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County Hall
Rhadyr
Usk
NP15 1GA

Friday, 26 May 2023

Notice of meeting:

Planning Committee

Tuesday, 6th June, 2023 at 2.00 pm
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with
remote attendance

AGENDA

Item No	Item	Pages
1.	Election of Chair.	
2.	Appointment of Vice-Chair.	
3.	Apologies for Absence.	
4.	Declarations of Interest.	
5.	To confirm for accuracy the minutes of the previous meeting.	1 - 6
6.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
6.1.	Application DM/2021/00528 - Proposed residential development of 2no. detached dwellings with private on-site parking. Holly Bush, Vinegar Hill, Undy, Monmouthshire.	7 - 24
6.2.	Application DM/2021/00622 - Retention of the 4 small fans and removal and replacement of the 6 larger fans. Atherstone, B4347 Turners Wood To Porthygaelod Farm, St Maughan's, Monmouthshire, NP25 5QF.	25 - 32
6.3.	Application DM/2022/01826 - Retention and completion of domestic garage. 60 Old Barn Way, Abergavenny, NP7 6EA.	33 - 40
6.4.	Application DM/2023/00391 - Proposed building associated with existing agricultural land use. Agricultural Outbuilding, Llandenny Walks Road, Llandenny, Monmouthshire.	41 - 50
6.5.	Application DM/2023/00592 - Erection of 1 x 2-bedroom detached dwelling. Pathways, Vinegar Hill, Undy, Caldicot.	51 - 72

7.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
7.1.	Land at Chepstow RFC, Burnt Barn Road, Bulwark, Chepstow.	73 - 76

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
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.

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<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.

Public Document Pack Agenda Item 5

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 2nd May, 2023 at 2.00 pm**

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

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

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Paige Moseley	Solicitor
Richard Williams	Democratic Services Officer

County Councillor Ann Webb joined the meeting during consideration of application DM/2022/00848. She therefore took no part in the discussion or voting for this application.

County Councillor Ann Webb left the meeting following determination of application DM/2022/01800 and did not return.

County Councillor Tony Easson left the meeting during the presentation of the appeals decisions received and did not return.

APOLOGIES:

County Councillor Sue Riley

1. Declarations of Interest

County Councillor Emma Bryn declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2022/01800, as she had assisted with the feasibility study collecting data needed to persist with the initial study into the viability of the project, speaking with users and interested parties. She addressed the Committee but left the meeting shortly afterwards taking no part in the voting procedure for this application.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 4th April 2023 were confirmed and signed by the Chair.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 2nd May, 2023 at 2.00 pm

3. **Application DM/2022/00848 - Conversion of a former day centre to provide for 6 no. residential apartments, alongside the construction of a new building consisting of 9 no. residential apartments. Associated change of use from class D1 to C3, parking, widening of existing driveway and landscaping works. Boverton House Day Centre, Bulwark Road, Chepstow, NP16 5JE**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and subject to a S106 Legal Agreement.

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

- The boundary wall will be retained.
- There will be shared amenity space for the users within the site. There are also recreation areas located nearby.
- The developer would be encouraged to fit e-bike charging points in or near the proposed bike parking shelter, as well as providing outside charging points for electric mobility scooters.
- The existing extension will be re-rendered and re-painted.
- Three Registered Social Landlords (RSLs) had been approached with a view to developing on the site. However, it had been identified that it would be difficult for an RSL to share the management and maintenance of a building with a private landlord. Therefore, none of the RSLs took up the offer to develop on the site. A contribution towards affordable housing off site will be received should the development be approved. A viability review would be inserted in the S106 agreement to be triggered if development is not commenced within 18 months of the date of permission.
- The site is in walking distance to public transport hubs. A reasonable level of parking provision will be provided on site. Each apartment will be provided with at least one parking space, with some having two spaces.

It was proposed by County Councillor Jayne McKenna and seconded by County Councillor Ben Callard that application DM/2022/00848 be approved subject to the conditions outlined in the report and subject to a S106 Legal Agreement. A viability review would be inserted into the S106 Legal Agreement to be triggered if development is not commenced within 18 months of the date of permission. Also, the developer would be encouraged to fit e-bike charging points in or near the proposed bike parking shelter, as well as providing outside charging points for electric mobility scooters.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 2nd May, 2023 at 2.00 pm

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

In favour of the proposition	-	14
Against the proposition	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2022/00848 be approved subject to the conditions outlined in the report and subject to a S106 Legal Agreement. A viability review would be inserted into the S106 Legal Agreement to be triggered if development is not commenced within 18 months of the date of permission. Also, the developer would be encouraged to fit e-bike charging points in or near the proposed bike parking shelter, as well as providing outside charging points for electric mobility scooters.

4. Application DM/2022/01800 - Erection of a single span single arch curved bridge across the River Wye including landscaping on the east and west bank and public realm improvements. Land north of Wye Bridge, Monmouth

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and subject to Natural Resources Wales (NRW) endorsing the Habitats Regulations Appraisal (HRA).

The local Member for Wyesham, also a Planning Committee Member, outlined the following points:

- In November 2017 local residents put forward the idea of a pedestrian bridge at Wyesham to the local Authority.
- For many years pedestrians and cyclists have had to use the current road bridge to cross the river. Residents have had to contend with Heavy Goods Vehicles (HGVs), pollution, lack of cycling facilities and the lack of safe links to Wyesham and beyond.
- Monmouth Town Council Active Travel Steering Group had been established and with Monmouthshire County Council officers the initial feasibility Study had identified the need for an active travel bridge at this location.
- Local volunteers had spent their time collecting the data required to secure Welsh Government funding. Local people had been the driver of this proposed scheme.
- The road has very high volumes of traffic accessing the Forest of Dean and the M50 motorway. It was considered that this will only increase in the future with proposed housing development scheduled in the Forest of Dean.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 2nd May, 2023 at 2.00 pm

- The local Member provided the Committee with statistical data to support the need for an active travel bridge across the river Wye at Wyesham.
- The existing bridge is the only route the Wyesham residents can use to access education, work and the town and must share this road with HGVs and other vehicles. Unsupervised school children are most at risk from such heavy flows of traffic during peak periods of traffic flow over the bridge.
- The bridge forms part of the designated trails, the Wye Valley Walk, Offa's Dyke National Trail and is a vital link in the national cycle network.

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

- With regard to accessibility for people with impaired vision, officers would discuss with the developer whether they have had dialogue with Sight Cymru and any other expert interest groups that could provide advice on this matter. It was noted that an accessibility stakeholder meeting had been held on 9th March 2023 regarding visually impaired people.
- The existing bridge is no longer safe for cyclists and pedestrians.
- There are no proposed cycle parking areas to be located by Monmouth Rowing Club. However, officers could put this matter to the applicant for consideration.
- There is a condition in the report of the application for a construction traffic management plan which could address the matter relating to the use of the nearby car park by construction workers with a view to minimising any disruption.
- In response to a question raised regarding how local residents in nearby cottages might be affected by the proposed new bridge, it was noted that the walkway will be in the region of 40 metres from the nearest windows of these properties and 25 metres to the nearest part of the gardens. The bridge will be elevated and will have a 1.8 metre screen. The lighting on the bridge will be low key along the decked area and there will be no light spill from the bridge itself into the surroundings.
- A construction traffic management plan will be established to minimise disruption on the site.
- Officers will liaise with the applicant to investigate whether PIR lighting will work on the bridge and ramps.
- Discussions will be held with the developer to ensure that vegetation is maintained at a low level to improve visibility along the path near the access to the A40 to ensure cyclists and pedestrians can be seen.

It was proposed by County Councillor Jayne McKenna and seconded by County Councillor Maureen Powell that application DM/2022/01800 be approved subject to the

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 2nd May, 2023 at 2.00 pm

conditions outlined in the report and subject to Natural Resources Wales (NRW) endorsing the Habitats Regulations Appraisal (HRA). Also, a revised plan to be presented to the Delegation Panel for approval to show the car park on the western bank to have parking spaces for two vans and trailers for the local kayaking businesses to use; ask the applicant to look at the right angle of the path on the western bank to splay it or make sure the planting alongside it does not obscure visibility for path users; the applicant to investigate whether PIR lighting would work on the bridge and ramps.

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

In favour of the proposal	-	14
Against proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2022/01800 be approved subject to the conditions outlined in the report and subject to Natural Resources Wales (NRW) endorsing the Habitats Regulations Appraisal (HRA). Also, a revised plan to be presented to the Delegation Panel for approval to show the car park on the western bank to have parking spaces for two vans and trailers for the local kayaking businesses to use; ask the applicant to look at the right angle of the path on the western bank to splay it or make sure the planting alongside it does not obscure visibility for path users; the applicant to investigate whether PIR lighting would work on the bridge and ramps.

5. Application DM/2022/01831 - Improvements to the existing pedestrian and cycle connectivity across Castle Meadows by providing Active Travel compliant routes. Including the upgrade of existing routes, access points and the replacement of the existing footbridge over the River Gavenny. Land At Castle Meadows, Abergavenny, Monmouthshire

Application DM/2022/01831 had been withdrawn shortly before the Planning Committee commenced with a view to it being presented to a future meeting for consideration.

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

6.1. Cefn Coed Farm, Nannys Lane, Kingcoed

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Cefn Coed Farm, Nannys Lane, Kingcoed on 14th February 2023.

We noted that the appeal had been allowed, and planning permission had been granted for the erection of a porch on the northern elevation at Cefn Coed Farm, Nannys Lane, Kingcoed, NP15 1DS, in accordance with the terms of the application, Ref DM/2022/01298 dated 5th September 2022, subject to the conditions set out in the schedule to the decision letter.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
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6.2. Pathways, Vinegar Hill, Undy

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Pathways, Vinegar Hill, Undy on 20th March 2023.

We noted that the appeal had been dismissed.

The meeting ended at 3.15 pm.

Application Number: DM/2021/00528

Proposal: Proposed residential development of 2no. detached dwellings with private on-site parking

Address: Holly Bush, Vinegar Hill, Undy, Monmouthshire

Applicant: Mrs L Jones

Plans: Location Plan - ,
Other PEA REPORT REV 1 - GEN5819 1,
Other REPTILE REPORT Rev 1 - GEN5819 1,
Tree Survey TREE CONSTRAINTS - ,
Site Plan 1493 (PL) 01L –
Site Plan Proposed,
All Drawings/Plans 1493(PL) 04 B - Plans Plot 1,
All Drawings/Plans 1493 (PL) 05A - Plans Plot 2,
Site Sections 1493 (PL) 06 B - Cross Sections Proposed

RECOMMENDATION: Approve

Case Officer: Ms Kate Young
Date Valid: 24.03.2021

This application is presented to Planning Committee due to the number of unresolved objections received and at the request of the former local member

1.0 APPLICATION DETAILS

1.1 Site Description

Holly Bush is a traditional style cottage that occupies a very extensive plot in Vinegar Hill in Undy. At the rear of the property is an old outbuilding. The cottage has an existing vehicular access off Vinegar Hill with parking to the front. A second property was built on the site several years ago which has its own vehicular access off Vinegar Hill. Holly Bush has a large area of land to the rear, approximately 2.9 ha, which was previously used as a quarry. The land to the north-west rises up steeply. The land is surrounded by modern residential dwellings. To the north is Hunters Ridge which is elevated above the application site and accessed off Manor Chase. To the south is an unnamed cul-de-sac off Vinegar Hill that serves five dwellings. To the south of the site are residential properties which are at the end of Celtic Close. At the end of the plot to the north east is an area of public open space.

The site is located within the Magor and Undy Development Boundary of the LDP.

1.2 Value Added

Following negotiations with officers the proposed number of dwellings on the site has been reduced from four to two. There have also been alterations to the layout and design of the scheme.

1.3 Proposal Description

The current full application seeks the erection of two detached properties at the eastern end of this site. The dwellings would share the existing vehicular access with Delfryn and would be accessed by a private drive. The existing vehicular access into Holly Bush would not be altered but the

private drive within the site will be reconfigured. There would be new hedge and tree planting within the site.

Plot 1 would be a two storey dwelling accommodating four bedrooms. It would have a hipped roof and a front gable which would have a strong glazed emphasis. There would be a detached garage to the rear. Plot two would have five bedrooms, one contained in the roof space and an attached garage. The front elevation would be to the south west and would contain dormer windows and roof light. Both dwellings would be finished in render with a brick plinth and slate roof.

The application is supported by the following documents:

Tree Report
Preliminary Ecological Appraisal
Reptile Report

2.0 RELEVANT PLANNING HISTOREY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/00528	Proposed residential development of 2no. detached dwellings with private on site parking.	Pending Determination	
DC/2010/00592	Development of 2 no dwelling houses with associated access and works	Approved	16.03.2011
DC/2015/01548	Discharge of conditions 2 and 4 from previous application DC/2014/00293	Approved	12.02.2016
DC/2014/00315	DC/2010/00592 - Removal of condition 2 in order to extend the life of the extant permission; this would enable the submission of reserved matters to be submitted within a further period of three years from the date this application is determined.	Approved	04.09.2014
DC/2014/00293	Erection of a dwelling and garage.	Approved	04.09.2014

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
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
GI1 LPP Green Infrastructure

Supplementary Planning Guidance

Affordable Housing SPG July 2019:

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

Infill Development SPG November 2019:

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

Domestic Garages SPG (January 2013):

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

Monmouthshire Parking Standards (January 2013)

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

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Magor with Undy Community Council – Objects.

The CC noted that there was no Design and Access Statement submitted as part of the development and made the following specific comments.

Highways – Impact on highways and traffic up and down Vinegar Hill, there are concerns over highway safety for all road users.

Scale, Layout, Design and Appearance – Concerns over the height of the proposed dwellings, Especially if ground levels change. This will be overbearing and overshadowing with overlooking issues to neighbouring properties.

Visual – the proposed dwellings are overly large and out of character with the surroundings.

Biodiversity – Concerns over a lack of a full assessment of the impact on biodiversity. Concerns over the loss of hedgerow and lack of suitable replacement. A Landscaping scheme should be provided.

Drainage – Concerns over a lack of information in relation to surface water drainage. Lack of clarification as to whether SuDS are required. Concerns over the capacity of DCWW drainage system to accommodate the proposals.

Archaeology – Concerns over the lack of consideration for the impact on archaeology in the area given the presence of local finds on neighbouring sites. An Archaeological Watching Brief should be undertaken.

Welsh Water - Recommends a condition.

The record of public sewers indicates that the system is designated to receive foul water only and therefore we would not permit the communication of any surface water.

Glamorgan Gwent Archaeological Trust (GGAT) - No objection.

The Historic Environment Record notes no features or finds within the application site itself, however, a Roman stone sarcophagus and human remains were found nearby during works for development. We have therefore considered the likelihood of archaeological deposits being encountered by the proposed development.

The area has been disturbed by historic quarrying since the 19th Century, and the creation of the nearby existing buildings. Given our understanding of the current information, it is unlikely that any archaeological features would be encountered and therefore we do not propose any archaeological mitigation.

Highway Authority - No objection

The Highway Authority have received a re-consultation for the application in relation to revised site layout drawing '1493 [PL] 01K. The highway authority acknowledges the amendments on the revised drawing, namely the reduction in the number of proposed dwellings from 4 to 2 and the re-engineering of the private drive serving Delfryn and the retention of the existing drive serving Holly Bush. The amendments as detailed reduce the traffic movements to and from the site for a total of 4 dwellings. The re-engineered private drive and existing means of access off Vinegar Hill is considered appropriate to accommodate the access and egress requirements for Holly Bush and the proposed 2 dwellings. The highway authority therefore withdraws its objection to the application. The highway authority considers they would be unable to sustain an objection on highway safety and capacity grounds as the impact of the amended development, 2 additional dwellings, is reduced and is not considered detrimental to the safety and capacity of Vinegar Hill.

Natural Resources Wales - We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation.

Environmental Health – No Objection. Have considered the further details and have no objections on EH grounds

SAB Approval Body – SuDS will be required. No objection.

MCC Ecology - No objection subject to conditions.

MCC Landscape and GI Officer - No objection subject to conditions.

The applicant has subsequently reduced the scheme from four dwellings to two. The scheme has addressed some of the previous concerns by retaining areas for amenity, GI and ecological enhancements previously earmarked for two dwellings and associated access. The layout is generally acceptable from a GI and Landscape perspective being set back from the Vinegar Hill corridor, retaining and enhancing vegetation and trees to reduce intervisibility. The proposal seeks to make use of backland space and the proposed architectural design of the dwellings broadly responds to the context and character of the wider area in terms of built form. A GI Bond is requested.

MCC Public Rights of Way – Objects.

The Active Travel Act (Wales) 2013 requires local authorities to continuously improve facilities and routes for pedestrians and cyclists and to consider their needs at design stage. Additionally, under its Transport Strategy, the Welsh Government supports interventions that support walking and cycling, public transport and ultra-low emissions vehicles over other private motor vehicles. Because of the way the site spans the area between the junction into Hunters Ridge and Vinegar Hill it offers excellent potential to increase Active Travel options thereby encouraging walking and cycling. I understand that there might be concerns about introducing walkers onto Vinegar Hill because of its narrow character, lack of walkways and lack of scope to upgrade it.

