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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 6 January 2025

Notice of meeting:

Planning Committee

Tuesday, 14th January, 2025 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, Place (copies attached):	
4.1.	Application DM/2022/01525 - Construction of proposed bungalow with parking on land at rear of 11 Park Close. Land rear of 11 Park Close, Abergavenny, NP7 5SU.	5 - 12
4.2.	Application DM/2023/01341 - Construction of a New Dwelling. 33 Maryport Street, Usk, NP15 1AE.	13 - 26
4.3.	Application DM/2024/00442 - Construction of two new dwellings at rear of Ardwyn, with all associated works. Ardwyn, Gwent Road, Mardy, Abergavenny, NP7 6NL.	27 - 38
4.4.	Application DM/2024/00985 - Replacement dwelling. Bushes Farm, Chapel Road, Earlswood, Shirenewton.	39 - 54
4.5.	Application DM/2024/01199 - Change of use from funeral directors at ground floor and first floor flat to a 6 bedroom, 6 person house in multiple occupation (C4 Use). 90 Newport Road, Caldicot, Monmouthshire.	55 - 60

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillor Jill Bond	West End;	Welsh Labour/Llafur Cymru
County Councillor Fay Bromfield	Llangybi Fawr;	Welsh Conservative Party
County Councillor Emma Bryn	Wyesham;	Independent Group
County Councillor Jan Butler	Goetre Fawr;	Welsh Conservative Party
County Councillor 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
County Councillor Laura Wright	Grofield;	Welsh Labour/Llafur Cymru

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Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon two working days before the meeting. Details regarding public speaking can be found within this agenda

Access to paper copies of agendas and reports

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

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

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

Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

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. 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 in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 3rd December, 2024 at 2.00 pm

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

County Councillors: Jill Bond, Fay Bromfield, Emma Bryn, Jan Butler, John Crook, Tony Easson, Steven Garratt, Meirion Howells, Su McConnel, Jayne McKenna, Phil Murphy, Maureen Powell, Sue Riley, Dale Rooke and Ann Webb

Also in attendance:

County Councillors: Louise Brown and Penny Jones

OFFICERS IN ATTENDANCE:

Craig O'Connor	Chief Officer, Place
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Joanne Chase	Solicitor
Richard Ray	Paralegal
Richard Williams	Democratic Services Officer

County Councillors Fay Bromfield and Ann Webb left the meeting following determination of application DM/2024/00985 and did not return.

County Councillor John Crook left the meeting following determination of application DM/2024/00409 and did not return.

APOLOGIES:

None.

1. Declarations of Interest

County Councillor Phil Murphy declared a personal, non-prejudicial interest pursuant to the Members' code of conduct in respect of application DM/2024/00985, as his son used to work with the applicant.

<https://www.youtube.com/live/-yKxMQuBYJs?si=-KWIfTe0xP76BMr-&t=65>

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 3rd December, 2024 at 2.00 pm

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 5th November 2024 were confirmed and signed by the Chair.

<https://www.youtube.com/live/-yKxMQuBYJs?si=EPcovDI08NEdlIDL&t=25>

3. Application DM/2024/00985 - Replacement dwelling. Bushes Farm, Chapel Road, Earlswood, Shirenewton

We considered the report of the application and late correspondence which was presented for refusal for one reason outlined in the report.

The application had been presented to Planning Committee on the 5th November 2024. However, due to a procedural irregularity at that meeting, the application has been re-presented to Planning Committee for consideration.

<https://www.youtube.com/live/-yKxMQuBYJs?si=Uf1sVdL69CC3WCSs&t=201>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Fay Bromfield and seconded by County Councillor Meirion Howells that we be minded to approve application DM/2024/00985 with appropriate conditions.

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

In favour of officer recommendation	-	7
Against officer recommendation	-	8
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to approve application DM/2024/00985 and that it be re-presented to a future meeting of Planning Committee with a recommendation for approval with appropriate conditions.

4. Application DM/2023/01019 - Residential development (21 dwellings) together with associated landscaping, infrastructure and ancillary works. Land north of Monmouth Road, Raglan, Monmouthshire

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

Condition 4 to be revised as follows:

'No buildings on the application site shall be brought into use earlier than 31/12/2027, unless the upgrading of the public sewerage system, into which the development shall drain has been completed and written confirmation of this has been issued to the Local

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 3rd December, 2024 at 2.00 pm

Planning Authority by Dwr Cymru Welsh Water or details of a suitable alternative solution have been submitted and approved in writing by the Local Planning Authority.'

<https://www.youtube.com/live/-yKxMQuBYJs?si=ONO7cUqzOiyGoqW9&t=3055>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Tony Easson and seconded by County Councillor Su McConnel that application DM/2023/01019 be approved subject to the conditions outlined in the report.

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

For approval	-	9
Against approval	-	4
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2023/01019 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement.

Condition 4 to be revised as follows:

'No buildings on the application site shall be brought into use earlier than 31/12/2027, unless the upgrading of the public sewerage system, into which the development shall drain has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru Welsh Water or details of a suitable alternative solution have been submitted and approved in writing by the Local Planning Authority.'

5. Application DM/2024/00409 - Construction of wedding venue building as replacement for courtyard marquee, additional parking/turning and associated landscaping works. Cefn Tilla Court, Cefn Tilla Road, Llandenny, NP15 1DG

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

<https://www.youtube.com/live/-yKxMQuBYJs?si=bTlhgTLjt9O82t4k&t=8226>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Tony Easson and seconded by County Councillor Jayne McKenna that application DM/2024/00409 be approved subject to the conditions outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held in the
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on
Tuesday, 3rd December, 2024 at 2.00 pm**

We resolved that application DM/2024/00409 be approved subject to the conditions outlined in the report.

6. Application DM/2023/01387 - Erection of two dwellings. Crossways Farm, Kingsmark Lane, Chepstow, NP16 5LZ

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.

<https://www.youtube.com/live/-yKxMQuBYJs?si=jmNZFeQB2Z7WiHDf&t=9397>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Su McConnel and seconded by County Councillor Maureen Powell that application DM/2023/01387 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement. Also, that two additional conditions be added to cover hard landscaping and means of enclosures to be agreed.

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

For approval	-	9
Against approval	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2023/01387 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement. Also, that two additional conditions be added to cover hard landscaping and means of enclosures to be agreed.

The meeting ended at 4.57 pm.

Application Number: DM/2022/01525

Proposal: Construction of proposed bungalow with parking on land at rear of 11 Park Close

Address: Land rear of 11 Park Close, Abergavenny, NP7 5SU

Applicant: Stephen Parry

Plans: Location Plan A100, Site Layout A101 - REV B, All Proposed Plans A200

RECOMMENDATION: Approved Subject to S106 agreement

Case Officer: Kate Bingham Date
Valid: 26.10.2022

This application is presented to Planning Committee as there is an outstanding objection from a Statutory Consultee (Highways)

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to a site close to the town centre of Abergavenny, north-east of Bailey Park.

1.2 Proposal Description

It is proposed to provide one new single-storey dwelling in the rear garden of the existing two storey semi-detached house. Access will be shared with the existing dwelling.

The property is not listed and the site is not within the Conservation Area. The site is within the Nutrient Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/01525	Construction of proposed bungalow with parking on land at rear of 11 Park Close.	Pending Determination	
DC/1993/00420	Carport Extension To Front.	Refused	07.07.1993

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision

S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations

Supplementary Planning Guidance

Infill Development SPG November 2019
Affordable Housing SPG July 2019

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 12

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Abergavenny Town Council - No comments received.

Dwr Cymru Welsh Water (DCWW) - No objections.

We have reviewed the information submitted as part of this application 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.

We can confirm that our Llanfoist Wastewater Treatment Works in which the proposed development would eventually drain, is able to meet the interim backstop permit of 5 mg/l with sufficient headroom capacity.

Natural Resources Wales (NRW) - Refer to Interim Guidance on development within Nutrient Sensitive Areas (Version 4).

MCC Highways - Under the Welsh Common Standards, a shared private drive must be at least 4.5m wide which the site cannot provide. Therefore, as the access arrangements do not meet minimum standards, we must object.

MCC Biodiversity - No objections subject to conditions.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

One objection received:

The proposed bungalow is an overdevelopment of a residential area. These houses and our neighbouring ones were designed with space between buildings and this should not be compromised.

5.3 Other Representations

None.

5.4 Local Member Representations

No comments received.

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

6.1 EVALUATION

6.2 Principle of Development

6.2.1 The site is located within the settlement boundary of Abergavenny, which is defined as a Main Town in the Local Development Plan (LDP). Policy H1 supports residential development in these areas in principle, subject to detailed material planning considerations.

6.2.2 Being located on a corner, the site benefits from an existing large rear garden which can accommodate the proposed dwelling together with parking provision and still retain an adequate amount of private amenity space for both the existing and proposed dwellings.

6.2 Good Design / Place Making

6.2.2 Monmouthshire's adopted Infill Supplementary Planning Guidance highlights that Infill development should make a positive contribution to the creation of distinctive communities, places and spaces as well as responding to the context and character of the area. The proposed dwelling will be single-storey and simple in design having a basic rectangular floor plan with a pitched roof. External materials are proposed as grey concrete roof tiles, red facing brick with buff stone cills, Marley Eternit cladding (porch), white facias and soffits with black rainwater goods and white upvc windows. These materials reflect those used on the surrounding buildings, the host dwelling being red brick on the lower half with a concrete tiled roof and white upvc windows.

6.2.3 The proposed bungalow would cover an area of approx. 75m² on a site of 530m² equating to just over 14%. There will be further loss of garden area as a result of the parking and turning area but nonetheless, there would still be a garden area of 76m² remaining for the existing dwelling and over 100m² for the proposed new dwelling. Due to the siting of the proposed new dwelling at the rear of the site, the impact of the development on the street scene and wider landscape will be minimal.

6.2.4 On the basis of the above, it is considered that the proposed development is in keeping with the character and appearance of the surrounding area and will have no adverse impact on local visual amenity. As such there is no conflict with LDP Policy DES1.

6.3 Impact on Residential Amenity

6.3.1 The proposed new access and parking area will abut an existing neighbouring arage, minimising any impact on the enjoyment of the garden of that property.

6.3.2 Overlooking from the proposed new dwelling into overlooking properties will not be possible as the proposal is a bungalow and therefore views will be blocked by existing and proposed enclosures. Window to window distances between the existing and proposed dwellings would be between 15m and 20m, the shorter view being a bathroom window and 20m being a kitchen area. Direct views would be further disrupted by a new boundary fence along the boundary with the garden of the existing dwelling. The houses to the north (Avenue Road) have long rear gardens meaning that there is a distance of approx. 27m from these dwellings to the northern boundary of the application site.

6.3.3 On the basis of the above it is considered that there will be no loss of residential amenity as a result of the proposal and there would be no conflict with LDP polices EP1 or DES1.

6.4 Highways and parking

6.4.1 The application proposes the construction of a new property within the grounds of No. 11 and related works and access arrangements. The site is located on the corner of the unclassified highway, Park Close, a dense residential area.

6.4.2 The site meets its parking requirements under the local parking regulations by providing No.11 with three spaces and the proposed dwelling with 2 spaces (one per bedroom).

6.4.3 The proposed access arrangement creates a private shared drive shared by no. 11 and the proposed dwelling, (with an access agreement with the neighbouring No.10). The Council's Highway Engineers have advised that under the Welsh Common Standards, a shared private drive must be at least 4.5m wide. In this case the site can only provide a 3m wide driveway and therefore as the access arrangements do not meet minimum standards, Highways have objected to the development.

6.4.4 While the width of the drive is below the Welsh Common Standards, a 3m wide drive is nonetheless adequate for a private car and not an unusual arrangement in this area with other dwellings to the rear of existing properties being served by comparable driveways. For example DC/2016/00714 allowed two dwellings to the rear of Park Crescent off a 3m driveway. Larger vehicles serving the proposed new dwelling such as delivery vans, are likely to stop on Park Close itself, not the driveway; the site is within a cul-de-sac where on-street parking is unrestricted and traffic movements are generally reduced and at slower speeds. As such, the proposed driveway arrangement is unlikely to harm local highway safety and it is considered that it would be unreasonable to refuse the application on this basis.

6.5 Biodiversity

6.5.1 It is understood that an area of scrub habitat is located where the proposed bungalow and landscaped garden are proposed. Precautionary measures should be adopted during any vegetation clearance.

6.5.2 Planning Policy Wales (PPW) 12 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 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

6.5.3 It is noted that two nest boxes are proposed to be installed on the north-western elevation of the existing building. It is considered that these will provide adequate mitigation for the loss of nesting habitat as a result of the development.

6.5.4 As a result of the proposals, the site will become more difficult to access for hedgehogs due to the number of fences and built structures. In order to mitigate for this, hedgehog gaps within the new close-boarded fencing should be provided to allow hedgehogs to have continued access throughout the site – 13cm x 13cm gaps at ground level are sufficient to allow access for hedgehogs. This should be a condition of any consent should Members approve the application.

6.5.5 Under regulation 63 of the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

6.5.6 Based on the Test of Likely Significant Effect, the project is unlikely to have a Significant Effect on the phosphate sensitive River SAC and a full Appropriate Assessment is not required.

