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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 24 February 2025

Notice of meeting:

Planning Committee

Tuesday, 4th March, 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.	DM/2023/01204 - Replacement of car park, driveway and building access lights with LED lights, Old Station Surgery, 39 Brecon Road, Abergavenny	5 - 12
4.2.	DM/2023/01474 - Erection of three new dwellings with integral garage, including access to highway, car parking and other associated works, Severn Crescent, Chepstow	13 - 26
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received	
5.1.	Appeal Decision - The Boat Inn, Chepstow	27 - 30
5.2.	Costs Decision - The Boat Inn, Chepstow	31 - 32
5.3.	Appeal Decision - Tanglewood Close, Abergavenny	33 - 36

5.4.	Appeal Decision - Millers Arms, Mathern	37 - 40
5.5.	Cost Decision - Millers Arms, Mathern	41 - 42
5.6.	Appeal Decision - Badger's Walk, Undy	43 - 46

**Paul Matthews
Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

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

Watch this meeting online

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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.

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, 4th February, 2025 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, Maureen Powell, Sue Riley,
Ann Webb, Laura Wright

County Councillor Tudor Thomas attended the meeting by invitation
of the Chair.

OFFICERS IN ATTENDANCE:

Amy Longford	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Matt Jeffes	Senior Engineer (Flood Risk Management)
Joanne Chase	Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declarations of Interest

County Councillor Laura Wright declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2022/01525, as she has a pre-existing relationship with one of the principal objectors, as outlined in the Planning Committee meeting dated 14th January 2025. Since the last Planning Committee meeting this item has been considered by Abergavenny Town Council's Environment Committee, which County Councillor Wright sits on, but she did not participate in discussion of or vote on the item. County Councillor Wright left the Planning Committee meeting taking no part in the discussion or voting thereon in respect of this application.

County Councillor Fay Bromfield declared a personal interest pursuant to the Members' Code of Conduct in respect of application DM/2022/01525 as the applicant is known to her. She regularly donates to him in his role within a Rotary Club. In the interest of transparency, she did not feel it appropriate to vote on this application.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 14th January 2025 were confirmed and signed by the Chair.

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, 4th February, 2025 at 2.00 pm

3. Application DM/2024/00557 - Proposed development of 50 affordable dwellings, sustainable drainage proposals, landscape planting, car parking and associated works. Land Off Tudor Road Wyesham Monmouth

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

<https://www.youtube.com/live/0B1ijl0r5pl?si=FXy9lx2ZzKciZHeP&t=126>

County Councillor Jill Bond refrained from voting in respect of this application as she had joined the meeting late due to technical difficulties.

County Councillor Jayne McKenna refrained from voting in respect of this application as she had left the meeting for a short period of time due to technical difficulties during the debate before rejoining the meeting.

In noting the detail of the application and the views expressed, it was proposed by County Councillor Su McConnel and seconded by County Councillor Emma Bryn that application DM/2024/00557 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2024/00557 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement.

4. Application DM/2022/00235 - Stables and barn. Upper Maerdy Farm Red Hill To The B4235 Llangeview Usk Monmouthshire

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

<https://www.youtube.com/live/0B1ijl0r5pl?si=RUOuGPoC6LJtqhmh&t=2971>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Maureen Powell and seconded by County Councillor Su McConnel that application DM/2022/00235 be approved subject to the conditions outlined in the report with two additional conditions, namely:

- The submission and approval of an ecological enhancement scheme prior to commencement of the development.

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, 4th February, 2025 at 2.00 pm

- A waste (manure) management plan to be submitted to and agreed by the Local Planning Authority prior to commencement.

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

For approval	-	11
Against approval	-	3
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2022/00235 be approved subject to the conditions outlined in the report with two additional conditions, namely:

- The submission and approval of an ecological enhancement scheme prior to commencement of the development.
- A waste (manure) management plan to be submitted to and agreed by the Local Planning Authority prior to commencement.

5. 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

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

The application had been presented to Planning Committee on 14th January 2025 with a recommendation for approval. However, the Planning Committee did not agree with this recommendation and had deferred consideration of the application to the February 2025 Planning Committee meeting with a recommendation for refusal for the following reason:

- The proposed 3m wide access serving three properties, represents a significant departure from the Welsh Common Standards and would lead to a deterioration in highway standards and would adversely affect users of the adjacent public highway contrary to Adopted Local Development Plan Policy MV1.

Following the January 2025 Planning Committee meeting, the applicant had provided an updated Site Plan (A101 Rev C) for review, showing a turning area illustrating how a vehicle may enter and leave in a forward gear.

https://www.youtube.com/live/0B1ijl0r5pl?si=z4s5mZbZeP-M1_ny&t=6658

An electronic vote was undertaken. However, due to the closeness of the vote whereby the outcome was within two or fewer votes, paragraph 27.27.6 of Monmouthshire County Council's Constitution was invoked:

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, 4th February, 2025 at 2.00 pm

When the outcome is 2 or fewer votes or will require the Chair to consider casting a deciding vote, a roll-call will be carried out in the same style of a recorded vote so the result is beyond question. The number of votes for each option will be noted in the minutes.

In noting the detail of the application and the views expressed, it was proposed by County Councillor Su McConnel and seconded by County Councillor Emma Bryn that application DM/2022/01525 be refused for the reason outlined in the report.

For refusal	-	6
Against refusal	-	7
Abstentions	-	1

The proposition was not carried.

Following discussion, it was agreed that consideration of application DM/2022/01525 be deferred to be re-presented to the next Planning Committee meeting with the original officer recommendation for approval, subject to the amended plan layout showing a turning area illustrating how a vehicle may enter and leave in a forward gear.

6. Application DM/2024/00422 - Proposed development for residential dwellings and associated landscaping and infrastructure. Commercial Land At Mabey Bridge Mabey Bridge Station Road Chepstow, 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.

<https://www.youtube.com/live/0B1ijl0r5pl?si=ZlpNgpmXbG8bPd3Y&t=8384>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Maureen Powell and seconded by County Councillor Sue Riley that application DM/2024/00422 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement.

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

For approval	-	16
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2024/00422 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement.

The meeting ended at 4.40 pm.

Application Number: DM/2023/01204

Proposal: Replacement of car park, driveway and building access lights with LED lights

Address: Old Station Surgery, 39 Brecon Road, Abergavenny, NP7 5AQ

Applicant: Dr Rose and Partners

Plans: Block Plan 199 - , Site Plan 200 - Rev A, All Drawings/Plans 202 - , All Drawings/Plans 201 - , Elevations - Existing 203 - , Elevations - Proposed 204 - , Location Plan OS - GP Surgery- Kosnic Lighting Scheme V1

RECOMMENDATION: Approve

Case Officer: Kate Bingham
Date Valid: 12.09.2023

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

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to an existing GP and Primary Care surgery located in the centre of Abergavenny. The immediate area is predominantly residential with the A40 (Brecon Road) running along the southern boundary. Chapel Road runs along the western boundary with Cantref Road and St Micheals Road on the northern boundary of the site. Being on the site of a former railway station, the surgery sits on high ground which would previously have been an embanked railway line.

The building was purpose built as a single storey surgery with rooms in the roof space and has been extended in the past and is served by a relatively large car park providing parking for 47 cars on the site including 5 spaces for disabled drivers and a drop off / delivery bay. The boundaries are formed by close boarded fences at the bottom of steep banks. There is a natural stone retaining wall along the Chapel Road and Brecon Road boundaries. These were built when the site was still a railway site. Vehicle and pedestrian access are off Brecon Road.

The site lies within the Abergavenny Conservation Area. The site is also within the Phosphorous Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

1.2 Value Added

The following changes have been made to the lighting since the submission of the planning application:

1. Lights to be switched off overnight by 9pm and back on at 7am
2. Type of lighting amended from existing LED Floodlights to Kosnic LED Street Lights with a Lux level of less than 1.
3. Two additional bird boxes and a bat box added to trees north of the car park.

1.3 Proposal Description

This application relates to the replacement of lighting within the surgery car park to provide safer access for patients and staff up to, and across the site. Due to the location of the building which is not visible from any surrounding properties, the surgery has been susceptible to theft. There is

CCTV on the site but this is more effective with the lighting. The surgery currently offers access to GP services generally Monday to Friday from 8am to 6.30pm. The lighting as installed was left on all night. However, after complaints from local residents, the lights have now been set to turn off between 9pm and 7am.