MCC Building Control

From the Site Plan the vehicle access for a pump appliance appears to be within 60m of all points within the dwellinghouse (assumed to be provided with an Automatic Fire Suppression System).

5.2 Neighbour Notification

Letters of objection received from 26 addresses; the objections have been summarised below but can be found in full on the Council's website.

Inaccurate Plans and missing information

The proposals constitute over development, the proposed gardens are too small. There will be overcrowding issues.

The proposed houses are too large/tall and out of character with the area, the proposal does not fit well with the street scene. No context of topography is provided to truly understand the effect of massing.

The proposed dwellings are overbearing, will cause overshadowing and overlooking and be out of keeping with the existing properties. They will result in a loss of privacy, with specific reference to Hunters Ridge. None of the plots provide detail of 45 degree or 25 degree rule for windows facing existing structures as SPG; the development does not comply with the privacy distances outlined in the SPG. Contrary to LDP Policy DES1.

Increase in traffic on Vinegar Hill will cause highway traffic congestion and safety issues for cars and pedestrians. Vinegar Hill is also too narrow for Construction Traffic. There are no designated passing places in Vinegar Hill. Emergency vehicles will not be able to access the site. The access and egress should be onto St Mellons Close to mitigate evident health and safety concerns on Vinegar Hill.

The application cannot refer to a Capita Symonds traffic survey in 2002 that is irrelevant as this was 20 years ago. Inadequate visibility at the access, this does not comply with WG guidance in TAN18. The proposals conflict with LDP Policy MV1.

Inadequate drainage, the sewers are at capacity.

Questions over the boundary fences and vegetation as to whether they are remaining.

Biodiversity issues have not been addressed; concerns over loss of wildlife habitat.

May lead to flooding.

The foundation works likely cause damage to neighbouring properties.

Consideration should also be made to the applicant's desire to convert a barn to residential thus increasing the traffic volume further.

Degradation to the environment and safety hazards resulting from continued infill developments.

There is a footpath between the site and Hunters Ridge, some vegetation has been removed. The PROW will be affected by the development

Increase in noise, pollution disruption. The properties have chimneys. Smoke from these properties would be blown directly into my property at ground level.

Given this and the likely high cost of these properties it cannot be the case that there is a legitimate 'need'. The houses should be affordable. According to Policy S3 Strategic Housing Sites the target set out in Policy S2, will be met by a single, strategic site in the County's larger settlements (i.e. Rockfield Farm Development), in accordance with the spatial strategy set out in Policy S1.

There is no need for back garden development.

Letter of support

Most people in this area need 4-bedroom houses. These houses would fit nicely into the area and provide homes without over developing. I think they'd make a nice addition and the applicant has planned how to use the land without disrupting Vinegar Hill.

5.3 Other Representations

None Received

5.4 Local Member Representations

Former local Member, Councillor Dymock:

Please can I request for this application to go to planning committee due to it being such a contentious application. I would also wish to attend and speak when this is discussed.

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 and Undy Development Boundary and forms part of the Severnside sub-region. Policies S1 and H1 of the Local Development Plan presume in favour of new residential development within development boundaries, subject to the relevant detailed planning considerations.

This application needs to be considered against the Infill Development Supplementary Planning Guidance which was adopted in November 2019.

6.2 Infill Development

Character

The Infill Development Supplementary Planning Guidance (SPG) states that the proposed dwelling must respect the scale, form and massing of existing development in the area. In this area of Undy there is a mix of housing types, but the majority are two storey detached dwellings, except for Delfryn, a bungalow that is adjacent to the two proposed dwellings. Holly Bush itself is a two-storey cottage. The properties fronting onto Vinegar Hill tend to be larger and located on more spacious plots than those properties further east of the site. The two proposed dwellings would have a similar footprint, if slightly smaller, to Delfryn with which they share the site and also to those properties immediately to the south of the site. The application site has no discernible road frontage as it is set away from the road, thus the proposed plots will not be visible within the street scene. The topography of the site slopes up steeply from south to north and so the ridge heights of existing dwellings vary considerably. The ridge height of proposed Plot 2 is 8.3 metres to the ridge, and because the dwelling will be constructed in the former quarry the ridge height of Plot 2 would be considerably lower than the ridge height of the properties on either side. Plot 1 will be seen in the context of the existing property Delfryn which is a single-storey property. Plot 1 would have an overall footprint of 13m by 10.7m, the hipped roof would have a maximum ridge height of 8.4m which is higher than the adjoining property Delfryn.

Distance between buildings

The SPG says that all proposals need to provide sufficient gaps between buildings to minimise any overbearing and overshadowing impact on the residential amenity of neighbouring properties. Part 7.1 looks at Privacy and Amenity. The key considerations relating to privacy and amenity for small scale infill residential development are:

- a. whether the plot would have adequate privacy to habitable rooms and private garden space
- b. whether a new house(s) on the plot would affect the privacy of neighbours
- c. whether a new house(s) on the plot would affect the host dwelling

In this case the plot is of sufficient size to accommodate two new dwellings with sufficient parking provision and private amenity space. Plot 1 has been designed to have its principal elevation facing south west, it will have a large glazing element at the front which faces the garden of Holly Bush and then the rear elevation of the Brambles, which is over 60 metres away. The north west elevation of Plot 1 faces towards the side elevation of Delfryn; this elevation contains two windows on the ground floor (one serving a WC) and a large landing window as well as well as one first floor window serving a WC. There is approximately 5 - 8.6 metres between the two dwellings. Delfryn contains two windows on the side elevation, one serving a sitting room. It is considered appropriate to condition that the windows on the side elevation of Plot 1 are obscure glazed to protect the privacy of existing and future occupants.

The rear elevation of Plot 1 faces towards the rock face of the quarry beyond then is the corner of no 1 Hunters Ridge which is set at a higher level and approximately 16 metres to the north east. The rear elevation of Plot 1 will contain habitable room windows at both ground and first floor level and would face the side elevation of no 1 Hunters Ridge. There would be no unacceptable levels of overlooking due to the difference in levels, distance, orientation and intervening vegetation. The south east elevation of Plot 1 faces towards the rear gardens of Green Acres and Magnolia House, there is one first floor bedroom window on this elevation as well as a small en-suite window and three ground floor windows. In addition, the intervening distances are over 20m at the minimum which is ample to safeguard privacy.

Plot no 2 will be set further back in the plot, with its principal elevation facing south west towards the rear of Plot 1 and its rear elevation facing into the public open space of St Mellons Close. Plot 2 would have an attached garage to the side with dressing room and ensuite above; it would be approximately 8.4m to the ridge and contain no windows on the side elevations. The side elevation of the garage would be approximately 16 metres from the rear elevation of no 25 Celtic Close and there is a mature hedge along the common boundary. To the north of Plot 2 is the front garden of 1 Hunters Ridge, which is set at a higher level. There will be no window or door openings on the north west elevation of the proposed dwelling. The proposed new dwellings will not adversely impact on the host dwelling as they are a considerable distance away. The SPG outlines specific privacy distances that would normally be expected.

A. Back to back distances

There should be a minimum of 21m between directly facing elevations containing main habitable windows. In this case there are no directly facing elevations because of the orientation of the new dwellings and their relationship with existing dwellings.

B. Distance to side elevations

The adopted SPG on Infill development makes reference to distances between the rear elevation of one property and the side elevation of another. It states that, "To avoid over-dominant development and overshadowing of neighbouring properties, there should be at least 15m between principal elevations with main habitable windows and side gable walls without windows (unless these are minor windows such as the landing, WC or utility room windows). This is applicable to the new dwelling as well as the host dwelling. This will ensure adequate amenity is provided for future occupiers as well as the existing residents. In this current application it is the south (side) elevation of Plot 2 which faces the rear elevation, of no 25 Celtic Close. No 25 Celtic Close has a rear garden of approximately 13 metres long, in between the two properties there is a raised bank and a dense hedge. The side elevation of the proposed dwelling will be over 15 metres from the rear elevation of no 25 Celtic Close. The situation is further mitigated by the mature hedge between the two properties and the fact that the one and half storey side elevation of Plot 2 will not contain any windows. The rear elevation of Plot 1 looks at an oblique angle towards the side elevation of no 1 Hunters Ridge, there is 16m between the two properties as well as a significant difference in ground levels. Given the orientation of the new and existing properties as well as the existing vegetation and difference in ground levels there will be no significant loss of privacy or overbearing impact as a result of this proposal to warrant refusal.

C. Distance from the rear and side boundary of the neighbours

The SPG states "Where the proposed rear principal elevation (with habitable windows) is not aligned with the side elevations of the neighbouring property, it is normally required that there should be at least 10m from the rear principal elevation of the infill development to the side boundary of the neighbouring property." In this case the principal elevations for Plot 2, the elevations that contain the main windows, face forward into the site (10m from the front of Plot 2 to the rear of the garage of Plot 1) and backwards toward the recreational area (17m to the rear of Plot 2 to the boundary). The principal elevations for Plot 1, face forward to the rear garden of Holly Bush (10m front garden) and backwards towards the rock face and no 1 Hunters Ridge (16m) so that there is sufficient distance between the respective dwellings.

D. The '25° rule' for windows facing other structures

A reference line is taken at 2m above ground level on the existing building. This is the assumed position of the top of ground floor windows in the existing building. A 25° line is then drawn towards the proposed building. If the proposed development falls beneath the line drawn at 25°, there is unlikely to be a detrimental effect to daylight on the existing property. In this case there are no properties that could be affected by the 25 degree rule.

As described the proposed dwellings do comply with the guidance set out in the adopted SPG on Infill Development and will not result in a significant loss of outlook or privacy to the occupiers of the existing neighbouring properties. The new dwellings will not have an overbearing impact on the existing neighbours. The proposal accords with the advice given in the SPG on infill development and also with the objectives of policies DES1 and EP1 of the LDP which requires that new development should have regard to the privacy, amenity and health of the occupiers of neighbouring properties.

6.3 Sustainability

The Local Development Plan and PPW encourages sustainable development. This is a sustainable location for new housing development being located within an existing village, within

walking distance to facilities such as schools and smaller convenience stores. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

6.4 Good Design

The application seeks the erection of 2 no. two-storey detached dwellings, one with accommodation in the roof space. The new dwellings will not be visually prominent as they are set well back in the plot and will have no presence in the street scene. The design and finishing materials of the proposal are acceptable and respect the character of the area. Policy DES1 of the LDP requires that new dwellings contribute to a sense of place while their intensity is compatible with existing uses. The residential properties surrounding this site are of a variety of ages and styles, although most are detached and situated on large plots. As the site is steeply sloping with the neighbouring properties to the north set at a higher level than the proposed development, and those to the south set at a lower level, this means that there is no uniform ridge height. The development site is not visually prominent from any public vantage point. The form, scale and massing of the new dwellings would be acceptable and the proposal would respect the character of the area and the surrounding properties. It therefore accords with the objectives of Policy DES1 of the LDP.

6.5 Place Making

PPW 11 says that good design is fundamental to creating sustainable places where people want to live work and socialise. The special character of an area should be central to its design. In this case the proposed new dwellings will not be visually prominent within the street scene of Vinegar Hill or the surrounding roads but would be seen from neighbouring properties to some degree. The proposal will contribute in a limited sense to creating a sense of place and its scale and appearance are compatible with development in the adjacent area.

6.6 Landscape

The existing vegetation around the periphery of the site will be retained. There will be new hedge and wildflower planting within the site. The application has been amended reducing the number of dwellings from four to two and this has addressed some of the previous concerns from the Council's Landscape Officer by retaining areas for amenity, green infrastructure (GI) and ecological enhancements. The layout is generally acceptable from a GI and Landscape perspective being set back from the Vinegar Hill corridor, retaining and enhancing vegetation and trees to reduce intervisibility. The proposal seeks to make use of backland space and the proposed architectural design of the dwellings broadly responds to the context and character of the wider area in terms of built form. There are appropriate vegetation buffers between the existing and proposed residential properties. A landscape plan informed by GI, ecological and SuDS assessments will be required by condition. The Landscape Officer offers no objection and concludes that, "Overall from a landscape and GI perspective the proposed development will not have a significant detrimental impact on the character and appearance of the urban setting, localised streetscape and amenity and provisions of PPW (Edition 11) and policies S1, DES1 and NE1 of the LDP."

The Landscape Officer has suggested that the applicant pay a GI Bond through a 106 agreement for offsite recreation per dwelling to contribute to improvements to recreation and associated green infrastructure provision within Magor and Undy. Given the very small scale of the development and that this policy approach is yet to be adopted, planning officers consider that there is no justification for requesting it at this stage.

6.7 Impact on Amenity

The impact on residential amenity has been considered in detail at the start of this report, in connection with compliance with the adopted Infill Development SPG.

6.8 Highways

6.8.1 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 an existing village within walking distance to facilities such as schools and smaller convenience stores. There is also a public bus service that runs through the village providing access to larger settlements such as Caldicot, Chepstow and Newport.

6.8.2 Access / Highway Safety

It is proposed that the new dwellings will be served off the existing access that serves Delfryn. There are no proposals to alter this access although the private drive within the site will be reconfigured. The Highway Authority considers they would be unable to sustain an objection on highway safety and capacity grounds as the impact of the amended development, two additional dwellings, is limited and is not considered detrimental to the safety and capacity of Vinegar Hill. It is considered that the existing access has operated for a considerable number of years without concern and is not dissimilar to several other existing accesses along Vinegar Hill that accommodate more than 3 dwellings. They note that traffic speeds on Vinegar Hill are naturally suppressed due to alignment, width and topography. Therefore a relaxation in current visibility standards now and in the past has been considered appropriate and not detrimental to the safety and capacity of Vinegar Hill. The inability of the existing access to accord with current visibility standards is therefore not considered substantial enough to support refusal of the application.

The access arrangements are therefore considered to be compliant with LDP Policy MV1.

6.8.3 Parking

The adopted Monmouthshire Parking Standards require one off street parking space per bedroom up to a maximum of three for each dwelling. Integral garages are not considered to be adequate parking spaces as they are often converted into habitable rooms. In this case two car parking spaces and a *detached* double garage (which can be considered as a parking space) are being provided for plot 1 and three parking spaces for plot 2. Therefore, the parking provision within the site complies with the adopted Monmouthshire Parking Standards 2013.

6.9 Affordable Housing

LDP Policy S4 requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is 5 or more units in Severnside, then a financial contribution is appropriate. The financial contribution is based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019). The amount of affordable housing proposed may be based on a viability assessment.

Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%.
In Severnside the CS rate is 80

Plot 1 Floor area 210m² x 80 x.58 = £9,744.00

Plot 2 Floor area 204m² x 80 x.58 = £ 9,465.00

The applicant has confirmed they accept the payment and are willing to enter into a Section 106 agreement. Therefore, the proposal accords with Policy S4.

6.10 Flooding

The site is not in a designated flood zone identified in the DAM maps of TAN 15 or the Flood Maps for Planning in the emerging TAN 15 and therefore the site is at no risk of flooding from surface water or main rivers.

6.11 Drainage

6.11.1 Foul Drainage

The foul water will connect to the mains sewer. This complies with the advice from NRW that in a sewered area the preference is to connect into a mains sewer. Welsh Water have offered no objection to the proposal but request a condition requiring that a drainage scheme for the site be submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water and shall indicate that no surface water enters the public sewer i) to prevent hydraulic overloading of the public sewerage system, ii) to protect the health and safety of existing residents and iii) ensure no pollution of or detriment to the environment.

6.11.2 Surface Water Drainage

The applicant has indicated that surface water discharge will be by way of a soakaway, and the site appears of sufficient size to accommodate this. The application has now demonstrated a means of surface water discharge. The SAB approving body has no objection to the proposal. The scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage and approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

6.12 Biodiversity

A Preliminary Ecological Appraisal report (Just Mammals Consultancy, March 2020) and an Ecological Survey Report relating to reptiles (Just Mammals Consultancy, June 2020) have been submitted. The reports are welcomed and detail the findings of a Preliminary Ecological Appraisal and reptile presence/absence survey in 2020. A low population of slow worm was found in the garden, mostly close to the barn, and detailed mitigation proposals including the location of an on-site receptor area have been provided. There is also potential for nesting birds and hedgehog to be present. Boundary habitats including trees and hedgerows will mostly be retained. Protection measures can be secured by a condition for a Construction Environmental Management Plan as well as a condition to secure the recommendations in the ecological reports.

Although it is standard practice for ecological survey reports to remain valid to within 18 months to 2 years of submission, the mitigation proposals should still take account of species likely to be present. The reptile mitigation measures would be unlikely to change based on any update survey even if habitat has become more suitable; the measures proposed are sufficient robust. Therefore, update surveys are not required in this instance.

The barn on the wider site is no longer included in the application. Use by lesser horseshoe and at least one other bat species were recorded. If works to the barn are proposed as part of any other application, an update survey will need to be provided. Vegetation along the boundaries will be retained, which should maintain potential flightlines. Lighting will need to be very carefully designed in the vicinity of the barn and retained vegetation as lesser horseshoe bats have been found to avoid light spill above 0.5 lux. A detailed sensitive lighting specification will need to be secured by condition if consent is granted. Lighting will need to be designed in accordance with ILP 2018 Guidance. Lighting must only be used where absolutely necessary. Floodlighting or indiscriminate security lighting would not be appropriate in this location. Lighting should be low-level, downward-facing and away from vegetated boundaries. PIR sensors and short-duration timers should be used.

