16 6AG

Applicant: Mrs Jo Whistance

Plans: All Existing Plans 1535-1 - , All Proposed Plans 1535-2A - , Location Plan 1535-3 - , Block Plan 1535-4 - , Site Layout 1535-5 - , Block Plan 1535-6 - , Site Layout 1535-7

RECOMMENDATION: Approve

Case Officer: Mr Adam Foote

Date Valid: 22.02.2022

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

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises a detached dwelling in Shirenewton and an adjacent field. The sites are located outside of any defined settlement boundaries as identified by the Monmouthshire Local Development Plan (LDP) and are therefore classified as open countryside. Both sites are within a mineral (Limestone) safeguarding area and the field is within the Wye Valley AONB whilst the property is outside of this designation. A Site of importance for Nature Conservation (SINC) known as Wallwern Wood, allocated due to its ancient and semi natural woodland, is located immediately to the southeast of the proposed exercise area field. The dwelling has an existing residential use whilst the field has most recently been used for grazing/agriculture.

1.2 Proposal Description

This application seeks consent to extend the existing garage at Rhewl Cottage to use in accordance with a dog day care use and to use the field for exercise purposes. The proposed garage extension adopts a design in keeping with the existing garage and would measure 8.35m x 5.1m with eaves and ridge height uniform to the existing. The scale, design and position of the extension is illustrated in full on the submitted drawings.

The exercise area measures a total of 1050sqm, the walking field measures 9590sqm and comprises a field lined by hedgerow. The proposed ecological enhancements of recently planted native trees and hedgerows are shown on the proposed plans. The proposed use would provide day care for up to six dogs, two would be brought individually by their owner and four would be collected and dropped off by the applicant. The journey to/from the exercise field can be made on foot, however there is a parking area within the site should access need to be obtained via a vehicle.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DC/2014/00850	Proposed garage and store	Approved	15.09.2014
DC/2015/00379	two storey extension and extension of residential boundary	Approved	14.04.2015
DC/2014/00040	Two storey extension and extension of residential curtilage.	Approved	10.04.2014
DC/2016/00060	Proposed shelter for goats and storage of their food and bedding.	Approved	08.03.2016
DC/2015/00553	Non material amendments in relation to planning permission DC/2014/00040 (provision of dormer windows to front elevation and omission of window to side elevation. Alteration of positions of front door and hall window)	Approved	06.05.2015
DC/2006/00458	Demolition of existing cottage and erection of a new dwelling house, change of use of an area of adjacent agricultural land to increase the residential curtilage.	Refused	05.06.2007
DC/2014/00599	Erection of single garage with ancillary domestic accommodation.	Withdrawn	04.07.2014

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S15 LDP Minerals

S16 LDP Transport

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
GI1 LDP Green Infrastructure
H6 LDP Extension of Rural Dwellings
LC1 LDP New Built Development in the Open Countryside
LC4 LDP Wye Valley AONB
LC5 LDP Protection and Enhancement of Landscape Character
M2 LDP Minerals Safeguarding Areas
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development
RE3 LDP Agricultural Diversification
SD4 LDP Sustainable Drainage

Supplementary Planning Guidance

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

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

Technical Advice Notes

Technical advice note (TAN) 5: nature conservation and planning
Technical advice note (TAN) 6: planning for sustainable rural communities

5.0 REPRESENTATIONS

5.1 Consultation Replies

Shirenewton Community Council: objects to the proposal on the following grounds:

1. The local roads and highways servicing this development are not suitable to accept further high levels of traffic. Because of the nature of the proposal car journeys would be very frequent and regular with daily or more frequent drop offs and collections on very narrow lanes.
2. The application forms notes that there are no parking implications associated with this application and no proposals to deal with cars arriving on site to drop off or collect animals. Clearly there are parking implications that need to be accommodated.
3. The application does not note the number of dogs the facility would cater for or how the waste from such activities will be managed. The number of dogs being catered for will give some indication of traffic generation. The Application Form and drawings are silent on any waste management proposals.
4. The details submitted do not indicate how many staff may be involved in the proposal and does not identify any specific staff parking or facilities.
5. The proposed 1800mm high fencing erected round the dog walking fields is obtrusive and does not fit in with the surrounding natural environment, despite planting proposals which will take years to establish.'

MCC Highways: No objection

MCC Landscape/GI: Holding objection

MCC Biodiversity: No reply

MCC Environmental Health: No objection

MCC Drainage: No objection subject to conditions

AONB Office: No reply

5.2 Neighbour Notification

This application was advertised by means of 3no. site notices and direct neighbour notification. Two objections have been received with the key points summarised as: the use is not needed in the area due to the walking areas available nearby, increased vehicular movements.

One representation in support of the application has been received.

5.3 Local Member Representations

The Highways comments made in relation to application DM/2021/01728 appear to be relevant to this application which is on the same rural lane in relation to the local highway network capacity, which is also part of a main cycling route (national route 42). I would be grateful if the above application could be referred to the planning committee for consideration of local and national planning policy, visual amenity on fencing, transport and highway concerns.

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

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

6.0 EVALUATION

6.1 Principle of Development

The application site is outside of any defined settlement boundaries as shown on the proposals map of the LDP and is therefore classed as open countryside where there is a presumption against new development unless it is for an appropriate use within the countryside. Although the development site is outside of the urban boundary, the proposed use is considered to be acceptable within this location. Whilst LDP Policy LC1 sets out to promote the effective use of land within urban boundaries it is considered unlikely that a site within the urban boundary would exist

where the use would be able to operate without having an adverse impact. Furthermore, TAN6 relates to development within the countryside and promotes the diversification of the rural economy.

LDP Policy LC1 sets out criteria for proposals to be assessed against, in this instance it is considered that the proposal does meet the relevant criteria by providing rural diversification. The proposed extension to the garage is considered to meet the criteria and be justified. There is no objection to the principle of the extension of this scale and nature within the curtilage of a dwelling house, the proposed extension meets the relevant criteria as outlined in LDP Policy H6 and the associated SPG.

The site is within a mineral safeguarding zone however as the proposed extension would be built within the residential curtilage of the existing dwellinghouse and the use of the field changing from agriculture to dog walking, neither of these uses would sterilise the site or provide a justification as to refuse this application.

The development does not propose to interfere with the SINC and therefore there is no adverse impact identified that would warrant refusal.

6.2 Sustainability

The application site is outside of the defined settlement boundaries however given its small scale and need for larger open space with low scale physical infrastructure, it is considered to be an appropriate use within the open countryside. There will be a maximum of six dogs on site each day with four being collected and dropped off each day by the applicant therefore reducing the number of vehicular trips each day.

The proposed development includes solar panels proposed on the rear roof plane of the garage as a source of renewable energy.

6.3 Design

The proposed extension to the existing garage is not considered to result in any unacceptable visual impact or to be harmful to the amenity/character of the area. The design is in keeping with the existing dwelling and garage allowing it to assimilate into the site and due to its proximity to the existing dwelling, is not considered to look incongruous within the wider landscape. LDP policies DES1, LC4 and LC5 are relevant to this application as they aim to ensure that development is acceptable within its surroundings and does not result in any unacceptable harm to the landscape character or to the special character of the AONB.

In this case, the proposed garage extension is located outside of the AONB, therefore only the field/change of use element is within the AONB. No buildings are proposed to be sited within the field and the only development is the parking area/access track and deer fencing. All of the features proposed within the field are considered to be appropriate for this setting and are not considered to look out of place or result in any unacceptable visual impact that would cause harm. Additionally, the applicant has recently planted trees and proposed to plant hedgerows within the field which will further reduce any visual impact caused by the development.

Concerns have been raised by the Council's Landscape Officer in relation to the impact of the proposed deer fencing. The proposed deer fencing is needed to ensure the safety of the dogs whilst using the exercise area and is not considered to be unacceptable in this location. Furthermore, the proposed fencing could be erected within the site without the need for planning permission under Schedule 2, Part 2, Class A permitted development rights granted by The Town and Country Planning (General Permitted Development) Order 1995 therefore this concern is not considered sufficient to warrant the refusal of this application. Details of the proposed fencing and location are required as per a condition. A second condition removing PD rights is proposed to control fencing in the future is deemed appropriate.

6.4 Green Infrastructure/Biodiversity

In line with Welsh Government guidelines, each application for planning permission must now provide Ecological mitigation and enhancement, in this case planting of native hedgerows has been proposed on the submitted plans, this is considered to be appropriate given the scale/extent and location of the proposed development. Due to the proximity of the development site to the SINC it is considered necessary to remove permitted development rights from the field in relation to lighting.

6.5 Impact on Amenity

Given the relatively isolated location of the site and the lack of properties in the immediate vicinity it is considered that the development would not have a detrimental impact on the living conditions of neighbouring occupiers. The Council's Environmental Health Officer has been consulted on this application and raises no objection due to the distance separating the development sites and the closest residential dwellings.

