

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 29 July 2024

Notice of meeting:

## Planning Committee

Tuesday, 6th August, 2024 at 2.00 pm  
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with  
remote attendance

### AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 4
4.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
4.1.	Application DM/2022/01815 - Demolition of original shop building, remodelling of the retained bed and breakfast accommodation to provide a four-bedroom detached dwelling, construction of four new dwellings in the form of two pairs of semi-detached two-bedroom homes and the construction of a new village shop with two bedroom (Store Manager's) flat over with associated external works (see concurrent Conservation Area Consent application: DM/2022/01835). Browns General Stores, Llandogo Road, Llandogo.	5 - 20
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	The Haven, Gypsy Crescent, Llanfoist.	21 - 24

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 Sara Burch	Cantref;	Labour and Co-Operative Party
County Councillor Jan Butler	Goetre Fawr;	Welsh Conservative Party
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.

### Watch this meeting online

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

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

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

### Welsh Language

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

# Aims and Values of Monmouthshire County Council

## Our purpose

To become a zero-carbon county, supporting well-being, health and dignity for everyone at every stage of life.

## **Objectives we are working towards**

- Fair place to live where the effects of inequality and poverty have been reduced.
- Green place to live and work with reduced carbon emissions and making a positive contribution to addressing the climate and nature emergency.
- Thriving and ambitious place, where there are vibrant town centres and where businesses can grow and develop.
- Safe place to live where people have a home where they feel secure in.
- Connected place where people feel part of a community and are valued.
- Learning place where everybody has the opportunity to reach their potential.

## 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) edition12
- 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 Habitat & Species Regulations 2017

Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. Examples of EPS are all bat species, dormice and great crested newts. When considering planning applications Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests are set out below.

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned by a favourable conservation status in their natural range.

#### Well-being of Future Generations (Wales) Act 2015

This Act is about improving the social, economic, environmental and cultural well-being of Wales. The Act sets out a number of well-being goals:

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;



- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

- **Long term:** balancing short term need with long term and planning for the future;
- **Collaboration:** working together with other partners to deliver objectives;
- **Involvement:** involving those with an interest and seeking their views;
- **Prevention:** putting resources into preventing problems occurring or getting worse;
- **Integration:** positively impacting on people, economy and environment and trying to benefit all three.

The work undertaken by Local Planning Authority directly relates to promoting and ensuring sustainable development and seeks to strike a balance between the three areas: environment, economy and society.

#### Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

#### Equality Act 2010

The Equality Act 2010 contains a public sector equality duty to integrate consideration of equality and good relations into the regular business of public authorities. The Act identifies a number of 'protected characteristics': age; disability; gender reassignment; marriage and civil partnership; race; religion or belief; sex; and sexual orientation. Compliance is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. Due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

#### Children and Families (Wales) Measure

Consultation on planning applications is open to all of our citizens regardless of their age: no targeted consultation takes place specifically aimed at children and young people. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

#### Climate Emergency

In May 2019 Monmouthshire County Council declared a Climate Emergency with unanimous support from Councillors. The Cabinet Member for Infrastructure and Neighbourhood Services has been appointed as the member responsible for climate change and decarbonisation.

Tackling climate change is very important, because if the planet's temperature rises by 2°C there are risks of drought, flood and poverty, impacting on hundreds of millions of people. In Monmouthshire impacts that could happen include more extreme weather events (such as storms), water shortages, droughts, species loss and risk of flooding. Planning has a key role in addressing climate change through the promotion of sustainable development.

The Council has formulated a draft action plan which will be subject to Member approval and will form the Council's response to tackling this issue. Council decisions will need to take into account the agreed action plan.

## **Protocol on Public Speaking at Planning Committee**

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below. **The conventional protocol has been modified to allow public speaking via pre-recorded videos or to attend the meeting in person and address the Planning Committee.**

### Who Can Speak

#### Community and Town Councils

Community and town councils can address Planning Committee via a pre-recorded video or in person at the meeting.. Only elected members of community and town councils may speak. Representatives will be expected to uphold the following principles: -

(i) To observe the National Code of Local Government Conduct. (ii)

Not to introduce information that is not:

- consistent with the written representations of their council, or
- part of an application, or
- contained in the planning report or file.

When a town or community councillor has registered to speak in opposition to an application, the applicant or agent will be allowed the right of reply.

#### Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public may appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where, by the deadline, letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday.

The number of objectors and/or supporters will be clearly stated in the officer's report for the application contained in the published agenda.

The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

## Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application. This will also be via a pre-recorded video or in person at the Planning Committee meeting.

When is speaking permitted?

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

### Registering Requests to Speak

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

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

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

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

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

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

### Content of the Speeches

Comments by the representative of the town/community council or objector, supporter or applicant/agent should be limited to matters raised in their original representations and be relevant planning issues. These include:

- Relevant national and local planning policies
- Appearance and character of the development, layout and density
- Traffic generation, highway safety and parking/servicing;
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Speakers should avoid referring to matters outside the remit of the Planning Committee, such as;

- Boundary disputes, covenants and other property rights
- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

## Procedure at the Planning Committee Meeting

The procedure for dealing with public speaking is set out below:

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- If applicable, the video recording of the representative of the community or town council will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the community or town council has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the community or town council representatives may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the objector's video recording will then be played to the Members (this shall be no more than 4 minutes in duration) Alternatively, if a third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the objector may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the supporter's video recording will then be played to Members (this shall be no more than 4 minutes in duration) Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the supporter may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the applicant's (or appointed agent's) video recording will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to submit a video of their response of up to 5 minutes in duration. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting up to 5 minutes in duration.
  - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
  - Speakers may speak only once.
  - Committee Members may then raise technical questions with officers.
  -
- Planning Committee members will then debate the application, commencing with the

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

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



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# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote  
attendance on Tuesday, 16th July, 2024 at 2.00 pm**

**PRESENT:** County Councillor Phil Murphy (Chair)  
County Councillor Dale Rooke (Vice-Chair)

County Councillors: Jill Bond, Fay Bromfield, Sara Burch, Jan Butler,  
Tony Easson, Steven Garratt, Meirion Howells, Su McConnel,  
Jayne McKenna, Maureen Powell, Sue Riley and Ann Webb

County Councillors Paul Pavia and Tony Kear attended the meeting  
by invitation of the Chair.

### **OFFICERS IN ATTENDANCE:**

Craig O'Connor	Head of Placemaking
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Paige Moseley	Solicitor
John Pearson	Local Democracy Manager
Wendy Barnard	Democratic Services Officer

### **APOLOGIES:**

County Councillors: Emma Bryn and John Crook

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

None received.

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

The minutes of the Planning Committee meeting dated 4th June 2024 were confirmed and signed by the Chair.