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). As recommended in the Landscape and Green Infrastructure comments, a Green Infrastructure Management Plan should be provided before determination and secured by condition. Areas of wildflower grassland, new native tree and hedgerow planting and installation of bat and bird boxes is welcomed as shown on the site plan Drawing 1493[PL] 01L. Hedgehog connectivity measures and integrated bat and bird boxes e.g. bat/bird bricks on the

dwellings should also be considered. Full details of management will be required to demonstrate that habitats will be maintained in favourable ecological condition. The Biodiversity Enhancements have been included on the site plan and these are commensurate with the scale of the proposal. This will ensure that the provisions of Policy NE1 of the LDP are met with regards to providing biodiversity enhancements.

6.13 Active Travel

The Active Travel Act (Wales) 2013 requires local authorities to continuously improve facilities and routes for pedestrians and cyclists and to consider their needs at design stage. Additionally, under its Transport Strategy, the Welsh Government supports interventions that support walking and cycling, public transport and ultra-low emissions vehicles over other private motor vehicles.

MCC Active Travel Officers have suggested that a footpath link be incorporated into the layout of the site to run between Hunters Ridge, St Melons Close and Vinegar Hill, in fact the applicants did submit a layout plan showing such a footpath line. However, the Highway Authority and planning officers consider that a footpath link through this site linking it to Hunters Ridge would pose an unsatisfactory safety risk to pedestrians. MCC Public Rights of Way, do not believe that this is a valid reason to oppose the addition of a public access link through the proposed site and maintains its objection to the proposed development until it contains a route linking the play area off St Melons Close to Vinegar Hill. MCC Public Rights of Way Officers believe that Vinegar Hill is already well used by pedestrians and this use is only likely to increase with frequent approvals for more housing at the northern end of the lane and that Crashmap, an online resource detailing road traffic incidents is not indicating any incidents on Vinegar Hill as far back as its records go, 23 years.

Planning officers do not consider that this footpath link is justified or safe for pedestrians.

6.14 Phosphates

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

6.15 Planning Obligations

If the application is to be approved then a financial contribution for affordable housing in the local area will be required

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

Several local residents have written in to say that they object to the proposed scheme.

The main concern over residential amenity has been discussed in the main body of the report. The position of the two new dwellings complies with the advice given in the SPG on Infill Development. There is also concern that the dwellings are too big for the plot and that they are out of character with the area. The two new plots are of a commensurate size to surrounding properties. The proposed new dwellings are of a similar footprint to other dwellings to the south of the plot and their form and massing are comparable with other dwellings in this area. The proposal will not have an adverse impact on the street scene as they are set back in the plot and will not be visually prominent from public vantage points. Planning officers consider that the design of the two new dwellings does accord with Policy DES1 of the LDP as the proposal does respect the character of the area.

In relation to water. Provided that only foul water enters the public sewerage system Dwr Cymru Welsh Water has offered no objection. The surface water will not enter the public sewer as it will be the subject of a separate SAB application. There is no indication that the development of this site would lead to an increase in flooding elsewhere.

In relation to highways, the impact of the increase in traffic generated by two additional dwellings, on the surrounding road network has been addressed and the Highway Authority offer no objection. The proposal is for vehicular access via an existing access off Vinegar Hill and we must consider the proposal before us; it would not be practical to bring the access in from St Mellons Close as then the access would have to cross the amenity space. The proposed access is considered acceptable by Highways Officers.

In relation to noise, there would inevitably be some noise and disturbance during the construction phase but this is only temporary; there is no reason why this development would result in damage to other properties.

In relation to other buildings, there is an old stone barn close to the rear of Holly Bush Cottage, but there is no proposal to convert that outbuilding to residential use; it does not form part of the application and is outside of the application site.

In respect of public right of ways, there is no designated footpath between Hollybush and Hunters Ridge.

In relation to affordable housing, the two houses proposed are not affordable units but they will be required to make a financial contribution to affordable housing through the usual S106 process.

As regards ecology, MCC Ecologists and NRW have no objection to the proposal on grounds of loss of habitat provided that the proposed mitigation is implemented.

The objectors raise concerns that the slab levels are not clear from the submission; the submitted drawing 1493 (PL) 01L shows that the finished floor level for Plot 1 will be at 54.5m AOD and the finished floor level for Plot 2 will be 55.5m AOD.

In relation to the proposal placing a strain on community facilities, planning officers do not consider that the proposal for two new dwellings will have any significant effect on existing facilities.

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

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

6.18 Conclusion

The site is located within the Magor and Undy Development Boundary and forms part of the Severnside sub-region. Policies S1 and H1 of the Local Development Plan presume in favour of new residential development within development boundaries. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location. The proposed dwellings will respect the scale, form and massing of existing development in the area. The proposed dwellings do comply with the guidance set out in the adopted SPG on Infill Development and will not result in a significant loss of outlook or privacy to the occupiers of the existing neighbouring properties in accordance with the objectives of policy DES1 and EP1 of the LDP.

The layout is considered acceptable from a GI and Landscape perspective, the proposed development will not have a significant detrimental impact on the character and appearance of the

urban setting, localised streetscape and amenity and provisions of PPW and policies S1, DES1 and NE1 of the LDP.

The Highway Authority consider that they would be unable to sustain an objection on highway safety and capacity grounds as the impact of the amended development for two additional dwellings is very limited and is not considered detrimental to the safety and capacity of Vinegar Hill in accordance with Policy MV1 of the LDP.

The proposal accords with Policy S4 of the LDP by providing a financial contribution for affordable housing in the area.

The scheme will provide adequate biodiversity enhancements in accordance with Policy NE1 of the LDP.

In conclusion, the application is considered to be policy compliant in all respects and is presented to Committee Members with a recommendation for approval

7.0 RECOMMENDATION: Approve

Subject to a 106 Legal Agreement requiring the following:

Formula: Financial Contribution to provide affordable housing in the locality = Internal Floor Area (m²) x CS Rate x 58%.

In Severnside the CS rate is 80

Plot 1 Floor area 210m² x 80 x.58 = £9,744.00

Plot 2 Floor area 204m² x 80 x.58 = £ 9,465.00

S106 Heads of Terms

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

Conditions:

5 YEARS

- 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.

COMPLIANCE WITH PLANS

- 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.

DRAINAGE SCHEME

- 3 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage 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.

ECOLOGICAL ENHANCEMENT

4 Ecological Mitigation and Enhancement

The development shall be carried out in strict accordance with the approach detailed in Section 10 of the Preliminary Ecological Appraisal report (Just Mammals Consultancy, March 2020) and Section 9 of An Ecological Survey Report relating to reptiles (Just Mammals Consultancy, June 2020) Should the development not be carried out in strict accordance with the approved mitigation and enhancement strategy all works shall cease immediately until alternative means of mitigation have been submitted to and approved in writing by the Local Planning Authority. The agreed alternative scheme shall be carried out in accordance with the timescale approved within that alternative mitigation scheme.

Reason: To comply with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 regarding the requirement to protect bats and their roosts, and to ensure compliance with LDP Policy NE1.

5. CEMP

Construction Environmental Management Plan

No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management 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)

LIGHTING

6 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:

- a) lighting type, positioning and specification
- b) measures to minimise light spill from glazed areas

The strategy must demonstrate that bat mitigation entrances are not illuminated and allows dark corridors for bats. The scheme shall be agreed in writing with the LPA and implemented in full.

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

7 LANDSCAPE CONDITION

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

- Detailed scaled plans, showing existing and proposed levels.
- Proposed and existing utilities/services above and below ground.
- Soft landscape details shall include: means of protection, planting plan, specifications including species, size, density and number, cultivation and other operations associated with planting and seeding establishment.
- Hard surfacing materials.
- Minor artefacts and structures (e.g. Refuse or other storage units, fencing , signs and lighting).

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

LANDSCAPING COMPLIANCE

8 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.

LANDSCAPE MAINTENANCE

9 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, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

10 GI MANAGEMENT CONDITION

A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall include the following:

- a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan.
 - a. Boundary buffers
 - b. Green corridors
 - c. Strategic landscaping and SUDs features that include soft landscaping
 - d. Ecological enhancements
- b) Opportunities for enhancement to be incorporated
 - a).Management of treed and planted boundaries for amenity benefits, GI and biodiversity
 - b).Maintain habitat connectivity through the site for species
 - c) Trends and constraints on site that might influence management of above features.
 - d) Aims and objectives of management.
 - e) Appropriate management options for achieving aims and objectives.
 - f) Prescriptions for management actions.
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty year period).
 - h) Details of the body or organization responsible for implementation of the plan.

i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery as appropriate. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

11. OBSCURE GLAZING

The windows to Plot 1 NW elevation at first floor shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

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Application Number: DM/2021/00622

Proposal: Retention of the 4 small fans and removal and replacement of the 6 larger fans

Address: Atherstone, B4347 Turners Wood To Porthygaelod Farm, St Maughan's, Monmouthshire, NP25 5QF

Applicant: Michael Rees

Plans: FC063-6E - , MRE-PL01 - , Hydor - HV Wall Mounted Belt Drive Fan (Installation and Maintenance Instructions for HV1250) - , Hydor - HV Wall Mounted Belt Drive Fan (Specifications for HV1250) - , Acoustic Note M2135 provided by Matrix - 14.02.2023, Acoustics Report M2135/R01a - 10.01.2022, Location Plan

RECOMMENDATION: Approve

Case Officer: David Wong
Date Valid: 05.05.2021

This application is presented to Planning Committee as there are more than four local objections

1.0 APPLICATION DETAILS

1.1 Proposal Description

Atherstone Farm is an existing, well-established business near St Maughan's, situated north-west of Monmouth. This application was initially a retrospective planning application for the retention of an earth bund and ten extraction fans on the north-facing gable wall of an existing poultry shed at the Farm. However, following discussions, it was decided that instead of retaining all of the extraction fans as built, it is now proposed to remove the six larger fans and replace them with a quieter range fan to address a noise complaint from the nearby properties. This scheme is supported by an acoustic report that evidences that the revised proposal would reduce the fan operational noise to an acceptable level. The fan unit itself (the replacement fans) will sit inside the shed and the external fan openings will be encased with a louvre casing.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/00622	Retention of the 4 small fans and removal and replacement of the 6 larger fans.	Pending Determination	
DM/2022/00039	Steel framed machinery shed.	Acceptable	17.01.2022
DC/2005/01388	Extension to existing free range egg poultry unit	Approved	21.06.2006

DC/2015/00080	Erection of a free range egg laying unit with associated feed bins and hardstandings.	Approved	20.05.2015
DC/2016/00066	Proposed single storey rear extension.	Approved	04.02.2016

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
RE5 LDP Intensive Livestock/Free Range Poultry Units
LC1 LDP New Built Development in the Open Countryside

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

Whitecastle Community Council - The Council approves the development provided it can be established that the proposals control noise levels.

Natural Resources Wales (NRW) - We have no objection to the proposed development. The application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Wye SAC.

MCC Environmental Health - Based on the revised information, it is considered that whilst noise from the 10 fans in question is likely to be audible at nearby noise sensitive properties from time to time it will be at a reduced level. I am therefore not in a position to substantiate an objection to the application.

SEWBRc Search Results - No significant ecological record identified within the shed.

5.2 Neighbour Notification

Three letters received neither objecting to or supporting the Planning Application.

More than five objections received (summary of key points below):

Intensive factory farming should not be welcomed in Monmouthshire.

Intensive poultry farming is extremely damaging for the environment.

We are not objecting to the chicken farm itself or the right of the owners to conduct their business but we are very concerned these large extractor fans, even with a bund, are causing unnecessary avoidable noise and environmental pollution.

The bund that was constructed did not reduce noise levels and may have worsened them, by directing the sound upwards.

The application approval should require proper assessment and implementation of effective measures.

Ammonia emission levels will have increased because of the extractor fans and rising.

The application will adversely affect biodiversity.

There will be significant noise and pollution which will affect the local area detrimentally.

The council to confirm that the proposed work conforms to the industry advice of DEFRA.

Noise from the fans is intrusive 24 hrs a day to those living above the farm, worse in hot weather when open windows are needed.

Since installing the fans chicken numbers have gone up from 32,000 to a declared level of 39,999.

The limit requiring environmental permitting is 40,000.

Ammonia is a recognised pollutant from intensive farms.

These fans were put in during 2018 without permission or measures to mitigate noise and environmental pollution.

The fans are noisy and have affected our lives adversely.

DEFRA advises fans like these should be equipped with noise reducing baffles and filters to reduce the risk of pollution to the surrounding area.

The partial bund without baffles has not been effective to reduce noise level.

It is important that appropriate noise and pollution impact assessments are done.

Retrospective application is wrong and granting such permission sets a bad precedent.

The mathematical modelling used on the noise assessment can be inaccurate.

The noise from the fans is a problem because they run day and night in a naturally quiet location and the greatest problem is during the quiet time in the evenings and at night.

It is suggested that the replacement fans will reduce the noise output by 7db. The council officers' professional expertise must ensure this is the case.

More than 5 support letters received (summary of key points below):

Noise is not an issue from the site.

The only time there is a smell of chicken waste is when the farmers use it to fertilize their fields.

Dust emission from the fans is not noticeable.

The larger fans are in accordance with a healthy environment for the animals kept within, and should be seen as a good example of animal husbandry.

The site is surrounded by a considerable number of trees which in itself is a well-accepted means of baffling noise.

The fields surrounding the barns are abundant with wildflowers and not noticeably affected at all by any pollution from the barns.

The owners have brought their 25-acre ancient woodland back into sustainable management, with the priorities being biodiversity, soil regeneration and a diverse native replanting schedule. They have also planted over 150 trees next to the barn.

UK agriculture has some of the highest animal welfare standards in the world and this is something as UK consumers we should be proud of.

We regularly run and ride horses past the farm and have never noticed any smells or noise coming from the farm and fans, in any direction within the vicinity.

A substantial amount of money has been invested into the business to comply with animal welfare and environmental issues.

The ancient wood, which is now part of the land that makes up Atherstone Farm, is being professionally managed.

The noise of the fans is minimal even on the B4347 road adjacent to sheds and is inaudible if holding a conversation.

Fans are a key part of ventilation systems used to regulate temperature and airflow to ensure that the internal environment of the shed is appropriate for laying hens.

5.3 Other Representations

The Campaign for the Protection of Rural Wales - objection. We are concerned by the level of noise pollution from the fans which have been installed in the poultry unit. The fans are very noisy and can be clearly heard by residents in nearby properties. On many days, and particularly on calm days, the noise levels would be a nuisance. The fans are in action 24/7. This is likely to be a nuisance to anyone living nearby. CPRW would like to ask the council to assess noise levels on site and in the local area.

Local Member, Councillor Chandler - The fans are clearly audible from the nearest property. The residents reported that the noise level varies according to the weather and the amount of leaf cover in the trees, and that at the time of my visit the noise was not at the levels often experienced. The residents clearly have a number of concerns about this retrospective application. They believe that a bund is not an adequate noise mitigation measure and suggest the applicant comes back with a more effective solution. A swift resolution is needed.

6.1 EVALUATION

6.2 Principle of Development

6.2.1 This free-range egg production shed is long-established and there is no change of use of the land. Planning permission for this unit was originally granted in 2003 and the building was later extended in 2006. It is understood that to conform with Best Available Techniques (BAT) for poultry farming, the internal configuration of the shed was altered in 2018 with added external extraction fans to improve the ventilation of the shed. The added fans are the subject of this planning application. Therefore, from a planning perspective, this application is seeking whether or not the ventilation system of the shed is acceptable. There is no policy objection in principle subject to detailed planning considerations.

6.3 Design/ Visual Amenity

6.3.1 Initially, this was a retrospective planning application for the retention of an earth bund and ten extraction fans on the north-facing gable wall of an existing poultry shed at the farm. An acoustic report with mitigation was submitted in support of the initial scheme. However, that proposed mitigation could not achieve the required level of noise reduction; the application was then revised.

6.3.2 It was then decided that the six existing, larger fans in Row 2 were the main cause of excess noise. Thus, the applicant's acoustic consultant advised the replacement of those fans with a

quieter range, whilst retaining the four smaller fans at Row 3. The external appearance of the replacement fans will be the same as those of the previously approved fans in Row 1; the fan mechanism will be concealed inside the shed. On the outside of the shed, a louvre casing will cover each of the fan openings.

6.3.3 It is considered that the appearance of the replacement fans is visually acceptable in this instance. It has a functional design and is not considered to be an alien feature for such poultry units. The shed is visible from the public realm but is partially screened by existing vegetation along the boundary of the fields. In addition, due to the topography of the land, glimpses of the fans can be seen but this is unlikely to cause a significant adverse visual impact upon this part of the open countryside, and would be in accordance with the terms of LDP Policy DES1.