The existing 3.6m lighting poles have been re-used for the new lighting. The light poles were arranged around car park and along the access drive to provide a distributed minimum level of lighting around the site for safe access. The original lights were sodium lamps in spherical covers and these gave a non-directional light. These were subsequently replaced with floodlight type directional lights to provide light in the areas required. However, these were causing a nuisance to neighbours and LED streetlight lamps are now proposed.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01827	Refurbishment of the existing Surgery inserting new windows in new clinical areas and re-align the curve of the drive to maintain the width of the pavement throughout its length	Approved	18.12.2018
DM/2020/01813	Alteration of materials from facing brickwork to Stone, Windows and Door colours amended to dark grey (Anthracite). Removal of chimney, alteration of side door to window and addition of single storey extension.	Approved	17.12.2020
DM/2023/00985	50% crown reduction on claret ash. Raise crown of ash, thorn and sycamore and shorten lateral limbs growing over carpark by up to 4m.	Pending Determination	
DC/1998/01087	New extension to provide two additional consulting rooms with seminar room at first floor level within roofspace	Approved	29.01.1999
DC/2007/00275	Extension to existing premises to provide additional consulting & treatment rooms & pharmacy (revision to existing planning permission M/9639)	Approved	25.05.2007
DC/2004/00129	Extension to existing premises to provide additional consulting rooms, treatment rooms, office Space and a pharmacy	Approved	22.06.2004
DC/2001/00896	New Porch	Approved	19.11.2001

DC/1991/00558	Sign for Surgery	Approved	06.08.1991
DC/2007/01684	Single detached dwelling with off street parking / garage (outline)	Refused	06.03.2008

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

HE1 LDP Development in Conservation Areas
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
GI1 – Green Infrastructure

Conservation Area Appraisal

Abergavenny Conservation Area Appraisal Character Area 5 - Brecon Road.

7.3.33 As one of the principal routes from and to the town this road has the general character of a processional route with a scale that is reflective of a grander Abergavenny.

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 - Recommended approval with reservation: that as offered, the lights are timed to be turned off at night with no overspill to nearby properties.

MCC Heritage - No adverse comments.

MCC Biodiversity – No objection subject to condition (no additional lighting).

A lighting plan has been provided showing lux levels on the vegetated boundaries of the site are less than 1 lux and therefore the biodiversity officer has no objection to the proposal. The details also state that the lights will not be on overnight which is welcomed. If you are minded to grant this permission the plans and timing details should be secured with an appropriately worded condition. Photographic evidence has been provided of bird and bat boxes installed to achieve net benefit for biodiversity. The ecological enhancements should be secured for perpetuity with an appropriate condition.

SEWBREC Search Results - No significant ecological record identified.

5.2 Neighbour Notification

25 representations received objecting on the following grounds: (Please note, all objections received prior to the changes to the lights described in Section 1.2 above).

- Light pollution is detrimental to both people and environment.
- The lights affect neighbouring properties, they are unnecessarily bright also white light rather than a more ambient warm light.
- Lights are left on all through the night for no reason so are a constant light.
- Lights adversely affecting sleep.
- Lights are a distraction for road users on the A40.
- The light is directed at the rear of properties that aren't normally affected by streetlights or cars.
- The old lighting never affected neighbours and was switched off after the Surgery closed.
- Going to the Old Station pub, the lights through the windows are disturbing and uncomfortable.
- Affecting business at the Old Station Hotel Public House.
- Lights and works were carried out with no planning permission.

Three letters of support received:

- I live in a neighbouring property and could always see the old lights like lollipops in the sky. I cannot see the new lighting, only a glow downwards so this new lighting is better and does not give off as much light pollution.
- These lights have made an improvement, especially for the dark nights.
- Reassurance and safety for patients.
- We have been a patient and neighbour at the surgery for many years. The previous lighting was poor and the surgery has clearly spent a lot of money to improve this for their patients.
- Those coming to a late appointment in the winter months could feel a bit isolated and dark making vulnerable people feel unsafe.

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>

6.0 EVALUATION

6.1 Principle of Development

6.1.1 Policy EP3 of the Local Development Plan (LDP) informs that development including proposals for external lighting should include an appropriate lighting scheme to ensure:

- a) lighting is necessary for the development;
- b) the proposed lighting is the minimum required;
- c) light spillage is minimised;
- d) the prevention of glare and respect for the amenity of neighbouring land uses;
- e) the visual character of the built and natural environment is not unacceptably affected, and dark skies are retained where appropriate; and
- f) potential impacts on biodiversity are taken into consideration.

6.1.2 The site is accessed by members of the public; emergency vehicles, pedestrians and cyclists and therefore the need for lighting is accepted. The car park has previously been lit and this application only seeks to replace the lights themselves.

6.1.3 Since first being installed, the direction of the lighting has been adjusted to minimise glare to neighbouring properties and light spillage. The lights are within the town centre where artificial lighting in the form of street lighting, signage and lighting of domestic properties is a feature during the hours of darkness. It is noted in this case however that the lights are timed to turn off at 9pm. This can be secured via condition should Members be minded to approve the application.

6.1.4 The impact on biodiversity is discussed in section 6.3 below.

6.2 Good Design / Impact on Conservation Area

6.2.2 The existing 3.6m lighting poles have been re-used for the new lighting. The lighting poles were arranged around the car park and along the access drive to provide a distributed minimum level of lighting around the site for safe access. The replacement of the lights themselves will have a negligible impact on the wider area and will not affect the character or appearance of the Conservation Area. As such, there is no conflict with LDP policies DES1 or HE1.

6.3 Biodiversity

6.3.1 The site is located adjacent to the old railway line, a vegetated corridor that is likely important for wildlife to move through Abergavenny. Obtrusive light at night reduces habitat quality for wildlife, resulting in habitat fragmentation. In accordance with Planning Policy Wales, local authorities should seek to promote ecosystem resilience and ensure that developments promote and encourage biodiversity and ecological connectivity.

6.3.2 A lighting plan has been provided showing lux levels on the vegetated boundaries of the site are less than 1 lux and therefore the Council's Biodiversity Officer has no objection to the proposal. The details also state that the lights will not be on overnight which is welcomed. If Members are minded to grant consent, then the plans and timing details can be secured with an appropriately worded condition (see end of report).

6.3.3 All new development must also provide net gain for biodiversity. Photographic evidence has been provided of bird and bat boxes installed. This area also contains piles of cut wood to provide additional wildlife habitat. The ecological enhancements should be secured for perpetuity with an appropriate condition should Members be minded to approve the application

6.3.4 Given that no ground works are proposed as part of this development, it is not considered that a Green Infrastructure Statement would be proportionate or beneficial to the application.

6.4 Impact on Amenity

6.4.1 Objections from local residents have been received about the strength, direction and duration of the lighting. The previously installed lights were sodium lamps in spherical covers and these gave a non-directional light. The new lights are directional so that they can provide light in the areas required. The lights are over 20m from the nearest properties, some are over 40m from the neighbouring houses. However, there appears to have been a period of 'trial and error' with the functioning of the lights. Since the application was first submitted the applicant found that the lights were already connected through a time clock and have adjusted it so the lights will switch off at 21.00 after the cleaners leave and switch back on at 07.00 before the first staff arrive. The lights have also been tilted downwards as much as is safe to do so and still allow the light to disperse over the required area. These changes will make the lighting less intrusive to neighbouring occupiers and are considered to have overcome the objections raised. The timing of the lights should be conditioned to prevent any changes in the future.

6.4.2 As such, there is no longer any conflict with LDP Policy EP1 in relation to residential amenity.

6.5 Foul Drainage

6.5.1 This application has no implications for foul (or surface water) drainage.

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

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

6.7 Conclusion

6.7.1 No new lighting columns are proposed.

6.7.2 As the lux levels of the new lighting have now been reduced, the lighting has been directed away from boundaries and is timed to go off during the night, the proposal will have no adverse impact on neighbouring occupiers.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

2 The lighting shown in approved drawing Exterior Lighting, produced by Kosnic Lighting, dated 18th October 2024 shall be installed within 3 months of the date of this consent.

REASON: In the interests of local residential amenity in accordance with LDP policies EP1 and EP3 and to safeguard existing habitat providing ecosystem resilience in accordance with the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1.

3. None of the lighting hereby approved shall be switched on between 21:00hrs and 07:00hrs.

REASON: To protect the amenities of the nearby residential properties from light pollution in accordance with LDP Policy EP1.

4. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), external lighting shall only be installed and used in accordance with the specification in the submitted report "Exterior Lighting, produced by Kosnic Lighting, dated 18th October 2024".