6.6 Highways

The Local Highway Authority have been consulted on this application and their initial objection has been overcome by additional information provided by the applicant. The Highway Authority is satisfied that there is sufficient parking/turning provision within the site to serve the development and as the number of dogs is limited to a maximum of six with four being collected and taken from site by the applicant, there is no concern regarding the capacity of the highway network.

6.7 Drainage

The Lead Local Flood Authority (LLFA) have been consulted on this application and raises no objection subject to a condition requiring a drainage scheme be submitted and agreed by the LPA and subject to an informative relating to SuDS.

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

The Community Council has raised the following concerns in their objections:

1. The local roads and highways servicing this development are not suitable to accept further high levels of traffic. Because of the nature of the proposal car journeys would be very frequent and regular with daily or more frequent drop offs and collections on very narrow lanes.

- No objection or concern has been raised by the Local Highway Department in terms of the capacity of the existing road network; therefore the LPA has no grounds for concern in this respect.

2. The application form notes that there are no parking implications associated with this application and no proposals to deal with cars arriving on site to drop off or collect animals. Clearly there are parking implications that need to be accommodated.

- The most recent plans indicate parking provision on site with a turning area which has been deemed satisfactory by the Local Highway Authority and therefore no concern is raised in this regard.

3. The application does not note the number of dogs the facility would cater for or how the waste from such activities will be managed. The number of dogs being catered for will give some indication of traffic generation. The Application Form and drawings are silent on any waste management proposals.

- The proposed use would cater for a maximum of 6 dogs which will be controlled via a condition. MCC's licencing department has advised the applicant to use the local dog faeces disposal facility this will be arranged separately with a collection service operated by the Local Authority.

4. The details submitted do not indicate how many staff may be involved in the proposal and does not identify any specific staff parking or facilities.

- The application form submitted with the application, does not indicate any additional staff, the proposals will be staffed by the applicant alone. Overall, the parking is considered sufficient for the proposals. There are no objections from the Highways Officer.

5. The proposed 1.8m high fencing erected round the dog walking fields is obtrusive and does not fit in with the surrounding natural environment, despite planting proposals which will take years to establish.'

- The visual impact in relation to the fencing is not considered to be unacceptable however as this can be erected without the need for planning consent this is not a sufficient reason for planning consent to be withheld.

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

Having regard to the policy context above, the proposal is considered to be acceptable and planning permission is recommended subject to conditions.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 No works shall commence on site until the LPA has approved in writing the surface water drainage system for the site. The system will need to be in line with National Statutory Guidance for SuDS with both water quantity and quality in line with the standards. Runoff will need to be reduced to greenfield rates and follow the discharge hierarchy in Building Regulations Approved Document H. The approved drainage scheme shall be carried out before the use, hereby approved, is commenced.

Reason: To ensure the development does not increase runoff into local watercourses or increase pollutant hazards in local watercourses.

4 Prior to the commencement of development full details of landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
o Soft landscape details shall include: means of protection, planting plan(s), specifications including cultivation and other operations associated with tree, plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.

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

5 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.

6 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing and shall include details of the arrangements for its implementation

All planting, hedging, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following 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.

7 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 in the exercise area unless an appropriate lighting plan which provides detail of lighting type, positioning and specification has been agreed in writing with the LPA. All lighting shall only be implemented in strict accordance with the approved details.

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

8 The dog day care element of the proposal hereby approved is limited to a maximum of 6 dogs at a time.

Reason: In the interests of Highway Safety and Residential Amenity

9 The use hereby approved shall not operate outside of 8am - 6pm daily.

Reason: In the interests of residential amenity.

10 Prior to beneficial use of the use hereby approved, the parking and turning provision as shown on approved plan 1535-7 must be provided and maintained in perpetuity.

Reason: In the interests of Highway Safety

11 Prior to the development coming into beneficial use/operation the external finishes as shown on approved plan 1535-2A shall be applied and completed.

Reason: In the interests of visual amenity.

12 No fencing or other means of enclosure shall be erected on site until full details including finish, locations and heights have been submitted to and approved in writing by the LPA, the development will then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

13 Notwithstanding the provisions of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly authorised by this permission) shall be erected, constructed or increased in height within the site.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1.

INFORMATIVES

1 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).

2 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.

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

The SuDS Approving Body (SAB) is a service delivered by the Local Authority to ensure that drainage proposals for all new developments of at least 2 properties OR over 100m² of construction area are fit for purpose, designed and built in accordance with the National Standards for Sustainable Drainage published by Welsh Ministers.

If you are in any doubt as to whether you require SAB approval, please contact:

SAB@monmouthshire.gov.uk

For advice regarding the application process and general enquiries - 01495 768306

For technical advice regarding your SuDS design and meeting the National Standards - 01633 644730

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

5 Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease, and an appropriately experienced ecologist must be contacted immediately.

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Application Number: DM/2022/00484

Proposal: Full planning application for the construction of 9 dwellings including means of access, drainage, landscaping, associated engineering and infrastructure works

Address: Land at former Tythe House, Church Road, Undy, NP26 3EN

Applicant: Mr Chris Withey

Plans:

- T2326-1-PA-01 LOCATION PLAN 17/08/22
- T2326-1-PA-02 SITE SURVEY 17/08/22
- T2326-1-PA-03D SITE PLAN 11/11/22
- T2326-1-PA-04C SITE PLAN LEVELS 11/11/22
- T2326-1-PA-05C SITE HARDSCAPE/BOUNDARY TREATMENT 11/11/22
- T2326-1-PA-06 SCREEN WALL 17/08/22
- T2326-1-PA-07 BOUNDARY FENCE 17/08/22
- T2326-1-PA-08 MESH BOUNDARY FENCE 17/08/22
- T2326-1-PA-09 BOUNDARY FENCE (FRONT) 17/08/22
- T2326-1-PA-10 TOBERMORE HYDROPAVE PEDESTA 17/08/22
- T2326-1-PA-11B PLANS PLOT 1 12/10/22
- T2326-1-PA-14A PLANS PLOT 2 24/08/22
- T2326-1-PA-15A ELEVATIONS PLOT 2 24/08/22
- T2326-1-PA-15B ELEVATIONS PLOT 1 12/10/22
- T2326-1-PA-16 PLANS PLOTS 3 & 4 24/08/22
- T2326-1-PA-17 ELEVATIONS PLOTS 3 & 4 24/08/22
- T2326-1-PA-18 PLANS PLOTS 5 & 6 24/08/22
- T2326-1-PA-19 ELEVATIONS PLOTS 5 & 6 24/08/22
- T2326-1-PA-24 PLANS PLOTS 7 & 8 24/08/22
- T2326-1-PA-25 ELEVATIONS PLOTS 7 & 8 24/08/22
- T2326-1-PA-26 PLANS PLOT 9 24/08/22
- T2326-1-PA-27 ELEVATIONS PLOT 9 24/08/22
- T2326-1-PA-28 STREET ELEVATION 24/08/22
- T2326-1-PA-32 LONG SECTION 24/08/22
- T2326-1-PA-33 DISTANCES 30/09/22
- T2326-1-PA-35A SECTIONS & CROSS SECTIONS 22/11/22
- T2326-1-PA-36A SITE SECTIONS 22/11/22
- T2326-1-PA-37A SITE SECTIONS 22/11/22
- 521.01 F PLANTING PLAN 15/11/22
- 9766-GRY-01-00-
DR-C-100-P6 DRAINAGE LAYOUT 25/11/22
- 9766-GRY-01-00-
DR-C-102-P6 SECTION 38 HIGHWAY LAYOUT 25/11/22
- 9766-GRY-01-00-
DR-C-105-P7 VEHICLE TRACKING REFUSE VEHICLE 25/11/22
- 9766-GRY-01-00-
DR-C-104-P3 SECTION 104 FOUL DRAINAGE LAYOUT 25/11/22
- 9766-GRY-01-00-
DR-C-106-P1 SECTION 104 FOUL DRAINAGE LONGSECTIONS DETAILS
11/11/22
- 9766-GRY-01-00-
DR-C-110-P2 ADOPTION PLAN 25/11/22
- Construction Method Statement 11/11/22
- 12700 Outline Remediation Strategy 11/11/22
- SK1 Retaining Wall Detail 14/10/22
- 2821 Written Scheme of Investigation 03/10/22

RECOMMENDATION: Approved Subject to S106 agreement

Case Officer: Ms Kate Young

Date Valid: 29.03.2022

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

1.0 APPLICATION DETAILS

1.1 Site Description

The application site which measures 0.4 ha is located within the Magor with Undy Development Boundary. The site which until recently contained a two storey dwelling and some stone outbuildings, is now vacant and overgrown. Towards the centre of the site are some mature trees which are the subject of preservation orders. To the south of the site is Church Road and St Marys Church. To the north is the playing fields with the railway line beyond. To the east and west of the site is existing residential development which comprises two-storey detached dwellings. Topographically the site slopes upwards from southwest to northeast. The site contains an existing Public Right of Way which runs from north to south along the eastern boundary, this connects Church Road with the open space to the north.

In 2010 planning permission DC/2007/01277 was granted for residential development on the site involving conversion of existing buildings to four dwellings and erection of six new build dwellings, two of the new dwellings on the site were to be affordable and subject to a s106 Agreement. Work on that development never started and the permission has now lapsed.