6.3 Impact on Amenity

6.3.1 There are neighbour objections, highlighting that there is an on-going noise issue from the existing fans and that the mathematical modelling used on the noise assessment may be inaccurate. The Council's Environmental Health Department was consulted to ensure that the noise issue is appropriately addressed. Under the initial scheme (i.e. the retention of the fans), it was proposed to build an external housing for the fans. However, from an Environmental Health and noise pollution perspective, that mitigation could not achieve the desirable standard to address the noise issue. Therefore, the applicants were advised to provide an alternative solution to address the issue.

6.3.2 Under the latest revised scheme, it is now proposing to address the source of the noise issue by replacing the larger extraction fans contained in Row 2) with quieter fans. A revised acoustic report was submitted for consideration and based on the submitted information, the advice given by the Council's Environmental Health Department is that the resulting fans are likely to be audible at nearby noise sensitive properties from time to time but will be at a reduced level. Therefore, they are not in a position to substantiate an objection to the application. However, to ensure that the fans are installed, managed and maintained in accordance with the manufacturer's instructions, the applicants will be required to submit written confirmation by an appropriately qualified acoustic consultant to verify that the noise levels are achieved within three months of the installation; this can be secured via an appropriately worded planning condition.

6.3.3 It has come to light that the earth bund that was initially constructed to try to mitigate the noise from the gable end fans has recently been removed, which has led to more recent concerns about an increase in the level of noise audible at nearby dwellings. It is understood that that earth bund was initially constructed to provide temporary noise mitigate until a permanent solution is found. In any case, a condition will be imposed to ensure that the noise level is achieved as stated noise levels at the nearest dwellings detailed in Acoustic Note M2135 (Feb 2023). Therefore, it is considered that the application is in accordance with LDP Policy EP1.

6.4 The Rural Economy

6.4.1 Planning Policy Wales 11 (PPW11) acknowledges that the rural countryside provides an economic and environmental base for agriculture and tourism to thrive. In addition, it sets out that planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In this instance, the proposed extraction fans are required to meet Best Available Techniques for poultry farming and therefore as per PPW11 the application is supported.

6.4.2 The currently adopted LDP is supportive of the rural economy and it recognises that intensive free-range poultry units have become an increasing feature of Monmouthshire's agricultural economy. It advises that careful siting and landscaping of such units can keep such impacts to a practicable minimum. This application is related to an existing free-range egg production unit. The shed is visible from the public realm but is partially screened by existing vegetation along the boundary of the fields. In addition, due to the topography of the land, glimpses of the fans can be seen but this is unlikely to cause a significant adverse visual impact

upon this part of the open countryside. In addition, the latest revised acoustic information shows that the replacement of the six larger fans will achieve acceptable levels of noise emission. Therefore, the application is in accordance with both National and Local planning policy.

6.4.3 There is local concern that by allowing this application, it would set a bad precedent for the installation/carrying out of unauthorised works on intensive farming units in Monmouthshire. However, each case must be treated on its own merits, and in this instance, the applicant is seeking to address the source of the noise concern, and the option proposed is considered to be acceptable from both a Planning and Environmental Health perspective.

6.5 Phosphates

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

6.5.2 NRW was consulted and they advised that this application, per se, is unlikely to increase the amount of phosphorus entering the catchment. Therefore, they are satisfied that the proposal is not likely to have a significant effect on the River Wye SAC. From a planning perspective, there is no objection to this element and no further information is required.

6.6 Biodiversity

6.6.1 There are neighbour objections setting out concerns regarding the potential impacts of this application upon the natural environment. The changing of the extraction fans from one model to another will have no physical impact upon the natural environment. This free-range egg production shed has the benefit of planning permission so no change of use of land is required. Also, no further extension of the shed is being proposed and none of the existing trees and vegetation will be removed as a result.

6.6.2 Some neighbours highlighted that intensive poultry farming is extremely damaging for the environment, in particular in respect of dust and ammonia emissions, and they are questioning whether or not the site and its facilities comply with the relevant regulations/requirements. Also, the neighbours have questioned the overall/maximum number of the birds on site.

The unit has planning permission and these aspects are regulated by other agencies. The proposal is to secure approval for the fans at the site only and not the units themselves. Thus, there is no substantive reason to object to the application in respect of the building's use, the stocking of birds or pollution controls which are managed by NRW and other agencies. Given the above, no significant issue of this kind is identified. However, a biodiversity enhancement scheme will be requested as part of the permission, in accordance with Policy NE1 of the LDP.

6.7 A response to the Representations of Third Parties and/or Community Council

6.7.1 In terms of a response to the noise objections - please refer to Section 6.3 of the report.

6.7.2 As regards a response to the environmental objections - please refer to Section 6.6 of the report.

6.7.3 In terms of the response from Whitecastle Community Council - The community council recommends approval of the development provided it can be established that the proposal controls noise levels.

The revised acoustic information submitted has resulted in there being no objection from the Council's Environmental Health Department.

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

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

6.9 Conclusion

6.9.1 The resulting application will address the source of the on-going noise issue and is therefore, considered to be in accordance with relevant policies within the adopted LDP (DES1, EP1 and NE1) 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 content of the Acoustic Note M2135 provided by Matrix dated the 14th of Feb 2023 shall be adhered to by:

- o Remove the existing middle bank of six Big Dutchman EM50 fans shown in Figure 1 of Acoustics Report M2135/R01a dated the 10th of January 2022, and
- o Install in the same positions as the removed six Big Dutchman EM50 fans, six Hydor HV 1250 fans within 6 months of the date of this decision.
- o The six Hydor HV1250 fans shall be installed and maintained in accordance with the manufacturer's instructions, (copy attached), in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

3 (A) Within 3 months of the installation of the six Hydor HV 1250 fans, written confirmation from an appropriately qualified acoustic consultant, shall be submitted to the local planning authority for approval in writing to verify that the stated noise levels at the nearest dwellings detailed in Acoustic Note M2135 provided by Matrix dated the 14th of Feb 2023 are achieved. This will include verification of the noise levels at the nearest dwellings stated in Acoustic Note M2135 during the day, evening and throughout the night (11pm - 7am) with all 12 fans (100%) operating.

(B) In the event the noise levels cannot be agreed in writing with the Local Planning Authority, full details (including plans and sections) of a mitigating earth bund shall be submitted for the approval of the local planning authority in writing within one month of the date of the determination of the requirements of Part A are confirmed by the LPA. The details shall include an implementation timetable. The development shall only proceed in accordance with the approved details and timetable and shall be retained as such thereafter.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

4 Within 3 months of the planning permission, details of Biodiversity net benefit and enhancement measures shall be submitted on plan, identifying location, positioning and specification, including an implementation timetable. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

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

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

4 Please be advised that it is the responsibility of the applicants to ensure that they secure all other permits/consents/licences relevant to their development/business activities.

Application Number: DM/2022/01826

Proposal: Retention and completion of domestic garage

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

Applicant: Mr Steve Bull

Plans: Elevations - Proposed 22-SB-304 - , Site Plan 22-SB-303

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham

Date Valid: 22.12.2022

This application is presented to Planning Committee at the request of the Local Member (Cllr Groucutt)

1.0 APPLICATION DETAILS

1.1 Site Description

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

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

1.2 Proposal Description

Planning consent was granted for a new double garage to the rear of the property in 2019. This granted consent for a building with the following dimensions:

Eaves Height - 2.2m
Ridge Height - 4m
Width - 6m
Length - 7m

Unfortunately, the garage was subsequently built larger than the permission allowed. As such an application was submitted to regularise the changes. The application acknowledged that the garage 'as built' was too large and began reducing the scale. The second application proposed the following dimensions:

Eaves Height - 2.818m
Ridge Height - 5.263m
Width - 6.4m
Length - 7m

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

1. Revert back to the original (approved) scheme;

2. Reduce by 500mm for further consideration; or
3. Keep the proposal as it is (although Members have expressed concerns with this).

Following discussions with Officers, the applicant requested that the Committee Members determine the application as originally presented. On this basis, the following reason for refusal was agreed:

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

This decision was appealed and dismissed. In his report, the PEDW Inspector noted the following:

'Given its prominent position directly on the rear lane, I consider that the scale of the garage would seriously undermine the character and appearance of this pleasant residential area and cause significant harm to the street scene. Therefore, it would conflict with Policy DES1 of the Adopted Monmouthshire Local Development Plan (2019) which, amongst other things, requires all development to be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment, and development proposals will be required to respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings.'

and:

'From the rear garden and in views from the rear facing windows of No. 58 Old Barn Way, the outlook would be dominated by a mass of built form in a way that I consider would be overbearing. Moreover, the height and scale of the garage would result in an imposing form of development that would be visually over-dominant, exacerbated by the fact that the ground level of the appeal property is higher than No. 58. Notwithstanding the proposed reduction in the height of the garage, the development would be inappropriate to its context and increase the sense of enclosure with consequence adverse effects on the living conditions of the occupant(s) of No. 58 Old Barn Way contrary to Policy DES1 of the LDP.'

Having regard to the PEDW decision, this application now proposes a further reduction in ridge height:

Eaves Height - 2.818m
 Ridge Height - 4.5m
 Width - 6.4m
 Length - 7m

In summary, compared to the refused scheme, this latest application proposes a reduction in the ridge height by 0.763m which is now 0.5m higher than the originally approved scheme in 2019.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/01627	Double garage construction.	Approved	05.12.2019
DM/2021/01735	Retention of domestic garage.	Refused	10.08.2022

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Abergavenny Town Council - No comments received to date.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Four representations received objecting to the development on the following grounds:

- Still living with a vastly overbearing and dominant building which I will reiterate is out of keeping with the community and has a hugely negative impact on myself and my living conditions as a next-door neighbour.
- The stone and height of the building is completely different to what has been erected in the neighbourhood.
- The depth of the stone also gives the opportunity to make this building even bigger.
- The height is vast compared to the garages in the area.

- This dominant and imposing structure is very close to my property and is already over my boundary.
- Question how this building will be finished without entering my property. I would like to make it perfectly clear I will not be granting permission to do so and this is non-negotiable.
- The planning that has been approved originally should be the bottom line.
- The height has no bearing on the structural strength integrity of any storage load.
- The garage is 400mm away from the neighbour. The drawing prepared and presented by an architect is just misleading.
- Document 22/SB/303 indicates a shallow roof angle which is clearly misleading in this submitted drawing.
- The new building is an eyesore that blocks the view of nearby properties and was erected in flagrant disregard of planning regulations.
- If this construction were allowed to achieve planning consent, one must consider this to be a lamentable failure by our Planning Authority by permitting any applicant to ride roughshod over the laws which are designed to prohibit this type of protracted activity.
- The structure is still a significantly higher increase in overall vertical height.
- The cladding literally and visually exaggerate these increases the apparent size of the structure.
- To quote from the Inspector's report "Even with a reduction in height this remains a dominant and imposing structure".
- The only positive comments were submitted by people who can neither see the structure let alone be affected by it. Their comments present nothing more than their opinion since neither are neighbours to the applicant and are totally unaffected by the decision the committee may make.
- To quote from the Independent Inspector's report dated December 2022, "The majority of houses in Old Barn Way contain single-storey, flat roof garages and outbuildings within the rear gardens and there are no outbuildings of the same scale and height as the garage in the rear of 60, Old Barn Way. "
- The scale and height of this construction makes it appear incredibly like a domestic property rather than a single-storey double garage which blocks our view, has an overbearing impact on our properties and negatively impacts on our living conditions.
- How many times will the applicant submit slightly amended proposals in an effort to retain this monstrous construction?

Two representations supporting the application for the following reasons:

- It would be absolutely ridiculous to make the applicant rebuild the entire building for the sake of a reduction in 400mm width, removal of a nice natural stone finish and bring the roof ridge down to 4m.
- The changes the applicant has now made are very substantial.
- I and my family walk this rear lane and all the other garages are dilapidated and not fit for purpose. It is pleasing to see a more modern building of a high quality finish and fit for its purpose.
- The immediate neighbour number 62 has raised no objections at all.
- Neighbouring garages are not fit for purpose and cannot be used to park a car off the road.
- The applicant's garage has been constructed within his land.
- The stone is in keeping with the town and it matches the surrounding boundary fencing. A rendered painted finish would stand out like a sore thumb.
- The committee should note that the appeal inspector's report in 2022 was in response to the appeal for a ridge height of 5.2m which the planning authority recommended for approval and has no bearing on this new application. Therefore the comments made by the objectors referencing the Inspector's report should be totally ignored.
- The committee should note from the inspector's report: He appreciates that the garage would provide the additional security for vehicles and other items stored within it and that it has been constructed with a high quality finish with complimentary natural materials.
- I understand that throughout the process the applicant has done all that has been asked by the planning authority to reach a remedy.

- The garage is at a rear lane and is not visible in the street scene and my view is that it is very pleasing to see someone trying to upgrade and improve the area compared to the historical garages already erected by the objectors which are clearly unfit for their intended purpose.

5.3 Other Representations

None.

5.4 Local Member Representations

County Councillor Groucutt - As the local Elected Member could I make a request that, at the appropriate time, this application is considered by the full Planning Committee. I would also like the opportunity to attend the site meeting and address committee when it is considered.

6.0 EVALUATION

6.1 Good Design/ Place making

6.1.1 The Monmouthshire Supplementary Planning Guidance for Domestic Garages 2013 advises that a double garage to accommodate two cars should have an internal minimum size of 5.5m x 6m. The original application passed in 2019 was for a double garage measuring 6m x 7m with a height of 4m to allow roof storage with a roof light. The total area approved was 42m². It is also worth noting that Permitted Development Rights would have allowed a building with 2.5m eaves and a 4m ridge height provided that the footprint would not exceed 50% of the total curtilage.

6.1.2 The proposed new building measures 6.4m x 7m and the total area is 44.8m². The current drawings show a further reduction in height of 0.763m compared to the recent refusal, resulting in a building with a ridge height 0.5m higher than the original approval. It is considered that this relatively small increase in area and height is acceptable in this urban context. Although the natural stone cladding adds external width to the building, it is considered to be unreasonable to penalise the applicant for using traditional materials that will improve the overall appearance of the building. The finish of the garage was not raised as an issue by the PEDW Inspector who acknowledged that 'it has been constructed with a high quality finish with complimentary natural materials'.

6.1.3 There are various other existing garages and outbuilding to the rear of the houses on Old Barn Way and the wider local area. These vary in scale and design and many are not of a scale that would be suitable to accommodate a modern car. It is considered that the building proposed in this application would not now be of such an excessive scale to justify refusal on design grounds. The design of the garage is typical of a domestic garage with storage space in the rood area and is appropriate in the context of the main dwelling. Whilst the proposed garage is larger than some other garages in the area it is still subservient and subordinate to the main dwelling and leaves at least 50% of the curtilage of the dwelling as open space, albeit some of it covered by hard standing.

6.1.4 As the building is located to the rear of the main dwelling it is not visible from Old Barn Way. Views from Hereford Road are limited by trees. Therefore, there is no significant visual impact on the wider area.

6.1.5 On the basis of the above, it is considered that by reducing the ridge to 4.5m (and therefore also the pitch angle) the concerns raised by the PEDW Inspector are addressed and the revised proposal now meets the requirements of LDP Policy DES1 in relation to design.

6.2 Drainage

6.2.1 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated

pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a Habitats Regulations Assessment (HRA) to determine whether they are likely to have a significant effect on the SAC condition.

6.2.2 This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice: Development to an existing residential property (e.g. extensions) that does not increase occupancy or the volume of drainage. No foul drainage is proposed as part of this planning application.

6.2.3 In terms of surface water drainage, two 2m x 10m deep soakaways have been installed to take rain water from the roof. This is considered to be adequate for the scale of the building. Further SAB approval will not be required as the building is less than 100m².

6.3 Impact on Residential Amenity

6.3.1 The garage is located at the end of the garden with the main opening facing onto the rear access lane. Due to the nature of the use as a garage/store only (no internal steps are proposed to access the upper storage area), the building would not result in a loss of privacy for any neighbouring occupiers.

6.3.2 In his appeal decision, the PEDW Inspector stated that:

'From the rear garden and in views from the rear facing windows of No. 58 Old Barn Way, the outlook would be dominated by a mass of built form in a way that I consider would be overbearing....Notwithstanding the proposed reduction in the height of the garage, the development would be inappropriate to its context and increase the sense of enclosure with consequence adverse effects on the living conditions of the occupant(s) of No. 58 Old Barn Way contrary to Policy DES1 of the LDP.'

In this respect it should be noted that Permitted Development Rights would allow a structure 0.5m lower than that proposed in this application without the requirement for planning permission and it is difficult to justify why that would be acceptable but a marginally higher structure would not be in this context where many other outbuildings have been constructed to the rear of existing dwellings.

6.3.3 The most closely related neighbouring properties to the application site are no. 62 to the north and no. 58 to the south. No. 62 is located to the north of the site, separated by a footpath. The proposed garage would be located approximately 16m at an oblique angle from the rear of no.62 and set at a lower ground level due to the topography of the area. Given the separation distance together with the relatively modest scale of the garage, it would not have an adverse impact on the amenity of no. 62 in terms of being overbearing.