#### **3. Application DM/2020/01438 - Development of 15 dwellings (9 affordable and 6 open market) and other associated development and infrastructure. land off Ty Gwyn Road, Little Mill, NP4 0HU**

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

The application had been re-presented to Planning Committee following the decision to agree a motion to defer the application at the Planning Committee meeting on Tuesday 4th June 2024. The reason for the deferral was to enable formal consultation with Llanbadoc Community Council as well as County Councillors Tony Kear and Meirion Howells (Llanbadoc and Usk dual Ward).

## MONMOUTHSHIRE COUNTY COUNCIL

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When the application was originally submitted in October 2020 the site sat within Goetre Fawr Community Council and the Goetre Fawr Ward. Accordingly, consultation at that time had been undertaken with Goetre Fawr Community Council and then Ward Member for Goetre Fawr, County Councillor Bryan Jones.

As noted in paragraph 1.3 of the report of the application, the application had been held in abeyance since early 2021. However, the administrative changes to Ward and Parish boundaries in May 2022 meant that the new Council and Members had not been consulted.

Further to the deferral at the June 2024 Planning Committee, the relevant consultations had been undertaken on 4th June 2024.

<https://www.youtube.com/live/LYMFQ4VELzc?si=Px9iPFjZwqXfV2JO&t=122>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Jan Butler and seconded by County Councillor Sara Burch that application DM/2020/01438 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement.

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

For approval	-	11
Against approval	-	2
Abstentions	-	0

The proposition was carried.

County Councillor Sue Riley did not vote in respect of this application as she had joined the meeting late.

We resolved that application DM/2020/01438 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement.

#### **4. Application DM/2024/00549 - Full planning application for a change of use from C2 (Residential Care Home) to Sui Generis for temporary emergency accommodation for the homeless and associated works. Severn View Residential Home, Mounton Road, Chepstow, NP16 5BS**

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 an additional condition relating to lighting.

<https://www.youtube.com/live/LYMFQ4VELzc?si=6FhfGfrb2TNJzz6m&t=1785>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Tony Easson and seconded by County Councillor Maureen Powell

## MONMOUTHSHIRE COUNTY COUNCIL

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that application DM/2024/00549 be approved subject to the conditions outlined in the report and subject to an additional condition relating to lighting.

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

For approval	-	13
Against approval	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2024/00549 be approved subject to the conditions outlined in the report and subject to an additional condition relating to lighting.

**5. Application DM/2024/00355 - Creation of a Travellers' site incorporating four bespoke family related pitches with one static and touring caravan and day/utility room per pitch, emergency flood access access, installation of private treatment plant and ecological enhancements (partially retrospective) - new Stables, land opposite Llancao House, Abergavenny Road, Llancao, Usk**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and subject to appropriate assessment under the Habitats Regulations being agreed with Natural Resources Wales (NRW).

<https://www.youtube.com/live/LYMFQ4VELzc?si=rCcBYAfFLSg2Kuo2&t=6376>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Dale Rooke and seconded by County Councillor Maureen Powell that application DM/2024/00355 be approved subject to the conditions outlined in the report and subject to appropriate assessment under the Habitats Regulations being agreed with Natural Resources Wales (NRW).

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2024/00355 be approved subject to the conditions outlined in the report and subject to appropriate assessment under the Habitats Regulations being agreed with Natural Resources Wales (NRW).

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

[https://www.youtube.com/live/LYMFQ4VELzc?si=G6pYYb\\_wR1aLwXGz&t=9662](https://www.youtube.com/live/LYMFQ4VELzc?si=G6pYYb_wR1aLwXGz&t=9662)

## **MONMOUTHSHIRE COUNTY COUNCIL**

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### **6.1. The Old Telephone Exchange, Crick Road, Crick**

We received the Planning Inspectorate report which related to an appeal decision following site visits that had been held at The Old Telephone Exchange, Crick Road, Crick on 3<sup>rd</sup> May 2024.

We noted that the appeal had been dismissed.

**The meeting ended at 4.45 pm.**

**Application Number:** DM/2022/01815

**Proposal:** Demolition of original shop building, remodelling of the retained bed and breakfast accommodation to provide a four-bedroom detached dwelling, construction of four new dwellings in the form of two pairs of semi-detached two-bedroom homes and the construction of a new village shop with two bedroom (Store Manager's) flat over with associated external works (see concurrent Conservation Area Consent application: DM/2022/01835)

**Address:** Browns General Stores, Llandogo Road, Llandogo

**Applicant:** Mr James Green

**Plans:** Drainage Strategy SKO4 C  
Ecological report Bat Survey V1.0  
Site Assessment Survey Ecological Services dated 5<sup>th</sup> December 2023

LT2208

00.01 P1 Existing site layout

00.02 P1 Site location plan

04.01 P12 Proposed Site layout

04.02 P7 Floor plans and elevations as proposed 18.07.24

04.03 P4 Site Sections AA BB

04.04 P3 External works and finishes

04.05 P6 Plots 1 and 2 Plans and elevations 18.07.24

04.06 P5 Plots 3 Plans and Elevations

04.07 P3 Plots 4 and 5 Plans and elevations

04.08 P4 Proposed managers flat and retail building

04.09 P1 External boundary finishes

**RECOMMENDATION: APPROVE subject to S106 agreement**

Case Officer: Amy Longford

Date Valid: 20.07.2023

**This application is presented to Planning Committee due to the number of objections, there being five or more**

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

1.1.1 The application site is located to the northern end of Llandogo, overlooking the river and set back into the site. It comprises the former Browns convenience store. The store has closed and is currently in a poor state of repair. The adjacent house is also vacant.

1.1.2 The site measures approx. 0.19 ha and is located within the development boundary as identified by the Proposals Map of the Monmouthshire Local Development Plan (LDP) with Llandogo classified as a main village (LDP Policy H3). The site is also within the Area of Outstanding Natural Beauty / National Landscape and the Llandogo Conservation Area.