The site is within a designated Archaeologically Sensitive Area. The southern half of the site is within a C1 Flood Zone.

1.2 Value Added

Following negotiations with planning and highway officers the proposed layout of the site and the design of the houses has been significantly altered to protect residential amenity and to comply with highway standards. The width and alignment of the public footpath running through the site has been altered; it is now 3 metres wide for its whole length.

1.3 Proposal Description

This full application seeks the erection of nine new residential properties two of which would be affordable homes and constructed to Welsh DQR standards. A new access would be created off Church Road. A private drive would provide vehicular access to the three properties at the front of the site. To the front of the site a new footpath would be created along Church Road and between the footpath and houses would be the sustainable drainage system including swales. The existing public footpath to the north would be retained and resurfaced to a width of three metres.

On the southern part of the site there would be three, 4-bedroom, detached dwellings with integral garages facing towards Church Road. There would be two pairs of semi-detached dwellings, facing north east towards the public right of way. Plots 5 and 6 would be the affordable units and each would have two bedrooms. Plots 3 and 4 would have four bedrooms each, one of which would be in the roof space. There would be roof lights on the front and rear elevations. At the end of the spine road, facing in towards the site would be two detached properties. Plot 1 would have three bedrooms on the first floor and a master bedroom with en-suite in the roof space, this property would have a roof lights on the side elevation. Plot 2 would also have three bedrooms at first floor level and a fourth bedroom in the roof space. The roof space would be served by windows in the front and rear gables and one rooflight.

All of the dwellings would be finished in white render with Stonewold grey slates on the roof. The parking spaces would be of permeable pavements. The boundary fences would be retained where possible there would also be a chain link fence to the rear of plots 1 and 2, hooped metal railings and screen walling to the side of plot 1 adjacent to the footpath. A comprehensive planting plan has been submitted which included tree and shrub planting. The ground levels at the front of the site are being raised significantly.

The planning application is supported by the following information:

Planning Statement - Highlight Planning;
 Preliminary Ecological Appraisal - Wildwood Ecology;
 Site Investigation Report - Integral Geotechnique;
 Flood Consequences Assessment - GRAYS;
 Drainage Design Statement - GRAYS;
 Tree Survey - Treescene;
 Tree Constraints Plan - Treescene; and
 Planting Plan - Catherine Etchell Associates Ltd.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/00484	Full planning application for the construction of 9 dwellings including means of access, drainage, landscaping, associated engineering and infrastructure works.	Pending Determination	
DC/1996/01103	Change Of Use To Licensed Premises.	Approved	24.02.1998
DC/2002/00325	Conversion Of Existing Buildings And Six Number New Build Residential Units With Garages And Associated Works.	Approved	14.10.2004

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
MV3 LDP Public Rights of Way
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection

Supplementary Planning Guidance

Affordable Housing SPG July 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

Green Infrastructure April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf>

Domestic Garages SPG (January 2013):

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Domestic-Garage-SPG-Jan-2013.pdf>

Monmouthshire Parking Standards (January 2013)

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

National Planning Policies (If Any)

Technical Advice Note (TAN) 15: Development and Flood Risk (2004):

<http://gov.wales/topics/planning/policy/tans/tan15/?lang=en>

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

Magor with Undy Community Council (August 2022) – the Council considered the content of this application and were aware of previous application for the same site. They were mindful of concerns raised by Network Rail regarding proximity, drainage, noise and lighting impact upon railway line infrastructure. The Council are further mindful of the matters raised by Monmouthshire CC Highways as there remains unanswered questions regarding the public right of way and encroachment onto the highway. That the proposed application was an over-development and not considerate of the existing environment.

It is recommended that the application be declined because it does not satisfy the concerns of residents, consultees and the proposed application is considered to be an over-development which is inconsiderate of the existing environment.

MCC Highways - I can confirm that the overall layout issued by Grays is now satisfactory and addresses my previous concerns.

Natural Resources Wales (NRW) - We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching conditions relating to flood risk and protected species.

MCC Housing Officer - It is agreed that there would be provision for 2 x 4 person 2-bedroom affordable houses which meets the policy requirement for 25% on site affordable housing and meets an identified need in this location. The affordable units are not clearly marked on the plans but I understand these to be units 5 and 6. The affordable homes need to be designed to meet Welsh DQR 2021 Appendix A and B space requirements, this has been confirmed by the developer and is reflected in the floor plans provided. The affordable homes would need to be neutral tenure at this stage and will be transferred to the preferred RSL, in this instance Melin Homes. I can see that the plans have been amended so that the affordable homes now provide 2 parking spaces each and accessed from the adopted road rather than a private drive.

MCC Ecology - No objection subject to conditions.

Network Rail - No objection.

Dwr Cymru - Welsh Water - No objection subject to a condition requesting a drainage scheme.

Glamorgan Gwent archaeological Trust (GGAT) - The proposal requires archaeological mitigation. I can confirm the submitted written scheme of investigation is appropriate.

SuDS Approving Body (SAB) - Concerns with regards flood risk.

Surface Water Drainage

The application has demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer) and has submitted a pre-application for the SAB's approval therefore there are no objections to this site on a Surface Water Drainage Basis.

From the plans submitted the total construction area is above 100m² (building footprint, yard area, hardstanding and parking bays) if it is then SAB approval will be required prior to any works commencing on site. Please attach a SAB informative to the decision notice and draw the applicant's attention to this requirement. This does not however subtract from the need for the drainage statement highlighted above

Flooding

The Flood Consequences assessment (FCA) submitted by the applicant assesses the impacts of the flood risk on the site.

NOTE the flood maps used are the current flood maps. In December 2021 NRW released new maps alongside the TAN15 changes. These maps show significantly more flood risk to the site as there was a change in the classification in the NRW Flood Defences. We would request the applicant demonstrate/assess the flood risk against this new set of maps as it significantly increases the flood risk to the site.

The applicant has shown a retaining wall built along the boundary of Plot 9. This should be designed to include a French drain along the boundary to prevent flows from the embankment going over the boundary into adjacent properties. This will need to be included in the drawing detail.

MCC Environmental Health

The proposed development is in close proximity to the railway line and the potential for disturbance of noise from the rail traffic on the use and enjoyment of the residential properties should be considered. Recommend that a noise assessment is undertaken. No dimensions or measurements shown on the plans.

MCC Tree Officer - No objection.

The applicant has submitted a BS5837: 2012 tree survey report and accompanying tree constraints plan. The five trees listed in the report are two Sycamore (T1, T5) and three False Acacia (T2, T3, T4). Trees 1 - 4 have been graded as category U (very poor condition / dead) and recommended for removal, and the offsite tree T5 listed as a category C low quality tree with a useful life expectancy of 10 - 20 years. It is very unlikely that trees 1 - 4 would significantly improve in condition, and I have no objection to their removal.

Based upon its poor structural condition, and the public access nature of the site, tree 4 should be removed regardless of whether the development proposals proceed or not.

Trees 1 – 3 are of low quality, and if required, it should be possible to retain them within the proposed layout as shown on drawing no. T2326-1-PA-03 where that part of the site has been shown as garden space.

MCC Public Rights of Way Officer (PROW) – Objects.

Council Public Rights of Way (PROW) Team seek positive outcomes from development by pursuing the improvement of existing PROW, the application of good design principles to new routes and the provision of new or upgraded routes. Public path number 1 in the community of Magor with Undy runs through the site of the proposed development. The existing right of way is a footpath, and the width of this way is believed to be the full width of the bounded area which is around six metres for most of its length. The path is a proposed Active Travel route. The Active Travel (Wales) Act 2013 requires that highway authorities, local authorities and the Welsh Ministers must take reasonable steps to enhance the provision made for walkers and cyclists. Instead of enhancing and improving the path, this application seeks to diminish the size of the path and for this reason this planning application is objected to. Monmouthshire Public Rights of Way ask that the existing right of way is left at its full width, and the development is changed to accommodate this. If the applicant wishes to reduce the width of the way, then a path order application will need to be made and a successful path order will be required. Importantly, path orders are subject to legal tests and public consultation, path order applications are therefore not guaranteed to succeed.

The latest design shows the footpath reduced to 3 metres in width and therefore MCC PROW maintain their objection to this development.

MCC Landscape and GI Officer – No objection subject to conditions

The revised submission has simplified the overall scheme with a reduction in development density, an overall reduction in GI provision and value in terms of streetscape and hard surface interfaces. The revised plan 521rev F has made provision for new planting to the frontage which is welcomed.

5.2 Neighbour Notification

Letters of objection were received from seven addresses following re-consultation (updated 16/10/22). These can be read in full on the website but are summarised here for reference; comments, initial and post re-consultation, have been included.

- The updated plans show no significant change. They still show overdevelopment of the site with houses that are overbearing and not in keeping with the current street scene. The

ridge levels of all the new houses will be well above the ridge levels of all surrounding properties. The site should be developed with bungalows or an older people's complex. Loss of light to neighbouring properties resulting from the raising of ground levels.