6.3.4 No. 58 is the attached dwelling to the south and the garage is under 1m of the common boundary with this property. Whilst this is a more intimate relationship, No. 58 has an existing single storey garage on the common boundary with the application site, the new garage being located alongside it. The application garage is marginally shorter in depth but would be higher at the roof ridge than the adjacent garage. Given this positioning, the impact of the proposed garage at the size now proposed would be mainly screened by the existing garage, thus having a minimal effect on the garden of no. 58 and would thus not be overbearing.

6.3.5 The amenity of the main dwelling (no. 60 Old Barn Way) must also be protected to ensure sufficient garden area will be retained. The dwelling has a good sized garden and the rear elevation of no. 60 would be over 7m from the nearest part of the proposed garage. While the

garden is inevitably reduced the remaining amenity space is considered to be sufficient to serve the main dwelling and is acceptable.

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

6.3.7 On the basis of the above, it is considered that the proposed development is now acceptable in terms of residential amenity and accords with the requirements of policies DES1 and EP1 of the LDP.

6.4 Access / Highway Safety

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

6.5 Biodiversity

6.5.1 PPW11 requires that all new development provide proportionate net gain for biodiversity. No features have been shown on the submitted plans and therefore these can be secured via a condition should Members be minded to approve the application.

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

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

6.6.2 This is a householder application for a domestic garage. Should any owner of the land wish to change the use of the garage in the future then this would require planning consent. The presence of a building on the land would not prejudice the determination of a planning application for change of use in the future.

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

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

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

6.8 Conclusion

6.8.1 The increase in the size of the garage is considered to be acceptable in terms of wider visual impact (LDP Policy DES1).

6.8.2 The proposed garage at the size now proposed will be mainly screened by the existing garage of no.58, thus having a minimal effect on the garden and therefore is not considered to be overbearing to a degree that would justify refusal.

6.8.3 The dwelling has a good-sized garden and while the proposed garage reduces the garden this would not result in insufficient remaining outdoor space to serve the main dwelling.

6.8.4 Features to provide net gain for biodiversity as required by PPW11 can be secured via condition should Members be minded to approve the application.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

2 Within one month of the date of this consent, details of ecological enhancements for biodiversity in the form of bat and/or bird boxes shall be submitted for the approval of the Local Planning Authority. The agreed details shall be implemented within 3 months of the date they are agreed and shall be maintained as such in perpetuity.

REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policies S13, and NE1.

INFORMATIVES

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

Application Number: DM/2023/00391

Proposal: Proposed building associated with existing agricultural land use

Address: Agricultural Outbuilding, Llandenny Walks Road, Llandenny, Monmouthshire

Applicant: Kate Mobbs-Morgan

Plans: Site Plan TSW074/D002a - , Location Plan : TSW074/D001a - , All Proposed Plans 4204-001 F - , Other Planning Statement

RECOMMENDATION: Approve

Case Officer: Mr Ryan Bentley

Date Valid: 13.03.2023

This application is presented to Planning Committee due to the level of objections to the application

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to a new building associated with existing agricultural land use. The site is accessed from Llandenny Walks Road, C41.2. The site is not located within a development boundary. The site is also within the River Usk phosphate sensitive catchment area.

1.2 Value Added

The applicant has submitted amended plans that detail a bat and bird box will be fitted to the exterior of the building. There will be new planting with native broadleaf tree and hedge (shrub) species to create hedgerow along the existing boundary with the road. There will also be new planting (native broadleaf tree and shrub species) with feathered uneven edge. This will be located to the south west of the building.

The application has been amended following concerns raised during the consultation period. Additional landscaping has been proposed to reduce the visual impact of the development within the wider landscape. The previous patio style doors have been replaced by a wooden double door with an access ramp.

1.3 Proposal Description

Retrospective planning permission is sought for a building associated with the existing agricultural use at the site. The building serves an agricultural holding comprising 7.2ha of grazing pasture with livestock (4 working horses and currently 36 ewes and 24 lambs). The single storey building will have a length of 14.2m and a width of 3.6m. The height to the ridge will be 3.8m. The internal floor space of the building will be 44m². There is no change of use proposed at the site. The external walls on the north, south and east elevations will be clad in metal sheeting. On the west elevation the external walls will be clad in timber with the utility room clad in metal sheeting. The roof will be finished in metal sheeting. There will be a single door and a wooden double door on the west elevation. There will be two windows on the east elevation.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2016/00624	The repair of the existing track, linking that track to the gate that provides the only existing point of entry into the woodland, and extending the track down to the areas of scrub land and coppice are necessary to allow wheeled vehicles into these areas.	Approved	22.08.2016
DC/2012/00839	Proposed detached garage with home office over	Approved	07.11.2012

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

SD2 LDP Sustainable Construction and Energy Efficiency
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
SD4 LDP Sustainable Drainage
RE4 LDP New Agricultural and Forestry Buildings
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure

Supplementary Planning Guidance

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

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of

our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

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

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

Technical Advice Notes

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Raglan Community Council - concern/objection, relating to a building, being built in open countryside and that it would be out of character with the area and does not form part of any agricultural unit or forming any part of an agricultural diversity scheme. The application is not in line with Policy DES1, Policy DES2, Policy E2, NE1, Policy LC5, EP1, Policy LC1 and Policy RE2. Also, not in accordance with Planning Policy Wales 11. Access onto land as the applicant/agent has indicated the land and the proposed building is going to be used for commercial use, not just pastureland, the Applicant should check and confirm there is sufficient space to accommodate the largest type of vehicle expected to use this access on a regular basis which, in the case of farm vehicles, can include trailers.

If the Planning Authority are minded to grant consent, the building and associated land be placed on the planning authority's register for these properties and undertake monitoring for policy compliance on a regular basis. The Community Council would like to be informed if this application receives any amendments, or changes, and under section 16 of the Development Management Procedure (Wales) Order 2012. The Community Council request that the local Planning Authority notify the Community Council of the terms of the decision of the above application or, where the application is referred to the Welsh Ministers.

National Air Traffic Services (NATS) - No safeguarding objection.

MCC Highways - No objection. The site benefits from an existing access that will be used for the site, which is stated to be used as storage / amenity. The proposed usage will not lead to an increase in traffic generated to and from the site and will be used to accommodate the existing agricultural work. There are no highway grounds for an objection.

Natural Resources Wales (NRW) - We note the application site is within the catchment of the River Usk Special Area of Conservation (SAC). However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC.

MCC Biodiversity – initially set out a holding objection. Further information or clarification is required. Photographs of the location of the proposed development should be provided to inform the application. No details have been provided regarding ensuring an overall net benefit of the site for biodiversity and therefore the application is not in compliance with PPW 11.

Following the submission of amended plans and images - No objection, subject to Conditions and Planning obligations.

SEWBRc Search Results - Red alert for Bat and Snake. Priority Species of Bat, Scale, Newt and Bee within 300m of the site.

5.2 Neighbour Notification

This application was advertised by means of direct neighbour consultation and a site notice. Seven neighbour objections have been received to date. These objections are for the following reasons:

- Residential appearance of the building. Building has been insulated and finished to a standard higher than is expected for an agricultural building. Materials on site indicate that future development is possible.
- Impact on the open countryside. The building is visible from Llandenny Walks Road to the south. Sets a precedent to the detriment of the special landscape area. Building is not compatible with the surrounding area, with visual intrusion.
- Existing provisions on site (caravan) serve the needs of the applicant.
- The building does not lend itself to the storage of heavy equipment and fodder.
- Application form states the site is not an agricultural holding. The need for the building as the site has been used for 5 years without such need. Is the building reasonably necessary for a land holding the size of 7.2 ha? The building is not needed as a caravan has proved sufficient previously, limited attendance at the site to justify need. Need for welfare facilities is questioned given the site has not required this previously.
- No details have been provided regarding the composting toilet and grey water drainage.
- Accuracy of the sectional drawing is questioned.
- Failure to maintain existing hedge leads to doubts the proposed planting will be successful. Existing hedgerow is unkempt, and hedge management would have limited impact.

Following amended plans and documents, three neighbour objections have been received.

- The applicant's background is irrelevant to justify development.
- Alterations appear to address access concerns but concern it will return to previous design in the future.
- Lack of detail regarding what will be stored within the building and it appears oversized for site.
- Security is not improved as a result of the development.
- Additional information is welcomed but a store is more practical at the site.
- No details regarding the composting toilet and drainage at the site.
- Landscaping is welcomed but existing management of hedgerow leads to questions whether proposed landscaping will be successful.

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 the settlement boundary in an area of open countryside. This application seeks consent for the siting of a structure to be used in conjunction with the existing

agricultural land use (grazing). The structure will provide a storage area and a utility room. The building is located on land that is graded 3a in relation to Best and Most Versatile Land (BMV). Section 3.59 of PPW11 states that considerable weight should be given to protecting such land from development, because of its special importance. However, due to the limited scale of the development, that it does not prohibit agricultural use of the land, the topography of the land and the siting of the building, the development is not considered to be harmful to the BMV land value.

Policy LC1 of the Monmouthshire Local Development Plan (LDP) sets out that "there is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism". In this instance the proposed building is considered justified for the purposes of agriculture under Policy RE4. The additional proposed planting ensures that the proposal assimilates into the landscape and complies with Policy LC5. There are no existing buildings on the site, however the building is sited near to the existing access. The building is single storey and is considered to be in scale with the surrounding area. It is not considered to have an unacceptable impact in principle on the wider landscape or biodiversity.

Policy RE4 relates to new agricultural and forestry buildings, as well as any means of access that are subject to planning control, will be permitted where:

- a) the building or access is reasonably required for agricultural or forestry purposes;
- b) adequate provision is made for the disposal of foul and surface water and any animal waste without risk to features;
- c) the proposal complies with Policy LC1.

Both PPW and Future Wales support development(s) that provide a positive impact to the rural economy and will be beneficial to industries or that strengthen rural practices. TAN 6 provides the following in relation to developments used in conjunction with rural uses; (2.1.1) "The overall goal for the planning system is to support living and working rural communities in order that they are economically, socially and environmentally sustainable". (6.1.1) "The Welsh Assembly Government's objective is a sustainable and profitable future for farming families and businesses through the production and processing of farm products while safeguarding the environment, animal health and welfare, adapting to climate change and mitigating its impacts, while contributing to the vitality and prosperity of our rural communities. The planning system can play an important part in supporting the future sustainability of agriculture".

The development is considered to comply with the relevant criteria of these policies. It is considered that the construction of the development within the site to be used in conjunction with the lawful use of the land is acceptable subject to material planning considerations. Therefore the proposed development is considered to be acceptable in principle.

6.2 Sustainability

6.2.1 Good Design/Place Making

The structure does not require a concrete or steel base into the ground as it is mounted on a wooden subframe. It is noted that the building has required earth to be removed as the site slopes, but this has led to the impact of the building being reduced when viewed from the public road to the north/east. The structure is to be sited along the north eastern boundary near to the access gate and lane and screened by trees and hedging along the boundary. The scale, siting and design of the proposal are not considered to result in a prominent visual impact that would prejudice the amenity or character of the area to an unacceptable degree.

The scale and form of the building is considered to be entirely appropriate within the context of the site and surrounding area. The amount of openings is considered to be appropriate, allowing for positive solar gain given the size of the structure. Most of the structure is clad in metal sheeting which is commonplace in a rural landscape. The use of timber cladding on the front elevation is also typical within a rural setting. From a visual impact perspective, the site slopes downwards towards the front of the property. This causes the structure to be visible from the highway to the south west.

However, despite the building being visible, it is not considered to have an unacceptable visual impact on the surrounding area. There is an existing hedgerow located on the boundary along the road which reduces the visual impact as it screens a large portion of the building when travelling along on the road.

It is considered to be of an acceptable standard of design that respects the form of the existing dwelling in accordance with policies DES1, RE4, LC1 and LC5 of adopted Local Development Plan (LDP)

6.2.2 Green Infrastructure (GI) / Landscape

The MCC Landscape and Green Infrastructure Officer has been consulted. An analysis of the relevant sensitivity appraisals from LANDMAP information indicates that the LCA has been evaluated as;

Historical; 78% Outstanding, 22% High

Cultural; 27% Outstanding, 73% High

Visual and Sensory & Landscape Habitats; 99% Moderate, 1% Low

Geological; 26% High, 74% Moderate

The MCC Landscape Officer has stated that from a landscape and GI perspective that the proposed development is acceptable and will not have a significant adverse impact on the localised landscape or from publicly accessible receptor locations. The structure is not likely to be on a skyline view. The applicant has submitted an amended site plan that details planting to assist in screening the building from the surrounding area and to ensure there is a net biodiversity enhancement. With the amended plans, from a landscape and GI perspective, the proposal will not adversely impact on valued landscape. Therefore, it is considered to be compliant with Policy LC5 of the adopted LDP.

6.3 Biodiversity

6.3.1 Having regard to PPW11 and the Dear CPO letter (23/10/19) this application must demonstrate a net benefit for biodiversity. Accordingly, the applicant has updated the submitted drawings that would see a bat and bird box fitted to the exterior of the building. There will be new planting with native broadleaf tree and hedge (shrub) species to create hedgerow along the existing boundary with the road. There will also be new planting (native broadleaf tree and shrub species) with feathered uneven edge. It is therefore considered that the proposal accords with Policy NE1 of the adopted LDP.

6.3.2 It is noted that the wider landscape contains a number of flower-rich meadows and therefore details of the existing grassland status should have been provided prior to any development. The MCC Biodiversity Officer has been consulted and photographs have been provided of the status of the existing grassland which shows poor semi-improved grassland with few flowering species. As the applicant is adding planting at the site, this would offer a biodiversity improvement at the site.

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

6.4.4 This application has been screened in accordance with the NRW's interim advice for planning applications within the Special Areas of Conservation (SACs) catchments (issued May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the advice:

Development that does not increase the volume of foul wastewater.

6.4 Impact on Amenity

It is noted that there is one dwelling within the vicinity of the development. The boundary of Fair Oak is 13m from the development, with the dwelling itself located 60m from the building. Due to the intervening distance between the building and the neighbour, no unacceptable impact is predicted. Furthermore, the existing boundary treatment helps to screen the building and this reduces its impact on the area and surrounding properties. The neighbouring property, Yew Tree, is 80m from the building and no unacceptable impact on that property is predicted. It is noted that the property, The Cyder House, shares a boundary with the application site. However, the dwelling is located 130m away from the development and impact would be negligible. Therefore, the proposal is considered to adhere to policies DES1 and EP1 of the adopted LDP.

6.5 Highways

6.5.1 Access / Highway Safety/Parking

There are no planned changes to the existing access to the site. No alterations are proposed to the access to the site or to the highway network. The proposed development is not considered to intensify the use of the land significantly beyond its existing use or to result in a significant uplift in vehicular movements to/from the site. Overall, the scale and nature of the development is not considered to have an unacceptable adverse impact upon highway safety.

6.6 Flooding

The site is not in a designated flood zone identified in the DAM maps of TAN 15.

6.7 Drainage

6.7.1 Foul Drainage

The proposed building will have a self-contained composting toilet. NRW have no objections to this proposal and state that the development is not likely to have a significant effect on the River Usk SAC. Therefore, this aspect is considered to be acceptable.

6.8.2 Surface Water Drainage

The scale and nature of the proposal and level of permeable surfaces around it are such that it is considered there would be minimal impact. The applicant has submitted drawings that show surface water will drain into a soakaway within the site. The grey water from the welfare room handwashing sink will flow into the soakaway. The application is considered to comply with Policy SD4 of the LDP.

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

6.9.1 It is noted that Raglan Community Council has raised concerns/objections to the building.

- With regards to DES1, this has been addressed within section 6.2.1 of the report. To reiterate, the use of materials for the building is considered to be appropriate within a rural environment and considered to comply with Policy DES1.
- With regards to Policy DES2, this relates to Areas of Amenity Importance. It can be confirmed that the site is not located in an Area of Amenity Importance so this policy has not been considered as part of this application.
- With regards to Policy E2, this relates to Non-Allocated Employment Sites, proposals for industrial and business development. That policy is aimed at industrial sites. The proposal seeks a building in association with the existing agricultural use. Therefore, Policy E2 is not applicable in this case.
- With regards to Policy NE1, following the submission of amended plans, the site is considered to provide a net biodiversity enhancement. The Biodiversity officer has no objections to the application.

- With regards to Policy LC5, this has been covered within section 6.2.2 of the report. The MCC Landscape officer has no objections to the development.
- With regards to Policy RE2, this policy relates to the Conversion or Rehabilitation of Buildings in the Open Countryside for Employment Use. This application seeks to provide agricultural storage within the site. Policy RE2 is not considered to be applicable in this instance because the building is not seeking to be converted and there is no change of use at the site.
- With regards to Policy LC1, this has been addressed in section 6.1 of the report. The building is not considered to have an unacceptable impact on the wider landscape or biodiversity.
- With regard to Policy EP1, this has been covered within the report. No unacceptable impact on local amenity is predicted.
- With regard to TAN6 and the use of the land by livestock, the field is grazed by sheep and horses. The horses graze the land and there is no shelter proposed as part of this application. From the information provided, the site is not changing use to equestrian activities and will remain as land for grazing i.e. agriculture.
- With regard to PPW11, this has been considered in section 6.1. The application is considered to comply with PPW11.
- With regard to the access, there are no proposed changes. MCC Highways have no objections to the application.

