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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 23 April 2018

Notice of meeting:

Planning Committee

Tuesday, 1st May, 2018 at 2.00 pm
The Council Chamber, County Hall, Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 8
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise:	
4.1.	APPLICATION DC/2016/01146 - AMENDMENT TO PHYSICAL BOUNDARY LOCATION AND CHANGE OF USE FROM AGRICULTURAL USE TO RESIDENTIAL CURTILAGE - PLOTS D6 - D10. 7-11 JAMES JONES CLOSE, LLANFOIST.	9 - 12
4.2.	APPLICATION DC/2018/00001 - ERECTION OF FIVE NEW DWELLINGS AND ASSOCIATED CURTILAGES AND PARKING AND NEW ACCESS. GLANUSK FARM, KEMEYS ROAD, LLANFAIR KILGEDDIN, MONMOUTHSHIRE, NP7 9BE.	13 - 18
4.3.	APPLICATION DM/2018/00380 - ERECTION OF FOUR NO. ONE-BEDROOM TERRACED MEWS TYPE DWELLINGS, WITH CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS. LAND AT ELM ROAD, CALDICOT - REDUNDANT GARAGE BLOCKS.	19 - 24
4.4.	APPLICATION DM/2018/00381 - ERECTION OF FOUR NO. ONE-BEDROOM TERRACED BUNGALOWS, WITH CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS. LAND AT CROESONEN ROAD (GARAGE BLOCKS), ABERGAVENNY, NP7 6HR.	25 - 30
5.	LISTED BUILDING CONSENT DELEGATION - Annual Report from 1st March 2017 to 28th February 2018.	31 - 42

6.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received.	
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Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Edwards
P. Clarke
J. Becker
D. Blakebrough
L. Brown
A. Davies
D. Dovey
D. Evans
M. Feakins
R. Harris
J. Higginson
G. Howard
P. Murphy
M. Powell
A. Webb

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 or is available here [Public Speaking Protocol](#)

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Watch this meeting online

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Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

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.

Main policy context

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 (adopted March 2016)
- 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

National Planning Policy

The following national planning policy may also be of relevance to decision-making as a material planning consideration:

- Planning Policy Wales (PPW) 11 2016
- 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 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

Other matters

The following other legislation may be of relevance to decision-making.

Planning (Wales) Act 2015

As of January 2016, Sections 11 and 31 of the Planning Act come into effect meaning the Welsh language is a material planning consideration.

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the local planning authority, and the decision whether or not to take Welsh language issues into account should be informed by the consideration given to the Welsh language as part of the LDP preparation process. Section 11 requires the sustainability appraisal, undertaken as part of LDP preparation, to include an assessment of the likely effects of the plan on the use of Welsh language in the community. Where the authority's current single integrated plan has identified the Welsh language as a priority, the assessment should be able to demonstrate the linkage between consideration for the Welsh language and the overarching Sustainability Appraisal for the LDP, as set out in TAN 20.

The adopted Monmouthshire Local Development Plan (LDP) 2014 was subject to a sustainability appraisal, taking account of the full range of social, environmental and economic considerations, including the Welsh language. Monmouthshire has a relatively low proportion of population that speak, read or write Welsh compared with other local authorities in Wales and it was not considered necessary for the LDP to contain a specific policy to address the Welsh language. The conclusion of the assessment of the likely effects of the plan on the use of the Welsh language in the community was minimal.

Environmental Impact Assessment Regulations 2016

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are relevant to the recommendations made. The officer report will highlight when an Environmental Statement has been submitted with an application.

Conservation of Species & Habitat Regulations 2010

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

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

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.

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee. 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.

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.