6.6 Green Infrastructure (GI)

6.6.1 Chapter 6 of Planning Policy Wales (PPW) 12 highlights that a Green Infrastructure (GI) statement should be submitted with all planning applications and will be proportionate to the scale and nature of the development. The statement which will need to be informed by a GI assessment of the site will describe how green infrastructure will be incorporated into the proposal and how the step wise approach to protecting biodiversity, habitats and GI onsite will be managed. A step wise approach considers what impacts may occur as a result of development activity to any identified biodiversity, habitats and green infrastructure assets and networks that may be present on or bounding a site. The approach then seeks to manage any harm that may occur by (a) avoiding (b) minimising (c) Mitigating / Restoring.

6.6.2 The existing site is landscaped domestic garden with areas of shrub to the far rear.

6.6.3 The GI Statement is proportionate to the scale of this proposal and sets out the measures to be employed to secure GI. Soft landscaping will be carried out around the building that will adopt native species and will improve the GI in this immediate area.

6.7 Affordable Housing

6.7.1 It is a basic principle of LDP Policy S4 that all residential developments should contribute to the provision of affordable housing in the local planning authority area, irrespective of whether the size of the development falls below the threshold for on-site provision.

6.7.2 As this proposed development falls below the threshold (1 - 4 units) at which affordable housing is required on site, a financial contribution towards off site affordable housing in the Abergavenny Housing Market Area will be required instead. This is calculated as: Internal Floor Area (m²) x £120 x 58%. This will be secured via a S106 agreement. This has been agreed by the applicant.

6.8 Flooding

The site is not within a flood plain.

6.9 Surface Water Drainage

As the built area will be 100m² or more, the development will require a Sustainable Drainage Systems (SuDS) to manage on-site surface water. These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage and will be subject to separate SAB consent but the site area and ground conditions indicate that there is a suitable destination for surface water via a SuDS.

6.8 Archaeology

6.8.1 The application area is within the Archaeologically Sensitive Area of Abergavenny, situated close to the line of the Roman road, leading from the fort at Abergavenny to the town at Kenchester. It is known that large cemeteries containing both inhumations and cremations were

situated alongside the west of this road, and the application area is equidistant between two areas where cremations including cremation burials in urns were found, as well as flagons, glazed beakers and metal brooches. It is therefore possible that such features may be located inside the application area, and the development therefore will require mitigation.

6.8.2 As such, it is recommended that a condition, requiring the applicant to submit a detailed programme of investigation for the archaeological resource, should be attached to any consent granted by Members.

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

6.11.1 In terms of over-development of the site, the proposed new dwelling is relatively small in scale and not dissimilar to a domestic outbuilding that could be erected under Permitted Development Rights. Both the existing and proposed dwellings will also have adequate areas of private amenity space.

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

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

6.13 Conclusion

6.13.1 The site is located within the settlement boundary of Abergavenny within which, Policy H1 supports development in these areas in principle.

6.13.2 The proposed development is in keeping with the character and appearance of the surrounding area and will have no adverse impact on local visual amenity.

6.13.3 There will be no loss of residential amenity as a result of the development.

6.13.4 Although the proposed access is 1.5m narrower than the Welsh Common Standards, taking into consideration the specific context of this application site, it would be unreasonable to refuse the application on the grounds of highway safety. A 3m wide driveway for two properties should be adequate.

6.13.5 The proposal is unlikely to have a Significant Effect on the phosphate sensitive River Usk SAC.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

Financial contribution towards the provision of affordable housing within the local area to be paid upon occupation.

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

Conditions:

1 This development shall be begun within 5 years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.
REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

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

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

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

- o Detailed scaled plans, showing existing and proposed levels
- o Proposed and existing utilities/services above and below ground.
- o Soft landscape details for landscaping to include planting plans, specifications including species, size, density, number and location, cultivation and other operations associated with planting, rain gardens and seeding establishment.
- o Details of hedgehog gaps within the new close board fencing.

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

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

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

6 The mitigation and enhancements for biodiversity shown on approved drwg no. A101 Rev B shall be provided prior to the first beneficial use of the development hereby approved and shall be maintained as such thereafter.

Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the Local Planning Authority no more than three months later than the first beneficial use of the development.

REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 12, the Environment (Wales) Act 2016 and LDP policies S13 and NE1.

Informatives

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

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

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

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

SAB@monmouthshire.gov.uk

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

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

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 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

Application Number: DM/2023/01341

Proposal: Construction of a New Dwelling

Address: 33 Maryport Street, Usk, NP15 1AE

Applicant: Tadman

Plans: PL02 - Rev E, PL01 – Rev B, PL03 – Rev A, Technical Note, 33 Maryport Street, Usk, JBA Project Code: 2020s0382, prepared by JBA, dated 25/08/2020

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham
Date Valid: 29.01.2024

The application is presented to Planning Committee at the request of the co-Ward Member, Councillor Tony Kear

1.0 APPLICATION DETAILS

1.1 Site Description

The application site currently consists of derelict land. A former coach house and office building occupied the area and have since been demolished under Conservation Area Consent ref DM/2019/01291. The site covers an area of 525m². Planning permission was granted in October 2020 for a pair of semi-detached two storey dwellings (both two bed), however the application site (therefore including red line boundary) has been increased as part of this application and now includes additional land to the rear of No 29 Maryport Street. A garage building previously located in the expanded site has been demolished, it is understood that this took place in January 2024, however owing to its size this would have been below the threshold for the requirement for Conservation Area Consent (CAC).

The site is in a predominantly residential location with dwellings immediately adjacent to the North, East and West. To the south is a community centre. The site is in a sustainable location within walking distance of Usk town centre and a less than five-minute walk to the nearest convenience store.

The site is accessed via an existing driveway located off Maryport Street. Off street parking along Maryport is generally limited. During the sites previous use, including an office building, it did afford informal room within the site limits for vehicles to park.

The site is located within the Usk Conservation Area, defended flood plain and within the Nutrient Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

1.2 Value Added

Initial comments from the Council's Heritage Officer noted the construction of one large dwelling on the site was considered acceptable in principle, however, there were some concerns regarding the mass and design of the proposed building. The previous comments have been taken into account by the applicant and design cues have been taken from the surrounding conservation area.

Furthermore, the scheme as originally proposed, exceeded the minimum distance between dwellings as recommended in the Council's Adopted Supplementary Planning Guidance. The scale of the proposed dwelling has therefore been reduced.

Further consideration in relation to flooding was also provided.

1.3 Proposal Description

This application proposes a single detached dwelling. This follows a previous approval in 2020 for the construction of pair of semi-detached 2-bedroom houses on the site and a subsequent approval for a single dwelling (DM/2021/01696). That application is extant and therefore the principle of residential development on the site is established. However, as noted that the application site has been enlarged and now includes an area of land to the rear of No 29 Maryport Street.

The two-storey dwelling is sized as per the following dimensions:

- Width: 11.3m
- Depth: 8.6m
- Height: 6.7m

The proposed dwelling will be accessed via the existing access to the site via Maryport Street. The proposal includes 3no. off road parking spaces for the new dwelling together with a turning area.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/01021	Demolition of coach house at rear of no.31 and office building at no.33 Maryport Street and construction of 2no. semi-detached town houses.	Approved	26.10.2020
DM/2019/01291	Demolition of coach house at rear of no.31 and office building at no.33 Maryport Street and construction of 2no. semi-detached town houses.	Approved	26.10.2020
DM/2021/01696	Demolition of coach house at rear of no.31 and office building at no.33 Maryport Street and construction of a single new dwelling.	Approved	09.03.2022
DM/2024/00705	Discharge of condition 3 (Level 1 photographic survey/building recording) for planning decision DM/2019/01291.	Approved	14.06.2024

DM/2024/00748	Discharge of condition 6 and 4 in relating to planning decision (DM/2019/01021) - Avon Archaeology Written Scheme of Investigation Archaeological Watching Brief dated: Feb 2021 Condition no.4 - Schedule of External Finishes	Approved	26.07.2024
DM/2024/00903	Discharge of condition no. 4 (written scheme of historic environment mitigation) of Conservation Area Consent DM/2019/01291	Approved	14.08.2024
DM/2024/01171	Construction of 2no. semi-detached houses with on site parking.	Invalid Application	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H3 LDP Residential Development in Minor Villages
DES1 LDP General Design Considerations
HE1 LDP Development in Conservation Areas
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development

Conservation Area Appraisal

Usk Conservation Area Appraisal.

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 12

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Usk Town Council - Recommend approval.

Natural Resources Wales (NRW) - No objection. In summary we recommend the planning authority should only grant permission if the detailed FCA and proposed finished floor levels detailed within it are included in the condition identifying approved plans and documents on any decision notice.

Dwr Cymru - Welsh Water (DCWW) - We have reviewed the information submitted as part of this application 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.

We can advise that Usk WwTW into which the proposed development site will drain, is meeting the backstop phosphate permit and there is sufficient headroom to accommodate the foul flows.

Glamorgan Gwent Archaeological Trust (now called Heneb) - We have reviewed the detailed information contained on your website and can confirm that the proposal requires archaeological mitigation. It is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members. We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

MCC Heritage - The construction of one large dwelling on the site is considered acceptable in principle. Concerns over the mass and design of the building proposed have been addressed with an amended design. If minded to approve this application, we would request that samples of the external render, colour of render, roof covering and ridge tiles are submitted to and approved by the LPA prior to commencement. REASON: to safeguard the character and appearance of the conservation area.

MCC Highways - No objections.

MCC Biodiversity – Comments made requesting building surveys on the assumption that structures remained on the site but these have been removed already. Enhancements for biodiversity will be required.

MCC SAB – SAB consent required.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Three representations received. Object on the following grounds:

- Size of the proposed new home is out of scale with the infill site and as such there will be an over-development.
- No parking space for the existing property on Maryport Street will lead to increased congestion on what is already an area where double parking occurs leading to bottlenecks on a regular occurrence.
- Proposed house will adversely affect residential amenity due to noise, disturbance, overlooking, loss of privacy and overshadowing.
- The flood report submitted by Nene Valley does not include a survey of the full redline application.
- It does also not include levels of surrounding properties that could be affected by displaced flood waters caused by raising the levels of the new property above the flood datum level.
- The two buildings on the site have already been demolished as well as a large garage on the adjoining property, which did not have planning permission as part of the previous two applications.
- The response from the Highways Officer is incorrect. It states that the new dwelling is replacing another, which it is not. The previous two applications for a pair of 2-bed semi-detached properties and a 4 bed detached property both included 2 spaces for 33 Maryport Street.
- This application includes the garden of 29 Maryport Street, which had vehicle access and a garage; therefore resulting in a loss of parking for that 2-bedroom property also. The new application should also include two spaces for this property.
- Both previous Officer Reports stated that "separation distances were limited" between 8 & 10 Church Street and the proposed properties. This application makes the matter substantially worse. Distances are much shorter than the 21m recommended distance between habitable rooms.

Impact on no.8 Church Street:

- The site plan used in the submission is incorrect. It does not reflect the removal of shed or the construction of neighbouring new kitchen.
- A buffer area has now disappeared and the proposed house is now circa 6 metres closer to neighbouring dwelling causing overlooking and affecting enjoyment of amenity space.
- The proposal breaches the 45 degree rule when using my main bedroom window. With the bedrooms of the proposed new home being able to look directly into my bedroom.
- There is also overlooking into my garden, located behind the library.

Further representations:

- The drainage proposals detail soakaways within 5m of the boundary with my property and the library. This is not compliant with regulations.
- Site now consists of 80% of the garden to 29 Maryport Street.
- Pre commencement conditions on previous applications not discharged.
- Garage belonging to No 29 has been demolished.
- Was previously vehicular access to rear of No 29
- Highway Officer incorrectly refers to this as a replacement dwelling.
- Concerns on biodiversity.
- Concerns on residential amenity, including overbearing and loss of privacy.

5.3 Other Representations

None.

5.4 Local Member Representations

No comments received, other than request from Cllr Kear to refer application to Planning Committee.

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

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The site is located within the settlement boundary of Usk, which is defined as a Rural Secondary Settlement in the Local Development Plan (LDP). Policy H1 supports development in Rural Secondary Settlements in principle, subject to detailed material planning considerations.

6.2 Good Design/Impact on Conservation Area

6.2.1 The application site lies within the Usk Conservation Area and, therefore, it must be assessed whether the development preserves or enhances the Conservation Area in accordance with Policy HE1 and Policy DES1, which relates to good design.

6.2.2 Initial comments from the Council's Heritage Officer noted the construction of one large dwelling on the site was considered acceptable in principle, however, there were some concerns regarding the mass and design of the proposed building. The comments have been taken into account by the applicant and the design was amended, taking references from built forms within the surrounding Conservation Area.

6.2.3 As well as reducing the overall width of the dwelling by approximately 2m, a reduction in a portion of the proposed ridge line provides the appearance of a smaller building that has been extended rather than the construction of an unusually large building within this setting in the Conservation Area. The dropped ridge on the 'extension' is subservient and aids this visual change. Dropping the eaves on the portion of the building forming the 'extension' ensures the roof pitches match and improves the visual impact of the building to better preserve the setting of the Conservation Area.