- Insufficient dimensions and information in relation to distances between properties. Details of existing properties not shown. The plan does not show the existing access track.
- Private shared driveways should be a minimum of 4.5m wide, the road is too narrow.
- Church Road cannot accommodate any more traffic. Highway danger due to increased traffic. No visitor parking, provided. Danger to pedestrians who use this area for daily walking. Additional traffic will compromise the use of a thriving community hall. There are no pavements on Church Road, so a danger for school children. Headlights from cars will shine into existing properties.
- Surface water run-off from the proposed raised levels may flood neighbouring and existing properties. Increased risk of flooding.
- Loss of privacy of garden due to raised ground levels, including rear garden of Camelot.
- Concerns over capacity of current pipework/drainage infrastructure to accommodate more development.
- Noise and pollution during construction and following the completion of the development
- MCC Estates Solicitor has confirmed that an historical "statement of truth" exists on at least one of the 1950s semi-detached properties adjacent to this land and backing on to the playing fields, which states that both vehicular and non-vehicular access to the rear garden of the said property exits via the PROW and via the field, now leased via a Community Asset Transfer by Undy AFC.
- Overbearing impacts and loss of light to dwellings and gardens.
- Will the wildflower/wildlife corridor that is adjacent to my property be above or below the low retaining wall and who will maintain it?
- Concerns over the width of the PROW and vehicular and pedestrian access through the existing.
- Adverse impact on the character of the area. However we welcome development of the site but the density is too high.
- Does not comply with the SPG on Infill Development.
- Previous applications on this site have been refused
- Public transport in the area is inadequate for this development
- I would like to see the person responsible for arranging for the old house and the even older barn to be demolished, prosecuted for doing so without either planning or archaeological consideration
- TPO's on the site have been nullified.
- Overlooking of the front bay window to Camelot
- Inaccurate Plans
- When will the application to reduce the PROW be submitted?

- Neighbour believes from recent evidence that they have had a Right of Way over the 6 metre plus lane that runs from Church Road to the double gates at the rear of Camelot since the 1960's.
- The church is vital part of the community and will be severely impacted by this decision.
- Who will maintain the PROW?
- It will reduce access to the playing fields for emergency access, for the hundreds of children that regularly use this facility.
- A 2metre high wall is inappropriate.
- Over-development with poor design and with no amenity space. It is not good placemaking at all.
- Comments from MCC Landscape Architect and Highway Authority have not been taken into account.
- No turning areas and no pavements within the site.
- A pile of refuse bags at the edge of Church Road and opposite St Mary's church and graveyard will not be welcomed by anyone.
- The proposed development will compromise the provision for walkers and cyclists by reducing the size of the existing path.

5.3 Other Representations

None Received

5.4 Local Member Representations

Councillor Angela Sandles

The number of dwellings proposed is over-development for the area in question. Nine homes on such a small plot of land seems excessive. There are clearly two pinch-points. Namely, plot one with regards to the PROW, and plot nine regarding the neighbouring property (14 Bridewell Gardens) noting there will possibly be problems with surface water drainage into this property from the new development. The ridge height of the proposed properties in comparison to the existing properties is not compatible due to the disparity in heights. I have reservations about the size/width of the proposed roads on this site, noting that large vehicles such as general deliveries and refuse collections needing access will be unable to turn which could be a health and safety issue.

Also raise concerns over the extent of Green Infrastructure on the site as part of the overall scheme.

Therefore, I strongly object to this development in its current format.

Councillor John Crook – Observations

This is an Urban Approach out of character to a Rural Village Location infill.

General Density figure not suitable for a narrow odd L-shaped site village location. 30 units per hectare is only a guide to an open average accessible site, whereas this is not one of those average sites.

Please take a look at the Interactive Local Development Plan Map –

Monmouthshire. MCC Licence 100023415. which clearly shows two different lined locations One North of the Main Wales to London Railway line and the other South of that Railway line. Two different Densities, much heavier North, much lower South.

Inadequate residential amenities for future occupiers (gardens too small) for family development. Very poor Infrastructure/ facilities are available in Undy.

Not against this development but with a reduced number of properties for example 7 in total which would allow better Road Access, more landscaping / GI Facilities for the occupants, more Open Spaces, and larger gardens.

Remove Plot No 1, make Plot No2 a larger property. Remove Plot No 9 to provide a turning circle – a Hammerhead much like the one in Bridewell Gardens next door.

The 45 degree angle Between Plot 14 at Bridewell Gardens as marked up on Plan T2326 – 1- PA-03-C. is meaning less as the 2.1 metre retaining wall and Plot 9. Has an overbearing impact especially to the privacy and the rear garden of Plot 14 Bridewell Gardens as both properties are not parallel with each other.

Confusion over the width of the access.

The PROW is 6 metres wide for its whole length. Diminishing the size of the path is contrary to active travel

The site should be compared to the adjacent Bridewell Gardens

Need clarification regarding the French drain

Some of the allocated parking spaces will be difficult to manoeuvre into and out of

Road is too narrow for refuge vehicles, leading to issues with smell and health and safety

Highways should re-assess the road layout.

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

PPW 11 paragraph 4.2.23, states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. The site is located within the Magor with Undy development boundary within which there is a presumption in favour of new residential development subject to detailed planning considerations. The plot is of sufficient size to accommodate nine residential dwellings of a similar size to existing dwellings in this area. Policies S1 and H1 allow for new residential development to be built inside the development boundaries of Severnside Settlements of which Undy is one. Therefore, the principle of new residential development in this location is acceptable.

6.2 Sustainability

The Local Development Plan (LDP) and PPW encourage sustainable development and promote making the most efficient use of brownfield land. This is a sustainable location for a new residential development as it is located within an existing residential area close to many facilities such as the playing fields and the primary school. The site is also within reasonable walking distance of the shops and other services provided in Magor Square. Magor with Undy is served by a local bus service linking it to the larger settlements of Caldicot, Chepstow and Newport. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

6.2.1 Good Design

Policy DES1 of the LDP requires that all development shall be of a high quality, sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. The adopted SPG on Infill Development says that the size of the infill proposal should reflect the prevailing character of the adjacent properties in terms of scale, mass and rhythm of the street scene. The proposed new dwellings will be set back approximately 20 metres from Church Road, and Green Infrastructure and a rain water garden will be set between the road and the new dwellings, providing a visual buffer and biodiversity enhancement. The public right of way will be open and visually linked to the development, providing open views through the site.

Planning officers have spent considerable time discussing the design of the house types with the developers and many changes have been made. Plots 7, 8 and 9 do follow the pattern of the street

scene, facing onto Church Road although they are set slightly further back in the plot. The ground levels of this part of the site have to be raised to take the properties out of the flood zone; as a result the finished floor levels of these three units are above those of the adjoining properties. In order that the roof heights do not exceed the ridge heights of neighbouring properties, the roof pitches on these three new dwellings are shallow and the maximum ridge height is less than 7 metres.

Plots 5 and 6 are the proposed affordable units. They have a simple design but the central part of the front elevation protrudes forward slightly and there is a canopy over the front doors. The affordable units will be finished in the same materials as the rest of the development which helps them to assimilate. They have the same level of detailing as the other properties on the development with brick headers and concrete cills. Plots 3 and 4 are also a pair of semi-detached properties. They have quite a steep roof pitch with a maximum ridge height of 8.7 metres. They have high level windows serving the rear bedrooms. There are canopies over the front doors that are finished in grey hanging tiles. Plots 1 and 2 are a detached dwellings. They will appear to be three storey because of the large windows in the top gable in the roof space but will be 8.5 metres in height to the ridge. The principal windows of plot 1 and 2 are on the rear elevation, facing towards the playing fields and on the front elevation looking into the site.

The new development on this site will engage well with the existing properties on Church Road and will enhance the street scene. The massing and form of the new dwellings respect the character and form of the existing dwellings in the area. They are of a similar size, height and plot width when compared to other properties in this part of Church Road. All of the proposed dwellings will be finished in white render with grey slate Stonewold tiles on the roof. The window frames will be charcoal grey upvc which will give a contemporary feel to the development. The finishing materials on the two affordable units on plots 3 and 4 match exactly those on the rest of the site and therefore there will be no visual distinction between the market and the affordable housing. The scale of the proposed dwellings and their finishing materials will respect those of the surrounding existing residential development and therefore the character of the area will be preserved in line with the objectives of Policy DES1 of the LDP.

6.2.2 Place Making

Policy DES1 of the LDP requires that a development contributes to a sense of place while its intensity is compatible with existing uses. PPW 11 says that good design is fundamental to creating sustainable places where people want to live work and socialise. The special character of an area should be central to its design. Policy DES1 criterion i) of the adopted Local Development Plan says that Development proposals will be required to make the most efficient use of land, compatible with other criteria, including that the minimum net density of residential development should be 30 dwellings per hectare. In this case the developable site area is circa 0.3ha and 9 homes are proposed which provides a net density of 30 dwellings per hectare, thus complying with LDP Policy DES1. The density, size and massing of the proposed new development would be similar to that of the adjoining housing development at Bridewell Gardens. Planning officers consider that the prevailing character of this area is being reflected in the new proposal. It is accepted that the housing development to the south of this site, on the opposite side of Church Road, is predominantly bungalows set on large plots, and therefore their density is lower. The proposed new development, however, will be seen more in the context of Bridewell Gardens and the properties to the north of Church Road.