### 1.2 Proposal Description

1.2.1 This application seeks consent for the redevelopment of the site to provide four new dwellings, refurbishment of the existing dwelling and erection of a new convenience store with managers flat

above. The application also proposes a new access off the main road together with associated parking and hard and soft landscaping.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/01815	Demolition of original shop building, remodelling of the retained bed and breakfast accommodation to provide four bedroom detached dwelling, construction of four new dwellings in the form of two pairs of semi-detached two bedroom homes and the construction of a new village shop with two bedroom (Store Manager's) flat over with associated external works. (See con-current CA: DM/2022/01835).	Pending Consideration	
DM/2022/01835	Conservation Area Consent - Demolition of Shop, remodelling bed and breakfast to four bed dwelling, four new dwellings, new village shop with flat over	Pending Consideration	
DC/2005/00050	Erection Of New Shop With Accommodation Over, 4 New Houses And Re-furbishment Of Existing House	Approved	30.05.2006
DC/2011/00795	Installation of interpretation boards to describe history of four sites within context of Wye Valley Area of Outstanding Natural Beauty. No change of use	Approved	28.10.2011
DC/2005/00048	Demolition Of Extensions To Browns Store. Creation Of New Village Shop With Accommodation Above, New Dwelling And Refurbishment Of Existing Dwelling.	Approved	26.05.2006
DC/2016/01092	Erection of stone wall and railings to separate residential section of building from shop commercial section. Construction of wider footpath across frontage. Drop kerb and extra access to shop car park area.	Approved	20.12.2016

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision  
S12 LDP Efficient Resource Use and Flood Risk

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design  
S4 LDP Affordable Housing Provision  
S5 LDP Community and Recreation Facilities

## **Development Management Policies**

DES1 LDP General Design Considerations  
EP3 LDP Lighting  
EP5 LDP Foul Sewage Disposal  
GI1 LDP Green Infrastructure  
H2 LDP Residential Development in Main Villages  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
MV2 LDP Sustainable Transport Access  
NE1 LDP Nature Conservation and Development  
SD1 LDP Renewable Energy  
SD2 LDP Sustainable Construction and Energy Efficiency  
SD4 LDP Sustainable Drainage  
CRF3 LDP Safeguarding Existing Recreational Facilities and Public Open Space

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Wye Valley Community Council:** It is recommended that the application be approved.

#### **MCC Highways:** No Objection

Following submission of revised details, there is a clear visibility splay provided to the junction onto the A466 and is in accordance with the visibility standards contained within Manual for Streets. The flat over the shop has been confirmed as 1-bedroomed and therefore the parking provision is acceptable. The disabled parking space is also now at the correct size. In light of the above, the Highway Authority has no grounds to object to approval of the application, subject to condition that the applicant will enter into an agreement with the Highway Authority for the provision of the new footway and associated vehicular crossings across the site frontage and adjacent A466.

#### **MCC Environmental Health:** no objection

EH responded to the consultation with no objections, however suggested conditions for a Construction Environmental Management Plan, limitation of opening hours for the shop, and details of any plant or machinery required to support the retail premises.

EH responded in relation to the issue of contaminated land stating there is no objection to the proposal. However, a former petrol station was located approximately 90 metres south-west. When the petrol station was re-developed in 2000 a limited site investigation was undertaken. Whilst petroleum hydrocarbons were not detected in the seven soil samples that were taken, it is recommended that any planning permission is subject to an informative and condition.

#### **MCC Ecology:** No objection

Has screened the development through a Habitats Regulations Assessment (HRA) process and has no adverse comments.

Protected Species SAC – The site is 180m south east of Llandogo Priory which is a lesser horseshoe bat maternity roost and forms part of the Wye Valley & Forest of Dean Bat Sites SAC. Although the proposals have the potential to impact on the SAC, an appropriate assessment has been agreed with Natural Resources Wales as detailed in their response dated 07/05/2024. Due to the confirmed presence of a bat roost, a European Protected Species Licence will need to be obtained from Natural Resources Wales before any development works can be undertaken.

Protected Sites – Reptiles The development has the potential to impact on reptiles given there are a number of records within 300m of the application site. The relatively small size of the suitable habitat means that the presence of a small number of common species should be assumed. Therefore precautionary methods of working should be adopted during construction.

Biodiversity Net Benefit – The submitted survey report details a series of measures to provide an overall net benefit for biodiversity which include the provision of bird and bat boxes. The proposed layout also details enhancements including planting a hedgerow to the north of the site. Overall it is agreed that the proposals will offer an overall net benefit for biodiversity in line with PPW 12.

Further conditions are proposed.

**Natural Resources Wales (NRW) – No Objection**

Commented following receipt of additional information and re-consultation including the Habitat Regulations Assessment. In consideration of the information and mitigation measures detailed NRW agree with your council's conclusion that the development is unlikely to have an adverse effect upon the integrity of the River Wye Special Area of Conservation.

**MCC Drainage Team: Holding objection**

The SUDs Officer responded to the consultation raising concerns over the suitability of the surface water drainage arrangements and requested further details.

Foul water is proposed to discharge to the mains sewer.

There are no objections on flooding grounds.

**MCC Affordable Housing Officer:** Responded stating that in accordance with LDP policy the development should provide 1 no. four-person two-bedroom house on the site built to WDQR standards.

**MCC Landscape Officer:** Provisional holding objection subject to additional information.

The development is within the Llandogo settlement boundary, Llandogo Conservation Area, Cadw Registered Lower Wye Valley Historic Landscape and the AONB.

The development sits back from the road; proposed planting frontages, if to include street trees, hedge and shrubs would help integrate buildings and the gable end of unit 1.

As the general render colour in Llandogo is white/cream a simplification of the render colour palette to reflect the Llandogo character would be more appropriate.

The proposals to erect close-boarded fences without a comprehensive landscape scheme to mitigate visual impact would not be acceptable and detract from the overall setting. Further clarity should be provided through a comprehensive landscaping plan.

Llandogo stores is set back at right angles to the road which is welcomed, planting should be clarified through a landscaping plan with aftercare and on-going maintenance. Clarity is also required to ensure the landscaping plans are all aligned.

Should the application be approved the following conditions are suggested:

Comprehensive details of hard and soft landscaping

Landscaping implementation as per approved details

Landscape Maintenance requirements.

**AONB Office - Concerns.**

The application site lies wholly within Landscape Management Zone 'Wye Gorge'.

The proposed architectural form of the new development extends built form over much of the length of the site with 4 points of vehicular access from the highway with a proposed widened highway footway, and would result in the uncharacteristic loss of this green space, and the number of access points proposed raises great concern over the urbanisation of this part of the AONB, which is typified by softening this part of the AONB by edges with hedge, planting and verges, visually helping to integrate Llandogo as a settlement. There is a clear need to ensure proposed planting to frontages,



to include appropriate street trees, hedge and shrubs that would help to integrate buildings and the gable end of unit 1 into the streetscape and reinforce the special qualities of the area.

Concerns were also raised over the boundary treatments which are considered to be intrusive in the landscape.

It is considered that there are too many dwellings proposed on this site amounting to over development. By reducing the scale of the development, and particularly the number of access points proposed, this would represent a more appropriate scheme.

**CADW** - have not responded to the consultation.

**Dwr Cymru – Welsh Water** (DC-WW): No objection subject to condition.

Following submission of additional information with particular focus on SKO4 and note that the intention is to drain foul water to the public sewer to which we offer no objection in principle. We also note that surface water will be disposed of via sustainable means and welcome this approach. There are no objections but request a condition to prevent surface water/or land drainage to connect with the public sewer.