6.2.4 Previous comments from the Heritage Officer also noted the slightly unusual fenestration on the proposed building. The addition of a flush window above the bay window on the ground floor is welcomed and more in keeping with the Conservation Area. Additionally, the proposed painted render below and roofing to the bay window to match the walls and roofing of the main building is considered more appropriate and acts to reduce the visual impact of the building. Alignment of the ground floor window to the right of the front door with the first-floor window above helps to support the visual change created by the 'extension', reducing the impact of the building on the Conservation Area.

6.2.5 Roof tiles should be natural slate or slate-effect and windows should be timber or powder coated aluminium, not uPVC as shown on the submitted drawings. Samples of the external materials can be secured via condition should Members be minded to approve the application.

6.2.6 As amended, the proposal is considered to comply with Policy DES1 and Policy HE1 of the LDP, preserving the character and appearance of the Conservation Area.

6.3 Green Infrastructure

6.3.1 PPW12 (paragraph 6.2.12) requires all development to consider existing GI assets within and bounding the site (e.g. hedges, trees etc.), how the proposal will avoid and minimise impacts on GI assets and how the proposal will enhance and/or restore GI assets, corresponding with provisions to provide net benefit for biodiversity.

6.3.2 The total area of the site has been calculated at 494m². Having been previously developed and entirely hard surfaced, there are no existing GI assets on the site. The proposed development will result in the creation of 116m² of new soft landscaping. Four rainwater planters are also proposed as part of the SuDS scheme. As such, the development will improve the site in respect of GI compared to the existing arrangement.

6.4 Historic Environment

6.4.1 The site lies in an area of archaeological sensitivity. Planning Policy Wales 12 requires development to ensure the protection of archaeological resource.

6.4.2 Information in the Historic Environment Record indicates that the application area is located in an area of archaeological potential, within the Usk Archaeologically Sensitive Area. It is approximately 90m from areas of the Scheduled Monument, Cadw reference: MM155: Usk Roman Site, which relate to the establishment of the fortress during the 1st century AD.

6.4.3 The site is also close to the internal road following the interior of the fortress defences, the Via Sagularis. These roads were also lined by buildings, mainly timber, evidence of which has been found nearby: it is likely the site is within an area of barracks.

6.4.4 As such, an archaeological evaluation was conducted by Avon Archaeology in 2019. The results indicated that Roman and Post-medieval finds and features, including a stone spread, ditch and cobbled surface are located in the development area. The report also notes the unusual depth of the Post-medieval stratigraphy at the site and the apparent lack of medieval remains, which is uncharacteristic of the archaeological resource in the area. The uncharacteristic nature of the archaeological resource on site has been attributed to ground reduction and levelling activity that occurred in the Post-medieval period. However, it cannot be certain that the archaeological remains encountered during the evaluation is typical of the archaeological resource across the remainder of the site. It is possible that further Roman, medieval and Post-medieval remains may be encountered during the proposed development.

6.4.5 Condition 3 below will address this and a written scheme of historic environment mitigation will be required should consent be granted.

6.5 Biodiversity

6.5.1 PPW 12 sets out that the planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. It is clear that planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced wellbeing.

6.5.2 The previous application which included the clearance of the site was supported by an Ecology Survey which assessed the buildings for bat potential and surveys were conducted. No bats were identified using the buildings as a roost. There was some low-level foraging and commuting activity in the area by predominantly pipistrelle species. The biodiversity officer assessed the application and ecology survey in 2020 and raised no objections. The site is now clear and is therefore considered to have low ecological value.

6.5.3 The proposed development of the site for residential use will result in the creation of 116m² of garden area and sustainable drainage features which will provide new habitat for wildlife. A condition to secure bird/bat boxes on the proposed new house should also be included in the event that Members are minded to approve the application.

6.6 Impact on Amenity

6.6.1 The redevelopment of the site is challenging given its location close to other dwellings. The proposed development is modest in size and scale and has been reduced in scale to avoid an adverse impact on neighbouring properties. The site is in a built-up residential area with existing

properties immediately adjacent to the north, east and west of the site and the most likely to be affected are no. 31 Maryport Street and no. 29 Maryport Street to the west and no's 2, 4, 6, 8 and 10 Church Street to the north and east. No. 35 Maryport Street is a community centre located to the south. Compared to the most recent previous approval for a single dwelling, the proposed house has been turned by 90 degrees so the principal elevation now faces towards Maryport Street to the west rather than to the south.

6.6.2 There will be a distance of approximately 13m between 29 and No. 31 Maryport Street and the front elevation of the proposed dwelling. Whilst the separation distance is modest, the proposed dwelling will be located further away from no. 29 and 31 than the previous building that was on the site (the coach house) which had a window on the closest elevation facing towards no.29 and no. 31. Direct overlooking opportunities will therefore be reduced because of the development. Furthermore, the principal elevations of these dwellings front the street.

6.6.3 In terms of any potential overbearing impact, the coach house building was 6.4m in height and the proposed dwelling will have an overall height of 6.8m. Whilst this is a 0.4m increase, the dwelling will be positioned further away from no. 29 and 31 than the previous building. The increased separation distance offsets the impact of the increased height of the dwelling and there would not be an unacceptable adverse overbearing impact on no. 29 and 31 as a result of the proposed development.

6.6.4 Nos. 2 to 6 Church Street are linked dwellings located to the North of the application site. The rear elevations of these dwellings face towards the application site, separated by their own rear gardens. The proposed dwelling would be side-on to the rear of nos. 2 to no. 6. The Council's Adopted Supplementary Planning Guidance (SPG) relating to infill development advises that there should be a distance of at least 15m between the side elevation of any new dwelling and the rear elevations of existing dwellings. To meet this requirement, the size of the proposed dwelling has been reduced by 2m and there is now a separation distance of approx.13m between the existing and proposed dwellings. There are no windows on the side elevation of the proposed new dwelling that could overlook these existing dwellings and given that the part of the proposed new dwelling closest to the neighbouring properties has a dropped ridge (thereby further reducing the impact), the distance as amended is considered to be acceptable.

6.6.5 Nos. 8 and 10 Church Road are located to the North East of the application site. The relationship of this property with the application site differs to nos.1-6 by virtue of it being positioned closer to the application site but at a 45 degree angle. In terms of overlooking, there are 2no. upper floor windows on the rear elevation of the proposed dwelling which serve bedrooms which are approximately 7.4m (to ground floor) and 12.5m (to upper floor) distant, but at an oblique angle. Whilst this distance is limited, the angled relationship limits views and would not result in direct overlooking.

6.6.6 The rear elevation of the proposed dwelling will also face directly towards the rear garden of no. 10 with a separation distance of approximately 8.5m but overlooking is limited to the end of the garden only. No.10 has a large garden and the overlooking is not considered likely to affect the overall enjoyment of the rear garden.

6.6.7 In terms of overbearing impact/loss of light, the rear corner of the proposed dwelling would be positioned approximately 2.5m to the boundary with No 8 Church Road. The same corner point would measure approximately 9m to the original two storey part of No 8 and 4.9m to the nearest corner of a recently built single storey extension built at No 8. Whilst it is acknowledged the distances are modest, owing to the angled orientation of No 8 to the proposed dwelling, officers are satisfied that the new dwelling would not result in such an overbearing impact that would fail to maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties.

6.6.8 Third party reference has been made to the Council's infill development SPG (as referred to in para. 6.6.4 above) and concerns that the proposal does not accord with the distance requirements in this SPG. Whilst understood, the SPG is for guidance purposes. Para. 1.5 of the SPG recognises that "each development site has different characteristics and that not all of the requirements as set out in this SPG can be met". Indeed the SPG clearly highlights the

importance of site context. Given the location of the site within the centre of the town in an area more densely populated, then the separation distances (both in a straight line from the proposal and those at an angle) are considered on balance to be appropriate.

6.6.9 No. 35 Maryport Street is a community centre/office and, therefore, a less sensitive use in terms of potential impact on amenity. The proposed development is not considered to compromise the amenity of use of no. 35.

6.6.10 On the basis of the above, it is considered that the proposed development will not fail to maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties. It is therefore acceptable under LDP policies DES1 d) and EP1.

6.7 Highways

6.7.1 The application site has an existing vehicle access and driveway directly onto Maryport Street which is to remain unchanged as part of the application. As part of the proposed development, it is proposed to provide three off-street car parking spaces which is the maximum car parking provision required for a 4-bedroom dwelling under the Monmouthshire Parking Standards. As such, there are no highway grounds to sustain an objection to the application.

6.7.2 The site is in a sustainable location within walking distance of Usk town centre and a less than five-minute walk to the nearest convenience store. The development is therefore considered to accord with the requirements of Policy MV1 of the adopted LDP.

6.8 Affordable Housing

6.8.1 Policy S4 requires affordable housing contributions to be made in relation to developments which result in a net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is five or more units in Usk, then a financial contribution is appropriate. The financial contribution is based on the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019) is (total floor area m² x £120) x 58%. In this case this would amount to £13,634.64 although the exact floor area should be provided by the applicant for the purposes of drawing up any legal agreement. On the basis of a Section 106 agreement to secure this, the proposal accords with LDP Policy S4.

6.9 Flooding

6.9.1 The planning application proposes residential development, highly vulnerable development. NRW's Flood Risk Map confirms the application site lies entirely within Zone C1 of the Development Advice Maps (DAM) as contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and is within Flood Zone 2 & 3 - Rivers.

6.9.2 Section 6 of TAN15 requires the Local Planning Authority to determine whether the development in such a C1 location is justified. Four tests are set out in section 6.2 of TAN15:

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

The site is in the settlement of Usk and will develop a new home on a currently vacant, previously developed site. The site's redevelopment will support the function of the existing settlement and the viability of Usk town centre.

Or

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

Not applicable since i) is met – the proposal would be acceptable as part of a strategy under the LDP to accommodate sustainable development in a rural secondary settlement where residential development is normally permitted.

And:

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

The site is previously developed and is in accordance with the definition included in Planning Policy Wales 12.

6.9.3 The final test (iv) is for the applicant to demonstrate through the submission of a Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level. A Flood Consequences Assessment, (hereafter referred to as FCA) and Modelling Technical Note has been prepared to support the application and reviewed NRW. NRW has assessed the potential consequences of flooding in relation to the proposed development and this is discussed in more detail below.

6.9.4 The proposed finished floor level (FFL) of this development is to be set at a minimum of 17.50m AOD. From review of the topographical survey, it was indicated that the site's general topography previously ranged from 17.19m AOD (greatest ground level) along the southern boundary to 16.99mAOD (lowest ground level) towards the east of the site south-west of the office building. This is a difference in ground levels of approximately 0.2m across the site.

6.9.5 1% (1 in 100 year) event

During the 1% (1 in 100 year) plus climate change event with the additional 5% blockage allowance on the road bridge, the proposed development site and its surrounding area are free from fluvial flood risk. This demonstrates that the site is compliant with the A1.14 requirement of TAN 15.

6.9.6 0.1% (1 in 1000 year) event

The maximum flood level experienced at the site of the proposed dwelling during the 0.1% (1 in 1000 year) event with the 5% blockage allowance is 17.86m AOD. Therefore the proposed dwelling would flood to a predicted depth of 0.36m. This is within the tolerable limits set out in A1.15. Therefore this aspect of the proposed development is compliant with A1.15 of TAN15.

6.9.7 External Areas

During the 0.1% (1 in 1000 year) event with the 5% blockage allowance the external areas are predicted to flood to a depth of 700m. Therefore, this aspect of the proposed development is not compliant with A1.15 of TAN15. NRW have also noted that without the blockage on the bridge, the 1 in 1000 year flood level on site may be lower than provided and within the tolerable limits of A1.15.

6.9.8 Access/Egress

Safe access and egress are available via Maryport Street to the west of the site and is unlikely to experience a rapid water level rise with no prior warning.

6.9.9 Third Party Flooding

There is no flood risk assessment on flooding elsewhere in the FCA. However, based on the reconfiguration of the site, i.e. from three buildings having been demolished to one dwelling on the site, NRW have confirmed that they are satisfied that the risk of an increase in flood risk elsewhere is negligible during this extreme event and no further assessment on this matter is required.

6.9.10 Within the Section Flood Resilience & Recoverability, the FCA contains details relating to flood resilience and resistant measures, these include occupiers signing up to early flood warnings from NRW and undertaking a flood plan for the site.

6.9.11 On the basis of the above, it is considered that the requirements of TAN15 have been met and the risks of flooding can be managed to an acceptable level.

6.10 Drainage

6.10.1 The development will connect to the local waste water treatments works (WwTW) with an environmental permit that has been reviewed against revised conservation objectives for water quality. The Environmental permit also specifies limits for ammonia. There is capacity in place to accommodate the additional wastewater in compliance with revised permit limits. DCWW have confirmed that the sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows.

6.10.2 Based on the Test of Likely Significant Effect, the project is unlikely to have a Significant Effect on the phosphate sensitive River SAC alone. As such, there is unlikely to be a significant effect on the River SAC and a full Appropriate Assessment is not required.