6.9.2 It is noted that there have been no objections from Highways, the Landscape Officer, NATS and Biodiversity. Their recommended conditions will be assessed and where applicable added to the decision notice.

6.9.3 It is noted that 10 objections have been received to date.

- With regards to the residential appearance of the building, this has been carefully considered. The use of metal sheeting and timber cladding is common place within a rural environment. The small number of windows proposed, whilst being of a domestic nature, serve to provide light to the building which is to be used for agricultural storage and providing welfare facilities. As the building is single storey and the windows are located to the rear, the appearance is considered to be acceptable.
- With regards to the impact on the open countryside and the building being visible to the south, this has been considered. The applicant has provided amended plans that detail increased landscaping to screen the development. As the building is relatively small in scale, it is not considered to have an unacceptable impact on the surrounding area. This view is supported by the Landscape Officer.
- It is noted that comments have been received stating that the applicant has used the land for 5 years without the need for such a building. Whilst this is noted, this application is based on its individual planning merits and within the context of the existing site, it is considered to be acceptable. The size of the building is considered to be suitable for the size of the existing land holding.
- -With regards to the building not lending itself to the storage of heavy equipment. The applicant is seeking to store equipment and machinery. This application is assessed on the information provided.
- With regards to the insulation of the building, this is at the discretion of the application.
- With regards to setting a precedent for future developments in the area. This development has been assessed on its individual planning merits and compliance with relevant planning policies. Should other developments be proposed in the future, these cases will be assessed on their own planning merits.
- With regards to the application form being inaccurate, this has been corrected by the applicant.
- With regards to the composting toilet and drainage the toilet is considered acceptable in relation to Phosphates and the surface water will be drained via a soakaway. These are considered acceptable.
- It is noted that the accuracy of the sectional drawing has been questioned. This has been considered but the plans are considered to be accurate.

- With regards to the materials on site indicating future development is possible, this application is being considered on the basis of the current submission only not on an assessment of what might or might not happen in the future. Any additional changes which require planning permission would be assessed via a separate application
- With regards to the comments relating to the existing hedge not being maintained, a landscaping condition will be attached to the decision notice to ensure that the proposed landscaping is maintained into the future.
- With regard to security, the addition of a building is considered to improve security within the site.

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

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

6.11 Conclusion

6.11.1 For the reasons detailed 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:

5 YEAR TIME LIMIT

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.

COMPLIANCE WITH PLANS

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.

LANDSCAPING COMPLIANCE

3 All planting, seeding or turfing comprised in the approved details of landscaping, as shown on drawing 'TSW074/D002a', shall be carried out in the first planting and seeding season following the date of this decision and any trees or plants which within a period of 5 years from the date of this decision die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All planting and landscaping hereby approved following the expiration of five years from the date of this decision shall be retained in perpetuity.

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.

BIODIVERSITY ENHANCEMENT

4 The proposed bird and bat boxes, as detailed on drawing 'TSW074/D002a', shall be implemented in full within 3 months of the date of this decision and shall be 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

LIGHTING PD RIGHTS

5 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 along the new track 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.

RESTRICTION OF USE

6 The development hereby approved shall be used for ancillary storage in operation with the lawful use of the site only.

Reason: In the interests of Highway Safety and to safeguard the special character of the countryside.

Application Number: DM/2023/00592

Proposal: Erection of 1 x 2-bedroom detached dwelling

Address: Pathways, Vinegar Hill, Undy, Caldicot

Applicant: Peter And Sonia Whitfield

Plans: All Proposed Plans PATHWAYS080_01 - , All Proposed Plans 9994-GRY-01-00-DR-C-010 - P01, GI Masterplan Pathways085_01 - , All Drawings/Plans Pathways084_01 - , All Proposed Plans Pathways083_01 - , All Proposed Plans Pathways081_01 - , Location Plan - , Other CONSTRUCTION TRAFFIC MANAGEMENT PLAN

RECOMMENDATION: Approve

Case Officer: Kate Young

Date Valid: 20.04.2023

This application is presented to Planning Committee at the request of the two Ward Members for Magor East with Undy, Councillor John Crook and Councillor Angela Sandles

1.0 APPLICATION DETAILS

1.1 Site Description

Pathways is a two-storey detached dwelling which is located on a large plot, 0.3 hectares, within the Magor and Undy Development Boundary of the LDP. The existing property is located on the western side of the plot and is accessed by a driveway from Vinegar Hill. The land slopes downwards steeply from north to south. The site is set between neighbouring dwellings. Adjoining the southern boundary is an area of amenity open space. In September 2020 planning permission was granted for two detached dwellings in the grounds of Pathways with an access off Vinegar Hill.

1.2 Proposal Description

The current full application seeks the erection of a two-bedroomed detached dwelling on the eastern side of the garden to Pathways; the plot area would be 569 m² with a shared access from Vinegar Hill. The new dwelling, which would have accommodation over two floors, would have a footprint of 10 metres by 7 metres with a ridge height of 5.95 metres. It would be finished in smooth render with grey roof tiles. The principal windows would be on the side elevations and there would be roof lights on the north elevation. Three off-street parking spaces would be provided and the existing boundary treatments would be retained. A retaining wall would be built between the new dwelling and the access road to the north.

This application is a duplicate of DM 2022 01193 which was refused due to concerns over highway safety. The decision was subsequently appealed and the application was considered by the Planning and Environment Decisions Wales (PEDW). The appeal was dismissed on the 18/04/2023. The Inspector considered the reason for refusal, highway safety, and concluded that while that issue would not have warranted refusal of permission, "the harm and policy conflict associated with the absence of a completed legal agreement to secure affordable housing provision" was sufficient reason to dismiss the appeal.

The appeal decision is attached in full at the end of this report.

2.0 RELEVANT PLANNING HISTOREY (if any)

Reference Number	Description	Decision	Decision Date
DM/2020/00234	Erection of 2 x 4 - Bed Detached Residential Dwellings.	Approved	28.09.2020
DM/2020/01882	Erection of 2, 4 bed dwellings and the formation of a new vehicular access of Pennyfathing Lane.	Withdrawn	29.01.2021
DM/2021/00164	Erection of 2, 4 bed dwellings and the formation of a new vehicular access of Pennyfathing Lane.	Refused	21.05.2021
DM/2021/01000	Discharge of condition 4, 5, 9, 11, 12, 14 and 15 relating to application DM/2020/00234.	Approved	06.10.2021
DM/2021/02078	Erection of one detached residential dwelling.	Refused	22.07.2022
DM/2022/01193	Erection of 1 x2 bed detached residential dwelling.	Refused	07.03.2023
DM/2023/00592	Erection of 1 x 2-bed detached dwelling.	Pending Determination	
DM/2023/00594	Non material amendment for planning decision DM/2020/00234. (Ground Floor & First Floor Window Frames & Lounge patio Door changed from Aluminium to UPVC Black).	Approved	24.04.2023

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

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

Supplementary Planning Guidance

Affordable Housing SPG July 2019:

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

Infill Development SPG November 2019:

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

Domestic Garages SPG (January 2013):

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

Monmouthshire Parking Standards (January 2013)

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

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Magor with Undy Community Council - Refuse

This plot was removed from the previous application and the proposed house is to be built on amenity land. There is also poor access on a blind bend. Concerns that the Emergency Services (in particular the Fire Service) will have difficulty accessing the site and rubbish will be stored outside the site.

The Community Council would refer you to DC/1997/00237, an application for low level usage agricultural access onto Vinegar Hill which went to appeal. The Planning Inspectorate described Vinegar Hill in 1997 as a "narrow tortuous road - with no footways and a combination of restricted visibility, substandard accesses and volume of traffic giving rise to potential hazardous conditions for road users."

MCC has approved lots of infill sites on Vinegar Hill in the last 25 years, concerns as to conflicting comments from two highway officers regarding two developments on Vinegar Hill. There were three previous planning applications in the 1970's, with all three of them being refused

The Community Council also have concerns over adverse impact on Walnut House from overlooking.

Dwr Cymru - Welsh Water - No objection subject to conditions.

We have reviewed the information submitted as part of this application and note that the intention is to drain surface water to a soakaway and foul water to the public sewer. Our records indicate the public sewerage system in the area is designated to receive foul water only and so no surface water will be permitted to enter the public sewer.

MCC Highways - No Objection.

Environmental Health - No objection.

MCC GI and Landscape Officer - No objection subject to conditions.

SuDS Approval Body - No objection.

5.2 Neighbour Notification

Letters of objection received from 10 addresses, these have been summarised into the following areas of concern.

Increase in traffic on Vinegar Hill will be dangerous, the access is dangerous and not wide enough and there is no opportunity to purchase additional land. Disruption during construction; the road will have to be closed to lay pipes and access is too narrow for construction traffic. The private drive is too narrow to accommodate four dwellings. The application refers to highway improvements which are outside the red line boundary. Contrary to Policy MV1

Local Authority are not satisfied that there is a reasonable prospect that the necessary improvements can be delivered within the five year time period to commence the development.

Over Development, loss of amenity land, loss of privacy. The separation distance is only 15.7m from the Walnut House rear elevation to the rear elevation of House 3. The new house will be set at a higher level than Walnut House. Does not comply with the standards outlined in the SPG

Inaccuracies in the plans. The submitted plans are deficient and do not provide sufficient information. It doesn't comply with the regulations.

Flooding of neighbouring properties.

Conifer trees on the boundary are not appropriate.

Rubbish will be piled up next to the access.

This application is the fourth attempt (three planning applications and an appeal) by the Applicants to reinstate the third house on the Approved Green Infrastructure / Amenity Area but as a separate 'drop-in' application. The current proposal is unacceptable because it would remove those aspects of the previous development which were a fundamental basis for that earlier scheme being found to be acceptable.

It would create a substantially different permission to that which was originally Approved in 2020 and the applicant should apply for separate application for the whole site. The current application for the third house does not stand alone on its own individual merits, being wholly reliant for acceptable access on improvements to be made under the original application. The third house on this site was not considered acceptable at the time of the original application. There are Material Considerations that were not considered by the Appeal Inspector in his assessment of DM/2021/02078 and resulted in dismissal of the Appeal on S106 grounds only.

The previously refused application DM/2021/02078 did not get presented to planning committee despite there being more than 5 objections so that residents did not get the opportunity to address committee and many material considerations were not addressed.

Having not been provided with the relevant design standards on which the Refusal on Highways grounds was based, the inspector has been forced to use his judgement and concludes that the proposal complies with the relevant highways considerations set out in Policy MV1 of the LDP. Had the stated Welsh Government Common Standards, released in June 2020 been provided to the Inspector, then it would have been proved that Policy MV1 would not have been complied with.

The Inspector's assessment of highway safety relies entirely on the road improvements required under another application, DM/2020/00234, this acknowledges that the Appeal Application, DM/2021/02078, cannot stand alone. Yet there is no directive that the road improvements required under DM/2020/00234 must be completed first.

The three plots may be sold off separately.

The application is inconsistent with the description of development of the original application which referred to two dwellings.

The following were not addressed by the Appeal Inspector:
Overdevelopment / Green Infrastructure
Privacy / Overlooking issues
Placemaking / Good Design / Residential Amenity
Environmental / Public Health / Excessive Noise / Dust / Vibration
Flooding

If approved this application would set a dangerous precedent.

5.3 Other Representations

None Received

5.4 Local Member Representations

Councillor John Crook and Councillor Angela Sandles have requested that this application be presented to members of the planning committee.

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 and Undy Development Boundary and forms part of the Severnside sub-region. Policies S1 and H1 of the Local Development Plan presume in favour of new residential development within development boundaries, subject to the relevant detailed planning considerations. This application needs to be considered against the Infill Development Supplementary Planning Guidance which was adopted in November 2019.

6.2 Infill Development

Character

The Infill Development Supplementary Planning Guidance (SPG) states that the proposed dwelling must respect the scale, form and massing of existing development in the area. The existing and proposed dwellings surrounding this plot are all relatively large and situated on substantial plots. In this case plot 3 has an area of 569m² which is smaller than that of the plots for adjoining dwellings. There is no discernible road frontage in this area and the proposed plot will not be visible within the street scene. The topography of the site slopes up steeply from south to north and so the ridge heights of the dwellings vary considerably. The ridge height of the new dwelling (5.96m) is lower to that of the original dwelling at Pathways and the two new dwellings that have been approved recently. The property to the south of plot 3, Walnut House is a dormer bungalow and the two properties to the east are both bungalows. There is a significant difference in ground levels in this area, but given the relatively low ridge height of the proposal and the separation distances, the new dwelling would not have an overbearing impact on the dormer bungalow to the south.

Distance between buildings.

The SPG says that all proposals need to provide sufficient gaps between buildings to minimise any overbearing and overshadowing impact on the residential amenity of neighbouring properties. Part 7.1 looks at Privacy and Amenity. The key considerations relating to privacy and amenity for small scale infill residential development are:

- a. whether the plot would have adequate privacy to habitable rooms and private garden space
- b. whether a new house(s) on the plot would affect the privacy of neighbours
- c. whether a new house(s) on the plot would affect the host dwelling

In this case the plot is of sufficient size to accommodate a new dwelling with sufficient parking provision and limited private amenity space. The new dwelling has been designed so that its principal windows are in the side elevations. As a result of this adequate privacy can be provided to the main habitable rooms but it does mean that there would be only two small windows on the south elevation. These two high-level windows would serve the main habitable space on the ground floor, the living room. The design compromises the residential amenity of the occupiers of the proposed new dwelling as well as compromising the visual appearance of the new dwelling, albeit not to an extent that would warrant refusal. The design however does prevent unacceptable overlooking of the neighbouring property, Walnut House. The new dwelling would be located close to the common boundary with Walnut House, 7.1m and Glyn Royson, 13m. The new dwelling is a significant distance from the host dwelling, Pathways. The SPG outlines specific privacy distances that would normally be expected.

A. Back to back distances

There should be minimum of 21m between directly facing elevations containing main habitable windows. In this case there would be less than 20 metres between the rear elevation of the proposed dwelling and the rear elevation of Walnut House. There is also a significant change in levels with the slab level of the new dwelling being almost 4 metres higher than the finished floor level of Walnut House. In this case, because of the high level windows on the rear elevation of the new dwelling there will not be a significant loss of privacy for the occupiers of any existing dwellings. The new dwelling will be built to the north of Walnut House so it will not have an

overbearing impact or reduce the sunlight to the neighbour's garden. There is a 1.8m high close-boarded fence along the common boundary and some trees have recently been planted.

B. Distance to a side Elevation

The adopted SPG on Infill development makes reference to distances between the rear elevation of one property and the side elevation of another. It states that "To avoid over-dominant development and overshadowing of neighbouring properties, there should be at least 15m between principal elevations with main habitable windows and side gable walls without windows (unless these are minor windows such as the landing, WC or utility room windows)." This is applicable to the new dwelling as well as the host dwelling. This will ensure adequate amenity is provided for future occupiers as well as the existing residents. In this case, the east elevation of the proposed dwelling contains the main habitable room windows with bi-fold doors serving a kitchen/diner on the ground floor and a bedroom window at first floor level. The east elevation of the proposed dwelling will face towards the rear garden of Glyn Royson. The east elevation of the new dwelling will be approximately 13.5 metres from the common boundary with Glyn Royson, there is a low level stone wall between the two properties. The habitable room windows of the new dwelling will overlook the end of the private rear garden of Glyn Royson but not the dwelling itself. Given that the rear elevation of Glyn Royson is approximately 25 metres from the east elevation of the new dwelling and set at an oblique angle the overlooking impact would be limited and not warrant refusal.

The west elevation of the new dwelling will contain the front door and a habitable room window on the ground floor and a bedroom window at first floor level. The west elevation faces towards plot 2 and there is sufficient separation distance between these two properties. The north elevation of the new dwelling would contain three windows on the ground floor, one of which would serve a habitable room, all these windows will be set behind a retaining wall so there will be no possibility of unacceptable overlooking. There would also be three roof lights on the north elevation, these would look towards the rear garden of Lydstep at a distance of approximately 10 metres, however given that they are within the roof it is considered that this is acceptable.

C. Distance from the rear and side boundary of the neighbours

The SPG states "Where the proposed rear principal elevation (with habitable windows) is not aligned with the side elevations of the neighbouring property, it is normally required that there should be at least 10m from the rear principal elevation of the infill development to the side boundary of the neighbouring property." In this case the principal elevation will be the east elevation and there is sufficient distance, achieving 10m, between this proposed elevation and the neighbouring boundary of Glyn Royson.

D. The '25° rule' for windows facing other structures

A reference line is taken at 2m above ground level on the existing building. This is the assumed position of the top of ground floor windows in the existing building. A 25° line is then drawn towards the proposed building. If the proposed development falls beneath the line drawn at 25°, there is unlikely to be a detrimental effect to daylight on the existing property. In this case Walnut House has a single storey conservatory on the rear elevation but the new dwelling because of its low ridge height will not intrude into this 25 degrees even accounting for the difference in ground levels.