## 5.2 Neighbour Notification

This application was advertised by means of four site notices, an advertisement in the Free Press and via direct neighbour consultation. A number of responses have been received, concerns include:

The area has an influx of second homes which is outpricing local buyers, these homes are over-priced; there needs to be more affordable homes.

Concerns in relation to over-development and too many properties on the site. More space should be allocated to the shop area and the number of dwellings should be reduced. The larger house is out of proportion with the space available on site.

This will result in cars parking on the main road causing a hazard and the access arrangements will cause obstructions to visibility down the road. There needs to be more parking and a disabled space.

Concerns over children's safety using the footpaths to and from school.

## 5.3 Local Member Representations

None.

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

## **6.0 EVALUATION**

### 6.1 Principle of Development

6.1.1 Planning Policy Wales (PPW) and Future Wales: The National Plan, set the policy framework for Planning in Wales and both place significant weight upon sustainability and sustainable developments within appropriate locations. The subject site is located within the settlement boundary of Llandogo which is identified in the Monmouthshire LDP as a Minor Village. Strategic Policy S1 provides a hierarchical approach to residential development. There is a presumption in favour of appropriate residential development (up to 15 and subject to material considerations) within the County's Main Villages, including Llandogo.

6.1.2 The proposal seeks consent for the redevelopment of the site from one dwelling and convenience store to five dwellings including the retention of the existing house, and the reconstruction of a new convenience store with manager's flat above.

6.1.3 Future Wales identifies its aims in supporting the rural economy. Policy 5 states, 'Local Development Plans must develop policies that support rural areas. Where the plans identify growth in rural areas, it must be appropriate and proportionate to the needs of the settlement and the wider rural area they serve'... 'Planning Authorities should recognise the challenges facing their rural communities and set out policies to help address them. They should consider the role that housing, employment areas and home working, health and social services places of education, emergency services, shops and infrastructure can play in tackling these challenges and in helping create more sustainable places.'

6.1.4 LDP Policies S1, H2, and S4 are applicable in establishing the principle of the development. Policies S1 and H2 provide local planning policy backing for the principle of building residential developments within such locations. Policy S1 allocates sites within main villages for residential development, while Policy H2 states that elsewhere, within development boundaries, planning permission will be granted for new residential development/redevelopment subject to detailed planning considerations, including no adverse impact on village form and character and surrounding landscape, and other policies of the LDP that seek to protect existing retail, employment and community uses. Therefore the principle of residential development on the site is considered to be policy compliant and acceptable in principle, subject to the detailed material considerations.

6.1.5 LDP Policy S4 relates to the provision of affordable housing in Minor Villages. Developments with a capacity for three or more dwellings will make provision for at least 60% of the total number of dwellings on the site to be affordable. In this case the redevelopment of the site includes the retention of the existing dwelling and creation of a managers flat associated with the commercial premises, as well as four new dwellings. As there is already one residential unit on the site and the manager's flat will be occupied by someone associated with the commercial unit, these are not included in the total number of dwellings. Therefore, the four additional units have been taken into consideration when calculating the level of affordable housing on the site.

6.1.6 LDP Policy CRF1 relates to community facilities, seeking to retain neighbourhood/village shops, halls, public houses and other community facilities. In this instance the village shop facility is being retained on the site, albeit accommodated in a new premises to the eastern side of the site. Therefore the proposal is considered to be compliant with this policy.

## 6.2 Sustainability

6.2.1 It is acknowledged that the development is mainly car dependent with parking provision to the required standards. However, as per policies S1 and H2, Llandogo has been considered as a relatively sustainable location for low-level residential development, and therefore the location has been considered to have merit as a sustainable location. As stated above the application site is located within the settlement boundary and is very close to the centre of the main village of Llandogo which features a primary school, public house and church. Future occupiers would be served by the local amenities and would have access to sustainable modes of transport, albeit mainly bus. Access to public transport is accessible from the site with a bus route operating along the main A466.

6.2.2 In terms of the construction the properties are to be fitted with solar panels and consider the use of air source heat pumps (ASHPs) for heating. In addition, the properties will have cycle parking provision in sheds to the rear gardens as well as cycle parking outside the shop area. An EV charging point is also proposed for the community shop parking. The application also shows the provision of a new 2m wide pavement along the whole length of the site frontage connecting into the existing network to encourage footfall to and from the site. Therefore, no concern is raised to this application in respect of sustainability.

## 6.3 Place Making/Good Design

6.3.1 The application site comprises a late 20<sup>th</sup> dwelling with adjacent modern shop. The buildings are within the conservation area but they are not considered to be of significant architectural value to warrant retention. The proposals include the demolition of the existing shop and remodelling of the existing dwelling together with the construction of two semi-detached dwellings and a new shop with flat above. The buildings are arranged in a linear form facing the main road to maintain a consistent build line and attractive and active frontage. They are set back to provide parking and landscaping to the front of the site.

6.3.2 The dwellings, with an overall ridge height of about 7.7m, have a simple modern design with rendered walls, pitched tiled roofs, upvc casement windows and central doors with canopies. The remodelled dwelling will follow the same external appearance. They are of a scale and design that sit well with the neighbouring properties and prevailing architectural character of the area. The materials are not ideal within the conservation area, however they are akin to many of the surrounding properties and so it is not considered to be detrimental to the wider character of the area.

6.3.3 The shop measures 17m by 8m with a ridge height of 6.7m and is to be clad with weatherboarding and a tile roof. This helps to demark the proposed new shop as different from the residential properties and adds interest to the whole site. It is considered that the overall design is an enhancement over the current situation and appearance of the site. There are conditions proposed to ensure that the finishing materials are appropriate to the setting.

6.3.4 The proposed design promotes natural surveillance in the area, by providing an active frontage to the main road, again according with the good design principles supported by the Place Making Charter and Technical Advice Note 12: Design (TAN12). The proposed pedestrian path at the site frontage would provide a link from the village centre to the shop, therefore not only enhancing the pedestrian permeability of the area but also assisting in the integration of this development into the area by making it an accessible and functional space.

6.3.4 The proposed access and car parking areas have been designed taking the principles of the Place Making Charter into consideration by ensuring the amount of hard surfacing is kept to a minimum with green space and pedestrian movements prioritised whilst also accommodating the necessary level of parking provision.

6.3.5 Overall it is considered that the proposed development will result in an enhanced public realm and would make a positive contribution to the amenity and character of the area.