6.10.3 A Drainage Strategy has been submitted with the application that demonstrates that surface water can be dealt with in a sustainable manner. Formal SAB Consent will also be required.

6.11 Planning Obligations

6.11.1 Financial contribution towards the provision of affordable housing in the local area at a rate of (total floor area m² x £120) x 58%. This would be paid upon occupation of the dwelling and is likely to be in the region of £13,634.64

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

6.12.1 Whilst the concerns raised by neighbouring occupiers have been discussed above, clarification on other matters raised do require further comment.

6.12.3 Observations have been made in respect of previously approved Conservation Area Consent (CAC) application, DM/2019/01291, and compliance with the conditions of this. It has been put to the Local Planning Authority (LPA) that the former coach house and office building, that were subject to the CAC application were demolished in January 2024. The pre-commencement conditions, 3 and 4, were not determined until June and August (respectively) 2024. Comments have been received that “no punitive” action has been taken against the developer. However, planning enforcement powers are not designed to be used for punitive purposes. The necessary information required via the conditions, in respect of photographic surveys of the buildings and archaeology, have now been submitted and approved. As per advice provided by HENEB (previously GGAT), condition 4 has only been partially discharged and will need further information submitted after works are completed. Therefore no enforcement action against the developer would be appropriate at this time.

6.12.4 A technical inaccuracy in the comments made by the Council’s Highway Engineer has been correctly observed also. The Highway Engineer refers to the scheme as a replacement dwelling, which as a matter of fact it is not. The site did not previously contain a dwelling, rather it contained an office building, coach house and also the garage serving No 29 Maryport Street. Notwithstanding this point, the number of parking spaces required for a dwelling of the size proposed would not change, and the number provided (3) is compliant with policy standards.

6.12.5 In respect of parking for No 29, the garage linked to this property (now demolished) would not have been accessible for parking under the previously approved application for 2 x 2 bed dwellings, DM/2019/01021. The previous approval provided a total of 4 parking spaces which was policy compliant for the number of dwellings and bedrooms approved. Therefore as confirmed by

the Council's Highway Engineer the current proposal is considered to provide appropriate levels of parking and therefore there would be no highway grounds to object.

6.12.6 Finally, concerns have been raised that soakaways will be within 5m of the site boundaries and therefore "not compliant with regulations". With regard to foul drainage, the site is to connect to the mains system and therefore there would not be a need for a soakaway system in respect of foul drainage (that one would expect for a non mains system such as a treatment plant). Whilst the comments do not specify which regulations would not be complied with, the development would require both separate SAB and Building Regulations approval. Management of surface water would be controlled under both these regimes; the Council's SAB Team have reviewed the current planning application and offer no objection in principle.

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

6.13.1 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.

6.14 Conclusion

6.14.1 The proposed development meets the requirements of LDP Policy H1 and is acceptable in principle.

6.14.2 The potential risk of flooding has been considered in detail by NRW and the Local Planning Authority as required by criterion iv. of TAN 15. The supporting FCA is comprehensive including an assessment of flood risk with and without the Usk bridge being 25% blocked. The flood scenario with the bridge blockage, so a worst-case scenario, complies with TAN 15 requirements, save for the level of flooding at the access being 100mm over the tolerable limit of 600mm. The access flood levels are deemed acceptable to the LPA. NRW has raised no objection to the application subject to a condition to raise the floor levels. It is concluded the potential consequences of flooding are acceptable in accordance with criterion iv. of TAN 15 and LDP Policy SD3.

6.14.3 The proposed development has been carefully designed to avoid any unacceptable adverse impact on neighbouring properties. The proposed development has been subject to amendment and redesign. Officers conclude on balance that the proposal would maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties in accordance with the provisions of LDP Policy DES1 and EP1.

6.14.4 The proposed dwelling would not fail to preserve or enhance the special character and appearance of the Usk Conservation Area in accordance with Policy HE1.

6.14.5 The development of the site will result in the creation of new soft landscaping and associated enhancements for biodiversity in accordance with LDP Policies GI1 and NE1.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

Financial contribution towards the provision of affordable housing in the local area at a rate of (total floor area m² x £120) x 58%. This to be paid upon occupation of the dwelling.

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

Conditions:

1 This development shall be begun within 5 years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.
REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the application and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
REASON: To ensure the development meet the terms of the Historic Environment (Wales) Act 2016, PPW and Technical Advice Note 24 (TAN 24): The Historic Environment.

4 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity 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: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

5 Finished floor levels shall be no lower than 17.5 metres above Ordnance Datum (AOD) as set out in Technical Note, 33 Maryport Street, Usk, JBA Project Code: 2020s0382, prepared by JBA, dated 25/08/2020 and section 3.1.
REASON: To ensure the proposed development is protected from flooding in accordance with TAN 15 and Policy SD3.

6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.
REASON: To protect neighbouring amenity in accordance with Policy EP1.

7 Prior to the commencement of development a scheme of ecological enhancement to provide net benefit to biodiversity shall be submitted to and approved in writing by the local planning authority. This shall include full details of the location and specification of ecological enhancements and the timing of their inclusion. The details shall then be implemented as approved and shall be retained in perpetuity.
REASON: To provide ecological net benefit on the site as required by the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1.

INFORMATIVES

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

2 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member.

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Application Number: DM/2024/00442

Proposal: Construction of two new dwellings at rear of Ardwyn, with all associated works

Address: Ardwyn, Gwent Road, Mardy, Abergavenny, NP7 6NL

Applicant: Nebille Al-Wahid

Plans: Site Layout A101 - A, All Proposed Plans A102 - A, Location Plan A100 - , All Drawings/Plans AD_S104 - A, Landscaping Plan A202 - , Drainage AD_D04 - A, Ecology Report PEA

RECOMMENDATION: Approve subject to a S106 agreement

Case Officer: Kate Bingham

Date Valid: 15.04.2024

This application is presented to Planning Committee as there have been five or more objections received

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to the garden area of an existing dwelling known as Ardwyn which is located in Mardy on the northern edge of the town of Abergavenny.

The site area measures approximately 0.16 hectares and within the Nutrient Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

The site is not recorded as being at risk from river or surface water flooding and is not within a Conservation Area or other designation.

1.2 Value Added

Additional surface water drainage, landscape and ecological information have been provided.

1.3 Proposal Description

This is a full application for the erection of two new dwellings in the garden area of the existing dwelling. The proposed new dwellings will be identical in appearance and sited to the rear of the existing dwelling and will share the existing access off Gwent Place. Each dwelling is proposed to be single storey, with a floor area of approximately 80m² (9.4m x 8.7m).

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2001/00170	To Erect Extension To Existing Dwelling Including Alterations To Existing Dwelling.	Approved	11.04.2001

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making & Design

Development Management Policies

H3 LDP Residential Development in Minor Villages
EP1 LDP Amenity and Environmental Protection
EP4 LDP Telecommunications
EP5 LDP Foul Sewage Disposal
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 12

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llantilio Pertholey Community Council - Objection.

I note that objections have already been made on the grounds of lack of notification, noise pollution, environmental disturbance to the ground at the rear of the property, failure to consider properly the issues of drainage and sewerage and provision of water, and excessive development for one site.

My Council has not had the opportunity to consider the application in general meeting, and - like one of your objectors - would ask for further time to do so. In the meantime, I trust that your

committee will take on board all the points already made. Further comments due 19th June – N.B. No further comments received.

Dwr Cymru Welsh Water (DCWW) - We note that the developer has indicated that foul flows are to be disposed of via the public sewerage system and we offer no objection in principle to the foul flows discharging to the public sewer. The surface water is set to be drained to a soakaway.

MCC SAB - No objections. Further to receipt of infiltration testing results (published 6th August 2024) I am now content that it will be possible to discharge surface water from the site using infiltration. I am content for the detail of the surface water drainage to be worked out during the SuDS approval process.

MCC Lead Local Flood Authority - Flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding.

Our database of previous flood events does not record any flood events in close proximity to the site.

Our database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site.

We therefore have no objection to the proposed development on flooding grounds.

MCC Housing Officer – a Section 106 legal agreement is required to secure a financial contribution towards affordable housing.

MCC Highways - No objections.

MCC Biodiversity - No objection in principle. Landscaping and ecological enhancements have been provided prior to determination as requested.

MCC Landscape and Green Infrastructure – No objections subject to conditions.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Six representations received objecting to the application on the following grounds:

Principle of Development:

- The proposed development to create an additional two homes on the plot of Ardywn (leading to three homes standing where only one stood previously) appears primarily to consider how to maximise profit for the developer, through building as many dwellings as possible on this site, rather than considerations for the community, the local ecology or the future inhabitants of the proposed homes.

Biodiversity:

- The proposal will likely cause the loss of green spaces and damage local biodiversity (which includes slow worms, hedgehogs and bats - all designated at risk species in the UK) in order to build two new properties plus parking spaces. This will lead to a negative impact upon the local environment and amenity.
- Gwent Road has a healthy, but vulnerable, population of hedgehogs which make their homes in the hedgerows and pass through the gardens. Some hedgehogs have been rehoused in the gardens by Hedgehog Rescue, such is the suitability of the area. Several neighbours provide hedgehog feeding stations and shelters. Understand that hedgehogs have experienced a drastic decline, primarily due to habitat loss, in recent years.
- There are newts and frogs present and bats use the gardens as a feeding corridor.
- Very many species of birds nest in and visit the gardens.
- I am not opposed to new houses being built, but believe that three properties on the existing Ardywn site is an over-development of a crucial area for wildlife.

- The provision of nestboxes on the new site seems like a gesture when compared to the loss of habitat and the serious detrimental effect on the surrounding habitats.
- The rear of the gardens are a fantastic wildlife corridor for hedgehogs, with an incredible biodiversity of birds, slow worms etc.
- Already a fence with concrete base has gone in affecting the permeability of the green spaces and with Monmouthshire's emphasis on biodiversity.
- We need to preserve our green spaces as much as possible.

Highway Safety:

- Increased population and car use to an already busy road with no pavements for pedestrian safety.
- Road used by children and their parents to access Llantilio Pertholey Church in Wales Primary School.
- This is a significant detrimental change and does not consider the increased traffic on what is a country lane nor the impact of two additional residences on local infrastructure.
- The proposed development will also create an impact on what concerns added movement and traffic associated with comings and goings of two additional properties.

Residential Amenity:

- The rear of our property will be seriously impacted by the proposed development.
- The proximity of two extra properties overlooking our quiet rear garden, will seriously disrupt our right of enjoyment of our property.
- The proposal will have the potential to create noise and disturbance which will have a detrimental impact upon the surrounding residents.
- The existing property makes a lovely family home with large garden for children to play in.
- Concerned for the ongoing wellbeing of the residents who will eventually own these homes, with three groups of people, crammed together where a single family home existed previously.

Visual Amenity:

- It is a big plot but two houses is just overkill and unnecessary money-making.
- Houses which are lucky enough to have decent sized gardens should be protected whenever more pokey new developments seem to scrimp on them.
- The countryside character of road and market garden history will be affected by the plots getting divided up into ever more cramped plots as and the rear gardens provide an invaluable link between the Deri fields and down towards the river.

Construction:

- The building work will cause noise pollution for a considerable period of time and with no consideration for the health and welfare of local residents.
- Suggest no work to be carried out beyond 8am and 5pm on the weekdays and 9am and 1pm on Saturday. No work to be carried out on Sundays for the welfare of local residents and the safety of pedestrians.
- There are no pavements in that section of Gwent Road and parents and children have to walk in the road for access to and from the park. The works traffic will have a serious impact on pedestrian safety.
- Very concerned about HGVs and similar being parked on the road outside my home.
- Gwent Road is a bus route and the, albeit small, buses will have difficulty passing some of the HGVs pulled up outside.

Other:

- Former owner wanted to convert the bungalow into a house whilst living in it. This would have been a much better use of the land in my opinion and I can only wonder what went wrong with his plans. Was he refused permission and if so, why?
- The developer is not a local resident, nor have they given any considerations to the needs of the locality, or consulted with the local community as to what might benefit the local area.

5.3 Other Representations

None.

6.0 EVALUATION

6.1 Principle of Development

6.1.2 The site is within the Development Boundary of the town of Abergavenny as identified on the Proposals Map of the Local Development Plan (LDP). Policy S1 sets out that within these boundaries the principle of new residential development is acceptable subject to detailed planning considerations.

6.1.1 The application site is a double width plot in comparison to those surrounding it, meaning that there is space to accommodate the additional access, parking and two modest dwellings to the rear.

6.2 Good Design/ Place making

6.2.1 Monmouthshire's adopted Infill Supplementary Planning Guidance highlights that Infill Development should make a positive contribution to the creation of distinctive communities, places and spaces as well as responding to the context and character of the area. The proposed dwellings will be simple, single-storey structures with a relatively steep pitched roof, built using brick with concrete roof tiles and uPVC windows. The surrounding buildings are a mix of various architectural styles and ages and materials are rendered walls of varying colours, with some brick and some stone dwellings. The proposal is for two identical red brick buildings. It is suggested that a blend of finishes would be more aesthetically acceptable within the setting - such as the inclusion of render and or cladding within the built form gable-end elevations. It is therefore recommended that a condition controlling the external finishes is attached to any consent that Members are minded to grant. In terms of the pattern of development, there is a building at the rear of the plot to the east and therefore the new dwellings would be a continuation of this rather than appearing as new development in the open areas to the south of the remainder of Gwent Place. It is considered that the proposal responds to the setting by maintaining development at one-storey and retaining a sense of proportionality in terms of the built form at this location.