REASON: To safeguard existing habitat providing ecosystem resilience in accordance with the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1

5. The bird and bat boxes installed to provide net benefit for biodiversity shall be managed and retained in perpetuity.

REASON: To maintain and enhance ecology 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.

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Application Number: DM/2023/01474

Proposal: Erection of three new dwellings with integral garage, including access to highway, car parking and other associated works

Address: Land at Severn Crescent, Chepstow

Applicant: Mr Wilson

Plans: Design and Access Statement - , Ecology Report updated Site Assessment - Ecological Services, Elevations - Proposed 2795 P20 rev B - , Floor Plans - Proposed 2795 P10 rev C - , All Proposed Plans 2795 P01 - , Site Plan 2795 E01 Rev E - , Drainage 3500 PO2 - Proposed Drainage Scheme, Tree Survey Arboricultural Report - Silverback, Location Plan 2795 EO1 Rev A

RECOMMENDATION: Approved subject to S106 agreement

Case Officer: Ms Kate Young
Date Valid: 27.10.2023

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

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises a roughly square shaped plot of land measuring at its greatest 26m by 28m, positioned at the southern end of Severn Crescent. Although the site does not form part of any existing residential curtilage, it does have the appearance of a maintained domestic space with the area largely laid to lawn with various hedges and trees provided within the plot. The plot and wider area are positioned on a gradient that falls from west to east. The site is therefore set on the same gradient as number 58 to the north, is below the level of the woodland and wider area of amenity importance to the west and is raised in relation to the residential properties 64-68 Severn Crescent and numbers 1-4 Rockwood Cottages to the north-east and south-east respectively. The land directly to the east of the site is currently undeveloped. The access adjacent to the eastern boundary of the site is private with a twin-tyre track finish.

The Proposals Map of the Local Development Plan identifies that the site is located within the defined development boundary of Chepstow and forms part of an Area of Amenity Importance in accordance with Policy DES2. The woodland immediately adjacent to the west (rear) is defined by the Woodland Trust as being Ancient Semi Natural Woodland and benefits from protection via a Tree Preservation Order.

In July 2019 full planning permission was granted for the erection of two detached, three-storey houses with integral garage, including access to highway, car parking and other associated works, under ref: DM/2018/01984.

1.2 Value Added

The application has been amended at the request of the Highway Authority.

1.3 Proposal Description

The current full application seeks the erection of 3no three-storey terraced properties in place of the two dwellings already approved. The dwellings would each have an integral garage and three bedrooms. Two car parking spaces would be provided for each dwelling in a driveway to the front. The access road in the front of the properties would be upgraded with a tarmac finish.

The application is supported by the following documents:

- Ecology Site Assessment Survey
- Design and Access Statement
- Highways Technical Note
- Drainage Strategy
- Arboricultural Report
- Green Infrastructure (GI) Statement.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01984	Erection of two detached, three-storey houses with integral garage, including access to highway, car parking and other associated works.	Approved	02.07.2019
DM/2020/01417	Discharge of condition no.10 of planning consent DM/2018/01984 (foul drainage and surface water drainage).	Split Decision	17.11.2020
DM/2023/01474	Erection of three new dwellings with integral garage, including access to highway, car parking and other associated works.	Pending Determination	
DM/2024/00260	Discharge of conditions 4 (Method of protective fencing) and 6 (Reptile mitigation strategy) for planning decision DM/2018/01984.	Approved	29.05.2024
DM/2024/00497	Discharge of Condition 3 - External Finishes relating to planning decision (DM/2018/01984). Condition 5 - Construction Traffic Management Plan. Condition 11 - Hard and Soft Landscaping Plan.	Approved	11.06.2024
DM/2024/00553	Discharge of condition 10 (Foul and Surface Water Drainage) of planning consent DM/2018/01984.		20.12.2024

DM/2024/00826	Modification of condition 1 (extend development start date) relating to planning application DM/2018/01984. Extend the start date by a further 5 years.	Pending Determination
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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

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
 SD2 LDP Sustainable Construction and Energy Efficiency
 SD4 LDP Sustainable Drainage
 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
 DES2 LDP Areas of Amenity Importance

Supplementary Planning Guidance

Affordable Housing SPG July 2019:

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

Infill Development SPG November 2019:

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

Domestic Garages SPG (January 2013):

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

Monmouthshire Parking Standards (January 2013)

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

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 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

Chepstow Town Council recommends approval subject to the following conditions:

1. Better design of the properties to support zero carbon by way of pv panels and heat source pumps.

Dwr Cymru-Welsh Water - Drawing titled 'Drainage Strategy' demonstrates that surface water from everyday rain events will be discharge via rainwater harvesting and any storm event up to and including a 1 in 30 year will be discharged via an attenuation tank where surface water will gradually recede once the storm event has concluded. It is noted that this drawing has not mentioned the discharge rate to the public sewerage system for storm events exceeding 1 in 30 but it has been previously agreed that the rate will not exceed 1.5 l/s.

MCC Highways 04/03/24 - No objection. While we still have concerns over the further development of the private road, we accept that a single extra dwelling over the previously approved two, representing a single additional bedroom, is unlikely to result in a reduction of highway safety or capacity. Offer no objection to the parking arrangement whilst noting that they are substandard.

Environmental Health - No objection. Suggests a Construction Management Plan.

MCC Tree Officer - No objection.

Network Rail - No objection.

SuDS Approval Body - Holding Objection.

GI / Landscape - No objection subject to conditions.

MCC Ecology - No objection subject to conditions.

5.2 Neighbour Notification

Letters of objection from five addresses.

Road is unsuitable for heavy vehicles

Cars parked in both sides of the road, no room for construction vehicles to park

Increase in traffic will impact the safety of children using the nearby park

The road is not adopted and in a poor state of repair

Overlooking, loss of privacy

Excessive noise during construction

Disruption to wildlife

It will block light into number 58
Red line boundary incorrect
Frogs and hedgehogs adjacent to the site
Loss of parking
The infrastructure at the end of the road is not suitable to support this building project.
Disruption during construction
The plot is too small for this development, it will not provide adequate parking
A smaller development of a two homes semi-detached or single dwelling would be far more reasonable
Three storey homes are excessive
The additional houses added to this area in the 1980's had agricultural/forestry worker ties to them.

5.3 Other Representations

None Received

5.4 Local Member Representations

None Received

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

6.0 EVALUATION

6.1 Principle of Development

PPW 12 paragraph 4.2.23, states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. With regards to the new residential development, the site is located within the Chepstow Development Boundary. Policy S1 of the LDP says that the main focus for new housing development is within Main Towns and the Severnside sub-region; Chepstow is designated as a Main Town. Policy H1 of the LDP supports new residential development within development boundaries, subject to detailed planning considerations. There is an extant full planning permission for two dwellings on this site. Therefore, the principle of new residential development in this location is acceptable in policy terms.

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

6.2 Infill Development

Character

The Infill Development Supplementary Planning Guidance (SPG) states that the proposed dwelling must respect the scale, form and massing of existing development in the area. This area of Chepstow has a mix of housing types and styles but are predominantly two-storey terraced houses. There is a pair of semi-detached dwellings immediately to the north of the application site. The ridge height of the proposed dwellings would be the same as the neighbouring properties, numbers 56 and 58 Severn Crescent. The rhythm of the street scene would be continued. The character of the area would be preserved by this development.

Distance between buildings

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

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

In this case the plot is of sufficient size to accommodate three new dwellings with parking provision to the front and amenity space to the rear. The principal elevations containing most of the windows are facing east and west with adequate privacy distances. The front of the dwellings will look over an area of open green space while the rear elevations will look towards the woodland. There would be no windows on the north elevation of plot 3.

There would be approximately 2.5 metres between the side elevation of plot 3 and the existing dwelling 58 Severn Crescent and there would be a retaining wall and steps provided at the north side of plot 3. No 58 Severn Crescent has a garage and a conservatory on its southern side adjacent to the site. The position and proximity of the dwellings to the south of number 58 will inevitably generate increased overshadowing and loss of light to a conservatory that adjoins the southern side elevation of the property during the late morning and early afternoon. However, as the proposed dwellings would follow the building line established by number 58 and would project marginally (1m) beyond the rear elevation, it is considered that the primary accommodation and amenity space would not experience an unacceptable increase in overshadowing. No windows are proposed in the northern elevation, overlooking number 58. The proposed dwellings are no closer to no 58 than those approved under DM/2018/01984. The relationship between the dwellings was considered acceptable at that time and there have been no material changes in circumstance since.