In this case the layout, form scale, visual appearance of the development does engage with its surroundings, providing new residential dwellings in an established residential area. The character of the area is respected in terms of massing, scale, form and materials. The development will contribute to a sense of place. An area of overgrown waste land will be used to provide nine contemporary houses which will visually enhance the area. The proposal therefore complies with one of the key objectives of PPW11.

6.2.3 Green Infrastructure and Landscape

There will be a substantial amount of green infrastructure to the front of the site in the form of rain gardens and swales that will be planted with a wild flower mix. This will form part of the Sustainable Drainage System (SuDS). There will be several shrub beds planted throughout the site. Nine new

trees will be planted at the front of the site with a further two, set back in the site. A ruderal vegetation strip will be retained at the northern end of the site, adjacent to the playing fields, this is to provide reptile habitat. The applicant has submitted a tree survey report and tree constraints plan. There are five trees subject to a Preservation order listed in the report, of which there are two Sycamore (T1, T5) and three False Acacia (T2, T3, T4). Trees 1 - 4 have been graded as category U (very poor condition / dead) and recommended for removal, and the offsite tree T5 listed as a category C low quality tree with a useful life expectancy of 10 - 20 years. It is very unlikely that trees 1 - 4 would significantly improve in condition, and the MCC Tree Officer has no objection to their removal. However following negotiations with planning officers, the layout of the scheme has been amended and trees T1, T2, T3 and T5 are now being retained. The three False Acacia will be retained in an area of Public Open Space and subject to a management company for maintenance purposes. An Arboricultural Method Statement (AMS) including details of how the adjacent large Sycamore tree (T5) to the north-west of the site will have its Root Protection Area (RPA) protected during the proposed work will be required by condition.

6.3 Historic Environment

The site is not in a Conservation Area. St Mary's Church to the south east of the site is Grade II listed. Remnants of a Roman building was found at Undy Athletic Club and the finds of Roman and medieval date within the church yard of St Mary's Church, less than 30m away from the site, show that there is the likelihood of evidence for previous human activity being located in the application area. Therefore, GGAT have requested a condition for a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource via condition.

6.4 Biodiversity

Wildwood Ecology have undertaken a Preliminary Ecological Appraisal (PEA) of the Application Site. The ecological baseline conditions at the site and immediately adjacent areas were assessed in July 2020 and March 2022 through a combination of desk study and field Surveys which followed the standard Phase 1 Habitat Survey protocol. The Phase 1 Habitat Survey and desk top analysis found that the site was located a sufficient distance away from any designated sites. Accordingly, there would be no impacts on designated features because of development on this site. No overriding constraints were identified in terms of particularly sensitive ecological succession on the site.

MCC Ecologists evaluated the PEA and found the site to include scattered trees, tall ruderal vegetation, dense bramble scrub, and poor semi-improved grassland as well as two metal shipping containers present at the eastern site boundary. No invasive species were identified within the site during the survey. Habitats within the site are considered to provide suitable commuting, foraging and nesting opportunities for bats, nesting birds, badger, hedgehog, invertebrates and low numbers of reptiles. The walkover surveys followed standard survey guidelines as set out in Joint Nature Conservation Committee (JNCC) (2010) Handbook for Phase I Habitat Survey. A technique for environmental audit.

Three trees within the site were assessed as having low potential for roosting bats. Surrounding habitats including the nearby railway corridor provide good foraging opportunities for bats. The shipping containers were assessed as having negligible potential for roosting bats. Precautionary methods have been recommended regarding the protected and priority species listed above within the ecology report. These measures are deemed acceptable for the works. The level of survey effort and assessment is considered proportionate to the nature and scale of the application. MCC Ecologists agree with the conclusions of the PEA. The ecology report also states that a dark corridor should be maintained around the boundary of the site. Any lighting to be installed as part of the development must be designed sensitively for biodiversity to minimise impacts to nocturnal species. This can be imposed by condition.

Biodiversity Net Benefit

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide

a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The PEA report includes details of proposed enhancement measures to include installation of five bat boxes, three house sparrow terraces, three starling boxes and two bird boxes. The report recommends box designs of suitable sturdy construction. Additionally, raingardens and wildflower grassland areas will be incorporated into the development design. These enhancement measures are considered acceptable for the proposals and locations are illustrated in 'Appendix II: Proposed Development Plans and Enhancement Plan 2022' of the PEA report. The proposal accords with the objectives of Policy NE1 of the LDP.

6.5 Impact on Amenity

The site is surrounded by residential properties, the dwellings on Church Road and Bridewell Gardens are immediately adjacent to the site and are all two storey in height. In addition, there is a row of three bungalows to the south of the site on the opposite side of Church Road. Undy Community Hall and carpark are to the east of the site on the opposite side of Church Road.

To the north-east of the site is a two storey dwelling named Camelot. It has its side elevation facing into the site. There are no windows on this side elevation. Plots 4 and 5 of the new development face the side elevation of Camelot at a distance of over 10 metres. Between the front elevation of these new dwellings and the side elevation of Camelot is the access road into the site and the public right of way. The existing boundary wall for Camelot adjacent to the public right of way (PROW) will not be altered as a result of this proposal. Plot 6 will look towards the front garden and bay window of Camelot and plot 3 will look towards the rear garden, again this it at a distance of over 10 metres. Plots 1 and 2 will face into the site with their principal windows facing into the playing fields at the rear. Plot 2 has no windows on the south-west elevation and it is over 20 metres from the side elevation of 9A Bridewell Gardens and at least 10 metres from the rear elevation of Carolyn in Bridewell Gardens. The existing timber boundary fence along the common boundary will be retained and because of the distance between the existing and the proposed dwellings and their orientation there will be no significant loss of privacy.

Plots 7, 8 and 9 all face towards the rear elevation and garden of Darlea. In 2021 planning permission was granted for a single storey extension to the rear of Darlea, that will protrude 3.5 metres from the rear elevation and run the whole width of the house. It extends to approximately 7 metres from the rear boundary. There is a close boarded fence along the common boundary. The separation distance from the rear elevation of Darlea (minus the first floor extension) to the rear elevation of plot 9 of the new development would be 21 metres which complies with the standards outlined in the adopted SPG. The approved single storey extension to Darlea, if built, would be protected from overlooking by the close-boarded fence along the common boundary. When originally submitted plots 7, 8 and 9 all had large first floor balconies proposed on the rear elevations overlooking Darlea, but all of the balconies have now been removed in order to protect residential amenity.

No 14 Bridewell gardens faces onto Church Road. Plot number 9 will be adjacent; there will be a separation distance of 4.26m between Plot 9 and 14 Bridewell Gardens. The existing floor level of No14 Bridewell Gardens sits at circa 8m and the FFL of Plot 9 will sit at 9.3m. No 9 will be built on a retaining wall and there will be a strip of wildflower planting between the two. Plot no 9 is set much further back in the plot so that the front elevation of plot 9 lines up with the rear elevation of no 14 Bridewell Gardens. However, given the distance between the two properties, the 45 degree rule, as referred to in the Infill Development SPG is complied with. Plot no 9 has a side window on the first floor facing towards no 14 Bridewell Gardens, this will serve an en-suite and will be of obscure glazing. No 14 Bridewell Gardens also has a first floor window on the side elevation but the two properties are staggered so that the windows will not overlap.

To the south of the site is a row of three bungalows. These are set at a lower level and approximately 18 metres back from the road. Given this arrangement there will be no unacceptable levels of overlooking and overdominance as the front elevations of the new dwellings are over 40 metres from the front elevations of the bungalows.

The proposal accords with the Council's normal privacy standards for new development. The layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development.

6.6 Highways

6.6.1 Sustainable Transport Hierarchy

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located within the Severnside Settlement of Magor with Undy. The Square in Magor, which is less than one mile from the site contains a Post Office, supermarket and other facilities. There are two primary schools within walking distance of the site, there are also churches and public houses within the Village. There is a public bus service that runs from Newport to Chepstow and this gives easy access for the range of facilities in the nearby settlement of Caldicot. The site is in a relatively sustainable location so that the occupiers of these dwellings will be less reliant on the car to go about their daily business.

6.6.2 Access / Highway Safety

At the request of the Highway Authority the layout of the site has been altered to ensure that there is no development on highway land and to ensure adequate turning provision within the site. The additional pavement along Church Road is to be welcomed. The proposal is now acceptable having regards to access and accords with Policy MV1 of the LDP.

6.6.3 Parking

The adopted Monmouthshire Parking Guidelines require one car parking space per bedroom for new dwellings up to a maximum of three per dwelling. In this case, three car parking spaces are being provided for each dwelling except for units 3 and 4 which will have two car parking spaces each as they are two bedroom properties. The proposal therefore accords with the adopted parking standards and complies with the objectives of Policy MV1 of the LDP. A condition will be imposed ensuring that the car parking provision is provided prior to occupation of the dwellings.