6.2.2 Policy S13 Landscape, Green Infrastructure and the Natural Environment. The strategic policy highlights that development proposals must maintain the character and quality of the landscape by preserving local distinctiveness, sense of place and setting as well as maintain, protect and enhance the integrity and connectivity of Monmouthshire's green infrastructure network.

6.2.3 The proposed bungalows together will cover an area of 164m² on a site of 1600m² equating to just over 10% of coverage. There will be further loss of garden area as a result of the access drive (permeable paving), parking and turning but nonetheless, there will still be a large area of soft landscaped garden remaining. The application has provided a planting scheme, replacing previously lawned areas with ornamental shrubs. The new planting generally sits alongside the new access driveway and properties to soften the appearance of the entrance and parking areas. Due to the siting of the proposed new dwellings at the rear of the site, the impact of the development on the street scene and wider landscape will be minimal.

6.2.4 In terms of precedent, the application site is around double the width of the rest of the plots along the south side of Gwent Place and therefore further backland development elsewhere is unlikely to be acceptable.

6.2.5 On the basis of the above, it is considered that the proposed development is in keeping with the character and appearance of the surrounding area and will have no adverse impact on local visual amenity. As such there is no conflict with LDP Policy DES1.

6.2 Historic Environment

6.2.1 There are no listed buildings within the immediate surrounds of the site that could be impacted by the development. The site is not within a Conservation Area.

6.3 Impact on Residential Amenity

6.3.1 As existing, the site comprises the main two-storey dwelling known as Ardwyn, a single-storey annex and a single garage to the rear, around half way back within the site. As the proposed new dwellings would be bungalows, there will be no direct overlooking between habitable room windows of the existing and proposed dwellings. There is a distance of approximately 21.3m between the rear elevation of Ardwyn and the nearest proposed new dwelling. Views of the rear of gardens of the proposed new dwellings from Ardwyn and other existing properties on Gwent Place would be screened by the bungalows themselves.

6.3.2 On the basis of the above it is considered that there would be no loss of residential amenity as a result of the development and there would be no conflict with LDP policies EP1 or DES1.

6.4 Access / Highway Safety

6.4.1 The site is located and accessed off the unclassified highway, Gwent Road. There are no changes to the existing access onto the public highway, with internal alterations to the driveway only.

6.4.2 The shared section of driveway is approximately 4.5m at its narrowest point and therefore accords with the Welsh Common Standards for shared private drives. The proposal complies with the MCC Local Parking Standards by providing at least two dedicated spaces for each two-bedroomed property, in addition to spaces for the existing dwelling.

6.4.3 The addition of 2no. two-bedroomed properties is not considered to represent a significant impact on the local highway network, and therefore there are no highway grounds for refusal of the application.

6.5 Biodiversity

6.5.1 A Preliminary Ecological Appraisal report (produced by Aware Ecology, dated 26th May 2024) has been submitted with the application. The site is mostly lawn, with a line of cypress trees forming the southern boundary. A single-storey garage will be removed to facilitate access and there is a large mature apple tree next to the garage which will also be lost. The report identifies that there is suitable habitat for nesting birds, reptiles, hedgehogs and foraging bats in the garden, primarily along the southern boundary, which forms part of a wildlife corridor along the rear of properties on Gwent Road/Place and Dan-y-Deri.

6.5.2 The Section 6 Duty of the Environment (Wales) Act 2016 requires that the LPA maintains and enhances biodiversity in the exercise of all its functions. Planning decisions must result in maintained and enhanced ecological networks and must deliver net benefits for biodiversity. This includes all species and habitats that support biodiversity, and is not restricted to priority habitats or habitats of high ecological value.

6.5.3 In this case the site will be enhanced for nesting birds and roosting bats by the erection of four artificial bird boxes, two swift/house martin boxes, and two bat boxes on suitable features at

the perimeter of the site or on the buildings themselves. The hedgerow along the southern boundary provides a suitable habitat for nesting birds, reptiles and hedgehogs. It is also proposed that insect bricks (or similar) be incorporated into the design or placed within the site, along with hedgehog highways along any close-boarded fencing sections and a hedgehog box placed within a secluded area. A reptile refugia is also to be created in the south-western corner of the site in place of the compost heap; this will provide an area of safety for reptiles in the surrounding gardens and increase the site's biodiversity value.

6.5.4 A Landscape and Ecological Enhancement Scheme (drawing number A202, dated 19/11/2024) has been provided which includes replacement tree planting and ecological enhancement features to provide net benefit for biodiversity. The plan includes management prescriptions although more detailed information is required prior to development commencing. The Council's biodiversity officer is satisfied this can be secured via a condition should Members be minded to approve the application.

6.5.5 Under regulation 63 of the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

6.5.6 Based on the Test of Likely Significant Effect, the project is unlikely to have a Significant Effect on the phosphate sensitive River SAC and a full Appropriate Assessment is not required.

6.6 Green Infrastructure

6.6.1 Chapter 6 of Planning Policy Wales (PPW) 12 highlights that a Green Infrastructure (GI) statement should be submitted with all planning applications and will be proportionate to the scale and nature of the development. The statement which will need to be informed by a GI assessment of the site will describe how green infrastructure will be incorporated into the proposal and how the step wise approach to protecting biodiversity, habitats and GI onsite will be managed. A step wise approach considers what impacts may occur as a result of development activity to any identified biodiversity, habitats and green infrastructure assets and networks that may be present on or bounding a site. The approach then seeks to manage any harm that may occur by a) avoiding b) minimising c) mitigation / restoration.

6.6.2 In this case, the existing site is a garden in an urban landscape setting surrounded by residential dwellings. The broader landscape comprises a playing field to the east with arable and pastoral fields bounding the residential area to the west. The Gavenny River flows 0.5km east of the site, and a small number of woodland blocks are within 1km.

6.6.3 Much of the site consists of a well-maintained lawn, with low species diversity within the grassland. The site's southern boundary consists of a line of non-native coniferous trees, including Cypress and Western Red Cedar. These trees have been unmanaged and allowed to grow to a mature height. The existing hedgerow along the southern boundary provides a suitable habitat for nesting birds, reptiles and hedgehogs. This may be used for foraging (although limited) and commuting between other back gardens. Therefore, there is a likelihood that these species will be passing through the site.

6.6.4 The southern hedgerow is to be retained and although 2no. trees would have to be removed to facilitate the development, it is proposed to plant 6no. new native trees throughout the site together with areas of rain garden. Furthermore, there will be gaps in the proposed new timber fences to create a 'hedgehog highway' through the site.

6.6.5 On the basis of the above, it is considered that the requirements of PPW12 and LDP Policy GI1 have been met.

6.7 Affordable Housing

6.7.1 It is a basic principle of Policy S4 that all residential developments should contribute towards the provision of affordable housing in the local planning authority area, irrespective of whether the size of the development falls below the threshold for on-site provision. As this proposed development falls below the threshold (1 - 4 units) at which affordable housing is required on site, a financial contribution towards off site affordable housing in the Abergavenny Housing Market Area will be required instead. This is calculated as: Internal Floor Area (m²) x £120 x 58%. This will be secured via a S106 agreement.

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

6.8.1 The Council's Highway Engineer has advised that the addition of 2no. two-bedroomed properties is not considered to present a significant impact on the local highway network. As such, there is unlikely to be any adverse impact on highway safety in the local area and therefore there are no highway grounds for an objection.

6.8.2 Enhancements for biodiversity outlined in Paragraph 6.5.4 above include gaps in fences to allow hedgehogs to continue to pass through the site. Bat and bird boxes and reptile refugia are also proposed. These measures, together with additional planting of native species will help to ensure that the wildlife reported to be using the site by local residents will continue to thrive.

6.8.3 A local resident has suggested that a former owner wanted to convert the bungalow into a house whilst living in it and maintains that this would have been better use of the land. Consent was granted for the extension to the bungalow referred to (see planning history above) but this has not been implemented. The preference for an unimplemented option which once had planning consent is not relevant to the determination of the current application.

6.8.4 The density of development on the site is not considered to be excessive given the site area and the proposed new dwellings will provide smaller houses that may be more affordable to local people either as starter homes or for retirement. They also have the benefit of being accessible to less abled people.

6.8.5 As the construction phase of development is temporary, it would be unreasonable to refuse planning permission due to this short-term impact. However, given that the site is within a built-up area, a Construction Traffic Method Plan should be agreed prior to the commencement of any development in order to protect local residential amenity. This can be secured via condition should Members be minded to approve the application.

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

6.9.1 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.

6.10 Conclusion

6.10.1 The site is within the Development Boundary of the town of Abergavenny within which the principle of new residential development is acceptable.

6.11.2 Due to the siting of the proposed new dwellings at the rear of the site, the impact of the development on the street scene will be minimal.

6.11.3 As the proposed new dwellings are single-storey, there will be no direct overlooking between habitable room windows.

6.11.4 The shared section of driveway accords with the Welsh Common Standards for shared private drives and parking and turning facilities meet the requirements of the Monmouthshire Parking Standards. The addition of two 2-bedroomed properties is not considered to represent a significant impact on the local highway network, and therefore there are no highway grounds for an objection.

6.11.5 It is proposed to plant 6no. new native trees throughout the site together with areas of rain garden. There will be gaps in the proposed new timber fences to create a 'hedgehog highway' through the site as well as other biodiversity enhancements.

6.11.6 A financial contribution towards off site affordable housing in the Abergavenny Housing Market Area will be secured via a Section 106 legal agreement.

7.0 RECOMMENDATION: APPROVE SUBJECT TO SECTION 106 agreement

S106 Heads of Terms

Financial contribution towards the provision of affordable housing within the local area to be paid upon occupation.

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

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

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

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

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

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

Details shall include:

- o Detailed scaled plans, showing existing and proposed levels
- o Proposed and existing utilities/services above and below ground.
- o Soft landscape details for landscaping to include planting plans, specifications including species, size, density, number and location, cultivation and other operations associated with planting, rain gardens and seeding establishment.

o Hard landscape materials to include surfacing, SUDs, location of proposed fencing, gates, minor artefacts and structures (e.g. signs, bins, stores).

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

4 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. Planting of Trees shall be in accordance with BS8545:2014 Trees: from nursery to independence in the landscape. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

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

5 Prior to the occupation of the first dwelling hereby approved, a Long-term Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the plan shall be based upon the approved plan "Landscape and Ecological Enhancement Scheme (drawing number A202, dated 19/11/2024." The management plan shall include a timetable of implementation and details of the body or organisation responsible for implementation and management.

The LEMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To provide net benefit in accordance with LDP policy NE1, Planning Policy Wales and Section 7 of the Environment (Wales) Act 2016.

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

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

7 Existing trees and hedges shall be retained, and tree planting and ecological enhancements shall be provided as shown on the approved plan "Landscape and Ecological Enhancement Scheme (drawing number A202, dated 19/11/2024." The enhancements shall be implemented in full and shall be retained in perpetuity.

REASON: To provide ecological net benefit on the site as required by the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1.

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

REASON: In the interests of local amenity, in accordance with LDP Policies DES1 and EP1.

9 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works above damp course level commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity 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: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1

INFORMATIVES

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

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

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

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

SAB@monmouthshire.gov.uk

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

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

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 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

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Application Number: DM/2024/00985

Proposal: Replacement dwelling

Address: Bushes Farm, Chapel Road, Earlswood, Shirenewton

Applicant: Mr Mike Wells

Plans: Block Plan 120 B - , Other ELEVATION SECTION COMPARISON - , Other ELEVATION TIMELINE - , Other EXISTING AND PROPOSED VOLUME CALCULATION - , Other PROPOSED BAT BUILDING - , Other RESI CURTILAGE - , Block Plan 257 021 B - , Floor Plans - Existing 257 022 B - , Elevations - Existing 257 028 - , Block Plan 257 031 B - , Elevations - Existing 257 04 - , Floor Plans - Proposed 257 121 B - , Elevations - Proposed 257 132 A - , Floor Plans - Proposed 257 122 - , Elevations - Proposed 257 130 B - , Elevations - Proposed 2024 257 131 A - , Elevations - Proposed 257 133 A - , Location Plan 257 - , Other DRAFT UNILATERAL UNDERTAKING - , Other DESIGN AND ACCESS STATEMENT - , Other NATURE CONSERVATION MANAGEMENT PLAN

RECOMMENDATION: Approve

Case Officer: Kate Young

Date Valid: 06.08.2024

The application was presented to Planning Committee on 5th November. However, due to a procedural irregularity at that meeting, the application returned to Committee for consideration on 3rd December 2024, where Members resolved to approve the application contrary to the officer recommendation.

In accordance with adopted protocol, the application is now re-presented with conditions to be agreed by Members.

Conditions:

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

REASON: If substantial extensions or alterations were necessary this development would not normally be favourably considered and would be contrary to LDP Policy H5.