6.3 Sustainability

The Local Development Plan (LDP) and PPW encourage sustainable development. This is a sustainable location for new housing development being located within the Chepstow Development Boundary whereby new residents can access local amenities by foot and bicycle trips.

6.4 Good Design and Place Making

Policy DES1 of the LDP requires development to respect the character and appearance of an area. The adopted SPG on Infill Development says that the design of the infill proposal should reflect the prevailing character of the adjacent properties in terms of scale, mass and rhythm of the street scene. Policy DES1 of the LDP requires that new dwellings should contribute to a sense of place while their intensity is compatible with existing uses. The dwellings closest to the site are two storeys in height, predominantly finished with rendered elevations, concrete tiled roofs and with a number of front-facing gables features evident. Rockwood Cottages are more traditional, brick-faced dwellings. This area of Hardwick is characterised by small rows of terraces such as the ones opposite this site, however immediately to the north of this site is a pair of semi-detached properties. The development of this site with a terrace of three properties does continue the rhythm of the street scene. The height of the proposed new dwellings is comparable with the adjoining properties 56 and 58 Severn Crescent and is slightly lower than the scheme of two detached dwellings on this site approved on the site in 2019. The form, scale and massing of the new dwellings are acceptable and the proposal will respect the character of the area and the surrounding properties. It therefore accords with the objectives of Policy DES1 of the LDP.

The finishing materials for the dwellings would be a light-coloured render at ground floor level, with dark grey cladding and timber cladding for the upper floors; this will give the dwellings a contemporary appearance. The roof would be covered in artificial slate or concrete roof tiles. All these finishing materials would be appropriate in this location. The design of the proposal is in accordance with the objectives of Policy DES1 of the LDP, which requires that all development shall be of a high quality, sustainable design and respect the local character and distinctiveness.

6.5 Landscape

The proposal seeks to provide three terraced dwellings on land set back from Severn Crescent. The land is sloping from east to west, rising to a protected woodland group that forms part of a

wider DES2 Area of Amenity Importance. From a policy perspective, Policy 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 considered that the proposed scheme would be acceptable from a Landscape and GI visual impact and character perspective. The terrace design is considered acceptable, with the ridgeline in the context of existing development, material choice, architectural form and approach to development set into a bank.

As part of the development, two trees will be removed although these trees do not merit Tree Preservation Orders (TPOs) and the Council's Tree Officer has no objection to their removal. The lost trees will be replaced by new trees and the planting of shrubs. The site is located next to a large, protected woodland, and although there will be no direct impact on the trees above ground, the root protection zone may be impacted. This has been addressed in the Arboricultural Report with a recommendation for fencing as a boundary treatment. It is suggested that any boundary fencing on the southern edge of the site allows for external hedge or tree planting within the application boundary to help to integrate boundary treatment into the wider landscape.

PPW12 (paragraph 6.2.12) requires a Green Infrastructure Statement (GI) to be provided with all planning applications. The GI Statement should be proportionate to the scale of the proposal, and should include description of 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. In this case a GI statement was submitted as part of the application. The application site is of mown grass with a domestic appearance. The hedges around the site and the woodland to the rear are important GI assets and habitats. The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests. Although the gardens of the proposed dwelling would be immediately adjacent to the woodland, it is noted that no works will take place within the root or canopy protection zone of any tree. The existing hedges will be retained and there will be a significant amount of new planting of native species, locally sourced. Any green infrastructure assets that are being lost at the site are considered to be appropriately mitigated. Bat and bird boxes are also being provided. These mitigation proposals are also shown on the submitted drawing 2795 P01 Rev E.

6.6 Area of Amenity Importance

The primary purpose of this designating Area of Amenity Importance is to protect and, where possible, improve the built environment by retaining the overall amenity value of the existing stock of green space. Policy DES2 allows development proposals on areas of amenity importance only if there is no unacceptable adverse effect on any of the following:

- a) the visual and environmental amenity of the area, including important strategic gaps, vistas, frontages and open spaces;
- b) the relationship of the area of amenity importance to adjacent or linked areas of green infrastructure in terms of its contribution to the character of the locality and / or its ability to relieve the monotony of the built form;
- c) the role of the area as a venue for formal and informal sport, general recreation and as community space, expressed in terms of actual usage and facilities available, as well as its relationship to general open space requirements as set out in policy CRF2;
- d) the cultural amenity of the area, including places and features of archaeological, historic, geological and landscape importance; and
- e) the nature conservation interest of the area, through damage to, or the loss of, important habitats or natural features.

As specified above, the application site forms part of a designated Area of Amenity Importance (Policy DES2 refers). Although the site forms part of the wider Area of Amenity Importance, it has a domestic and maintained appearance. There are semi-mature trees and shrubs on site but these do not form part of the Tree Preservation Order which covers the area to the west (rear) of the site. The proposed plot has the appearance of a domestic space with mown grass and domestic

hedging, that contributes little to the wider DES2 allocation which has an intrinsic character of being undeveloped woodland to the west and south of the site. Furthermore, the general public do not have a right of access to cross the land or to use it for recreational purposes. There is an extant permission that would allow for residential development on a similar footprint which could be built at any time without the benefit of further planning permission. Being mindful of these factors and the proximity of the site to the built form of the area, it is considered that the development of the land would not erode or be so detrimental to the purpose of the wider allocation to warrant refusal of the application on such grounds.

Two trees will be removed from the site, these will be replaced by other trees and shrubs. The Tree officer has considered the loss of the trees and finds that they do not merit protection and does not object to their removal, especially as there will be replanting. The site is adjacent to a large area of protected woodland. Although there will be no direct impact to the trees above the ground, the Root Protection Zone may be impacted, this has been addressed in the Arboricultural Report.

6.7 Impact on Amenity

The impact on residential amenity has been considered in detail at section 6.2 in connection with compliance with the adopted Infill Development SPG.

6.8 Ecology

The site is a small undeveloped area of land which was residential garden and has been unmanaged for several years. There are several small ornamental shrubs and trees and dilapidated sheds. The site backs on to an area of ancient semi-natural woodland. A site assessment report (produced by Ecological Services, dated 30th August 2023) has been provided to update the survey undertaken in 2019 to inform the extant permission for this site (DM/2018/01984). The site is identified as having potential to support reptiles, nesting birds and common mammals such as hedgehog.

The site is immediately adjacent to an area designated as ancient woodland. Ancient woodlands are afforded protection from development that would result in loss and deterioration by Planning Policy Wales Where ancient woodland is a constraint the LPA should consider the advice of NRW which requires a "standoff zone" or buffer to protect ancient woodland.

The proposal provides a 1m buffer between the gardens and the ancient woodland site. A larger buffer would be preferred but due to the urban location and existing neighbouring properties the woodland ecology will be accustomed to a level of disturbance. The revised site plan shows a close-boarded fence as the boundary to reduce the risk of garden waste being dumped into the woodland. In the event permission is granted, it is recommended that a condition to remove permitted development rights with regards to boundary treatments is applied to ensure the boundary is retained and not breached for the perpetuity of the development.

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 enhance networks and deliver net benefits for biodiversity, over and above that required to mitigate or compensate for any negative impact (PPW12, paragraph 6.4.11).

The site has potential to support reptiles, nesting birds and common mammals. The revised site plans show bird nest boxes to provide replacement nesting opportunities. Bat boxes provide an ecological enhancement. No proposals have been made to mitigate and compensate for impacts on reptiles. A reptile mitigation strategy was submitted with the application DM/2024/00260 to discharge conditions on the extant permission for two dwellings on site, which includes an area of garden set aside for displaced reptiles. This document cannot be applied to this application, as it references a different layout, but the provision of a similar document could be conditioned. This will ensure that the provisions of LDP Policy NE1 are met with regards to providing biodiversity enhancements.

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 two bat boxes are being provided on the south elevation, three bird boxes are being provided under the verges and there will also be several hedgehog holes and a significant amount of new planting of indigenous species. These are referred to in the GI Statement along with a specification of the boxes and are indicated on site Plan 2795 PO1 Rev E. It is considered that the above provisions will provide an overall net benefit for biodiversity. Consequently, the proposals are deemed to comply with the requirements of PPW 12.

6.9 Highways

6.9.1 Sustainable Transport Hierarchy

PPW12 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is in an existing residential area within the defined development boundary of Chepstow which itself benefits from good public transport connections, services and facilities. The town centre can be reached via a 12-minute walk.