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

Persons registered to speak should arrive no later than 15 minutes before the meeting starts. An officer will advise on seating arrangements and answer queries. 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.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the objector will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the supporter will then be invited to speak for a maximum of 4 minutes by the Chair.
- The Chair will then invite the applicant or appointed agent (if applicable) to speak 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 speak for a maximum of 5 minutes.
 - 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.
 - The community or town council representative or objector/supporter or applicant/agent may not take part in the member's consideration of the application and may not ask questions unless invited by the chair.
 - Where an objector/supporter, applicant/agent or community/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 or a member of the Committee may, at the Chair's discretion, occasionally seek clarification on a point made.
 - The Chair's decision is final.
- Officers will be invited to respond to points raised if necessary.
- Planning Committee members will then debate the application, commencing with the local member of Planning Committee.
- 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 particular application.
- Response by officers if necessary to the points raised.
- Immediately before the question being put to the vote, the local member will be invited to sum up, speaking for no more than 2 minutes.
- When proposing a motion whether 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. 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
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 10th
April, 2018 at 2.00 pm**

PRESENT: County Councillor R. Edwards (Chairman)
County Councillor P. Clarke (Vice Chairman)

County Councillors: D. Blakebrough, L. Brown, A. Davies, D. Dovey,
D. Evans, M. Feakins, R. Harris, J. Higginson, G. Howard,
P. Murphy, M. Powell and A. Webb

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Craig O'Connor	Development Management Area Manager
John Rogers	Legal Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declarations of Interest

There were no declarations of interest made by Members.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting held on 6th February 2018 were confirmed and signed by the Chairman subject to the following amendment to Application DC/2008/00723 - Conversion of pre-1700 building into 19 Apartments, demolition of post 1900 structures and building of 31 new apartments and gatehouse. Troy House, Mitchell Troy, Monmouth, NP25 4HX

Page 4, bullet point 11 be amended as follows:

Concern was expressed that the ground floor units would be most vulnerable to flooding. The ground floor could be used as a lounge / utility area / gym where there would be less of an impact if flooding occurred.

Page 5, bullet point 3 be amended as follows:

In terms of potential flooding of the ground floor properties, the new build development will be above the flood levels. Therefore, these ground floor units in the 1 in 100 year climate change will be flood free. The only building that would be affected by flooding would be Troy House. The Head of Planning Housing and Place Shaping stated that to change the proposal of the ground floor to accommodate a lounge / utility area / gym where there would be less of an impact if flooding occurred, this would have an impact

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 10th April, 2018 at 2.00 pm

on the inherent character of the building and some of the ground floor rooms would have to be retained as they currently are. A Member stated that the application did not include a swimming pool because a lounge / utility area / gym are facilities that could be installed without altering the character of the building.

3. APPLICATION DC/2017/01449 - VARIATION OF CONDITION 6 (ALL EXISTING HEDGEROWS SHALL BE MAINTAINED AT A MINIMUM HEIGHT OF 3 METRES) - INSTALLATION OF SOLAR PANELS (APPEAL REF: APP/E6840/A/14/2212987). MANOR FARM SOLAR PARK, FIRS ROAD, LLANVAPLEY, ABERGAVENNY

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

County Councillor S. Jones, local Member for Llanover, attended the meeting by invitation of the Chair and outlined the following points having been contacted by local residents and by Llanarth and Llanover Community Councils:

- The importance of Condition 6 was key given the visual impact of this development and the detriment it would have towards both neighbours and to visitors to the local area.
- The hedges play a key role in reducing the visual impact of the development.
- The Inspector had stated in his report in approving the original application that the scheme would have a major effect on the character of the site itself and on the setting and views from its surroundings but that detrimental effect would be partially mitigated by the boundary hedges which would significantly limit views from close to the site. Therefore, Condition 6 had been imposed and was fundamental to approval of the original application.
- The Inspector had visited the site and was aware of the highways impact and aware of the layout of the site.
- Monmouthshire County Council Officers had also stated that from a highways perspective the conditions did not relate to any highway concerns.
- Condition 6 is one of a number of conditions that had been agreed as part of the planning consent.
- If there are concerns regarding highway safety then options need to be looked at between the landowner and the Solar Farm tenants rather than amending a condition that was a fundamental part of the planning consent.