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

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

3 Within three months of the date of this permission full and comprehensive details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include:

- Detailed scaled plans, showing existing and proposed levels inclusive of proposed cross section
- and RPA.
- 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.
- Hard landscape materials to include surfacing, SUDs, location of proposed lighting, and
- structures (e.g. signs, bins, stores).
- Lighting strategy.

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

4 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. Planting of Trees shall be in accordance with BS8545:2014 Trees: from nursery to independence in the landscape. 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 LDP Landscape Design and Green Infrastructure policies LC5, DES 1, S13, and GI 1 and NE1.

5 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 the occupation of the development 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.

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

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

7 Section 10.0 of the submitted 'Updated Bat Survey report by Ecological Services Ltd and the approved 'Proposed Bat Building drawing by Hall & Bednarczyk Architects Ltd, which illustrates the location and dimensions of the proposed lesser horseshoe bat roost, shall be implemented in full prior to the dwelling being brought into beneficial use and shall be retained as such in perpetuity.

Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first occupation of the building.

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

8 No further development shall take place on site (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To safeguard a site of importance for nature conservation and priority habitat in accordance with Policy NE1 and our duties under the Environment (Wales) Act 2016.

9 Within 6 months of the commencement of development, a management plan for the Bushes Farm Site of Interest for Nature Conservation (SINC) shall be submitted to the LPA for approval in writing and thereafter implemented, as approved.

- o Description of the habitats to be managed (Neutral & Marshy Grassland)
- o Aims of management
- o Prescriptions for management action
- o Work schedule, including annual work plan capable of being rolled forward over a minimum of twenty year period
- o Details of ongoing monitoring and remedial measures to ensure aims are met.

Reason: To safeguard a site of importance for nature conservation and priority habitat in accordance with Policy NE1 and our duties under the Environment (Wales) Act 2016

10 No further development shall occur on the site until the LPA has approved in writing (in agreement with the Lead Local Flood Authority) a detailed scheme for the management of surface water. The development shall be carried out in accordance with the approved scheme.

Reason: To prevent an increase in flood risk within a flood risk sensitive area and ensuring that the surface water from the site is disposed of in a suitable fashion.

INFORMATIVES

1 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

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

The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

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

Policy NE1 - Nature Conservation and Development seeks to ensure the protection and enhancement of wildlife and landscape resources by appropriate building design, site layouts, landscaping techniques and choice of plant species.

Warning: A European Protected Species (EPS) licence may be required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine.

The proposed development will require a Sustainable Drainage System (SuDS) designed,

constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB). The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs. Details can be found at:

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

As a gesture of good will, the applicant's agent has offered a unilateral undertaking under s106 of the Town & Country Planning Act 1990 to provide a financial contribution towards off-site affordable housing. This has not been requested by your officers as it would not normally be required for a proposal for a replacement dwelling.

A letter of concern has been received from a local resident who sets out concerns relating to the democratic process and conduct of Members who supported this proposal and requests that if permission is granted then adequately robust and enforceable conditions are applied to address ongoing unauthorised development on the wider site as well as other issues.

The previous report to 3rd December Committee meeting is set out below.

3rd December 2024 Planning Committee report

The application was presented to Planning Committee on the 5th November. However, due to a procedural irregularity at that meeting, the application is returning for consideration by Planning Committee on the 3rd December 2024.

Note: the application is now presented with one reason for refusal as identified in the amended officer report below.

03.11.2024 Planning Committee

This application was presented to Planning Committee at the request of the local member, Councillor Brown

1.0 APPLICATION DETAILS

1.1 Site Description

The site is in open countryside near Earlswood, approximately 3km north of Llanfair Discoed and 4 km north-west of Shirenewton. The application site is on the western side of Chapel Road just to the north of Bushes Farm Bungalow. The land immediately to the north of the site is designated as a Site of Importance for Nature Conservation (SINC, a local designation). The land on the site slopes up steeply from south to north and part of the site has recently been excavated to a depth of approximately 3 metres.

At the time of the officer's most recent site visit (14th August 2024) on the site there was:

- A shed constructed of profiled sheeting, in a poor state of repair and used for storage (outside the red line of the application)
- The footprint of a small concrete block building about 4/5 courses high (outside the red line)
- A recently constructed concrete block building partially faced in natural stone, still under construction and missing a roof
- An unoccupied mobile home
- A stock pile of natural stone
- A shipping container (located to the north of the driveway from the public highway and in the red edge of the application site but outside the proposed curtilage).

There are two vehicular accesses leading to the site, one of which crosses the SINC to the north and is unauthorised.

1.2 Proposal Description

The description of development is a 'Replacement Dwelling'. The proposed plans show the erection of a new five-bedroom dwelling, the erection of a bat house, alterations to ground levels, the installation of a package treatment plant and surface water soakaways. The curtilage of building is proposed to be extended into the agricultural field to the north. The new dwelling would have a linear form, being mainly two storey, with a single-storey flat roofed element to the west and a car port to the east. It would occupy roughly the same footprint as the former farmhouse. The blockwork is proposed be faced with the natural stone recovered from the site with some areas of charred timber cladding and the roof would be made up of pantiles.

The following documents were submitted in support of the application
A Design and Access Statement (referring to alterations and a new bat house)
Nature Conservation Management Plan
Updated Bat Survey
Tree Survey
Green Infrastructure Assessment Statement.

1.2 Planning History

There was a stone built farmhouse on the site as evidenced by a map from 1882. In 1975 permission was granted for a replacement farmhouse on the site which was built sometime later and is known as Bushes Bungalow, immediately to the south of the application site. Bushes Bungalow was the subject of an agricultural worker's occupancy tie. It was a condition of that approval in 1975 that the original farmhouse be demolished or used for agricultural storage. As part of a previous application in 2018 the applicant confirmed that the former farmhouse had been used for agricultural storage.

In 2018 planning application (DM/2018/00128) was submitted for the Rehabilitation of farmhouse to dwelling with an attached car port to the side. That application was considered under Policy H4 of the LDP, Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use. It was clear at that time that the building was redundant and uninhabitable. The officers report of August 2018 said

"Bush's Farm, is a two storey stone built former farm house which has been vacant for approximately 40 years and is now derelict and overgrown, part of the roof remains but large parts of the roof are missing. Most of the walls are intact but there is some structural cracking. Some interesting structures remain like the first floor fire place and stair well."

The officers report also noted *that the building had been used for several years as agricultural storage, after the construction of the bungalow, in accordance with the condition applied in 1975.*

A structural appraisal was submitted with the 2018 application which outlined the level of new build and repair that would be required. It stated that generally the existing walls were straight and free from major cracking. It identified that 3.5 square metres of the front elevation, 3 square metres of the east elevation, 12 square metres of the rear elevation and 3 square metres of the west elevation would have to be rebuilt. There would also have to be some minor repair work to the walls and re-pointing would be needed throughout. The planning permission for the rehabilitation of the farmhouse DM/2018/00128 was approved in August 2018 and the following condition was attached.

No part of any wall of the existing building other than shown on the approved plans is to be demolished .

REASON: This conversion is granted having regard to the Council's policies which relate to the conversion of redundant buildings in the countryside and the information supplied with the application. If substantial demolition and rebuilding are necessary the development may be beyond that which has been permitted.

In September 2022 it became apparent that the building which was the subject of application DM/2018/00128 was no longer standing; on further investigation it appears that none of the original

structure remains. The applicant was advised to stop work on site relating to the new build structure on the footprint of the former building.

Another planning application, DM/2023/01105 was received in August 2023, with the development description:

Proposed amendments to previous planning permission ref: DC/2018/00128 to incorporate minor amendments to approved alterations including a side and rear extension, amended bat provision and alteration of ground levels.

In December 2023 DM/2023/01105 was refused for amendments to previous planning permission. The reasons for refusal of that application were:

- Notwithstanding the description of the proposal on the application form, the application relates to the erection of a new dwelling in the open countryside without justification. This is contrary to Policy S1 of the Monmouthshire Local Development Plan and to national planning policy and guidance within Planning Policy Wales and Technical Advice Note 6.
- This proposal would result in a new dwelling being located within the open countryside without justification. The proposed residential dwelling with the associated curtilage, driveway and parking area would significantly adversely affect the open rural character of the area. The residential curtilage would extend into a former agricultural field which has been designated as a Site of Interest for Nature Conservation (SINC). The change of use of this elevated land and the inevitable domestic paraphernalia would be detrimental to the rural character of the area and would be contrary to policies LC1 and LC5 of the LDP.
- The development fails to secure an affordable housing contribution in line with LDP Policy S4 and MCC adopted Affordable Housing SPG July 2019.

The above application, DM/2023/01105 is currently the subject of a planning appeal lodged with PEDW.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00128	Rehabilitation of Farmhouse to Dwelling at Bushes Farm, Chapel Road	Approved	31.08.2018
DM/2020/00881	Bushes Bungalow Removal of condition 1 from planning consent 2314 (Date of Decision: 01/09/1975):- Occupation of the proposed bungalow shall be limited to a person employed or last employed wholly or mainly locally in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or a dependent of such person residing with him.	Approved	05.03.2021

DM/2023/01105	Proposed amendments to previous planning permission ref: DC/2018/00128 to incorporate minor amendments to approved alterations including a side and rear extension, amended bat provision and alteration of ground levels.	Refused and now subject to Appeal	06.12.2023
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H5 LDP Replacement Dwellings in the Open Countryside
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

Supplementary Planning Guidance

Monmouthshire Local Development Plan: Policies H5 & H6—Replacement Dwellings in the Open Countryside & Extension of Rural Dwellings April 2015
<https://www.monmouthshire.gov.uk/app/uploads/2024/06/H5-H6-SPG-April-2015.pdf>

Conversion of Agricultural Buildings Design Guide SPG April 2015

LDP Policy H4 (g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG April 2015:
[http://www.monmouthshire.gov.uk/app/uploads/2015/07/H4-LDP-Barn-Conversion-SPG-April\[1\]2015.pdf](http://www.monmouthshire.gov.uk/app/uploads/2015/07/H4-LDP-Barn-Conversion-SPG-April[1]2015.pdf)

Affordable Housing SPG
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/LDP-Policy-H4-g-SPG-April-2015.pdf>

Monmouthshire Parking Standards
<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>
Monmouthshire Parking Standards (January 2013)
[http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan\[1\]2013.pdf](http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan[1]2013.pdf)

National Planning Policies
Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010):
<http://gov.wales/docs/desh/policy/100722tan6en.pdf>

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 12

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Shirenewton Community Council – Objects.

More of the original structure of the old farmhouse has been lost. In applying for its replacement, the applicants appear to accept that the farmhouse is not capable of restoration or renovation. The bungalow which was built as its replacement still exists. The old farmhouse should have been demolished upon construction of the replacement bungalow. It follows that the current application is, despite its title, an application for a new build in open countryside.

1. The proposed new building does not comply with the planning policies of the Welsh Government nor of MCC as to new build in open countryside
2. The size and scale of the proposed building significantly exceeds the original volume of the farmhouse.
3. The size and scale of the proposed building will have a material adverse effect on the local landscape being uncharacteristic of typical Monmouthshire farmhouses.
4. The new building will adversely impact on local infrastructure and amenities particularly transport and schools which are already overstretched.

SCC is surprised that this application has been followed by an appeal against MCC's decision to refuse the proposed amendments in application DM/2023/01105. SCC suggests DM/2024/00985 be referred to MCC's Planning Committee and held in abeyance pending the outcome of the appeal at which point SCC would wish to make further comment.

SCC made further representations reiterating that the old farmhouse should have been demolished once the new bungalow had been built. It follows that the present application is not for the renovation of an old farmhouse but for the construction of a new residential house on the site of the old farmhouse. The application does not assert any farming/agricultural need for the proposed renovation.

SCC propose 2 options:

Require the removal of the bungalow as a precondition of the renovation of the farmhouse or, Consider the application as a new build in the countryside and not a renovation. A large 5 bedroom house would have a detrimental impact on the character of the surrounding area and on local services and amenities.

SCC note they have not been able to view the detailed plans on the website, and may wish to make further comment, however due to the history SCC objects to the application and recommends refusal.

MCC Highways - No Objection.

The access arrangements remain unchanged in respect of the current application and will utilise the existing access as proposed under the previous applications.

MCC Tree Officer - Concerns

The site is surrounded by mature, semi mature and established trees. There is evidence that trees have been removed and that the RPZ has not been adhered to. Considerable ground removal has been carried out exposing and damaging tree roots. An Arboricultural report will be required to assess the damage done and identify future protection; they may also be a risk to property if stability has been compromised.

There is a large pile of dead trees which have been excavated and seem to have been arranged to burn. It is not clear if it is intended to clear more trees. Initial TPO notifications have been served.

MCC Building Control - No objection.

There are many areas where compliance would need to be demonstrated, including, but not limited to, method of fire suppression, structural aspects, ventilation, drainage, access and security, as well as a design sap calculation being required prior to commencement of works on site.

Lead Local Flood Authority and SuDS Approval Body - Provisional holding objection.

The proposed development will require SuDS and further information or clarification is required. The application has not demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer). Without a suitable surface water destination the site may not be lawfully developable.