6.9.2 Access / Highway Safety

Within the vicinity of the site, Severn Crescent is an unadopted road for circa 100 metres, and currently serves 10 dwellings, with a 1.5 metre wide footway on the western side of the carriageway. The remainder of Severn Crescent to the north is an adopted road. The lane immediately adjacent to the site over which access would be gained is currently unmade, is of limited width and lacks segregated pedestrian facilities. The plans submitted indicate that the existing pavement to the north of the site would be extended across the front of the plot. The proposed plans have also been updated since the submission of the previous application to show that the lane adjacent to the site will be re-surfaced to MCC Highway's specification. The applicant has responded to the Highways' concerns with a technical note. Highways still have concerns over the further development of the private road but accept that one additional dwelling over the previously approved two, representing a net increase of one additional bedroom, is unlikely to result in a reduction of highway safety or capacity.

6.9.3 Parking

The adopted Monmouthshire Parking Standards require one off street parking space per bedroom up to a maximum of three for each dwelling, including the host dwelling. The proposed site plan shows two off road parking space and an integral car port for each dwelling. The internal dimensions of the lower garages have been increased to 3x6m, and therefore Highways offer no objection concerning the parking situation while noting they consider them to be below the existing standards.

6.10 Affordable Housing

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

Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%.
In Chepstow the CS rate is £120.

Each of the dwellings has an internal floor area of 116m² so the contribution from each dwelling would be £8073.00. The total for the whole site would be £24,220.00

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

6.11 Flooding

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

6.12. Foul and Surface Water Drainage

The details submitted as part of the application indicates that foul and surface water from the development would be connected to the existing combined mains sewer, via four pumping chambers. The drawing titled 'Drainage Strategy' demonstrates that surface water from everyday rain events will be discharge via rainwater harvesting and any storm event up to and including a 1 in 30 year will be discharged via an attenuation tank where surface water will gradually recede once the storm event has concluded. It is noted that this drawing has not mentioned the discharge rate to the public sewerage system for storm events exceeding 1 in 30 but it has been previously agreed that the rate will not exceed 1.5 l/s. in this particular circumstance Welsh Water have no objection to the proposal subject to a condition limiting the rate of which surface water can connect to the main sewer. The SuDS Approval Body note that the application has a means of surface water discharge and that the development will require SAB approval, and so they offer no objection.

6.13 Planning Obligations

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

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

Chepstow Town Council have recommended approval of the application subject to the provision of technologies to support zero carbon by way of solar panels and heat source pumps. The proposed Plan 2795 Po1 Rev E shows an EV charging point on the driveway of each dwelling, PV panels on the south facing roof of each dwelling and an air source heat pump in the rear garden of each property.

Letters of objection have been received from five local addresses. There are concerns about the disruption and noise that could be caused during the construction phase of the development. Any disruption would be temporary, and a Construction Phase Management Plan can be imposed by condition limiting the hours of construction on site. Residents are also concerned that the access road is unadopted, there will be a significant increase in traffic and on street parking. The lane adjacent to the site will be re-surfaced to Highways' specification.

As part of the current application. The applicant has responded to Highways' concerns with a technical note. Highways still have concerns over the further development of the private road but accept that one extra dwelling over the previously approved two, representing a single additional bedroom, is unlikely to result in a reduction of highway safety or capacity and therefore offer no objection to the application.

Residents are also concerned that the plot is of insufficient size to accommodate three dwellings and that a three-storey development is inappropriate. The footprint of the 3 no three-bedroom dwellings is the same as the two four-bedroom dwellings already approved on the site and the maximum ridge height is lower. The site plan has demonstrated that the plot is of sufficient size to accommodate the three residential dwellings with sufficient parking provision and amenity space for each dwelling. The ridge height of the proposed dwellings is slightly less than on the approved

scheme for two dwellings and only slightly higher than that of the adjacent existing dwellings. The principle of three-storey dwellings on this site is already established.

The impact on residential amenity has been considered in detail in the main body of the report and found to be satisfactory and in accordance with the advice given in the SPG on Infill Development. The proposed dwellings are no closer to existing dwellings than those approved under the previous scheme. The site has been considered by MCC Ecology Officers who offer no objection to the scheme subject to conditions requiring mitigation.

One neighbour identified that the redline boundary of the site, when the application was first submitted was incorrect. When originally submitted the red line boundary of the development site was positioned too far to the north and incorporated some of the land belonging to the neighbouring property; this was a drafting error. In November 2023, the applicants submitted an amended site plan, showing the correct position of the red line, away from the neighbouring property. All subsequent site plans including the latest one 2795 PO1 Rev E, which is referenced in this report, show the red line boundary in the correct location.

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

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

6.16 Conclusion

The site is located within the Chepstow Development Boundary. Policies S1 and H1 of the Local Development Plan presume in favour of new residential development within development boundaries. The proposal accords with a key objective of PPW12 providing residential accommodation in a sustainable location. There is extant permission for 2no four-bedroom properties on the site, occupying the same footprint. The proposed dwellings will respect the scale, form and massing of existing development in the area and complies with the guidance set out in the adopted SPG on Infill Development and will not result in a significant loss of outlook or privacy to the occupiers of the existing neighbouring properties in accordance with the objectives of policies DES1 and EP1 of the LDP.

The lane adjacent to the site will be re-surfaced to MCC Highways' specification as part of the current application. Highways accept that one additional dwelling compared to the previously approved two, is unlikely to result in a reduction of highway safety or capacity. Adequate off-street parking is being provided in accordance with Policy MV1 of the LDP. The proposal accords with Policy S4 of the LDP by providing a financial contribution for affordable housing in the area. The scheme will provide adequate biodiversity enhancements in accordance with Policy NE1 of the LDP. Welsh Water have agreed that the foul and surface water from the development can be connected to the existing combined mains sewer.

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

7.0 RECOMMENDATION: Approve

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

A financial contribution towards affordable housing in the local area of £8073.00 per dwelling. The total for the whole site would be £24,220.00

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 Surface water shall only communicate with the public sewerage system at a rate not exceeding 1.5 l/s in storm events that exceed 1 in 30-year events and only when the rainwater harvesting and attenuation tanks have exceeded their expected capacity.

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 Prior to any works commencing on site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the Local Planning Authority. This Plan shall include traffic management measures, hours of working, measure to control dust, noise and construction related nuisances and measures required to protect adjoining users from the construction works. The development proposal shall be carried out in accordance with the approved CTMP.

REASON: To ensure that the development is carried out in a safe and considerate manner in accordance with the requirements of policies MV1, DES1 and EP1 of the LDP.

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

REASON: To safeguard priority habitat and ancient woodland in accordance with Planning Policy Wales.

6 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification) the garages hereby approved shall be kept available for the parking of motor vehicles at all times.

REASON: The garage is a key element of the parking being provided and its loss for this purpose may lead to parking problems and to ensure compliance with LDP Policy MV1.

7 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority. All of the boundary treatments shown on the submitted site plan 2795 PO1 Rev E shall be retained in perpetuity

REASON: To safeguard priority habitat and ancient woodland in accordance with Planning Policy Wales

8 No development or site preparation shall take place or material or machinery brought onto the site until a Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include details of measures to safeguard protected and priority species during the constructions works. The content of the method statement shall include a methodology for the capture and translocation of reptiles with details of the receptor site that shall be retained in perpetuity. The development shall be carried out in accordance with the approved Reptile Mitigation Strategy.

REASON: Safeguarding and maintaining priority species in accordance with Planning Policy Wales, LDP policy NE1 and the Environment Act (Wales) 2016.

9 The development shall provide ecological enhancements as shown on the drawing "Proposed Site Roof Plan, Street Elevation & Site Section, Produced by Angus Meek Architects. Project 2795, Drawing Number P01, Revision E". The enhancements shall be installed in their entirety prior to the dwellings hereby approved being brought into beneficial use and shall be retained in perpetuity.

REASON: To maintain and enhance ecology in accordance with LDP policy NE1, Planning Policy Wales and the Environment (Wales) Act 2016.

10 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:
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, inclusive of SUDS green engineering.
Hard landscape materials to include surfacing, SUDs and fencing.

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

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

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

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

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

13 No development is to take place until the local planning authority has received and agreed in writing a method of protective fencing to separate the woodland from the proposed development. The fencing shall be in accordance with the guidelines within British Standard 5837:2012 - Trees in relation to Design, Demolition and Construction Recommendations. The development shall only proceed in accordance with the approved details. All protective fencing shall be retained and maintained on site until such a time that all construction and development works including landscaping have been ceased.

REASON: To ensure the protection from harm of a protected woodland in accordance with Policy S13 - Landscape, Green Infrastructure and the Natural Environment.

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.

SAFETY (WALES)

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk.