#### 6.4 Biodiversity/Green Infrastructure

6.4.1 The site has significant ecological value. Ecological information has been provided regarding the potential of the buildings to support roosting bats, as well as an overall site assessment by Ecological Services Ltd. Protected Sites nearby feature the Wye Valley & Forest of Dean Bat Sites SAC and the Wye Valley Lesser Horseshoe Bat Sites SSSI. The application site is located approximately 180m south-east of Llandogo Priory which is one of the four lesser horseshoe bat maternity roosts encompassing the Wye Valley Lesser Horseshoe Bat Roosts SSSI. These four bat roosts also form part of the Wye Valley & Forest of Dean Bat Sites SAC. Although the lesser horseshoe bat roost is not being directly impacted by the proposals, there is potential for a significant impact on the population due to the proximity of the development.

6.4.2 The ecological assessment submitted has supported a thorough Habitat Regulations Assessment that has assessed the impact on the SSSI, Wye Valley and Forest of Dean Bat SAC and the River Wye SAC. It shows that the development is acceptable, and this has been confirmed by NRW.

6.4.3 An ecological survey titled 'Bat survey by Ecological Services Ltd (dated December 2022) has been submitted which identifies a single common pipistrelle using the site. Due to the confirmed presence of a bat roost a European Protected Species Licence will need to be obtained from NRW. Section 10 of the report details the proposed mitigation for the application which is considered necessary to offer suitable compensation for the loss of roosting opportunities.

6.4.4 The site has also been considered in relation to reptiles as there are records of reptiles within 300m of the site. There is a relatively small but suitable habitat for reptiles on the site which means a small number of common species should be assumed and precautionary measures of working should be adopted. The application also considered net benefit for biodiversity in line with PPW12 that 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 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The submitted ‘Bat Survey’ report details a series of measures to provide an overall net benefit for biodiversity which are considered to offer an overall net benefit for biodiversity in line with PPW.

6.4.5 Conditions have been proposed to secure the net benefit and ensure that protected species and the SAC are protected.

## 6.5 Landscape

6.5.1 The site is located within the in Llandogo settlement boundary, Llandogo Conservation Area, CADW registered Lower Wye valley historic landscape and Wye Valley AONB (National Landscape) and thus LDP Policy LC4 applies. The site is adjacent to the A466 and consists of an existing building with associated parking facility set back from highway edge and road verge. To the east of the site is an existing DES2 Area of Amenity Importance.

6.5.2 The site lies within character 2 of the Llandogo Conservation Area defined as an area identifying with the A466 corridor, consisting of combinations of two-storey dwellings terraced, detached and semi-detached and some bungalows on the northern approach to the character area. There appear to be two distinct building lines within the character area fronting the A466, one set against or close to the highway edge and one set back with garden frontages which is the predominant streetscape character allowing a softening of edges with hedge, planting and verge, visually integrating the settlement within the wider rural landscape character which is an underlying character of Llandogo as a village. Many of the dwellings in the character area are rendered, (white / cream) with black slate / terracotta tiles on pitched roofs, some with dormers, porches and side extensions. Ridge lines are of a similar height in relation to existing ground levels, generally lower on the river side of the A466 and higher on the opposite side. The southern section of character 2 is primarily made up of principal elevations facing the road broken up with the occasional gable end. The area in proximity of the proposed development has a greater mix of gable ends facing to the highway but this is not over dominant as an architectural form. The application has been considered by the authority’s GI and Landscape Officer as well as the AONB Area Officer.

6.5.3 The Landscape and GI officer stated that the principle of the development is considered acceptable, as the two-storey dwellings 1-5 reflect the architectural form and ridge height within the streetscape of conservation area 2. Proposed planting to frontages, to include appropriate street trees, hedge and shrubs, would help to integrate buildings and the gable end of unit 1 into the streetscape. However, they raised concerns over some of the detailing of the application such as the type and positioning of boundary treatments, colour of render, and street trees. It is considered that conditions can address many of these issues as well as securing the submission of a Landscape Management Plan which can be maintained.

6.5.4 The AONB Officer also raised concerns, but these relate to more fundamental issues. The Officer raises concerns that the development covers nearly the whole of the site, it consists of a number of additional dwellings to the site, and the loss of the green space to the front of the site with multiple access points and the provision of a pavement, all create a significant urbanising effect on the rural environment. The officer is concerned that the proposal amounts to over-development; reducing the scale and particularly the number of access points would represent a more appropriate scheme.

6.5.5 The proposals have been carefully considered to ensure that the requirements of the development can be married with the context. The development is within the development boundary

and in line with PPW12 there is an intent to provide an efficient use of land and housing provision in rural communities where it is needed. It is considered that the proposals for four new dwellings and a relocated shop is not an over-development of the site. The amenity levels are discussed in the next section of this report. The provision of multiple accesses has been carefully considered to accommodate landscaping and the provision of a pavement to the front of the site is considered to provide significant benefit in terms of accessibility that outweighs any landscape harm. Issues raised in relation to boundary treatments have been considered above and can be dealt with through a condition.

6.5.6 Overall it is considered that the proposals are akin to the other developments within Llandogo and are not out of character with the wider landscape. The presumption in favour of development at the site accepts a level of development that, subject to material considerations, should be appropriate to its setting. It is considered that the proposed development demonstrates this.

## 6.6 Impact on Amenity

6.6.1 The application site is bounded to the north-eastern part of the development by Llandogo Primary School and the protected area of open space. There are considerable distances between the rear of dwellings 4 and 5 to the school, which are more than acceptable. The new convenience store is proposed to this end of the site which does not have any windows to this northern elevation. In addition a 1.8m high close-boarded fence is proposed to run the northern edge of the site together with planting internally to provide privacy and screening.

6.6.2 To the north-western end of the development plots 1&2 are directly in front of the existing neighbouring property of Wyehome which is a dormer bungalow with a large store garage to the east. Wyehome has a bedroom window to the first floor facing south, plots 1 and 2 have their rear elevations 10 and 12m to the south of Wyehome respectively. The boundary treatment is proposed to be timber close-boarded fencing separating Wyehome from the proposed development, providing the necessary screening at ground floor level. However, plot 1's bedroom window is 10.8m from the gable of Wyehome and plot 2's would be 11.5m. These distances are below the expected 15m in the adopted Infill Development SPG of the Council. Therefore the rear bedroom window to plot 1 has been moved to the western elevation. However, the bedroom window of Wyehome in question was installed as part of the recent planning application for a roof conversion, and was required to be obscured glazing which would prevent overlooking to or from neighbouring properties. Therefore, it is considered that despite the intervening distances being less than ideal, the obscure glazing means that the proposals are acceptable.

Therefore, there is no identified conflict with LDP Policy EP1.

6.6.3 In addition, the Environmental Health Officer has considered the application and requested a condition requiring a Construction Environmental Management Plan, proposed hours of opening for the retail premises and details of any plant or machinery proposed to support the running of the store.