There are no objections in relation to flood risk.

SuDS officer requests a condition to ensure no development takes place until a SAB application has been approved.

GI and Landscape Officer - Provisional holding objection - Further information or clarification is required.

It is not clear from the information provided that compliance with LDP Policy H5 (a) ii has been fully determined.

Further information is required in terms of the potential visual impact of the proposal on the localised landscape character as viewed from publicly accessible receptors, including a photomontage visualisation of the proposal in this context.

The Nature Conservation plan states that the track installed through the SINC to provide access will be reinstated, this is welcomed although this does not appear as being within the red line boundary. Full and comprehensive landscape and management plan will be required to show how the proposed new works, remedial works including a timeline and aftercare will be achieved.

Figure 32 of the DAS indicates native species, however more detail on planting mix is required.

Full details of the proposed works to trees is required, including the need to address the loss of existing trees with suitable and appropriate replanting, which should include betterment.

Further details of the proposed green roof are required.

Further details of the proposed ground levels are also required.

Conditions are also suggested.

MCC Ecology – No objection subject to conditions.

Natural Resources Wales - No Objections.

NRW note the submission of an updated Bat survey (June 2023) to support the application, which identifies that bats are/were present at the site. They note that the deterioration of the building (roof collapse) and recent building works mean the building has negligible potential to support bats and welcome the introduction of a bat house.

On the basis of this report NRW do not consider the development is likely to be detrimental to the maintenance of the population of the species concerned.

5.2 Neighbour Notification

Letters of objection received from four addresses

This site has been subject to biodiversity devastation, including bats, trees, badgers and harmed the SINC.

There is no original building on site to replace and so there is no policy to support new build in the open countryside.

The original farmhouse was presumably vacated following the construction of the adjacent bungalow. The structure was then left to decay over the subsequent 40+ years and so any historic planning rights would have ceased due to abandonment.

The complete demolition of the remaining structure in 2022 made it physically impossible to comply with the conditions imposed by the 2018 consent, making the consent invalid .

The applicants have failed to comply with planning and environmental constraints.

Misleading information in support of the application.

Failure to refuse this application would set a precedent.

The access track should be removed and the SINC reinstated.

Over-development of the site resulting in additional buildings.

Further comments were more general

That the structural improvements of the building were essential and so this made the collapse understandable.

The focus should now be on improving the housing stock and reinstating the ecology on site.

The proposed building is of good design but is enlarged, a small extension such as the rear corridor to the rear.

A condition or a Section 106 Agreement should be included to restore the SINC.

5.3 Other Representations

None Received

5.4 Local Member Representations

Councillor Louise Brown

I am writing to request that this application DM/2024/00985 is referred to the planning committee for consideration of the national and local planning policy issues raised.

I note that there is also an appeal on the original application DM/2023/01105 in view of the refusal of the application when it was considered by the planning committee last year.

In view of the fact that the outcome of the appeal on the original application DM/2023/01105 is not known, then it would seem appropriate for this application to be considered by the planning committee after that appeal has been determined.

If this application does proceed after the outcome of the appeal decision is known or if the appeal is withdrawn and the time limit for appealing has past but this application is still proceeded with, then I would like the opportunity to comment further.

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

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

6.0 EVALUATION

6.1 Principle of Development

The development description states that the proposal is a replacement dwelling. However, it is considered that at the time of writing there is no lawful residential dwelling on the site and therefore it is not possible to consider the replacement of such.

The original farmhouse (residential unit) was replaced by Bushes Bungalow in the 1970's and ceased to be used as a residential dwelling. The residential use was abandoned following the new bungalow being occupied. The old stone farmhouse lay empty for over 40 years and the previous applicant maintained that the former farmhouse had been used for agricultural storage, as per the planning condition applied in 1975. Even before any works had taken place on site in 2022, the building was not habitable and the residential use had been abandoned. Part of the roof was missing, some of the wall had collapsed. In the submitted Design and Access Statement by Hall and Bednarczyk accompanying this current applicant it states that:

"The farmhouse was left vacant for approximately 40 years during which time it fell into a state of disrepair with partial collapse/removal of the walls and roofs, with large sections becoming overgrown with ivy and shrubbery."

The dilapidated former farmhouse, whether demolished or not, had no extant residential use and therefore a new residential dwelling on this site cannot be considered as a replacement.

Policy H5 of the Local Development Plan refers to Replacement Dwellings in the Open Countryside and states that, the replacement of existing dwellings in the countryside will be permitted provided that the original dwelling

- i) is not a traditional farmhouse, cottage or other building that is important to the visual and intrinsic character of the landscape;
- ii) has not been demolished, abandoned or fallen into such a state of disrepair so that it no longer has the appearance of a dwelling.

In this case, had the building not been demolished it would not have complied with Policy H5 as the residential use had been abandoned and the structure was that of a traditional farmhouse that was important to the visual and intrinsic character of the landscape. The proposed development would not meet criterion ii) of LDP Policy H5 as the original building no longer exists and thus, is not a lawful dwelling.

The proposed dwelling which is the subject of this application is considered to be, in policy terms, a new dwelling in the open countryside, and therefore, considered under separate policies and in the same terms as DM/2023/01105.

The application seeks the building of a new dwelling in the open countryside outside of any development boundary. Policy S1 of the LDP states that in the open countryside the only new dwellings allowed are conversion of rural buildings under policy H4 of the plan, subdivisions and dwellings associated with rural enterprise. The building, the subject to this application has been re-constructed in the last 12 months following the loss of the previous building. Therefore, the building cannot be considered as a conversion and the application therefore cannot be considered under Policy H4 of the LDP. The proposal does not relate to the subdivision of an existing dwelling and the applicants have supplied no evidence that the new dwelling is required in association with a rural enterprise.

Paragraph 4.2.24 of PPW11 states that, "In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area." In this case the proposed new dwelling would be outside of any development boundary and is therefore considered to be in open countryside.

The site of the dwelling itself is not visually prominent although the location of the residential curtilage on a former agricultural field in an elevated position is prominent. The proposed new dwelling and the curtilage, with the inevitable residential paraphernalia, would have a detrimental impact on the rural character of the area. The principle of constructing a new dwelling within the open countryside is unacceptable and would be contrary to National and Local Planning Policies which are in place to protect the rural character of the area. Isolated new houses in the open countryside require special justification and no such evidence has been supplied to suggest there are any exceptional circumstances; therefore the proposal is considered to be contrary to policy S1 the LDP.

The application does not include any robust supporting evidence to suggest why the proposed new build dwelling in the open countryside is justified. New dwellings in the open countryside are only permitted in exceptional circumstances. There is no justification to deviate from national and local planning policies which clearly outline that there is a presumption against new built development in the open countryside. The construction of the new build dwelling is not justified for the purposes of agriculture or forestry and is therefore contrary to the guidance within Planning Policy Wales, Technical Advice Note 6 and Policy LC1 of the LDP. Policy LC1 of the LDP says there is a presumption against new built development in the open countryside unless it is required for rural enterprise, agriculture or tourism and even then it is subject to strict criteria. The principle of constructing a new dwelling within the open countryside is unacceptable and would be contrary to National and Local Planning Policies.

Paragraph 3.60 of PPW12 says that, 'Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation.' This is to protect the rural character of the area. Isolated new houses in the open countryside require special justification. There is no justification to deviate from national and local planning policies which clearly outline that there is a presumption against new built development in the open countryside. Policy LC1 of the LDP presumes against new built development in the open countryside. It is recognised that there may be exceptional circumstances where new built development may be acceptable in the open countryside for the purposes of agriculture, forestry, farm and rural diversification/ enterprise and recreation, leisure and tourism, as justified under national policy and/ or policies S10, RE3, RE4, RE5, RE6, T2 and T3 of the LDP. However in this case there are no exceptional circumstances and the proposal is thus contrary to Policy LC1 of the LDP.

6.2 Sustainability

The LDP and PPW encourage sustainable development. The location of the site is not sustainable given that the residents of the new dwelling would be reliant on a car to access all facilities. The proposed new dwelling at Bushes Farmhouse adopts a range of passive design strategies. The modern construction methods will represent a significant step change in the thermal efficiency, the use of carefully selected and durable materials will create a building envelope that has low embodied CO2 in its composition and helps to create natural habitats for flora and fauna. The design would incorporate a series of measures to increase its thermal performance, which have been facilitated by the new construction. Efficient thermal construction would be incorporated into the build with highly efficient windows, a ground source heat pump together with underfloor heating and low energy internal lighting. In addition, a waste management methodology includes design strategies that provide on-site waste separation enabling recycling and storage for scheduled collection. Dedicated bin stores located in the utility room would facilitate this.

The highly technical specification of the proposed building is welcomed, but it is not considered to be a sufficient justification for allowing a new dwelling in the open countryside in an unsustainable location.

6.2.1 Good Design and Place Making

Policy DES1 of the LDP requires that the development contributes to a sense of place while its intensity is compatible with existing uses. In this case the design of the new dwelling is broadly acceptable, but it is the principle of a new dwelling that is contrary to policy. Moreover, the proposal

involves significantly increasing the size of the curtilage by over 100%, well beyond that which was approved under the previous rehabilitation/ conversion application DM/2018/00128. The encroachment of the residential curtilage, especially into the agricultural field which has been designated as a SINC, to the north that occupies an elevated position, would have a harmful impact on the rural character of the area contrary to Policy DES 1.

6.3 Landscape

Policy LC1 says there is a presumption against new built development in the open countryside unless it can be justified under national planning policies and/or policies S10, RE3, RE4, RE5 RE6, T2 or T3. There is no such justification in this case. Policy LC5 of the LDP seeks the protection and enhancement of the landscape character.

The site is located in the open countryside and currently consists of a partially re-constructed building (quarter built as per planning statement 2.24), that had been substantially demolished, set on a small landform platform accessed along a short track from the lane to the east. The site is set within north to south sloping land with hedging to boundaries, woodland to the west and grassland in fields to north and south of the site which form part of the Bushes Farm SINC. Immediately adjacent to the east of the building are mature trees also within the SINC. Areas of woodland to the west are ancient and semi-natural woodland.

The Council's Landscape Officer has considered the proposals and concludes that additional information would be required to support the application to enable a full response and has provided a holding objection.

The Officer is concerned that there appears to be a lack of consistency regarding the application boundary area in terms of indicated pertinent works related to the proposal. A photomontage visualisation of the proposal within the context of setting and landform would be appropriate as part of a focussed Landscape Visual Assessment (LVA). This would also provide an indication of the relationship of the proposed architectural form and light spill with landform especially on the north elevation but also on the southern elevation. Further information relating to the relationship of levels with regard to the proposed parking area and retained trees is also required. An appropriate remediation, planting and seeding landscape plan and landscape management plan is considered to be required.

The site lies within a sensitive landscape character area. An analysis of the relevant sensitivity appraisals from LANDMAP information indicates that the LCA has been evaluated as:

Visual & Sensory; 88% High and 12% Moderate

Historic Landscape; 23% Outstanding and 77% High

Cultural Landscape; 98% Outstanding and 2% High

The replacement dwelling proposal seeks approval for part retrospective retention of the existing built form at the point of application and proposed completion of works to construct a building of a similar structure to that of an original dwelling as indicated in the planning statement 3.3 and 3.4. The proposal includes new parking, landscaping, reinstatement works and a proposed bat building to the west of the site.

Materials are indicated as being traditional - stone, timber and pantiles with more contemporary materials on the single storey side extension and barn door infill i.e. glass, a green roof and charred timber cladding. From a policy perspective, LDP Policy LC1 - New Built Development in the Open Countryside - highlights that there is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies. New built development will only be permitted where all of the criteria a) to d) have been met.

LC5 Protection and Enhancement of landscape character highlights that development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects.

It is concluded that from a landscape perspective, there is insufficient information to ensure compliance with LDP policies LC1 and LC5.

6.4 Biodiversity

6.4.1 The proposed works are limited to the building to form the new dwelling and the immediate area outside the SINC and thus the SINC should not be impacted by the proposal. The Design & access Statement suggests reprofiling of the land to the rear of the proposed dwelling and thus, to mitigate for any damage, if permission is granted conditions are required for an Ecological Management Plan for the SINC and a Construction Environmental Management Plan (CEMP).

6.4.2 As mitigation for the loss of a bat roost, a purpose-built bat house is proposed west of the dwelling. A new section of hedgerow to improve connectivity is also proposed. Other species identified can be protected via the terms of the required CEMP.

6.4.3 The various measures proposed are considered to provide a net benefit for biodiversity and there are no objections from either NRW or MCC's Ecologist to the proposed development.

6.5 Impact on Amenity

There are two properties close to this site. Bushes Bungalow is approximately 35 metres to the south-east. The garden area of Bushes Bungalow abuts the access drive into the application site. There is also a stone barn approximately 66 metres to the south of the application site that has planning permission for conversion to a residential unit. The new dwelling proposed for this site is sufficiently far from these properties and positioned so that it would not have a significant adverse impact on the privacy, amenity and health of the occupiers of neighbouring properties and therefore accords with the objectives of policies DES1 and EP1 of the LDP.