DRAINAGE

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.



Appeal Decision

by Mr A Thickett BA (Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 04/02/2025

Appeal reference: CAS-03428-Q2R7V8

Site address: The Boat Inn, The Back, Chepstow, Monmouthshire, NP16 5HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by The Boat Inn (Chepstow) Ltd against the decision of Monmouthshire County Council.
 - The application Ref DM/2023/01093, dated 3 August 2023, was refused by notice dated 7 November 2023.
 - The development proposed is retention of existing marquee erected on the riverbank in the autumn of 2020 in conformity with the then existing Covid pandemic operating requirements applicable to clubs and restaurants.
 - A site visit was made on 21 January 2025.
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Decision

1. The appeal is dismissed.

Application for costs

2. The application for costs made by The Boat Inn (Chepstow) Ltd against Monmouthshire County Council is the subject of a separate Decision.

Main Issues

3. The marquee is in place. The main issues are:
 - whether the marquee preserves or enhances the character or appearance of the Chepstow Conservation Area,
 - the impact of the marquee on the setting of The Boat Inn (Grade II) and nearby listed buildings,
 - the impact of the marquee on use of the steps giving access to the bank of the River Wye.
 - whether the proposed development should include measures to enhance biodiversity.

Reasons

Heritage assets

4. The marquee covers a seating area associated with The Boat Inn. It lies opposite the Inn across the narrow road known as The Back, between the road and the bank of the River Wye. The marquee is around 9m by 12m in area and approximately 3.5m high to ridge. It has a metal frame and the roof has a white, shiny plastic finish. The marquee is open on all bar its southern side. Heaters hang from the roof bars and a metal cage housing large gas bottles sits close to the northern corner of the marquee.
5. The site lies within 'The Back, Gunstock Wharf and Riverside' character area as defined in the Chepstow Conservation Area Appraisal. According to the Conservation Area Appraisal, the area *'is strongly characterised and well defined by its riverside location and views.'* The 18th century Boat Inn is identified as one of the key buildings in this area and, according to the listing description, is listed as a late 18th century inn retaining its character. The Conservation Area Appraisal considers the Boat Inn to be one in an important group of historic riverside buildings in this part of the Conservation Area, including a number in the adjoining square. The use of traditional materials, including timber vertical sliding sashes and casements to the Boat Inn are identified as important contributors to the character and appearance of the Conservation Area.
6. The gap between the river and the buildings overlooking The Back creates a pleasing sense of openness and is fundamental to retaining the open views up and down the river which are specifically referred to in the Conservation Area Appraisal. The willow adjoining the marquee is a significant feature in these views but adds to the attractiveness of the riverbank. The large, shiny marquee despite its three open sides, intrudes into this space and interrupts views along the river. Further, the overtly modern materials and ugly bottle cage fail to respect this historic setting, contrasting unfavourably with the character of and traditional materials in The Boat Inn and other listed buildings nearby.
7. Historically the river bank and wharves along it would have been busy places and the use of the seating area continues this. However, whilst the marquee facilitates the use of this space, I do not consider it is necessary to preserve the character of the Conservation Area, for activity to continue after dark or all year round. The Council has no objection to the use of the seating area or to the principle of it being covered. I have been appointed solely to determine whether the retention of the existing structure is acceptable and it would not be appropriate for me to comment on the alternatives suggested by the Council.
8. The appellant draws my attention to a marquee on the terrace of the Palace of Westminster. My conclusions are based on the site specific circumstances of this case and I find the retention of the marquee would neither preserve nor enhance the character or appearance of the Chepstow Conservation Area and that it would have an adverse impact on the setting of the Boat Inn and nearby listed buildings. The proposal, therefore conflicts with Policies DES1 and HE1 of the Monmouthshire County Council Local Development Plan, adopted 2014 (LDP).

Access to the riverbank

9. The reason for refusal refers to a pontoon. The appellant's statement of case includes photographs of the pontoon but it was not there at the time of my visit. However, there were a few boats laid up on the riverbank close to the steps over the wall adjoining the marquee. To access the steps one must enter the marquee. The sides of the marquee are open but anyone carrying a boat or bulky equipment is likely to be impeded due to

the stanchion supporting its northern corner and its eaves height. The cage housing the gas bottles would make it more awkward and inconvenient.

10. Nonetheless, whilst the marquee presents an impediment, it would be possible to lift things over the wall before entering it and access to the riverbank is not precluded. Policy CFR3 of the LDP resists the loss of recreational facilities but that would not be the case here and I do not consider access is so restricted such that the appeal should be dismissed on this ground.

Biodiversity

11. The Council has no concerns regarding the impact of the proposed development on the River Wye Special Area of Conservation or Site of Special Scientific Interest and I see no reason to take a different view.
12. It is not clear what environmental and ecological assets the Council consider could be safeguarded by conditions. Prior to the erection of the canopy the area was hardsurfaced and used by patrons of the Boat Inn and would have had little, if any, ecological interest. Policy 9 of Future Wales requires all development to maintain and enhance biodiversity. However, I agree with the appellant that it is neither practical to install bird or bat boxes on a marquee nor sensible given its use and due to the nature of the site it is difficult to see what other measures could be taken. In these circumstances I do not consider the conflict with Policy 9 of Future Wales and Policy NE1 of the LDP warrants the withholding of planning permission.

Other Matters

13. The appellant submits figures in support of the assertion the marquee is essential to the viability of the inn. I have no doubt by enabling people to sit out in all weathers, the marquee is an asset to the business. The appellant's accountants state *'the figures confirm that the marquee's presence is a substantial element ensuring the viability of the pub.'* Nonetheless, whilst it may be a substantial element of the business, I have seen no evidence to demonstrate the inn would close without it.
14. Nor have I seen any empirical evidence to show the removal of the marquee would materially impact the number of visitors to the area or the local economy. As stated above, there is no objection to the seating area or the principle of it being covered.

Conclusion

15. I have a statutory duty to give special regard to the desirability of preserving the setting of listed buildings and to preserving or enhancing the character or appearance of the Conservation Area. Notwithstanding my findings with regard to access to the riverbank and biodiversity, the harm I identify to heritage assets provides compelling grounds to dismiss this appeal.
16. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to making our cities, towns and villages even better places in which to live and work.

A Thickett

Inspector

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Costs Decision

by Mr A Thickett BA (Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 04/02/2025

Costs application in relation to appeal: CAS-03428-Q2R7V8

Site address: The Boat Inn, The Back, Chepstow, Monmouthshire, NP16 5HH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by The Boat Inn (Chepstow) Ltd against the decision of Monmouthshire County Council.
 - The appeal was made against the refusal of planning permission for retention of existing marquee erected on the riverbank in the autumn of 2020 in conformity with the then existing Covid pandemic operating requirements applicable to clubs and restaurants.
 - A site visit was made on 21 January 2025.
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Decision

1. The application for an award of costs is refused.

Procedural Matter

2. The Council did not respond to the application for costs. Whilst it is not required to do so and has not counted against the Council in this case, its failure to respond was unhelpful.

Reasons

3. Section 12 Annex 'Award of Costs' of the Development Management Manual advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The appellant refers to site meetings and alleged agreements with Council officers on matters of access and design. The local planning authority is not bound by advice given by its officers prior to its determination of planning applications and, in my experience, such advice is always given without prejudice.
5. Although I came to a different conclusion, the Council provided evidence including a description of the area, potential impacts and policy, to substantiate its position regarding the effect of the marquee on access to the riverbank and biodiversity. Turning to viability, it was for the applicant to provide the evidence they felt necessary to support the planning application. I do not consider the Council was obliged to seek more or to take advice on the matter. The National Planning Policy Framework (NPPF) is an English document and does not apply in Wales.

Conclusion

6. I find unreasonable behaviour resulting in unnecessary expense, as described in the Annex, has not been demonstrated and the application for an award of costs fails.

A Thickett

Inspector



Appeal Decision

by Richard James Bsc (Hons) Msc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 12/02/2025

Appeal reference: CAS-03848-V5Z3P4

Site address: 4 Tanglewood Close, Abergavenny, NP7 5RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Sue Lenthall against the decision of Monmouthshire County Council.
 - The application Ref. DM/2024/00845, dated 30 June 2024, was partly refused by notice dated 6 November 2024.
 - The development proposed is a rear extension and front porch extension.
 - A site visit was made on 17 December 2024.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension and front porch extension at 4 Tanglewood Close, Abergavenny, NP7 5RJ, in accordance with the terms of the application, Ref DM/2024/00845, dated 30 June 2024, subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. The Council has issued a split decision which has refused planning permission for the proposed rear extension and approved planning permission for the proposed front porch. Section 79 (1) (b) of the Town and Country Planning Act 1990 enables me, as the decision maker, to reverse or vary any part of the decision of the local planning authority and as such, the whole proposal is before me for consideration under this appeal.
3. The appeal form refers to unknown fees associated with the drawing of additional plans. However, the appeal form also clearly states that there is no intention to submit a costs application and there is no statement that explains the basis of any such application. There is therefore no formal application for costs before me and I have not considered the matter any further.