## 6.7 Highway Safety/Parking Provision

6.7.1 The Council's Highways Department has been consulted on this application and had initially raised an objection in relation to the need for additional parking for the flat and a disabled space for the shop. In addition, visibility splays were required to be shown on the site plans and clarification of crossings for the individual access arrangements. However, as a whole it was considered that the principle of the development in highway terms was appropriate, and that the local highway network can accommodate the associated traffic without having a detrimental impact on the overall safety and function of the public highway network. Following submission of the above details the Highways Officer has no objection to the proposals but notes that the applicant will be required to enter into a legal agreement with the Highway Authority for the provision of a new footway and associated crossings across the frontage of the site adjacent to the A466.

6.7.2 Parking provision has been considered on site and with all properties meets the required standards. The retail premises provides one commercial space and one visitor (as required of a

shop of this size) as well as one disabled space. EV charging will also be provided for the visitor space. The dwellings are required to provide one space per bedroom up to three. Each of the proposed two-bedroom dwellings is serviced by two parking spaces and the existing four-bedroom dwelling would have the required three spaces.

## 6.8 Affordable Housing

6.8.1 This application for residential development is located within the Main Village of Llandogo as identified in Strategic Policy S1. LDP Policy S4 relates to the provision of affordable housing in Minor Villages with allocated sites requiring a 60% affordable housing on-site contribution. Further clarification is provided in the Supplementary Planning Guidance on Affordable Housing, which states that other sites in Main Villages, such as infill within the defined settlement boundary (excluding allocated 60/40 sites) will require a 35% provision of affordable housing on site.

6.8.2 In this case the redevelopment of the site includes the retention of the existing dwelling and creation of a manager's flat associated with the commercial premises, as well as four new dwellings. As there is already one residential unit on the site and the manager's flat will be occupied by someone associated with the commercial unit, these are not included in the total number of dwellings to be taken into account when assessing the level of affordable housing required. Therefore, the four additional units have been taken into consideration when calculating the level of affordable housing on the site. The requirement would look at 35% of the four proposed dwellings, equalling one unit.

6.8.3 The applicant has provided a viability assessment (VA) which shows that the development could provide a profit margin of 4.8%. However, this excludes any section 106 contributions. The VA states that the development would not be viable with an on-site contribution and therefore requests that an off-site financial sum is provided instead. The VA has been independently reviewed and returned to confirm that the development would not be viable with an on-site affordable home. It is, however, anticipated that the development would yield a profit in the region of 15-17.5% not 4.8%. Despite this, it is still not considered viable to deliver an on-site contribution without significant impact on viability.

6.8.4 Therefore it is necessary to pursue a financial contribution for off-site provision in lieu of on-site accommodation. Turning to a financial contribution this is worked out following the formula set out in the Affordable Housing Supplementary Planning Guidance and sets the CS rate as 120 for this rural area.

Financial Contribution = Internal Floor Area (m<sup>2</sup>) x CS Rate x 58%.

The floor space of four units is 279m<sup>2</sup> x 120 x 58% = £19,418

Therefore the financial contribution for the overall application is £19,418 to be secured through a Section 106 agreement.

## 6.9 Surface Water Drainage

6.9.1 The proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. However a drainage strategy and surface water destination has been identified. The proposals will feature a new culvert discharging into land under the same ownership. Further clarification was required for the SAB application in relation to the connection between attenuation 3 and the rest of the surface water drainage system. Notwithstanding this, it is considered that sufficient information is available to determine the planning application.

## 6.10 Foul Drainage

6.10.1 The development site is located in an area served by Dwr Cymru - Welsh Water sewers and therefore the intention is to connect the proposed development to the existing sewerage system. DC-WW have been consulted on this application and raise no concern or objection in relation to the capacity of the network in the area. The area is outside of any affected Special Area of Conservation and therefore no issue is raised in respect of phosphate/nitrate pollution entering the water network.

### 6.11 Environmental Health

6.11.1 The Council's Environmental Health Officer commented in relation to noise which is addressed in the Amenity section of the report, above. However, further comments have been provided in relation to contaminated land and air quality which do not raise an objection. However the Officer notes that a former petrol filling station was in close proximity and suggests a condition in relation to the potential to find any unidentified contaminated land.

### 6.12.1 Heritage

6.12.1 The application is located within the Llandogo Conservation Area (CA) in character area 2 comprising the A466 Corridor. This part of the CA is characterised by a varied building lines and types of buildings, usually pre-war and post war variations. Generally these are of a two-storey nature. There is a consistent use of building materials in this part of the CA, with roof coverings either red/brown clay tiles or natural slate. New and re-roofed properties generally have concrete tiles. In particular the village shop has suffered from replacement uPVC windows and corporate shop signage. It is not considered to be a particularly positive building in the CA.

6.12.2 There is a concurrent Conservation Area Consent application for the demolition of the Browns store. This is considered separately through the CAC, however the Heritage Officer confirms that the demolition of the current building which is modern, currently vacant and in a poor condition would not fail to preserve the special character of the area. The proposed replacement buildings are in keeping with the scale and mass of existing dwellings in close proximity and retains a clear building line and active frontage to the A466. Overall the materials for the buildings, such as the tiled roofs are not ideal, but these are akin to those on the neighbouring properties which are noted in the Conservation Area Appraisal. Overall the proposed development would not fail to preserve the special character of the CA.

### 6.13 Planning Obligations

6.13.1 This scheme will provide a financial contribution of £19,418 in lieu of on-site affordable housing.

### 6.14 Response to the Representations of Third Parties

Concerns were raised in relation to the following points:

The area has an influx of second homes which is outpricing local buyers, these homes are overpriced, there needs to be more affordable homes. As discussed above in the Affordable Housing section of the report the scheme is supported by a Viability Assessment which shows that it would not be viable to provide an on-site contribution. However, an off-site financial contribution will be secured through a 106 agreement equalling £19,418.

Concerns in relation to over-development and too many properties on the site. More space should be allocated to the shop area and the number of dwellings should be reduced. The larger house is out of proportion with the space available on site.

As discussed above in the Design and Placemaking section of the report, it is considered that there is sufficient space to accommodate the relocated retail premises and the four proposed dwellings. The layout of the site follows that of the grain of development in the wider area and is not considered to be an over-development. Plot three is an existing building and has been remodelled to appear as a uniform group externally.

This will result in cars parking on the main road causing a hazard and the access arrangements will cause obstructions to visibility down the road. There needs to be more parking and a disabled space. As discussed in the Highways and Parking section of the report the application does not have any objections from the Authority's Highways Officer who considers that the access and parking arrangements meet the required standards and are considered to be safe.

Concerns over children's safety using the footpaths to and from school.

As with the above concern, there are no concerns from Highways colleagues. The proposed pavement to the front of the site enhances the existing provision and connects with the existing pavement network in the area.