6.6 Transport

6.6.1 Sustainable Transport Hierarchy

PPW refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the proposed dwelling will not be sited in a sustainable location, being a long way from any defined settlements or facilities. The settlement of Earlswood does have a community facility in the form of a village hall but not a primary school as suggested in the submitted planning statement. The closest Primary school is in Mynydd-bach/ Shirenewton. There is a bus stop on the main B-road about 1 km from the site and the bus, which runs four times a day, provides access to Chepstow, via Shirenewton, and Cwmbran. The location is not considered sustainable for a new build residential unit.

6.6.2 Active Travel

No active travel solutions have been proposed as part of this application.

6.6.3 Access / Highway Safety

The site has the benefit of an existing vehicular access into the site. The application proposes no amendments that directly or indirectly affect the existing means of access or the adjacent public highway and accords with Policy MV1 of the LDP.

6.6.4 Parking

The adopted Monmouthshire Parking standards require one off street parking space per bedroom up to a maximum of three for residential properties. In this case sufficient car parking provision can be accommodated within the site and therefore the proposal accords with Policy MV1 of the LDP.

6.7 Affordable Housing

The applicants have submitted a draft Unilateral Undertaking as part of the application. The proposed undertaking is between the applicants and the council and the first schedule states:

Planning Obligation

The Owners will undertake to the council

Part 1 Contribution

1. The owner covenants with the council to pay the contribution to the council on or before 28 days from the grant of planning permission.

LDP Policy S4 requires affordable housing contributions to be made in relation to developments which result in a net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, then a financial contribution is appropriate. In this case the application is seeking a replacement dwelling, if this was the case then no contribution for affordable housing would be required as there would be no net gain in the number of residential units.

If this development was to be allowed as a new dwelling in the open countryside then a financial contribution based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019) would be required.

6.8 Flooding

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

6.9 Drainage

6.9.1 Foul Drainage

The proposed Block Plan Drawing no. 120 shows the position of a package treatment plant. No details of the treatment plant have been included with the submission. Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.9.2 Surface Water Drainage

Surface water will be disposed of via a sustainable drainage system. As the total construction area is above 100m² SAB approval will be required. The application has not demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer). Without a suitable surface water destination the site may not be lawfully developable.

6.10 Planning Obligations

No obligations are required for a replacement dwelling.

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

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

through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.12 Conclusion

There is no lawful residential use on the site and thus, there can be no replacement dwelling, there being no residential dwelling to replace. The old, dilapidated farmhouse was replaced by Bushes Bungalow in the 1970's and ceased to be used as a residential dwelling. Even before the structure was lost in 2022, the residential use had been abandoned and the building was not habitable.

It is a long-established principle in national and local planning policy to restrict new build development in the open countryside except in very special circumstances. In this case there are no extenuating circumstances as to why a newly constructed dwelling should be granted permission against this longstanding policy. It is therefore considered that the principle of the development is contrary to Planning Policy Wales, Technical Advice Note 6 and LDP policies S1, LC1 and LC5.

7.0 RECOMMENDATION: REFUSE

Reasons for Refusal:

- 1 The proposed building, by virtue of a lack of an existing lawful residential use on the site, is not considered to be a replacement dwelling. Therefore, the proposals fail to comply with LDP Policy H5. The application relates to the erection of a new dwelling in the open countryside without justification. This is contrary to Policy S1 of the Monmouthshire Local Development Plan (LDP) and to National Planning Policy and Guidance within Planning Policy Wales and Technical Advice Note 6.

Application Number: DM/2024/01199

Proposal: Change of use from funeral directors at ground floor and first floor flat to a 6 bedroom, 6 person house in multiple occupation (C4 Use)

Address: 90 Newport Road, Caldicot, Monmouthshire

Applicant: Mr J Bishop

Plans: Block Plan 4319.PL.02 - , All Proposed Plans 4309.PL.04 - Rev A, All Existing Plans 4309.PL.03 - , Location Plan 4319.PL.01 - , Other PLANNING STATEMENTGREEN - , Other GREEN INFRASTRUCTURE STATEMENT

RECOMMENDATION: Approve

Case Officer: Ms Kate Young
Date Valid: 26.09.2024

This application is presented to Committee at the request of local members

1.0 APPLICATION DETAILS

1.1 Site Description

90 Newport Road is a two storey semi-detached property which has been extended to the rear. It was previously used as a funeral directors on the ground floor with a three-bedroom flat above. The property is located within the Caldicot Development Boundary but is outside of the central shopping area. There are two off-street parking spaces to the front. The rear access is shared with several other properties and there is parking for a further two cars as well as a large outbuilding.

1.2 Proposal Description

Planning permission is sought for the change of the use of the property from a funeral directors and first floor flat to create a 6-bedroom, six person house in multiple occupation (a C4 use). Bin and recycling storage is proposed at the side with a dedicated bike store at the rear. An area of amenity space for future occupants is proposed at the rear. The car parking provision will be retained. The only external changes would be some minor alterations to the fenestration at the rear of the property. A small lawned area will be provided at the rear and this will contain one new cherry tree.

2.0 RELEVANT PLANNING HISTOREY (if any)

Reference Number	Description	Decision	Decision Date
DM/2024/01199	Change of use from funeral directors at ground floor and first floor flat to a 6-bedroom, six person house in multiple occupation (C4 Use)	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H9 LDP Flat Conversions
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

Supplementary Planning Guidance

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

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040
Planning Policy Wales (PPW) Edition 12

5.0 REPRESENTATIONS

5.1 Consultation Replies

Caldicot Town Council - No reply to date.

Highway Authority - No objection.

Welsh Water - No objection subject to conditions.

MCC Environmental Health - No objection to the development providing it meets with current building regulations and standards.

5.2 Neighbour Notification

Three representations received.

The two car parking spaces at the rear of the property will be difficult to access.

Vehicles will have to reverse into the shared space.

Insufficient parking provision that may adversely impact on nearby commercial properties.

Health and safety concerns with regards to pedestrians and cyclists using a shared commercial space.

Anti-social behaviour may harm the safety of businesses and their customers.

If successful, this proposal would reduce the opportunity for a new business on the site and will also have a negative impact for other business that trade in this location by dint of reduced footfall.

5.3 Local Member Representations

None.

6.0 EVALUATION

6.1 Principle of Development

Although the property currently has an A1 (retail) use on the ground floor, the site is not within a defined Central Shopping Area so there is no policy requirement for the A1 use to be retained. The loss of the A1 use in this location would not affect the vitality and viability of the town centre. On the ground floor of the properties to the north of this site there are commercial businesses and there is a public house on the opposite side of the road. The adjacent property to the south is a detached residential dwelling. In this area of Caldicot there is a mix of commercial and residential uses and the loss of an A1 unit in this location would not have an adverse impact.

There has recently been a change in legislation in Wales so that now a change of use to a House in Multiple Occupation (HMO) requires planning permission. The Council has no specific policies relating to HMOs, but LDP Policy H9 (Flat Conversions) could be used as a guiding principle. Policy H9 of the LDP states that the conversion of properties into flats within town development boundaries will be permitted provided that the development:

- Does not adversely affect the particular qualities of the street scene,
- Will not adversely affect the qualities of the building particularly where they make a positive contribution to the characters of conservation areas
- Provides reasonable levels of amenity and privacy to adjacent properties and where they ensure that car parking and service requirements are met in a manner which preserves the character and appearance of the area
- Does not have an adverse impact on highway safety.

In this case the building has no particular architectural merit and the only external alterations proposed are some minor changes to the fenestration to the rear of the property. There would be no impact on the street scene. The site is not located within a Conservation Area. Four parking spaces will be retained (this will be considered fully later in the report). A small, lawned amenity space will be provided for residents at the rear of the property. The proposal therefore accords with the objectives of Policy H9 of the LDP and therefore the principle of the property being used as an HMO is considered to be acceptable.

6.2 Sustainability

Caldicot Town Centre is one of the most sustainable locations within the County with good public transport links, including bus and train services within walking distance of the site. The occupiers of this property would also be able to walk to all of the facilities within the town centre. The LDP and PPW 12 encourage sustainable development. The proposal accords with a key objective of PPW12 providing residential accommodation in a sustainable location.

6.3 Good Design and Place Making

Policy DES1 of the LDP requires that the development contributes to a sense of place while its intensity is compatible with existing uses. The proposal would have no impact on the appearance of the area - there are no external physical alterations required to the front of the property that faces the road and only minor alterations to the rear. The dwelling would be subdivided internally to provide two bedrooms, a communal kitchen/ dining area and bike store on the ground floor. The existing three-bedroom flat at first floor level would be reconfigured to provide four additional ensuite bedrooms. No additional infrastructure is required externally. The small lawned area to the rear will provide amenity space for the residents but there will be no subdivision of the garden or any additional fences or outbuildings. The change of use would have no impact on the design of the existing building, would retain the building's presence and not alter the street scene. The design of the proposal is respectful of the prevailing character of the area and would contribute

towards a sense of place. The proposal therefore accords with the objectives of Policy DES1 of the LDP.

6.4 Biodiversity/Green Infrastructure and Landscape

Net Benefit for Biodiversity

Planning Policy Wales (PPW) 12 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 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

In this case a bat nesting box is to be provided in the side elevation and a bird nesting box on the rear elevation. In addition to this a small area of land will be laid to grass and a new cherry tree will be planted. This is proportionate to the scale of the proposal and is sufficient to achieve net benefit for biodiversity given the low ecological value of the site at baseline conditions. A condition is recommended to secure evidence of net benefit for biodiversity.

6.5 Impact on Amenity

This part of Caldicot consists off a mix of residential and commercial properties. To the south of the site is a detached residential property that contains one first floor window on the side elevation facing into the application site. The window faces onto the blank gable wall of the application property. As a result of this proposal there would be no additional windows on the side elevation. The change of use from a funeral directors with a flat above to a HMO would not result in additional overlooking or disturbance, and residential amenity for the existing occupiers of the neighbouring property will not be adversely affected. To the north of the site is a mix of commercial and residential properties. The proposed change of use would not intensify the activity at no 90 Newport Road to an unacceptable level. The HMO would be used as a residential property, not unlike the surrounding residential properties. The proposal accords with the objectives of policy EP1 of the LDP as it does have regard to the privacy, amenity and health of the occupiers of neighbouring properties.

6.6 Highways

The building would be accessed directly off the classified R138, Newport Road. There would be no alterations to the vehicular access into the site. The site benefits from two parking spaces to the front, and the plans indicate a further two to the rear, accessed via a non-public highway lane. For a standard six-bedroom single family dwelling the existing parking provision of four spaces meets its requirements under the current MCC Car Parking Standards which is one car parking space to be provided per bedroom per dwelling with a maximum of three car parking spaces per dwelling. However, the Highway Authority considers that a multiple occupancy dwelling is not dissimilar to a development of self-contained flats therefore the same parking standards of one car parking space per bedroom within the dwelling would be applied.

Notwithstanding this view, Highways acknowledge the site's location adjacent to Caldicot Town Centre which is a sustainable location with ease of access to all amenities as well as public transport, including a train station within walking distance. Furthermore, Newport Road is controlled by double yellow lines and therefore there is no opportunity for overspill on-street parking. There is a free town centre public car park within a short distance. The Highway Authority offers no objection to the proposal.

Given the nature of the proposal, the sustainable location and where there is evidence of lower levels of car ownership, the level of parking is considered acceptable. The proposal is considered to accord with the objectives of Policy MV1 of the LDP in providing adequate on-site parking.

6.7 Active Travel

With regards to active travel the applicants are proposing to install bike storage on the site.

6.8 Drainage

The foul water discharges to mains drains. There will be no increase in discharge as a result of this change of use. Welsh Water have suggested a condition that no additional surface water shall discharge to the public sewer. There will be no increase in the amount of hard surfaces on the site as a result of this proposal. There will be no increase in the size of the footprint of the building and no increase in the parking area. Rates of surface water flow will remain unchanged because of this change of use and SAB approval will not be required.

6.9 Flooding

The site is not in a designated Flood Zone according Development Advice Map (DAM) contained in TAN15.

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

One local resident has objected to the proposal on grounds of dangerous access and lack of parking. Both these issues have been addressed in the main body of the report and the Highway Authority have offered no objection to the proposed change of use. There are no alterations proposed to the existing parking arrangement. No 90 Newport Road shares a vehicle access from Newport Road with several other properties including commercial ones. There is already pedestrian and vehicular access to the rear of 90 Newport Road and this includes two car parking spaces; this will not change as a result of this proposal. Four car parking spaces for this six-bedroom HMO is considered sufficient in view of the sustainable location of the site and the generally low car ownership rates associated with HMO's. There is no evidence to suggest that cyclists and pedestrians would be endangered by crossing the commercial yard.

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

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

6.12 Conclusion

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

7.0 RECOMMENDATION: APPROVE

1 This development shall be begun within 5 years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.
REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to 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.

4 The biodiversity net benefit feature in the form of bat and bird nesting boxes and a new cherry tree as shown on Block Plan 4319 PL 02 and Proposed Elevations 4309 PL 04 Rev A shall

be implemented prior to the approved use commences and shall be retained as such in perpetuity.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 12, the Environment (Wales) Act 2016 and LDP Policy NE1.