Mr. L. Taylor, objecting to the application, attended the meeting by invitation of the Chair and outlined the following points:

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- Visibility at the junction of Firs Road is very good. Cutting back the hedgerows on Firs Road would not make a difference at that location.
- There is no safety issue at the junction with Manor Farm, as the visibility splay is very wide.
- Very little traffic travels along this road. The Traffic Management statement, that had been undertaken, confirmed this.
- Condition 6 requires that the hedgerows be cut back to three metres. The Solar Farm came into operation in June 2016. On the 2nd February 2017 a complaint had been made to the County Council that the hedgerows had been cut. After an investigation this matter had been reported.
- Mr. Taylor had undertaken an investigation and had noted that though some hedges were above the three metre limit, the majority, especially along the access track, had been cut below three metres. Six months later the hedgerows were also cut. Following a complaint the Enforcement Officer stated that a breach of condition notice had been served on the owners of the site in relation to the cutting of the hedges giving the County Council the authority to prosecute the owners should they again cut the hedges below three metres.
- In light of this information, a modification of Condition 6 would not be sensible.
- Condition 6 was imposed to protect the interests of those people who can see the site. The site is highly visible from many places outside of the vicinity of the site.
- Local people feel strongly that the assurances that had been given regarding Condition 6 should be adhered to.

The applicant, Mr. R. Foord, attended the meeting by invitation of the Chair and outlined the following points:

- Turning out of Manor Farm entrance, particularly to the south, with a tractor and trailer has become dangerous because of the lack of visibility over the hedges. The bonnet of a tractor is much further out in the road than a car before the driver can see any approaching vehicles.
- Approval of the application to apply a variation to Condition 6 would alleviate this issue.
- The proposal is to reduce the height of the hedge by one metre leaving a two metre high barrier neither walker nor car driver could see over. This will be for a distance slightly longer than that of a football pitch.
- This is a minor variation to a planning condition based on experience acquired since its introduction.

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Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins to defer consideration of application DC/2017/01449 to a future Planning Committee meeting to allow officers to negotiate with the applicant that there be no reduction of hedge height to the north side of the access and agree to the reduction of the existing hedge to two metres to the south side of the access on the proviso that there is a second hedge planted behind for the length of the reduced hedge height in front of the compound fence which can be maintained at three metres high, once matured.

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

For deferral	-	14
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved to defer consideration of application DC/2017/01449 to a future Planning Committee meeting to allow officers to negotiate with the applicant that there be no reduction of hedge height to the north side of the access and agree to the reduction of the existing hedge to two metres to the south side of the access on the proviso that there is a second hedge planted behind for the length of the reduced hedge height in front of the compound fence which can be maintained at three metres high, once matured.

4. APPLICATION DC/2016/01146 - AMENDMENT TO PHYSICAL BOUNDARY LOCATION AND CHANGE OF USE FROM AGRICULTURAL USE TO RESIDENTIAL CURTILAGE - PLOTS D6 - D10. 7-11 JAMES JONES CLOSE, LLANFOIST

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

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

- Having looked at previous planning applications in respect of this site made in 2009 and 2011, the need to extend the garden curtilage is not an issue for the local Member. However, the matter of the views towards the site from Castle Meadows and the conservation area has been and remains a key consideration.
- The outward appearance of the site is no less important now.
- The issue here is how to enable the boundary of the residential development to best assimilate with a sensitive riverside location.

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- Fences and walls of an overly domestic appearance and scale contrary to the original approval would not be appropriate whereas railings, post and wire or planting would be more suitable.
- Screening of a native species of hedging is helpful to some degree but for a short isolated length of linear planting, this would look incongruous. It would take some time to reach a height where it could achieve its purpose. Maintenance of the hedge would be required to ensure that it remained at a suitable height.
- The application, as it currently stands, will cause visual harm and is unacceptable.
- With regard to the landscaping condition, the hedge will be on third party land and outside the ownership and boundary of the application property.