6.7 Affordable Housing

Policy S4 of the Local Development Plan requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. The policy says that within the Severnside Settlements, developments sites with a capacity of five or more dwellings will make provision for 25% of the total number of dwellings on the site to be affordable. In this case two affordable units are being provided on the site; these are both two-bedroom units and are compliant with DQR standards. The provision of two-bedroom units is in line with the need demonstrated by the local housing register. The affordable units will be constructed by the developer and then passed onto a social housing provider, Melin Homes. This will be secured via a s106 Legal Agreement.

6.8 Flooding

The southern half of the site is within a C1 Flood Zone as defined in the Development Advice Map (DAM) contained in TAN15. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Paragraph 6.2 of TAN 15 says that new development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,

- ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.

In this case the site is not in a C2 Zone. The new housing will be built on previously developed land (this site used to be occupied by a two-storey dwelling, a stone barn and various outbuildings). A Flood Consequences Assessment (FCA) was submitted as part of the application. It is proposed to raise the ground levels in the southern part of the site by 1.3 metres so that the Finished Floor Levels will all be above 9.3m AOD. The private drive for plot 9 will be at 9.1m AOD. NRW have evaluated the FCA and concluded that, "Subject to the development being carried out in accordance with the FCA, the development meets with the requirements of A1.14." They recommend that a condition be imposed that the planning permission shall only be carried out in accordance with the approved Flood Consequence Assessment.

The Planning Authority consider that the location of this development in a C1 Zone is justified and that all of the criteria set out in the tests in paragraph 6.2 of the TAN are satisfied.

6.9 Drainage

6.9.1 Foul Drainage

The application site is in an area served by mains drains and in such areas the foul drainage must discharge to mains. The applicant has indicated that this is the case. Welsh Water have offered no objection to the application but request a condition to ensure that surface water does not enter the mains drains.

6.9.2 Surface Water Drainage

Grays have prepared a drainage strategy to support the planning application. The application will be subject to the SuDS legislation. The applicants intended to run consultation with the SuDS Approving Body (SAB) in parallel with the planning process. A series of SuDS features including swales, raingardens and permeable paving are proposed to serve the development site. The dwellings will drain to individual permeable paving and raingardens at plot level which will be retained under private ownership. The swale/raingarden features running parallel to the access road(s) and the main raingarden/ bioretention feature near the site's access will be offered for adoption.

The SAB approving body confirms that the application has demonstrated a means of surface water discharge. A pre-application submission for the SAB's approval has been made and therefore there are no objections to this site from a surface water drainage perspective. Drawing 766-GRY-01-00-DR-C-100 Rev P5 shows Filter (or French Drains) along the western site is the site adjacent to 14 Bridewell gardens and also along the boundary with Darlea. This was suggested by the Lead Local Flood Authority to ensure no surface water flooding of neighbouring properties.

6.10 Phosphates

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.11 Contaminated Land

A Site Investigation Report prepared by GHR Developments was submitted as part of the planning application. They contracted a contaminated land consultancy to undertake a site investigation and risk assessment. MCC Environmental Health Officers have reviewed the submitted site investigation report by Integral Geotechnique (12700/RAH/20/SI) dated September 2020. This report is a desk top study and intrusive site investigation.

It appears that Tythe House, which was present on the earliest historical maps, was demolished in around 2014 and the trail pits dug at the site, and a site walk-over identified made ground on site. This made ground consisted of brick, concrete, plastic, clay pipes, scrap metal and timber. In addition, asbestos containing material was identified on site. Two stockpiles were present containing pipe fragments, plastic, bricks, wood chippings, and asbestos containing tile fragments. Laboratory testing of the 4 samples taken from the made ground identified exceedances above the assessment criteria, for lead and several PAHs. No samples were taken from the natural ground, or from the stockpiled materials, however the asbestos containing tile found in one of the stockpiles was sampled and found to be chrysotile hard cement material. The site investigation identified that end users would need to be protected from the elevated concentrations of PAH and lead.

The recommendation to achieve this is to use a capping layer of at least 600mm of clean imported subsoil and topsoil over a geotextile membrane in all gardens and area of soft landscaping. Prior to placement of the clean cover, all exposed formations should be inspected and any identified asbestos containing materials handpicked under an appropriate risk assessment and managed in accordance with the Control of Asbestos Regulations 2021, and then disposed off-site at a licensed facility by licenced contractors. An alternative is to remove made ground from garden and landscaped areas and use a 300mm clean cover capping system. If this is chosen all exposed formations would require inspection and sampling and analysis of soils to confirm acceptability of the underlying materials, prior to placement of the capping layer. The decision on which will be chosen is likely dependent on the proposed site levels chosen.

The site investigation also identified construction workers to be at risk from the contaminated material, and thus proposed requirements for working practices, which include the use of dust suppression techniques to minimise inhalation of dust and gases. In addition, a system would need to be established to identify additional contamination during work and reported so appropriate action can be taken. A licensed contractor would be required to deal with any asbestos materials, and routine visual checks made for its presence on site.

Ground gas from offsite or onsite sources (the made ground was not considered to be thick enough at 0.9 metres to create gas) was not considered to be a risk, however the site is in an area with a probability that between 3%-5% of properties are above the radon action level, and therefore basic radon protective measures are necessary. Water supply pipes will need to be protected from contamination (e.g. PE or PVC pipes to protect against PAHs) if they are in contact with the made ground. The Council's Environmental Health Officer recommends that based on the findings of the site investigation, and the identification of elevated lead and PAHs in the made ground, along with asbestos tile in one of the two stockpiles, that conditions are needed requiring a Remediation Strategy, including Method statement and full Risk Assessment to be submitted to and approved in writing by the LPA.

There is a small amount of contamination on the site resulting from the demolition of the buildings on the site in about 2014. If undeveloped the contamination will remain in its current form. As part of the proposed development a Remediation Strategy will be implemented which will improve the situation and the contamination will be managed effectively thus improving the situation for existing neighbouring properties and future occupiers of the site.

6.12 Public Right of Way

There is a Public Right of Way (PROW) which runs along the north eastern boundary of the application site, linking Church Road with the playing fields and is hard surfaced to a width of approximately 1.3metres. (although this varies along its length). The path is a proposed Active

Travel Route. The Active Travel (Wales) Act 2013 requires that highway authorities, local authorities and the Welsh Ministers must take reasonable steps to enhance the provision made for walkers and cyclists. The PROW officer says that the existing right of way is a footpath, and the width of this way is believed to be the full width of the bounded area which is around six metres for most of its length.

The current application seeks to retain the footpath in its current position but to increase the surfaced width of the path to three metres for its entire length with tarmac. Planning officers believe that a three metre wide tarmac path would be sufficient. This will enhance the current provision and allow for a shared path to be used by pedestrians and cyclists. The three metre width of the path is consistent with other housing developments that have recently been approved in the county including Fairfield Mabey, Sudbrook and Caldicot all of which contain paths that are three metres wide. The applicants will have to apply under the Town and Country Planning Act to reduce the width of the Right of Way.

6.13 Noise

The site is approximately 75 metres from the main South Wales railway line. The railway line is set at the bottom of an embankment and between the site and the railway line is the playing fields. Environmental Health has concerns that the proposed development is in close proximity to the railway line and therefore in their view there is the potential for disturbance of noise from the rail traffic on the use and enjoyment of the residential properties. It is recommended that a noise assessment is undertaken to assess which Noise Exposure Category the proposed site falls within as provided in Planning Guidance Wales Technical Advice Note (Wales) 11: Noise.' Planning Officers do not consider that a noise assessment is required in this case given the distance to the railway line (over 75 metres), its location within an embankment and the fact that there are many existing houses in Undy that are far closer to the railway line. The applicants are proposing that triple glazing would be installed to the windows in the rear elevations of Plots 1 and 2 and that this will be maintained as such thereafter. That matter can be secured by condition.

6.14 Planning Obligations

The two affordable dwellings to be built on plots 5 and 6 that would be handed over to be managed a registered social housing provider within a certain time period would be secured by a s106 agreement.

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

Councillor Sandles considers that the proposed development of 9 new dwellings on this site constitutes overdevelopment. Policy DES1 criterion i) of the adopted LDP sets out that development proposals will be required to make the most efficient use of land, compatible with other criteria, including that the minimum net density of residential development should be 30 dwellings per hectare. In this case the developable site area is circa 0.3ha and 9 homes are proposed which provides a net density of 30 dwellings per hectare, thus complying with LDP Policy DES1. The density size and massing of the proposed new development would be similar to that of the adjoining housing development at Bridewell Gardens, planning officers consider that the prevailing character of this area is being reflected in the new proposal.