### 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 WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

### 6.16 Conclusion

The proposed development will seek to redevelop the existing vacant Browns Convenience store in a prominent location within the village and Conservation Area. It is considered that the principle of the development is appropriate, being within the development boundary and a sustainable location. The redevelopment is considered to be an efficient use of the site and provides the necessary parking, access and GI requirements to help integrate it within the village. The scale and mass of the dwellings are appropriate to its context, and it is easily accessible and connected to the main village. Overall the development will rejuvenate this vacant site and provide an up to date community facility.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a Section 106 agreement to secure the off-site affordable housing contribution.

### **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.

#### **APPROVED 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 LIGHTING**

3 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on any building or within the curtilage of the site until an appropriate lighting plan which includes low level PIR lighting and allows dark corridors for bats has been agreed in writing with the LPA. Only the approved lighting details shall be implemented.  
Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

## **4. CONSTRUCTION ENVIRONMENTAL METHOD STATEMENT**



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

The content of the method statement shall include details of measures to protect and make particular reference to the protection of the River Wye SAC AND shall include:

1. Dormice
2. Common reptile species
3. Risk assessment of potentially damaging construction activities on the River Wye SAC;
4. Details of measures to protect the River Wye SAC from incidental pollution during development, demonstrating how Guidelines for Pollution Prevention 5 will be adhered to, referring to Pollution Prevention Guidelines 6 where necessary, so that best practice will be implemented;
5. Details of the location of the construction compound and storage of materials for the duration of the works;
6. Identification of "protection zones" and the use of protective fences, exclusion barriers and warning signs;
7. Details of the persons and bodies responsible for activities associated with the CMS and emergency contact details.

The approved CMS 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. The CMS shall be completed in consultation with an appropriately experienced ecologist.

Reason: To safeguard the biodiversity interest of the River Wye SAC in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Safeguarding of protected and priority species during construction works LDP Policy NE1 and the Section 7 of the Environment Act (Wales) 2016.

## **5 DRAINAGE**

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.

## **6. HARD AND SOFT LANDSCAPING**

Notwithstanding the approved plans, prior to the commencement of development full and comprehensive details of soft and hard landscape works, including details of the proposed native planting mix, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

Detailed scaled plans, showing existing and proposed levels inclusive of proposed SUDs.

Proposed and existing utilities/services above and below ground.

Soft landscape details for landscaping to include planting plans, specifications including species, size, density, number and location, cultivation and other operations associated with planting and seeding establishment, inclusive of SUDS green engineering / rain gardens .

Hard landscape materials to include surfacing, SUDs, location of proposed lighting, fencing and structures (e.g. interpretation and signs).

Lighting strategy

Reason : In the interests of visual and landscape amenity; in accordance with policies DES1 & LC1/5, GI 1 and NE1 of the Local Development Plan

## **7. LANDSCAPING COMPLIANCE**

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

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

## **8. LANDSCAPE MAINTENANCE**

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

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

## **9. CONSTRUCTION METHOD STATEMENT**

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In the interests of amenity, in compliance with LDP policies S13, DES1 and EP1 and in the interests of the highway safety and free flow of traffic, in compliance with LDP policies S16 and MV1.

## **10. PD RIGHTS MEANS OF ENCLOSURE**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (Or any order revoking and re-enacting that Order with or without modification, no fences, gates or walls forward of the front elevation of the dwellings, shall be erected other than those expressly authorised by this permission.

REASON: To protect the character and appearance of the proposed development in accordance with LDP Policy DES1.

## **11. CONTAMINATION UNFORSEEN**

Any unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

## **12. SURFACE WATER**

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

## **13. EXTERNAL FINISHES**

Prior to any works taking place above slab level, samples of the proposed external finishes, including render colours, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those agreed finishes which shall remain as such thereafter unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: In the interests of the visual amenity of the application site and wider area, in accordance with policy DES1 of the LDP.

## **14. FOOTPATHS**

Prior to the occupation of the dwellings or the retail premises, whichever is sooner, the proposed footpath to the A466 as shown on the approved plans shall be completed and available for use.

Reason: In the interests of highway and pedestrian safety in accordance with LDP Policy MV1

## **15. PARKING**

Prior to the occupation of any dwelling, the parking space(s) complete with EV provision as shown for that dwelling shall be laid out within the site in accordance with the approved plans and those spaces shall thereafter be kept available for the parking of vehicles in perpetuity.

Reason: To reduce the need for on street parking in the interests of highway safety.

## **16. BIODIVERSITY COMPLIANCE**

The development shall be carried out in strict accordance with Site Assessment Survey Ecological Services dated 5<sup>th</sup> December 2023 and Bat Survey V1.0 dated December 2022.

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

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

## **17. OPENING HOURS**

The proposed retail store shall only operate within the hours of 7am and 11pm Monday to Sunday.

REASON To protect the amenities of the nearby residential properties from noise and general disturbance in accordance with LDP Policy EP1.

## **18. EQUIPMENT**

Prior to installation, details of any externally located mechanical plant/equipment associated with the proposed new village store (retail), together with the intended location, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be carried out, as approved.

REASON: To protect the amenities of the nearby residential properties from noise and general disturbance in accordance with LDP Policy EP1.

## **19. MANAGERS FLAT**

The living accommodation on the first floor above the retail premises, hereby approved, shall not be used to accommodate persons not involved in running the retail unit, unless they are the dependants of the operator of the retail unit.

Reason: the accommodation is reserved for the operator (and family) of the retail premises only, and only on this basis has this residential accommodation been excluded from the assessment of

the development to provide an adequate level of affordable housing, as required under Policy S4 of the adopted LDP (and associated supplementary planning guidance).

## **20. INTERNET CAPABILITY**

No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the (dwellings/buildings) hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: to support the roll out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

## **INFORMATIVES**

1. The site has the potential for ground contamination to be present and that all ground workers involved in the construction and the occupants of the house during the construction, take appropriated health, safety, and hygiene measures. For example, the use of appropriate personal protective equipment and practising good personal hygiene to avoid or minimise contact with made ground uncovered during the groundwork phase of the build.