Having considered the report of the application and the views expressed by the local Member it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins that we defer consideration of application DC/2016/01146 to a future meeting of the Committee to allow officers to explore the applicant's ability to plant up the proposed native species hedge. It appears to be proposed on third party land owned by Monmouthshire County Council so it would not be in the control of the applicant at this stage. The application would be re-presented to the Committee once this is clarified / agreed, either with the planting or without. If it cannot be planted up, investigations be made with the applicant to ascertain if agreement can be reached to remove the rear trellis.

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

For deferral	-	14
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved to defer consideration of application DC/2016/01146 to a future meeting of the Committee to allow officers to explore the applicant's ability to plant up the proposed native species hedge. It appears to be proposed on third party land owned by Monmouthshire County Council so it would not be in the control of the applicant at this stage. The application would be re-presented to the Committee once this is clarified / agreed, either with the planting or without. If it cannot be planted up, investigations be made with the applicant to ascertain if agreement can be reached to remove the rear trellis.

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5. APPLICATION DC/2017/00829 - PROPOSED NEW DWELLING. 20 CROSSWAY, ROGIET

We considered the report of the application which was recommended for approval subject to the conditions, as outlined in the report (without an affordable housing contribution).

The application was approved by Planning Committee in December 2017 subject to the applicant entering into a Section 106 legal agreement to provide a financial contribution of £9,982 for affordable housing in the local area. However, the viability report submitted by the applicant indicated that it was not viable for this development of a small single dwelling to make any financial contribution towards affordable housing and the Senior Strategy & Policy Officer (Housing) had agreed with this assessment.

The planning application was therefore re-presented to Planning Committee with a recommendation for approval as per the previous report but without a contribution for affordable housing.

Having considered the report of the application, some Members expressed their support for approving the application in light of the information provided.

However, other Members expressed the following concerns / issues:

- Often, affordable housing provision is reduced and it was considered that developers needed to be more flexible when assessing their profit margins to ensure that more affordable housing is provided.
- The Planning Committee would benefit from receiving a presentation by officers explaining the process that developers adhere to when assessing profit margins and when it is affordable to developers to provide a contribution towards affordable housing, in order to make the process clearer for Planning Committee Members.
- In response to a question raised regarding the viability report and whether there still might be enough profit being made by the developer to provide a contribution towards affordable housing provision, the Head of Planning, Housing and Place Shaping stated that the figures contained within the viability report had been rigorously scrutinised and it had been concluded that it would not be viable for the developer to provide a contribution towards affordable housing in this case.

It was proposed by County Councillor P. Murphy and seconded by County Councillor D. Evans that application DC/2017/00829 be approved subject to the conditions, as outlined in the report (without an affordable housing contribution).

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

For approval	-	8
Against	-	5

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Abstention - 1

The proposition was carried.

We resolved that application DC/2017/00829 be approved subject to the conditions, as outlined in the report (without an affordable housing contribution).

6. APPLICATION DC/2017/01405 - DEMOLITION OF HOUSE AND CONSTRUCTION OF A REPLACEMENT FAMILY HOME. RED HOUSE FARM, TAL Y COED, NP25 5HR

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

The local Member for Llantilio Crossenny, also a Planning Committee Member, informed the Committee that the existing property had not been modernised within the last 50 years.

In noting the detail of the application, some Members considered that the application should be refused and that the existing dwelling should remain for the following reasons:

- It is a traditional cottage located within a traditional farm setting that is common to Monmouthshire.
- The Landscape and Heritage Team's comments, outlined in the report, expressed their support for the retention of the existing dwelling and that a new dwelling would not be a suitable development for the area.
- It was considered that the design of the proposed new dwelling was not of a high quality and did not fit well within the surrounding area. Approval of the application would have a detrimental effect on the visual amenity of the area.
- The proposed dwelling does not reflect the heritage of Monmouthshire.
- It was considered that the application should be refused but the proposed development, in the form of a new application, should be presented to a future meeting of the Planning Committee at an alternative location on the site but near to the existing dwelling which would remain. Residential use of the existing dwelling could be removed or an agricultural tie could be placed on the new dwelling.