Main Issue

4. This is the effect of the proposal on the living conditions of neighbouring occupants within 3 Tanglewood Close (No. 3).

Reasons

5. 4 Tanglewood Close (No. 4) is located on the end of a row of two storey terraced residential dwellings, with rear garden areas and boundaries that run adjacent to a woodland to the south east. No. 4 has a rear lean-to conservatory sited close to its common side boundary with No. 3 to the north east.

6. The proposal, amongst other things, would provide an enclosed front lean-to porch and remove the rear conservatory, to provide a two storey rear extension with a tapered side elevation facing No. 3. This side elevation, once passing a depth similar to the former conservatory, would progressively increase in distance from No. 3's boundary, as it extends further into No. 4's rear garden.
7. Monmouthshire County Council Local Development Plan (LDP) Policies EP1 and DES1 state, amongst other matters, that extensions should have regard to and maintain reasonable levels of amenity of occupiers of neighbouring properties.
8. During my site visit, I saw that the rear garden areas along these terraced properties are small, with a high level of intervisibility between them and are enclosed to the rear via the existing deciduous woodland. However, I also saw that neighbouring development and the trees to the rear were not of such a size, density and close proximity to No. 3 so as to create a dark and gloomy living environment for its occupants. Increased foliage on these trees would be present during summer months and thus, would increase their potential shading. However, such effects upon No. 3's occupants would be limited by the sun's higher position within the sky during these months, as demonstrated within the winter and summer solstice plans provided (Drawing Nos. BR009 and BR010). As such, I do not consider that the existing levels of daylight and sunlight entering the rear garden and elevation openings of No. 3 throughout the year would be excessively limited.
9. The Council acknowledges that the proposal would comply with the '45 degree line test'. The submitted plans indicate that a previous proposal, which did not include the tapered side elevation, would cause little effect upon the levels of sunlight entering No. 3's rear windows and garden area during winter months. Whilst it would cause some additional shading during summer months, this would be limited to a few hours towards the middle of the day. The proposal before me would reduce the duration of this shading further, by enabling greater exposure of No. 3's rear elevation and garden area to the sun's direction of travel from east to west, due to the proposal's tapered elevation. I am not therefore persuaded that the proposal would cause a demonstrable and significant reduction in the levels of sunlight or daylight entering the rear openings or garden area of No. 3, having regard to the current levels they receive.
10. Turning to the proposal's effects upon the outlook of No. 3's occupants, the proposal would comprise a new tall structure in very close proximity to No. 3's rear windows and garden area. However, when standing within No. 3's rear garden, a good level of open space can be viewed over the side boundaries of neighbouring terraced properties to the north east, due in part to a lack of development in this direction. As such, the proposal would be unlikely to cause any significant tunnelling effect upon No. 3's occupants. I also saw that the proposed tapered side elevation would largely retain the angle of view from No.3's existing rear openings and would progressively increase its separation distance from No. 3's boundary. It would not, therefore, unacceptably loom over No. 3's occupants. Furthermore, the proposed rear elevation would also be set back from No. 4's rear garden boundary, so that occupants within No. 3's garden would, in addition to the open north easterly views, retain some views of the wider valley landscape over the common boundary with No. 4, past the proposal. As such, the proposal would maintain an acceptable level of outlook and sense of openness for No. 3's occupants.
11. With regard to existing privacy levels, the proposal would remove one of No. 4's existing rear first floor windows and block views of its remaining one down into No. 3's garden area. The proposed first floor window would be narrow, with an acute angle of view down into only part of No. 3's garden area. A new ground floor window would face No. 3's garden, however the appellant has indicated a willingness for this to be obscured with restricted opening. Subject to a condition to secure these measures, the proposal would

benefit the currently limited privacy levels of No. 3's occupants. This would further mitigate the effects of a minimal reduction in outlook and light caused upon them by the proposal.

12. The Council raises no concerns regarding the proposed front porch and I see no reason to disagree with this view, having regard to its subservient and sympathetic design.
13. Whilst permitted development rights have been removed from the appeal site, having regard to the fact that each case must be determined on its own merits, this does not outweigh my findings above.
14. As such, I conclude that the proposal would not be harmful to the living conditions of neighbouring occupants within 3 Tanglewood Close or be contrary to LDP Policies EP1 or DES1.

Other Matters and Conditions

15. The proposal would be located in close proximity to Abergavenny Pen y Fal Conservation Area. Having regard to its visually conducive design amongst existing residential development, it would preserve the character and appearance of the CA and its setting.
16. The proposal would be required to be carried out in accordance with the submitted plans and Green Infrastructure Statement, which detail proposed biodiversity enhancements that would comply with LDP Policy NE1 and the objectives of national policy. As such, a condition to require the implementation of biodiversity enhancement measures is unnecessary.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.
18. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Richard James

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development shall begin not later than five years from the date of this decision.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the following approved plans:
OS Plan, Existing and Proposed Site Plan, Drawing No. BR0005a
Existing Floor Plans, Drawing No. BR001
Existing Elevations, Drawing No. BR002
Proposed Floor Plans, Drawing No. BR003a

Proposed Elevations, Drawing No. BR004b

Green Infrastructure Statement dated 15 July 2024.

Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.

3. Before the development hereby permitted is brought into use, the ground floor window on the side elevation facing the garden area of 3 Tanglewood Close shall be fitted with obscured glazing and be of restricted opening, details of which shall first be submitted to and agreed in writing by the local planning authority. The window shall be permanently retained in that condition thereafter.

Reason: To safeguard the living conditions of occupants with 3 Tanglewood Close, in accordance with Monmouthshire Local Development Plan Policies EP1 and DES1.



Appeal Decision

by G Hall BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 06/02/2025

Appeal reference: CAS-03747-T5M5P5

Site address: Millers Arms, Mathern Road, Mathern, Monmouthshire NP16 6JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Shaun Barnsley against the decision of Monmouthshire County Council.
 - The application Ref DM/2024/00526, dated 14 February 2024, was refused by notice dated 13 June 2024.
 - The development proposed is Retention of Timber Building.
 - A site visit was made on 14 January 2025.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted an additional plan with the appeal showing an amended roof design. The appeal process cannot be used to evolve a scheme, and appeal decisions must be based solely on the scheme and plans originally considered by the Council. Only in limited circumstances, which do not apply in this case, may an amendment be accepted. I have therefore determined the appeal based on the submissions on which the Council made its decision.
3. The development is already in place and the appeal therefore seeks retrospective planning permission.

Application for Costs

4. An application for costs has been made by Mr Shaun Barnsley against Monmouthshire County Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is the effect of the development on the streetscape and whether it preserves or enhances the character or appearance of the Mathern Conservation Area (CA).

Reasons

6. The appeal concerns a timber building constructed adjacent to a detached public house. This structure serves as a covered external seating area ancillary to the pub.