The proposed dwelling does comply with the guidance set out in the adopted SPG on Infill Development and would not result in a significant loss of outlook or privacy to the occupiers of the existing neighbouring properties. Despite the difference in ground levels, the new dwelling will not have an overbearing impact on the existing neighbours. The proposal accords with the advice given in the SPG on infill development and also with the objectives of Policy EP1 of the LDP which requires that new development should have regard to the privacy, amenity and health of the occupiers of neighbouring properties.

6.3 Sustainability

The Local Development Plan and PPW encourages sustainable development. This is a sustainable location for new housing development being located within an existing village, within

walking distance to facilities such as schools and smaller convenience stores. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

6.4 Good Design & Placemaking

The application seeks the erection of a two-storey detached dwelling with the first floor accommodation is in the roof space. There would be roof lights on the north elevation. The principal windows will be on the two side elevations. The only windows on the south elevation would be set at a high level and they would serve the main living room. On the north elevation the ground floor windows would be set behind a retaining wall and because of this, the outlook from the ground floor is limited. The dwelling will be finished in smooth render with grey concrete roof tiles; these materials are considered to be appropriate in this location and reflect the materials of the recently approved dwellings on the site. The dwelling would be of a contemporary design and the style will be very similar to that of the dwellings on plots one and two, which have recently been granted approval. Policy DES1 of the LDP requires that the dwellings contribute to a sense of place while its intensity is compatible with existing uses. The residential properties surrounding this site are of a variety of ages and styles, although most are detached and situated on large plots. As the site is steeply sloping with the neighbouring properties to the north set at a higher level than the proposed development, and those to the south set at a lower level, this means that there is no uniform ridge height. The development site is not visually prominent from any public vantage point. Many of the properties surrounding this site are single storey or dormer bungalows but the height of the dwelling is less significant due to the large difference in ground levels. The form, scale and massing of the new dwelling is acceptable. The new dwelling would have a footprint of 10 metres by 7 metres, the eaves height would be approximately 2.6 metres and the total ridge height would be a maximum of 5.98 metres above ground level. A considerable amount of cut and fill of the ground levels would be required as well as a retaining wall. The contemporary design of the dwellings is generally acceptable in design terms and the proposal would comply with LDP Policy DES1.

PW11 says that good design is fundamental to creating sustainable places where people want to live work and socialise. The special character of an area should be central to its design. In this case the proposed new dwelling will not be visually prominent within the street scene of either of Vinegar Hill or Pennyfarthing Lane but it will be viewed from surrounding properties to some degree. The proposal will provide a suburban form of development to the existing character and its scale is compatible with development in the adjacent area. It would not be prominent and so it would have a neutral visual impact.

6.5 Green Infrastructure

The development indicates fruit tree planting to the eastern boundary of the plot, 11 conifers planted to the south of the proposed dwelling 2.6m north of the existing boundary hedge and lawn areas to be a wildflower lawn mix. The plan indicates that elements of a wider Green Infrastructure Management Plan (GI MP) are to be retained within the application boundary. The application also includes rain gardens related to SAB/2021/050 as indicated on plan.

Figure 1 shows existing site levels based on topographical survey of the site and external floor level (i.e. patio) of the proposed development. The applicant has indicated that a retaining structure will be required and has indicated in sketch 3D this will extend from the parking area and wrap to the eastern end of the patio. Concerns remain with regard to the retaining structure and relationship with the proposed SuDS and as indicated by the applicant the retaining structure is yet to be designed so it is not clear if there will be a subsequent impact. Further clarity would be required to show a cross section through the SuDS and proposed retaining wall to ensure sufficient depth and width of SuDS is provided - to accommodate growth of proposed plants and functionality of the feature. This can be provided prior to determination or as condition of approval should the application progress. It is also noted that the 3D sketches highlight the proximity of existing car access and corner approach to a circa 2.5m drop inclusive of graded grass to patio of the proposed application. There appears to be no protective measures on edge of car access. It is suggested that consideration of features such as landscaping, fence, upstands should be included as part of the scheme and this can also be reflected in cross sections. The applicant has indicated

that proposed sewer drain / pump will be located 3m distance from the line of the proposed conifer hedge which is acceptable. It is suggested that alignment of a drain pump indicated on plans related to SAB/2021/050 and / or current submission are updated to show the proposed location in proximity to the conifer hedge. The applicant has clearly indicated that the roles and responsibility for the establishment and future maintenance of the rain gardens, the establishment and maintenance of the proposed landscaping within the application boundary inclusive of hedges, conifer hedges, fruit trees and wildflower lawn areas, will be the responsibility of the landowner.

The applicant has indicated that a site wide GI Management Plan has been provided in relation to an adjacent previous application which is also referenced in PATHWAYS085_01 which highlights the commitments related to a site wide GI MP. As this is a separate application to previous applications the GI MP should accompany this application and be updated to include any proposed alterations related to the application. This can be provided prior to determination or as a condition of approval should the application progress.

The applicant has referenced the proposed planting schedule as indicated in PRE-APP SAB 9994 G 2 GRAY which is welcome however a more detailed planting plan will be required with the submission to determine what planting is proposed within this application boundary inclusive of species, number, size at planting for the rain gardens. This can be provided prior to determination or as a condition of approval should the application progress.

From a Landscape and GI perspective the application is acceptable subject to requested clarifications and information prior to determination or as conditions of approval.

6.6 Impact on Amenity

The impact on residential amenity has been considered in detail at the start of this report, in connection with compliance with the adopted Infill Development SPG.

6.7 Highways

6.7.1 Sustainable Transport Hierarchy

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located within an existing village within walking distance to facilities such as schools and smaller convenience stores. There is also a public bus service that runs through the village providing access to larger settlements such as Caldicot, Chepstow and Newport.

6.7.2 Access / Highway Safety

It is proposed that the new dwelling will be served off the existing access into Pathways. This access would also serve the two new dwellings recently approved within the Pathways site as well as the existing dwelling. The existing access would therefore be expected to serve four properties in total. This access is between two existing properties Gwyn Royson and Firkbans. Gwyn Royson is set at a lower level than the access road and has a stone wall along the boundary with the existing access. Fairbanks is set at a higher level but has windows on the elevation facing towards the access. The access track is relatively narrow for a length of approximately 40 metres.

The Highways Authority requested that hard surface and drainage improvements be made to the existing access as shown in drawing 9994-GRY-01-00-DR-C 010-ACCESS ROAD REMEDIALS - P01 as an integral part of planning application DM/2020/00234 and with the exception of the tarmac and the new kerbs all of these improvements have now been completed.

DM/2021/02078 was refused with the following highway safety reason.

The existing access into the site is not suitable as a private drive to serve four dwellings due to its restricted width. The existing driveway, even when improved by the features shown on drawing no. GRY 01 00 DR C 010 Rev PO1 will not be wide enough to allow for two cars to pass and this

would lead to inappropriate vehicle manoeuvres that would be detrimental to the safety and capacity of the private drive and its junction with Vinegar Hill. The use of the access by an additional dwelling would be detrimental to the safe passage of vehicles using the private drive and would be contrary to the adopted highway design guide and subsequently be contrary to the objectives of Policy MV1 of the Monmouthshire Local Development Plan which seeks for the safe and efficient operation of the highway system

This decision was subject to an appeal which was dismissed. However, In that consideration the highway safety issue was considered. The Inspector said that they had "*assess[ed] the practical risks to highway safety within the context of the site constraints and the wider planning policy framework. In considering such matters, it is necessary to note that the approved scheme for two dwellings includes highways improvements to the existing access driveway to accommodate the anticipated increase in vehicle movements. A minimum width of 4.1m for the first 10m along the access from Vinegar Hill was agreed, as indicated on the approved plans. The appellant has provided evidence that the planning conditions pertaining to the highway improvement works have been discharged and I could see that some works were underway during my site visit. I am therefore satisfied that such works can be considered as part of the assessment of this appeal.*"

The inspector concluded that "*Having regard to the low traffic volume, the domestic use of the driveway, and the driveway width and alignment, I have little evidence to suggest that the proposed additional dwelling would give rise to any significant highway safety risks. The proposal would therefore comply with the relevant highways considerations set out in Policy MV1 of the Monmouthshire Local Development Plan (LDP), adopted in February 2014*".

Given the position taken by the inspector on the previous application, which is exactly the same as this current application, MCC Planning officers consider that they cannot sustain an objection to the proposal on highway safety grounds. The Highway Authority has evaluated the details submitted in support of the current application and in reviewing the application has considered previous highway consultation responses and the Inspector's appeal decision. The highway authority has concerns that the application proposes no amendments / improvements to the shared private drive as detailed on application DM/2022/01193 but notes that the Planning Inspector concluded that the addition of a further two-bedroom dwelling (DM/2021/02078) would not give rise to harmful effects on highway safety.

The Inspector also notes that '*The Council refers to several design standards for private shared driveways set out in the Welsh Government Common Standards, released in June 2020. However, the status of such standards is unclear, and in any event, I have not been provided with a copy of the document or any evidence of their use within Monmouthshire. Given the lack of clarity on these matters, I am unable to attribute them significant weight in the determination of the appeal. I shall therefore assess the practical risks to highway safety within the context of the site constraints and the wider planning policy framework.*

To confirm, the standards referred to are The Common Standards Guide which was produced by Welsh Local Authorities and other key stakeholders, this Guide had not been adopted by Monmouthshire County Council, the Highway Authority or Welsh Government and therefore they have limited weight in the determination of the application. The Authority do consider these standards to be good practice and that it is hoped that applications would be able to meet these requirements. However, it is noted that these are not adopted policy documents, and even had the Inspector had sight of these documents, limited weight would have still been given to this guidance. As a result the LPA concur with the Inspector's position given the limited additional traffic that would be generated by this proposal.

The current application proposes the erection of a two-bedroom detached dwelling with no improvements or amendments to the private shared drive. In conclusion although the highway authority would welcome improvements of the shared private drive as detailed in planning application DM/2022/01193, the highway authority offers no objection to the application on the grounds that the proposal generates no more or less vehicular movements than application DM/2021/02078 that was subject to the appeal decision that concluded that the proposal would not give rise to harmful effects on highway safety.

6.7.3 Parking

The adopted Monmouthshire Parking Standards require one off-street parking space per bedroom up to a maximum of three for each dwelling. In this case the car parking spaces are being provided within the site to the north-west of the proposed dwelling and this is in accordance with the adopted standards.

6.8 Affordable Housing

LDP Policy S4 requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is 5 or more units in Severnside, then a financial contribution is appropriate. The financial contribution is based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019). The amount of affordable housing proposed may be based on a viability assessment.

Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%
In Severnside the CS rate is 80

The property has an internal floor area of 140 square metres so the financial contribution required is £6,496.00

The applicant has confirmed they accept the payment and are willing to enter into a Section 106 agreement. The proposal would now accord with Policy S4.

6.9 Flooding

The site is not in a designated Flood Zone. Flood risk maps provided by Natural Resources Wales indicate the site to not be at particular risk of flooding. Our database of previous flood events does not record any flood events in close proximity to the site.

6.10 Drainage

6.10.1 Foul Drainage

The foul water will connect to a mains sewer. This complies with the advice from NRW that in a sewered area the preference is to connect into a mains sewer. Welsh Water have offered no objection to the proposal but request a condition to prevent surface water drainage from entering the public sewer.

6.10.2 Surface Water Drainage

The application requires a full concurrent Sustainable Drainage System Application; therefore SuDS techniques will be incorporated into the development. The applicant has had a SAB pre-application meeting with the Council's drainage engineers. A full application can be made if planning permission is granted but the possible SuDS components could include permeable paving, soakaways, infiltration trenches, swales, filter drains and rainwater gardens/SuDS planters. Water butts will be provided to demonstrate compliance with the second principle to "treat rainfall as a valuable natural resource". The SAB authority have been in discussions with the applicant regarding the SuDS for this plot as well as for plots 1 and 2. As this aspect is covered by separate legislation, a condition requiring details of the surface water is not considered necessary.

6.11 Biodiversity

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. These

enhancements are included in the form of bat and bird boxes to be included in the wall on the west and east elevations of the proposed dwelling.

The Biodiversity enhancements have been included on the elevational drawing and these are commensurate with the scale of the proposal. This will ensure that the provisions of Policy NE1 of the LDP are met with regards to providing biodiversity enhancements.

6.12 Phosphates

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

6.13 Planning Obligations

If the application is to be approved then a financial contribution for affordable housing in the local area will be required of £6,496.00.

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

Local residents have raised concerns over the amount of traffic using Vinegar Hill and the access into the site; this has been discussed in detail in the main body of the report. This issue was also considered by the Planning Inspector when considering the previous appeal on this site for application DM/2021/02078 and it was concluded that, "Having regard to the low traffic volume, the domestic use of the driveway, and the driveway width and alignment, I have little evidence to suggest that the proposed additional dwelling would give rise to any significant highway safety risks."

An objector has stated that "because the inspector was not provided with the relevant design standards on which the Refusal on Highways grounds was based, the inspector has been forced to use his judgement". This is with reference to The Common Standards Guide which was produced by Welsh Local Authorities and other key stakeholders; however, this Guide has not been adopted by Monmouthshire County Council, the Highway Authority or Welsh Government.

Many Local residents have referred to the loss of amenity space as a result of this proposal. The application site is not on land designated as an Area of Amenity Importance under Policy DES2 of the LDP and there is no public access to the site.

The application site is in the residential curtilage of the property Pathways. A local resident is concerned that residential development on this site will lead to flooding of an adjacent property. The application site is not in any flood area designated by the DAM Maps in TAN15 or in the Flood Maps for planning in the new emerging TAN15. The new dwelling will be subject to SAB approval and the SuDS system will require technical drainage approval by the Council's engineers prior to any works commencing on site; this will be assessed in detail to ensure that it does not lead to any flooding of adjoining properties.

Concerns were raised that the new dwelling will be too close to Walnut House and that this will result in unacceptable levels of overlooking. The proposed new dwelling will be a least 20 metres to the north of the main rear elevation of Walnut House, there is however a single storey element to Walnut House which extends out a further 3 metres but even given this, the separation distances are acceptable especially having regard to the differences in height and the vegetation screening between the two properties. The rear elevation of the proposed dwelling would be positioned at an oblique angle to Walnut House to the south. There is a significant difference in

height between Walnut House and the proposed new dwelling but the 25 degree guideline is not infringed. The provisions of the SPG on Infill Development have been met.

Concerns relate to the increase in rubbish that will be left out on collection day. The residents of the new dwelling will have to place their rubbish at the end of the driveway ready for collection, this is not a significant issue given that all the existing residents are already doing this, the amount of domestic rubbish generated from one additional dwelling is not significant.

Concerns were raised over the ability for emergency vehicles to access the site. The access drive is at least 4m wide for a minimum of 10m into the site. The drive reduces to a minimum of 2.9m at its narrowest. A previous appeal decision considered this aspect and set out distance requirements for emergency vehicles at 3.7m between kerbs. However, the access can be reduced to 2.75m over a short distance provided that a pump appliance can get to within 45 m of a dwelling. The site plans shows that Plot 3 is well within this distance.

Residents have stated that the planting of coniferous trees along the southern boundary is not appropriate. The conifer trees have already been planted and once established they will provide an appropriate screen between the new plot and Walnut House. The Green Infrastructure Management Plan will include the future maintenance of these trees and any that die will have to be replaced. Other indigenous species of trees will be planted within the site to ensure biodiversity enhancements and benefits for ecology.

Reference is made to the access being dependant on purchasing land from adjoining properties in order to widen the access. The purchasing of additional land does not form part of this current proposal - the inspector when determining the previous appeal on this site considered that the existing access was sufficient to serve four dwellings and therefore additional land is no longer required to improve the access.

Reference is made to the previously refused application DM/2021/02078 and the subsequent appeal. Members are required to consider the application currently in front of them and evaluate it on its own merits while taking into account the inspector's observations with regard to the previous appeal.

There are also concerns that the application proposal would be unlawful due to the extant permission for two dwellings identifying the appeal site as amenity area. The inspector considered this when determining the previous appeal and concluded that, "*Whilst reference is made to case law, there is a different set of circumstances in terms of the site context and proposal. Any proposal on the appeal site would be considered on its individual merits, having regard to material considerations. It does not follow that because an application for two dwellings has been approved on land including the appeal site, that a separate application subject to detailed consideration of all technical matters, would necessarily be physically impossible or unlawful. It also does not follow that the appellant must reapply for planning permission for the entire site.*"

Concerns are also raised that this application is dependent on the improvements to the access which were approved under application DM/2020/0023. While these improvements are outside the red line boundary of the current application they have already been implemented and therefore would not prejudice the current application.

It has been suggested that there is insufficient information submitted with the application but Officers consider that they have all the information they need to make a recommendation on the approval.

Finally, one objection states that the previous application DM/2021/02078 did not follow the correct procedure and that it should have been presented to Members of the Planning Committee in order for local residents to be given the opportunity to address committee. There is no requirement under the adopted procedure for applications that are recommended for refusal to be presented to Committee as no third party interests are prejudiced.

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

6.15.1 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.

6.16 Conclusion

PPW11 supports proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location. The site is located within the Magor and Undy Development Boundary and forms part of the Severnside sub-region. Policies S1 and H1 of the Local Development Plan presume in favour of new residential development within development boundaries subject to detailed planning considerations. The principle of new residential development in this location is acceptable.