Other Members expressed their support for the application, for the following reasons:

- The existing dwelling was not considered to be a special dwelling that warranted retention. The proposed new dwelling does fit in with the landscape and is sympathetic to the surrounding area.

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- The proposed dwelling is an improvement in terms of landscape impact and overall design.

The Head of Planning, Housing and Place Shaping informed the Committee that, as Planning Officers, it was considered that there were no landscape or visual impact issues that would create a detrimental impact on the surrounding area. The design, context and setting of the proposed dwelling is good. The existing dwelling is not publicly prominent in this location.

Having considered the report of the application and the views expressed, it was proposed by County Councillor R. Harris and seconded by County Councillor A. Davies that application DC/2017/01405 be approved subject to the six conditions, as outlined in the report.

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

For approval	-	9
Against approval	-	5
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/01405 be approved subject to the six conditions, as outlined in the report.

7. Appeal decision 5 Welsh Street, Chepstow

We received the Planning Inspectorate report which related to the following appeal decisions Appeal A Ref: APP/E6840/E/17/3189971 and Appeal B Ref: APP/E6840/H/17/3190026 following a site visit that had been made on 20th February 2018. Site: 5 Welsh Street, Chepstow.

We noted that Appeals A and B were dismissed.

8. New Appeals 23rd February 2018 to 27th March 2018

We noted the new appeals received between 23rd February and 27th March 2018.

The meeting ended at 3.50 pm.

DC/2016/01146

AMENDMENT TO PHYSICAL BOUNDARY LOCATION AND CHANGE OF USE FROM AGRICULTURAL USE TO RESIDENTIAL CURTILAGE - PLOTS D6 - D10

7-11 JAMES JONES CLOSE, LLANFOIST

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Registered: 06/06/2017

1.0 APPLICATION DETAILS

1.1 This application was presented to Planning Committee on 10th April 2018 with a recommendation for approval. The application was deferred to explore whether or not a hedge outside the applicant's ownership could be planted up and maintained. Following discussions between the applicant, Local Member and Officers, it is now suggested that the trellis style fence be painted a dark green (Forest Green) to help it to blend into the vegetation below. It is also anticipated that existing and proposed planting behind the trellis within the applicant's own land, will in time grow up and further soften the appearance of the fence. The application is therefore recommended for approval with the following additional condition:

The outer (most northern) fence shall be painted 'Forest Green' in accordance with the details submitted by email dated 18th April 2018, within 6 weeks of the date of this decision and shall be maintained in that colour or a near equivalent in perpetuity.

Reason: To protect the appearance of the landscape and the Abergavenny Conservation Area.

PREVIOUS REPORT

1.0 APPLICATION DETAILS

1.1 The application seeks to regularise an amendment to the rear boundaries of five dwellings on James Jones Close. The application relates to plots D6 to D10 which are now known as nos. 7-11 James Jones Close. The boundary had to be changed after a landslide. The greatest distance that the new boundary extends is approximately 7.5m further to the south than the original line. Nos. 7-9 have retained their railings as the rear boundary as per the original consent for the larger residential development; no.11 has a post and wire fence and no.10 has a timber fence and post/ mesh fencing beyond.

1.2 The physical boundary line of no.10 is now sited beyond that of the neighbouring dwellings but in fact, this fence is on the legal boundary line of all of the properties that were affected by the landslide. Due to the steep, sloping nature of this part of the land however, none of the other occupiers have chosen to enclose their land beyond the line of the railings that are now visible.