The Councillor also considers that plot 1 is too close to the proposed Right of Way, but since the submission was made, plot 1 has been rotated so that it is parallel to plot 2 allowing it to engage more with the rest of the development and allowing for more "breathing space" for the PROW. Councillor Sandles considers that plot 9 is too close to the existing property at 14 Bridewell Gardens. The plans show that there will be over 4 metres between the side elevations of these two properties, and this is significantly more than is often allowed between two properties side by side; there will however be a significant difference in the slab levels of each house with Plot 9 being higher than No 14 Bridewell Gardens. The difference in ridge height has been addressed in the main body of the report and is shown on the sectional drawing , Section C-C on plan no. T2326 1 PA 36.

The width of the new road and private shared drive has the approval of the Highway Authority and complies with their standards.

The surface water drainage will be the subject of a separate SAB application and 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. The application has demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer) and has submitted a pre-application for the SAB's approval; therefore there are no objections from the approving body with regards to surface water drainage. The applicants intended to run consultation with the SAB in parallel with the planning process. A series of SuDS features including swales, raingardens and permeable paving are proposed to serve the development site. Filter drains will be provided close to the boundaries of the site, where the ground is to be raised.

Most of the issues raised by the neighbours have been addressed in the main body of the report. The Highway Authority has no objection to the proposed nine dwellings on the site and consider that Church Road has sufficient capacity to accommodate this scale of development. There will be a footway provided along Church Road which will benefit the local community because as residents have commented, there is no footpath along this part of Church Road at the present time.

The amenity space, wildflower gardens, PROW and rainwater gardens will all be maintained by a management company, as is now commonplace with this type of development.

Whilst it may have been possible to develop this site with bungalows, the application before us is for two-storey dwellings, some with accommodation in the roof space, and the application before the Council must be considered on its merits.

Planning officers are aware of the single-storey extension to Darlea and the bay window to the front of Camelot.

Previously the sewers in this area were at capacity and new dwellings were only allowed where alternative foul drainage discharge was provided. The capacity of the sewers has since been upgraded by DC-WW and this is no longer an issue.

The Statement of Truth regarding pedestrian and vehicular access to the rear of Camelot is a private legal matter and not one in which the Council as planning authority would be involved.

There will inevitably be some noise and disruption resulting from the construction phase of the development; a construction management plan can be imposed to limit the hours of construction operations and deliveries to the site.

The width of the PROW has been discussed in the main body of the report. The applicants will have to apply under the Town and Country Planning Act to reduce the width of the Right of Way if the planning application is successful, as is usual in these cases.

A bin refuse area is being provided on the site close to the turning area where the refuse vehicles will pick up the household rubbish.

This site has had a long and complex planning history over the last 30 years, with new build residential properties and conversion of the former buildings on site being allowed, however none of these are extant now and the current proposal must be considered on its own merits in line with the adopted policies at this time. When the house and outbuildings was demolished there was no requirement for consent for that.

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

6.16.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG Act have been taken into

account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

6.17 Conclusion

The site is located within the Magor with Undy development boundary within which there is a presumption in favour of new residential development subject to detailed planning considerations. The plot is of sufficient size to accommodate nine residential dwellings of a similar size to existing dwellings in this area. Policy S1 and H1 allow for new residential development to be built inside the development boundaries of Severnside Settlements of which Undy is one. Therefore, the principle of new residential development in this location is acceptable. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

The new development on this site will engage well with the existing properties on Church Road and will enhance the street scene. The massing and form of the new dwellings respect the character and form of the existing dwellings in the area. They are of a similar size, height and plot width when compared to other properties in this part of Church Road. The finishing materials on the two affordable units on plots 3 and 4 match exactly those on the rest of the site and therefore there will be no visual distinction between the market housing and the affordable ones. The scale of the proposed dwellings and their finishing materials will respect those of the surrounding existing residential development and therefore the character of the area will be preserved in line with the objectives of policy DES1 of the LDP. The development will contribute to a sense of place. An Area of overgrown waste land will be used to provide 9 contemporary houses which will visually enhance the area. The proposal therefore complies with one of the key objectives of PPW11.

There will be a substantial amount of green infrastructure to the front of the site in the form of rain gardens and swales, these will be planted with a wildflower mix and trees. Three of the existing trees on the site will be retained. MCC Ecologists agree with the conclusions of the Preliminary Ecological Survey. Biodiversity enhancements are being provided so the proposal complies with the objectives of LDP Policy NE1.

The proposal accords with the Council's normal privacy standard for new development. The layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development. The road and footway layout has been designed on the advice of the Highway Authority who offer no objections and the parking provision accords with the adopted standards; therefore the proposal accords with LDP Policy MV1. The current application seeks to retain the public footpath in its current position but to increase the width of the surfaced element of the path to three metres for its entire length and to re-surface it with tarmac. Planning officers believe that a three metre wide path is sufficient. This will enhance the current provision and allow for a shared path to be used by pedestrians and cyclists.

Two affordable units are being provided on the site, these are both two-bedroom units and are compliant with DQR standards. The provision of such dwelling units is in line with the need demonstrated on the local housing register and complies with Policy H4 of the LDP. The Planning Authority consider that the location of this development in a C1 Zone is justified and that all of the criteria set out in the tests in paragraph 6.2 of the TAN are satisfied. NRW has no objection to the proposal provided that the development is carried out in accordance with the FCA. The Sustainable Drainage Approving Body confirms that the application has demonstrated a means of surface water discharge and has submitted a pre-application for the SAB's approval; therefore there are no objections to this site on the basis of surface water drainage.

There is a small amount of contamination on the site resulting from the demolition of the buildings on the site in about 2014. If undeveloped the contamination will remain in its current form. As part of the proposed development a Remediation Strategy would be implemented which would improve the situation and the contamination can be managed effectively thus improving the situation for existing neighbouring properties and future occupiers of the site. Planning Officers do not consider

that a noise assessment is required in this case given the substantial distance to the railway line (over 75 metres), its location in an embankment and the fact that there are many existing houses in Undy that are far closer to the railway line.

The proposal is policy compliant in all respects and is therefore recommended for approval.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

Affordable Housing

25%, DQR, Tenure Neutral.

Triggers: The Landowner covenants not to occupy or permit first occupation of more than 80% of the market housing until all of the affordable units have been constructed and are ready for occupation.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Conditions :

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

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

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

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

3 The development shall be carried out in strict accordance with Section 5 (Conclusions and Recommendations) of the approved 'Preliminary Ecological Appraisal Report - Former Tythe House, Church Road, Undy by Wildwood Ecology dated 25 March 2022' report.

Reason: To ensure safeguards for species of principle importance for conservation and to ensure compliance with LDP Policy NE1.

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

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

5 The 'Appendix II: Proposed Development Plans and Enhancement Plan 2022' of the PEA report which illustrates the design and location of bat and bird box provision shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the development.

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

6 The development permitted by this planning permission shall only be carried out in accordance with the approved Written Scheme of Investigation for an archaeological watching brief PN 2821 dated October 2022 by Archaeology Wales.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

7 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

8 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequence Assessment FCA undertaken by Grays (Consulting Engineers) Limited, Reference 9766-REP01-R1-FCA (Revision - R1) dated 24 March 2022 and the following mitigation measures detailed within the FCA:
Development Levels - Finished Floor Levels must be set at or above 9.3 m AOD (metres Above Ordnance Datum) and private drive set at or above 9.1m AOD.
Reason To reduce the risk and impacts of flooding to the proposed properties and their owners/occupiers.

9 Contamination EH0.
Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.
No part of the development hereby permitted shall be occupied until:
Following remediation a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

10 Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.
Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

11 Contamination - Imported Material EH03
Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.
Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

12 i) PRIOR to the commencement of any works associated with the development (including site vegetation clearance, demolition, tree felling, tree pruning, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), the following shall be undertaken by a competent arboriculturalist and submitted and agreed in writing by the local planning authority:
a) An Arboricultural Method Statement (AMS) including details of how the adjacent large Sycamore tree (T5) to the North West of the site will have its Root Protection Area (RPA) protected during the proposed works.
b) The AMS must be accompanied by an up to date tree retention and protection plan (TRPP) in accordance with 'BS5837: 2012 - Trees in relation to design, demolition and construction - Recommendation'.
c) The TRPP must clearly show the proposed site layout, including boundary treatments, the crown spread of T5 and its RPA given as a figure on the plan, where tree protection fencing will be located, and what the tree protection fencing will be.

ii) During construction

- a) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- b) No fires shall be lit within 15 metres of the nearest point of the canopy of any retained tree.
- c) No equipment, machinery or structure shall be attached to or supported by a retained tree.
- d) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
- e) No alterations or variations to the approved works or tree protection scheme shall be made without prior written consent of the local planning authority.

REASON: to ensure trees are managed responsibly.

13 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure in compliance with LDP policies LC5, DES1, S13, and GI1.

14 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority 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 buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

15 No dwelling shall be occupied until the relevant and associated car parking and service vehicle provision have been provided in accordance with the approved plan and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure provision is made for the parking of vehicles and to ensure compliance with LDP Policy MV1.

16 No development other than ground works shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

REASON: In the interests of the highway safety and free flow of traffic in compliance with LDP policies S16 and MV1.