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

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

4 As of 7th January 2019, all construction work in Wales with drainage implications, of 100m<sup>2</sup> or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The SuDS Approving Body (SAB) is a service delivered by the Local Authority to ensure that drainage proposals for all new developments of at least 2 properties OR over 100m<sup>2</sup> of construction area are fit for purpose, designed and built in accordance with the National Standards for Sustainable Drainage published by Welsh Ministers. If you are in any doubt as to whether you require SAB approval, please contact: SAB@monmouthshire.gov.uk  
For advice regarding the application process and general enquiries - 01495 768306  
For technical advice regarding your SuDS design and meeting the National Standards - 01633 644730



## Appeal Decision

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by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 16/07/2024

Appeal reference: CAS-03217-T4P6S7

Site address: The Haven, Gypsy Crescent, Llanfoist, NP7 9LT

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Eleanor Hughes against the decision of Monmouthshire County Council.
  - The application Ref DM/2023/00182, dated 31 January 2023, was refused by notice dated 25 July 2023.
  - The development is proposed use of an existing, detached residential outbuilding for holiday let accommodation.
  - A site visit was made on 11 June 2024.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. In relation to the second reason for refusal, the appellant has submitted a drawing of the parking area in support of this appeal (Drawing No. Front Garden/Parking Plan PL/03). As it does not alter the proposal, I have had regard to it in my decision.
3. A previous planning permission was granted for alterations to the outbuilding for use ancillary to the main dwelling (app ref: DM/2019/01879). A condition of that permission restricted its occupation for purposes ancillary to the residential use of the existing dwelling. Although it appears that the outbuilding has been used as a holiday let in the past, I have no evidence to suggest it is currently being used as holiday let accommodation. I have considered the appeal on that basis.

### Main Issues

4. The main issues are the effect of the proposed development on a) the living conditions of the occupiers of Sunnyside and Rotherslade, having particular regard to privacy and noise and disturbance; and b) pedestrian safety.

### Reasons

#### *Living Conditions*

5. The appeal relates to a small outbuilding located at the end of the rear garden of a detached bungalow located within a row of similar dwellings with long and narrow rear gardens. The garden slopes gently down to the rear boundary of the site from the raised

patio directly adjacent the rear elevation of the dwelling. A ramp and a set of steps lead from the raised patio into the garden. A path leads from the steps to the outbuilding, parallel to the eastern boundary of the site. Due to the limited width of the site, the outbuilding is close to the rear gardens of the adjacent dwellings, Sunnyside and Rotherslade. These gardens have corresponding levels with the appeal site and are separated from it by high boundary fences and some hedging on the shared boundary with Sunnyside. To the front of the outbuilding is a patio area and a hot tub. Owing to their location within a quiet residential area, the appeal property and the adjacent dwellings have a peaceful and tranquil setting.

6. Guests would access the holiday let via the narrow path in between the appeal property and Rotherslade. Once in the rear garden they would have to walk the entire length of the garden. Whilst there would be some limited views into the rear garden of Sunnyside from the set of steps near the shared boundary, such views would be transient and not direct and would not result in a level of overlooking which would significantly harm the privacy of the occupiers of Sunnyside. Similarly, due to the high fence on the shared boundary with Rotherslade, there would be no unacceptable loss of privacy for its occupiers.
7. Nevertheless, the proposal would involve a regular turnover of occupants that would significantly increase the comings and goings of people, unconnected to the existing dwelling. This would result in associated noise and disturbance from people talking, especially if in high spirits, listening to any music and generally using the hot tub and patio. Furthermore, due to the small size of the accommodation, it is likely that guests would be more reliant on the outside space for sitting out and cooking, especially in favourable weather conditions, and given that the hot tub and patio area would be the principal external amenity space for guests, it would be likely to be intensively used. The proposal would therefore increase the activity in this part of the garden significantly above that associated with an outbuilding ancillary to the existing dwelling.
8. Whilst the outbuilding and its patio area is some distance from the rear elevation of the adjacent dwellings, and would only accommodate up to two guests, given the close proximity of the patio and hot tub to the adjacent gardens, noise and disturbance and the increased comings and goings would be audible to neighbouring residents whilst in their gardens. This would be particularly noticeable in the context of the tranquil rear gardens which would heighten the impacts of the proposal to an unacceptable degree.
9. I note that the Council's Environmental Health Officer has not commented on the appeal proposal and did not raise any concerns in terms of the previous proposal (app ref: DM/2019/01879), however, this does not alter my findings on the proposal which I have considered on its planning merits. I recognise that some landscaping has been undertaken in the rear garden and that there are several trees within the appeal site and the adjacent gardens, however, this would do little to mitigate the impacts of the proposal that I have identified.
10. I conclude that the proposal would be harmful to the living conditions of the occupiers of Sunnyside and Rotherslade, contrary to policies DES1 and EP1 of the Monmouthshire County Council Adopted Local Development Plan (LDP) which seek to, amongst other things, maintain and protect the amenities of occupiers of neighbouring properties.

#### *Pedestrian safety*

11. The appeal site includes a paved driveway to the front of the dwelling and an integral garage. I saw that the driveway has been widened and has the width to accommodate 2 cars, in addition to the existing garage. Although the Council has concerns that there is

insufficient space for a vehicle to park on the driveway without overhanging the footway and obstructing pedestrians, the submitted plan (Drawing No. Front Garden/Parking Plan PL/03), shows that the depth of the driveway exceeds the Council's required depth of 5m. Furthermore, at the time of my site visit, a large car was parked in this space and I saw that it did not overhang the footway. Consequently, I am satisfied that the proposal demonstrates that the required car parking can be provided on site to serve both the existing house and the proposed holiday let without obstruction to pedestrians.

12. I note the representations in relation to the amount of parking provided and that the vehicular crossing has not been extended to accommodate the widened driveway. However, the Council have raised no concerns in relation to the number of parking spaces to serve the existing dwelling and the holiday let, and as the proposal consists of one bedroom accommodation, I do not disagree. The provision of a widened vehicular crossing could be controlled by other legislation.
13. I conclude that the proposal would not have a harmful effect on pedestrian safety and complies with policy MV1 of the LDP which seeks to ensure, amongst other things, that development proposals make satisfactory provision for parking.

### **Other Matters**

14. The proposal does not provide for biodiversity enhancements in accordance with national and local planning policy. Nonetheless, I am satisfied that a planning condition could be imposed to secure such enhancements and as I am dismissing the appeal on other substantive grounds, this is not a determining issue in my decision.
15. The appeal site is located within the catchment of the River Usk Special Area of Conservation (SAC) where I am required to consider the phosphorus impact of proposed development. Although the Council consider that there would be no likely significant effect on the SAC, having regard to Natural Resources Wales's advice, the proposal would result in the use of the outbuilding as a holiday let and would no longer be ancillary to the main residence. This could lead to an increase in occupancy by residents from outside the SAC river catchment. Therefore, the proposal has the potential to increase the amount of phosphates being discharged from the site. In these circumstances, proposals require further assessment. However, as I am dismissing the appeal for other reasons, I have not considered the matter further.
16. I have had regard to the potential benefits of the provision of tourism accommodation, however, given the modest scale of the proposal these benefits would be limited, and would not outweigh the harm to living conditions which is an overriding consideration.

### **Conclusion**

17. Although I have found no harm to pedestrian safety, this does not outweigh the harm I have identified to the living conditions of the occupiers of the neighbouring dwellings. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.
18. 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.

*H Smith*

INSPECTOR

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