This application is identical to DC/2023/02078, that was considered by Planning and Environment Decisions Wales (PEDW) in April 2023. In that case the Inspector found that the existing access, with the slight improvements that have recently been implemented, was satisfactory to serve four dwellings and considered that there was little evidence to suggest that the proposed additional dwelling would give rise to any significant highway safety risks. The proposal would therefore comply with the relevant highways considerations set out in Policy MV1 of the Monmouthshire LDP.

The design of the new dwellings is acceptable and is not visually prominent when viewed from public vantage points. The proposal accords with the advice and guidelines in the adopted SPG on Infill Development and will not result in a significant loss of outlook or privacy to the occupiers of the existing neighbouring properties. The new dwelling will not have an overbearing impact on the existing neighbours. The proposal accords with the advice given in the SPG on infill development and also with the objectives of Policy EP1 of the LDP which requires that new development should have regard to the privacy, amenity and health of the occupiers of neighbouring properties.

The proposal accords with Policy S4 by providing a financial contribution for affordable housing in the area. The scheme will provide adequate biodiversity enhancements. It also accords with Policy NE1 of the LDP by providing Biodiversity enhancements. The application is policy compliant in all respects and is presented to Members with a recommendation for approval.

7.0 RECOMMENDATION: Approve

Subject to a 106 Legal Agreement requiring the following:

A financial contribution for affordable housing in the local area of £6,496.00.

S106 Heads of Terms

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

Conditions:

5 YEAR TIME LIMIT

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.

COMPLIANCE WITH PLANS

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.

PD RIGHTS

3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) (Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: In order to protect residential amenity in accordance with policy EP1 of the Local Development Plan

CTMP

4 The development shall be carried out in strict accordance with the methods detailed in the Construction Traffic Management Plan (CTMP) dated April 2023.

Reason : to protect residential amenity during the construction phase in accordance with policy EP1 of the LDP

BIODIVERSITY NET BENEFIT

5 The Biodiversity net benefit measures as illustrated in plans entitled House 3 Proposed Bungalow, Plans and Elevations 081 shall be implemented in full and shall be retained as such in perpetuity.

Reason: To ensure appropriate mitigation for protected and priority species and provide biodiversity net benefit ensuring compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1

SURFACE WATER

6 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

OBSCURE GLAZING

7 The ground floor windows on the north elevation serving the bathroom and WC shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

LANDSCAPE

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

Detailed scaled plans, showing existing and proposed levels, appropriate cross sections with site levels in relation to proposed retaining wall and SUDS.

Soft landscape details shall include: means of protection, planting plan, specifications including cultivation and other operations associated with planting, SUDS, grass and wildflower establishment.

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

LANDSCAPE WORKS IMPLEMENTATION

9 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be

carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

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

LANDSCAPE MAINTENANCE

10 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 building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

GI MANAGEMENT CONDITION

11 An updated and proportionate Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.

The content of the Management Plan shall include the following;

a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan including those that are to be privately managed and those that are to be part of strategic landscaping.

- a. Trees and Hedgerows
- b. Green corridors and boundaries
- c. SuDS

b) Opportunities for enhancement to be incorporated

- a. Management of SuDS for botanical species diversity and / or protected species including reptiles
- b. Management of tree and hedge buffer strips to increase and maintain diversity, connectivity and screening
- c. Maintain habitat connectivity through and or around the perimeter of the site for species

c) Trends and constraints on site that might influence management of above features.

d) Aims and objectives of management.

e) Appropriate management options for achieving aims and objectives.

f) Prescriptions for management actions.

g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).

h) Details of the body or organization responsible for implementation of the plan.

i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery as appropriate. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

INFORMATIVES

1 NESTING BIRDS - Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended).

The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September. BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection Policy NE1 - Nature Conservation and Development seeks to ensure the protection and enhancement of wildlife and landscape resources by appropriate building design, site layouts, landscaping techniques and choice of plant species.

Planning Policy Wales - Net Benefit for Biodiversity

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

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Appeal Decision

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 2023/04/18

Appeal reference: CAS-02142-Q6P2P9

Site address: Pathways, Vinegar Hill, Undy, Monmouthshire, NP26 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Whitfield & Mrs Sonia Whitfield against the decision of Monmouthshire County Council.
 - The application Ref DM/2021/02078, dated 21 December 2021, was refused by notice dated 22 July 2022.
 - The development proposed is erection of one detached residential dwelling.
 - A site visit was made on 20 March 2023.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The submitted planning application description was for a four-bedroom detached dwelling. Following negotiation with the local planning authority (LPA), the proposal was amended to a two-bedroom detached dwelling. Revised plans were submitted and determined by the authority, with that scheme and the corresponding plans forming the basis of this planning appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on highway safety; and
 - Whether the proposal makes adequate provision for affordable housing.

Reasons

Highway safety

4. The appeal site comprises an irregular shaped portion of land, which is located along the private access driveway within the wider grounds of a detached dwelling known as

Pathways. The driveway runs between two dwellings from its access point off Vinegar Hill before reaching the appeal site, at which point the route bends and continues towards Pathways. The area topography varies, with the appeal site sloping down from its northern boundary alongside the driveway, towards its southern boundary with a neighbouring dwelling, Walnut House. The grounds of another dwelling, Gwyn Royson, are adjacent to the eastern boundary of the appeal site. The western boundary of the appeal site adjoins land within the grounds of Pathways which benefits from planning permission for two dwellings (LPA reference: DM/2020/00234).

5. The proposal would share an access with Pathways and the two dwellings approved under Ref: DM/2020/00234. The Council refers to several design standards for private shared driveways set out in the Welsh Government Common Standards, released in June 2020. However, the status of such standards is unclear, and in any event, I have not been provided with a copy of the document or any evidence of their use within Monmouthshire. Given the lack of clarity on these matters, I am unable to attribute them significant weight in the determination of the appeal. I shall therefore assess the practical risks to highway safety within the context of the site constraints and the wider planning policy framework.
6. In considering such matters, it is necessary to note that the approved scheme for two dwellings includes highways improvements to the existing access driveway to accommodate the anticipated increase in vehicle movements. A minimum width of 4.1m for the first 10m along the access from Vinegar Hill was agreed, as indicated on the approved plans. The appellant has provided evidence that the planning conditions pertaining to the highway improvement works have been discharged and I could see that some works were underway during my site visit. I am therefore satisfied that such works can be considered as part of the assessment of this appeal.
7. The 4.1m width at the access point would comply with advice in the Council's Infill Development Supplementary Planning Guidance (SPG), adopted in November 2019. However, the driveway width varies along its approximate 39m length, with sections falling below the recommended dimensions, and the resulting likelihood that only one vehicle could travel along sections of the driveway at any given time. However, I recognise that the proximity of the two dwellings either side of the driveway constrains its width. I am also mindful that the SPG represents guidance only and does not have the same status as planning policy. Indeed, such advisory figures should be applied to the circumstances of each case having regard to the available evidence.
8. In this instance, the narrow driveway width would not promote high speeds along this route and most vehicle users would exercise caution when manoeuvring to and from the grounds of Pathways. The driveway is also relatively straight between its access off Vinegar Hill and the bend. As such, there would be good visibility of oncoming traffic and drivers could pull into the entrance side if another vehicle needed to pass along the driveway. I recognise that on occasions, reversing manoeuvres may be required between the access entrance and the appeal site. However, given that the amount of traffic generated by the proposal would not be significant on top of the approved scheme, I would not equate this with any serious risk to highway safety.
9. The approved plans for the two-dwelling scheme include a vehicle passing place within the wider site area, adjacent to the appeal site boundary on the opposite side of the driveway. These works, along with the widened access point off Vinegar Hill, would further improve arrangements for manoeuvring along the driveway. At both ends of the driveway, if vehicles had to reverse, it would only be for a short distance away from the bend into one of the passing places. Pedestrians navigating the driveway could also seek

refuge from oncoming vehicles in the passing places or along grass verges adjacent to the appeal site.

10. Although not cited in the reasons for refusal, the Council has also raised concern that private shared driveways must incorporate a turning area to facilitate vehicle access and egress from the shared driveway in forward gear. A turning area would be located adjacent to the appeal site as part of the approved two-dwelling scheme. This turning area would also facilitate access and egress from the shared driveway in a forward gear for the dwelling subject of this appeal. Given my conclusions on the access driveway in the circumstances described, the proposed arrangements would be acceptable.
11. Having regard to the low traffic volume, the domestic use of the driveway, and the driveway width and alignment, I have little evidence to suggest that the proposed additional dwelling would give rise to any significant highway safety risks. The proposal would therefore comply with the relevant highways considerations set out in Policy MV1 of the Monmouthshire Local Development Plan (LDP), adopted in February 2014.

Affordable housing

12. Policy S4 of the LDP sets out locations and thresholds where it is expected that affordable housing contributions would be made. Under the policy criteria, the appeal proposal would provide a financial contribution towards affordable housing provision in the local planning authority area. The calculation is based on advice contained in the Affordable Housing Supplementary Planning Guidance (SPG), adopted in July 2019.
13. The appellant is agreeable to the principle of providing for affordable housing. However, no formal agreement is in place to secure the provision. While the appellant refers to past applications having initiated such contributions once planning permission has been granted, the Affordable Housing SPG advises that prior to obtaining planning permission the applicant will need to enter into a Section 106 legal agreement to pay the financial contribution, with the contribution liable to be paid on completion and prior to occupation of the appeal dwelling. Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' advises that matters such as payments to be made to the local planning authority are more appropriately required through a planning obligation, and in this instance, I consider that a planning obligation is necessary. In the absence of a binding agreement, the proposal would not make adequate provision for affordable housing, contrary to LDP Policy S4 and the advice in the Affordable Housing SPG.

Other Matters

14. Interested parties refer to procedural issues with the planning application. As I am dealing with the planning merits of the proposal, it is not for me to comment on the process that led to the decision being issued. There are other means for interested parties to raise any issues with process, outside of this planning appeal.
15. There are also claims that the appeal proposal would be unlawful due to the extant permission for two dwellings identifying the appeal site as amenity area. Whilst reference is made to case law, there is a different set of circumstances in terms of the site context and proposal. Any proposal on the appeal site would be considered on its individual merits, having regard to material considerations. It does not follow that because an application for two dwellings has been approved on land including the appeal site, that a separate application subject to detailed consideration of all technical matters, would necessarily be physically impossible or unlawful. It also does not follow that the appellant must reapply for planning permission for the entire site.

16. The rear elevation of the proposed dwelling would be positioned at an oblique angle to Walnut House to the south. Two narrow windows are proposed on the rear elevation at ground-floor level. The principal windows would be on either side elevation of the dwelling. The position of the two narrow windows prevents harmful overlooking of Walnut House, given their position towards the upper height of the ground-floor level and beneath the roof eaves. While noting the minor breach in separation distances between the facing elevations of both properties, as indicated in the Infill Development SPG, the guidance also advises that distances may be relaxed where the impact on privacy can be reduced, as is the case in this appeal.
17. I note that trees are proposed within the appeal site and set in from the boundary, which is in addition to the existing fence and vegetation. The comprehensive package of landscaping and screening measures could be secured by planning condition and would also prevent harmful overlooking of neighbouring properties, including the garden of Gwyn Royson to the east of the appeal site. In terms of the outlook from Walnut House, whilst noting the level differences, the relatively low ridge height of the proposed dwelling together with the distances and screening measures would ensure that the dwelling does not have an overbearing effect on the neighbouring property. Neither have I seen any suggestion that the proposal would have a detrimental impact on daylight levels into the habitable room windows of neighbouring properties. Overall, I am satisfied that the proposal would not have a harmful effect on the living conditions of occupiers of nearby properties.

Planning Balance and Conclusion

18. I have found that the proposal would not give rise to harmful effects on highway safety. Nevertheless, the harm and associated policy conflict associated with the absence of a completed legal agreement to secure affordable housing provision represents a compelling reason why planning permission should be withheld in this instance. For this reason, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.
19. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

I Stevens

INSPECTOR



Appeal Decision

by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 26/05/2023

Appeal reference: CAS-02622-L9Z3G6

Site address: Land at Chepstow RFC, Burnt Barn Road, Bulwark, Chepstow NP16 5UP

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
 - The appeal is made by Route Media against the decision of Monmouthshire County Council.
 - The application Ref DM/2022/01617, dated 8 November 2022, was refused by notice dated 9 February 2023.
 - The advertisement proposed is the display of an illuminated signboard.
 - A site visit was made on 16 May 2023.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The submission documents indicate that the proposed digital sign is to replace an existing sign at the site. During the site visit 3 signs were displayed at the appeal site and appeared to be larger than the single sign indicated on the existing plan for removal.

Main Issue

3. The main issue is the effect of the proposed advertisement on public safety, with particular regard to the safe use and operation of the highway.

Reasons

4. The proposed advertisement comprises a digital 6m x 3m LED sign, mounted on 2.5m high metal legs. The advertisement would display static images with no special effects or animation, with the image changing after 10 seconds. The display would be sited to the north of the roundabout at junction 2 of the M48 motorway, within the grounds of Chepstow RFC. Existing signage is present in this location and to the east of the Conway Drive exit, the RFC floodlights are also visible to the rear of the site.
5. Views of the proposed advertisement would be most prominent from the M48 junction 2 westbound entrance to the roundabout and traffic travelling northbound on the roundabout. Whilst there may be views of the sign for vehicles approaching the roundabout on the A466 from Chepstow, this would be limited due to the change in levels and existing vegetation.
6. Technical Advice Note 7 'Outdoor Advertisement Control' (TAN 7) indicates that in assessing an advertisement's impact on public safety, regard should be had to its effect

upon the safe use and operation of any form of traffic or transport on land, including the likely behaviour of vehicle drivers who will see the advertisement.

7. During my site visit I observed that the roundabout and A466 were busy with a constant flow of traffic, along with a frequent number of cyclists using the shared path from the A466. The shared path leads to a crossing point for cyclists/pedestrians to cross the Conway Drive exit slipway of the roundabout. The roundabout is subject to a 40mph speed limit, 50mph limit on the A466 and national speed limit on Conway Drive.
8. The Transport and Highways Written Evidence provided by the appellants states that the proposed sign is twice the size of the existing sign which can only display smaller fonts and graphics which are not easily identified until in close proximity to the sign. The report contends that the proposed advertisement would be larger and readily identifiable at a glance. Nonetheless, the increase in size, method of illumination and change in images every 10 seconds, would result in greater potential for distraction than the existing signage at the site.
9. The display would be located at a complex point on the roundabout where drivers need to be particularly vigilant in terms of observing road signs, taking exit routes and ensuring they observe any cyclists/pedestrians crossing the shared use path on the Conway Drive exit, immediately after the prominent viewpoint of the sign. The appellants claim that the sign would not be visible from the typical forward visibility as vehicles progress on the roundabout after the A466 exit. I disagree, the illuminated sign with image rotation would still be visible and therefore has the potential to distract drivers at this busy location.
10. The appellants' written evidence refers to personal injury data for the most recent 5-year period (2017-2021) and identifies 7 recorded accidents within the search area. Of these, 3 of the accidents, one classified serious, occurred in locations where the sign would be visible. Whilst the appellants suggest that the number of recorded incidents is in keeping with other motorway junctions, the proposed advertisement would introduce a larger more prominent feature for northbound drivers of the roundabout, increasing the risk of driver distraction and the potential for incidents. Reference is also made to the Conway Drive exit and crossing being within a stopping site distance (SSD) of 70m which is the Design Manual for Roads and Bridges (DMRB) requirement for vehicles travelling at 30mph. However, the appellant confirms that the roundabout is subject to a 40mph speed restriction and therefore the DMRB require a SSD of 120m. Although, I acknowledge that speeds are often lower on roundabouts, no evidence has been provided to demonstrate this at this location.
11. I appreciate that road users taking reasonable due care and attention should not be unduly distracted by any advert. Nonetheless, due to the scale and illuminated nature of the proposed display in a location where driver decisions are crucial, it would have significant potential to distract motorists to the detriment of highway safety; such a risk is unacceptable.
12. The fact that the displays would have static images, with no animation or special effects, and have an evening luminance level according with the relevant guidance does not negate the harm identified, nor would the appellants' suggested conditions. I acknowledge that the signs could promote businesses within the town and help to support the local RFC, however such benefits would not outweigh the harm identified.
13. Other digital displays and proposed advertisements have been referred to in the submission, including an appeal decision relating to digital signage at 164 Malpas Road, Newport. Whilst the full details of this and the other schemes are not before me, the position of the appeal sign directly facing drivers when making important decisions on highway manoeuvres is a key factor in this appeal and I do not consider the schemes to

be directly comparable. I therefore afford this matter limited weight. Reference is also made to digital roadside advertising guidance prepared by Transport for London and Bristol City Council. Nonetheless, these documents form guidance, and each proposal should be considered on the basis of site specific circumstances.

14. I conclude that having regard to the safe use and operation of the highway, the display of the advertisement would cause material harm to public safety interests.

Conclusion

15. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.

16. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Zoe Baxter

INSPECTOR

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