17 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;

iii) storage of plant and materials used in constructing the development;
iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
v) wheel washing facilities;
vi) measures to control the emission of dust and dirt during demolition and construction; and
vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
REASON: In the interests of amenity, in compliance with LDP policies S13 and EP1 and in the interests of the highway safety and free flow of traffic, in compliance with LDP policies S16 and MV1.

18 Triple glazing shall be installed to the windows in the rear elevations of Plots 1 and 2 and shall be maintained as such thereafter.
REASON: In the interests of amenity, in compliance with LDP policies S13 and EP1.

19. Notwithstanding the details shown on the approved plans, the footpath along the site's frontage with Church Road shall follow the alignment shown on Section 38 Highways Layout 9766-GRY-01-00-DR-C-102 REV P02 (13.10.22)
REASON: In the interests of highway safety in compliance with LDP Policy MV1

Application**Number:** DM/2022/01146**Proposal:** Retention of an outbuilding**Address:** 3 Hollybush Cottages, Gwent Road, Llantilio Pertholey, Monmouthshire, NP7 6NH**Applicant:** Mrs. Sue Hughes**Plans:** Location Plan A100 - , All Proposed Plans A101**RECOMMENDATION: Approve**

Case Officer: Ms. Alice King

Date Valid: 11.10.2022

This application is presented to Planning Committee at the request of the Ward Member, Cllr Malcolm Lane**1.0 APPLICATION DETAILS**1.1 Site Description

This application relates to a two-storey dwelling known as 3 Hollybush Cottages, located on Gwent Road in Llantilio Pertholey, Abergavenny.

1.2 Value Added

The applicant has provided plans that would see 2no nest boxes located at a height of between 2m - 4m on the outbuilding. Given the minor scale of the proposal, this would be an acceptable ecological enhancement to provide for the biodiversity net gain policy set out in PPW11.

1.2 Proposal Description

Retrospective planning permission is sought for a detached outbuilding in the rear garden of the property.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/1997/00044	Renewal of Application No A36764 - Erection of a Single Dwelling.	Approved	07.03.1997

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S17 LDP Place Making and Design

S13 LDP Landscape, Green Infrastructure and the Natural Environment

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

Llantilio Pertholey Community Council – No correspondence received to date.

MCC Biodiversity - No ecological information has been provided. The site comprises a domestic garden which appears to be regularly mown amenity grassland, a small area of less regularly managed grassland and scattered ornamental shrubs/hedges. There does not appear to be reasonable likelihood of protected species other than nesting birds being present and impacted. Any dense vegetation to be removed to facilitate the proposals should be cleared outside of the main bird nesting season i.e. cleared during September to February inclusive. If this is not possible, a pre-commencement check within 48 hours of clearance would be required during March to August. If any active nests are found, they would need to be retained and protected from disturbance until chicks have fledged in accordance with the Wildlife and Countryside Act 1981 (as amended). This approach will need to be secured by condition. The garden does not appear likely to form a part of a habitat corridor for light-sensitive bat species. The building does not appear to be particularly suitable for habitat features for nesting birds or roosting bats to be installed as an enhancement measure. If protected species are unexpectedly found during works,

activities will need to cease and a suitably qualified ecologist contacted for advice. NRW have confirmed that the proposals are unlikely to result in additional phosphate discharge to the River Wye SAC catchment. Please ensure that a form demonstrating that the requirements for a HRA can be screened out due to the type of development has been completed.

Natural Resources Wales - Recognising the specific nature of the application submitted, the construction of an outbuilding, we are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

One neighbour objection has been submitted which states:

What has been constructed is vastly different to the original planning application we were shown. We had no objection to the initial application for a brick and timber roofed garage that was much smaller.

What has been built is way larger constructed using materials that are far less in keeping. It is a very large uPVC plastic and glass structure that is very open. By building something so different from the original application the concern is that this sets a precedent, whereby anyone can apply for one small adaptation or build and then go ahead and construct something entirely different regardless of permissions.

5.3 Local Member Representations

County Councillor Malcolm Lane - Has requested that the application be considered by Planning Committee, noting an agreement with third party correspondence that the development does not match with surrounding area.

6.0 EVALUATION

6.1 Good Design/ Place making

6.1.1 The outbuilding is 3.4m in height and is sited unobtrusively to the rear of the dwelling with mature hedge to the rear of the site. It is noted that the outbuilding is a more modern addition to the site, although the surrounding area features a variety of designs and types of dwellings and outbuildings; therefore the modern addition is considered acceptable and on balance does not appear unsightly within wider the street scene. The site and structure is visible from Gwent Road but the scale, height (3.4m above ground level), design and front elevation material choice (uPVC and glass) is considered acceptable. The proposal does not fail to respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings

6.1.2 Accordingly, it is considered to meet the relevant criteria of Policy DES1 of the adopted Local Development Plan (LDP)

6.2 Impact on Residential Amenity

6.2.1 The proposed outbuilding is located at the bottom end of the garden and has limited impact on the amenity interests of neighbouring occupiers, being single storey. The outbuilding is located close to the side boundary of the neighbouring dwelling Ty Hafan, the side and rear elevations of the outbuilding are blank and so no overlooking issues are present. Accordingly, officers are of the view that the development would not have an adverse effect on any neighbouring occupiers in terms of overlooking or being overbearing. The development maintains reasonable levels of privacy and amenity for occupiers of neighbouring properties and therefore does not conflict with LDP policies DES1 and EP1.

6.3 Biodiversity

6.3.1 The garden does not appear likely to form a part of a habitat corridor for light-sensitive bat species. The building does not appear to be particularly suitable for habitat features for nesting birds or roosting bats to be installed as an enhancement measure. The

development does not have a significant adverse effect on a locally designated site of biodiversity or geological importance.

6.3.2 NRW have confirmed that the development is unlikely to result in additional phosphate discharge to the River Wye SAC catchment. A form demonstrating that the requirements for a HRA can be screened out due to the type of development has been completed.

The development is therefore considered to comply with the requirements of Policy NE1 of the LDP.

6.4 Response to the Representations of Third Parties

6.4.1 The neighbour comments received are understood, but each proposal should be looked at on its own merits. Whilst it is appreciated that a previous approval was made on the site for a garage (reference - DM/2019/00930), this scheme did not go ahead, instead the applicants erected an outbuilding under the belief it was permitted development; however due to the size of the outbuilding it does not fall within permitted development rights.

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

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

2 The net biodiversity enhancement measures shall be installed in accordance with the details shown on A101 within three months of the date of this permission 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.

INFORMATIVES

1 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.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 02/11/22

gan **C MacFarlane BSc(Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14/11/2022

Appeal Decision

Site visit made on 02/11/22

by **C MacFarlane BSc(Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 14/11/2022

Appeal Ref: CAS-02073-X3J9F7

Site address: 17 Grove Gardens, Caldicot, Monmouthshire NP26 4HN

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Nicola Kilby against the decision of Monmouthshire County Council.
 - The development proposed is erect fence.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Different postcodes for the site address are given in the application and appeal forms. I have used the version included in the application form.
3. The description of development given in the application and appeal forms includes background information and supporting justification. As this is explanatory detail, I have adopted the description given in the Council's decision notice, which accurately and concisely describes the proposal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal property is a terraced dwelling set within a residential cul-de-sac of properties of similar scale and appearance. The surrounding dwellings and the appeal property are set back from the highway, with modest front gardens. Despite the varying surface treatments within the garden areas, the majority of boundaries are demarcated by low brick walls of consistent design, with some scattered shrubs and other planting in places. This results in an open and largely uniform character within the cul-de-sac.

6. Due to its close-boarded nature, substantial height, and length around the entire front garden, the proposed fence would appear as a highly visible and obtrusive structure within the street scene. This would be at odds with the surrounding openness and low-profile boundary treatments, resulting in a form of development that would appear incongruous and thereby causing significant harm to the character and appearance of the area. I note the intention to paint the fence a dark colour, however, this would not overcome the fundamental harm arising from its scale and location.
7. The proposed development therefore fails to comply with Policy DES1 of the Monmouthshire County Council Adopted Local Development Plan which, amongst other things, seeks to ensure all development respects the local character and distinctiveness of the built environment.

Other Matters

8. I have taken full account of the personal circumstances referred to by the appellant, and the desire for privacy and a secure environment for a dog in order to provide health benefits. However, no substantive evidence has been provided that these objectives could not be generally achieved by other means and therefore, in this instance, such considerations do not outweigh the permanent harm that would be caused to the wider area.
9. I acknowledge the Council considers the proposal would be acceptable in respect of the effect on the living conditions of neighbouring occupiers, and that wildlife planting is proposed in order to provide biodiversity benefits. However, these are normal expectations of development and therefore do not outweigh the harm identified above.
10. I also note that discussions have been held with the Council and that the proposal would be a reduction in height when compared to the existing unauthorised fence. However, this does not alter my findings on the planning merits of the proposal put before me.
11. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Conclusion

12. For the reasons given above, the appeal is dismissed.

Claire MacFarlane

INSPECTOR