7. As identified in the Mathern Conservation Area Appraisal, the appeal site lies near to an attractive core of 19th-century buildings interspersed with late 20th-century houses.
8. The Millers Arms, although of simple design, is a key landmark in this part of the CA, elevated and visually prominent with an attractive front elevation. When viewed from the main road, the pub, along with the land to its front and side, makes an important contribution to both the character and appearance of the CA.
9. The timber building has a utilitarian appearance, designed for its functionality, providing a covered outdoor seating area. While I observed domestic sheds in the surrounding area, I saw no other timber structures of a similar scale.
10. The scale and elevated position of the building relative to the main road make it a highly prominent feature within this key part of the CA. Its substantial size and shallow pitched roof design competes visually with the pub, diminishing its contribution as an important and locally significant landmark. This impact is further exacerbated by the building's position forward of the pub's frontage, disrupting the established building line and drawing attention away from the more traditional form of the host building. Although I recognise that the timber would weather or could be painted, neither this nor its siting adjacent to natural landscaping would sufficiently mitigate these adverse effects.
11. While ancillary structures can, in principle, be accommodated within CAs, and it is reasonable for simple, functional buildings to reflect their purpose, this development's scale, position and design prevent it from being either complementary or subservient to the host building. As a result, it appears as a large, prominent, discordant modern structure that harms the established character of the CA and the streetscape.
12. I have considered the appellant's case for retaining the building, recognising that it is not demountable. I do not dispute that the additional space has contributed to the pub's viability while serving a broad range of community groups and promoting inclusivity and accessibility to customers. I also recognise the strong local support for the appeal scheme, the considerable economic pressures facing pub businesses, and the vital role of pubs at the heart of their communities.
13. Nonetheless, Planning Policy Wales establishes a strong presumption against granting planning permission for developments that unacceptably damage the character or appearance of a CA or its setting. In exceptional cases, this presumption may be overridden in favour of development deemed desirable on public interest grounds. While I acknowledge that this development supports a valued local business serving both residents and visitors, and that the continuation of its historic use makes a positive contribution to the character of the CA, there is no substantive evidence that the appeal scheme is the only viable means of providing additional outdoor space. I am therefore not persuaded that the economic and social benefits, or any broader public interest, outweigh the significant harm to the CA that I have identified.
14. I have attached considerable weight and importance to the harm the appeal scheme causes to the CA and therefore conclude that dismissing the appeal is both proportionate and necessary, and find the development is contrary to the conservation and design objectives of policies HE1 and DES1 of the Monmouthshire Local Development Plan.
15. I note the appellant's comments regarding the Council's pre-application advice, but this matter has little bearing on the merits of the case, and I afford them limited weight.
16. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Ref: CAS-03747-T5M5P5

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

G Hall

INSPECTOR

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Costs Decision

by G Hall BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 06/02/2025

Costs application in relation to Appeal Ref: CAS-03747-T5M5P5

Site address: Millers Arms, Mathern Road, Mathern, Monmouthshire NP16 6JD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Mr Shaun Barnsley for an award of costs against Monmouthshire County Council.
 - The appeal was against the refusal of planning permission for the Retention of Timber Building.
 - A site visit was made on 14 January 2025.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant argues that the Council acted unreasonably in refusing the planning application by failing to consider all relevant material considerations, leading to unnecessary additional costs at both the pre-application and appeal stages. However, as outlined in the Officer Report, the Council did take into account matters such as the social and viability benefits of the proposed scheme but concluded that these did not outweigh the identified harm to the Conservation Area (CA); a finding with which I concur for the reasons set out in the substantive decision. It is also apparent that, in considering the proposal, the Council took account of relevant policies of its Local Development Plan (LDP) and of the general aims of national planning policy. Whilst the full details have not been submitted, the other example development referred to by the appellant appears to differ materially in its design and is therefore not fairly comparable to the appeal scheme.
4. Para 3.11 (f) of the Annex states that local planning authorities are at risk of an award of costs being made against them if they do not determine or provide a position on similar cases in a consistent manner where there has been no material change in circumstances. The appellant contends that the Council acted inconsistently by initially advising at the pre-application stage that the principle of an outbuilding was acceptable, subject to an appropriate visual impact within the wider streetscape, only to later refuse the planning application. However, the Council's pre-application advice aligns with its subsequent decision in recognising the potential acceptability of a building on the site, but

subject to a satisfactory siting and appearance which takes account of its sensitive position within the CA. There is therefore little to indicate that the Council's pre-application advice ultimately ended in an unnecessary appeal.

5. In any case, the Annex states that where a local planning authority has refused an application that is not in accordance with relevant development plan policy and no material considerations indicate that permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application. Whilst the Council Officer Report does not specifically allude to the principles of inclusive design as identified in national planning policy, there is little to indicate that this would have had a material bearing on the outcome of the planning application.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Annex, has not been demonstrated. The application for an award of costs is refused.

G Hall

INSPECTOR



Appeal Decision

by G Hall BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 13/02/2025

Appeal reference: CAS-03773-N6S6C5

Site address: 6 Badgers Walk, Undy NP26 3PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adam Vers (Kardinale Investments Ltd) against the decision of Monmouthshire County Council.
 - The application Ref DM/2023/01610, dated 14 November 2023, was refused by notice dated 9 July 2024.
 - The development proposed is Change of use from C3 to C4 HMO for 6 occupants.
 - A site visit was made on 14 January 2025.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposed development on highway safety with regard to parking.

Reasons

3. The appeal site consists of a detached four-bed two-storey dwelling with an integral garage and a front driveway. It is accessed via a private drive off Badgers Walk, which serves two other similarly designed and styled dwellings. Badgers Walk is set on a hill, rising upwards from the junction near St Mellons Close.
4. In order to ensure safe and easy access for road users, Policy MV1 of the Monmouthshire Local Development Plan (LDP) requires, amongst other things, that development proposals provide satisfactory levels of car parking and meet the requirements of the adopted parking standards.
5. In supporting Policy MV1, the Council's Parking Standards Supplementary Planning Guidance (SPG) allows for some flexibility in applying the standards contained within, taking into account local circumstances such as accessibility by walking and cycling and the availability and frequency of public transport. Although it does not specifically refer to House in Multiple Occupation (HMO) proposals, the SPG offers useful guidance for parking requirements, rather than strict requirements.
6. Unlike student accommodation, which is typically managed with restrictions on car ownership and located in areas with access to alternative transport arrangements, the proposed HMO would function as a shared residential property with no such controls. Its residents would have greater independence, and their transport needs and car ownership

patterns are likely to differ significantly from those of students in purpose-built accommodation.

7. I also do not agree that the proposed HMO would be comparable to a four-bedroom dwelling occupied by a single household. Six individuals living independently would be unlikely to share vehicles and journeys in the same way as a single household, which would reasonably be expected to significantly increase the demand for parking spaces compared to the existing situation. Given the similarities in terms of individual households, I consider a requirement for 6 parking spaces, as based on the SPG requirements for self-contained flats, to be appropriate.
8. While the garage's permanent retention for parking could potentially be secured through a condition, the independent nature of HMO occupancy makes it unlikely that the garage would be available for parking at all times. At times, vehicles would need to be moved to allow access to and from the garage. However, given the independent nature of the occupiers, this would not always be practical. As a result, the garage would become a less attractive parking option and may not always be available for use. I therefore consider the 3 external parking spaces proposed would be insufficient to meet the parking needs that would arise from the appeal proposal.
9. I saw few local services and limited public transport options. The nearest bus stop I observed was located on the B4245, with a round trip requiring a climb up from Manor Chase to the appeal site. The nearest train station, Severn Tunnel Junction, was over two miles away. The nearest local centre was at The Square, Magor, with a round trip of over a mile, again including a climb back up to Badgers Walk. Due to the distance and gradient involved, it is therefore reasonable to assume that future residents would rely on private vehicles for their daily needs. The appellant has highlighted two new housing developments in the area where financial contributions were sought to enhance sustainability. However, without evidence detailing the location of these schemes, the specific improvements secured, or their implementation status, I afford them limited weight.
10. I acknowledge that HMOs are often attractive to lower-income households who may be less likely to own a car. However, for the reasons outlined, I find it likely that, in this particular location, individual occupiers would rely on access to a private vehicle. As a result, there is insufficient justification for a reduction in the provision of the 6 parking spaces required to meet the needs of the proposed HMO.
11. During my mid-morning site visit, I observed a few vehicles parked on driveways and on the street, with additional roadside spaces available. I have also noted the results of the appellant's parking survey. The width and layout of the private drive on which the appeal property is situated would restrict its use for parking. Due to the narrow width of the main estate road, I observed many of the vehicles parked on the street were partially mounted on the pavement on both sides. As well as blocking the pavement, this arrangement also creates a risk of conflict between vehicles exiting driveways and those parked directly opposite, a situation further complicated by the rising gradient of the road.
12. In the absence of sufficient parking provision, car using residents and their visitors, would be required to park on-street, further obstructing the pavement, narrowing the carriageway width and hindering the free and safe flow of traffic and pedestrian safety. The increased demand for on-street parking arising from the appeal proposal would not be acceptably accommodated in the surrounding area and would result in harm to highway safety.
13. My attention has been drawn to a 2022 approval by the Council for a 6 person HMO in Chepstow. I do not have full details of this development before me, which is some

distance away from the appeal site, and it may not be directly comparable to the appeal scheme and its individual site characteristics. I have therefore determined the proposal on its own merits.

14. For the above reasons, I consider that the development would have a harmful effect on highway safety, with regard to parking, and as such is contrary to LDP Policy MV1.

Conclusion

15. For the above reasons I conclude that the appeal should be dismissed.

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

G Hall

INSPECTOR

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