1.2 The site is adjacent to the boundary of the Abergavenny Conservation Area.

1.3 The application is presented to Committee at the request of the Local Member.

2.0 RELEVANT PLANNING HISTORY

DC/2013/00860 – 80 dwellings (Reserved Matters). Approved 2014.

DC/2012/00810 – Residential development (Outline). Approved 2013.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

S13 - Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations

HE1 – Development in Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultation Responses

4.1.1 Former Local Member Cllr Hickman - I believe that the property with the trellis fencing should be made to replace it with the railings that match all the other properties. This would give a more pleasant view from Castle Meadows.

4.1.2 Current Local Member Cllr Howard – requests the application is presented to Planning Committee.

4.1.3 Llanfoist Community Council – General observations.

- i. It is unclear from the documents supplied to the Llanfoist Fawr Community Council who owns the land for which this permission is being sought.
- ii. The council have concerns over the stability of the bank and responsibility for maintenance in a difficult location as change of use to residential may give rise to extra planting/digging into the bank.
- iii. The council would wish to see the natural appearance of the bank maintained as this is a very prominent site, highly visible from Castle Meadows, Abergavenny. This area currently has a very pleasant riverbank scene that the council would not wish to see developed.

4.2 Neighbour Consultation Responses

3 representations received. Object on the following grounds;

- Whilst accepting a homeowner's right to security, privacy and ownership demarcation, in considering this application the authority should take into account the visual impact of the boundary finishes on Castle Meadows and ensure that they are generally in keeping with the environs of the location next to the River Usk.
- The application could set a precedent for home owners in the future to determine boundary finishes without reference to them being in keeping with the development as a whole.
- This area is now extremely open, because of the removal of a large amount of trees and shrubs, and very visible from Lynda Vista gardens, the Castle Meadows and the River Usk. The wooden fencing and trellis work is completely out of character not only for the area, but does not match, in any way the other properties on this site.
- It is not clear from this application why additional land is required. Before considering this application I would ask that officers/members refer back to the

original planning consent for this development and obligations relating to appearance from Castle Meadows and ensure they are enforced.

5.0 EVALUATION

5.1 Visual Impact

5.1.1 The main consideration of this application is the visual impact of the development upon Castle Meadows which is part of the Abergavenny Conservation Area. The changes to the actual boundary line as a result of the landslip have little visual impact by themselves where railings or post and wire fence have been used. However no.10 has erected a fence and then a trellis along their part of the boundary.

5.1.2 The fence and trellis have an impact on the setting of Castle Meadows as they are clearly visible from below, most notably during the winter months. However, having regard to the special circumstances of this site and the earthworks that have already been completed, it is considered that a planting buffer will, over time, adequately screen the fence. The retention of this planting buffer must be conditioned to ensure that it is retained in perpetuity. It is therefore considered that the development is in line with Local Development Plan (LDP) Policy DES1 relating to design and HE1 relating to development in or adjacent to conservation areas.

5.2 Residential Amenity

5.2.1 The change to the boundary line will have little impact on the amenity of neighbouring occupiers.

5.3 Response to Community Council Comments

5.3.1 The application form submitted identifies the residents of each dwelling as the land owners. The area of bank outside the red line boundary shown on the plans will be maintained by Monmouthshire County Council and is part of the Green Flag management area of Castle Meadows. The future stability of the bank is not a material planning consideration to be taken into account in the determination of this current application.

5.4 Response to Neighbour Comments

5.4.1 The issue of the fence to the rear of no.10 James Jones Close setting a precedent for other houses on the development has been raised. It is not considered that allowing a fence to the rear of this property would set an undesirable precedent. The circumstances surrounding the alteration to the boundary of this property are unlikely to be repeated elsewhere and in any event, each planning application should be determined on its own merits. As such it is not considered that allowing this development will set a precedent that would have to be followed in the future.

The visual impact of the change to the boundary is covered in paragraph 5.1.

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

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

recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.0 RECOMMENDATION: **APPROVE**

Conditions:

1	The development shall be carried out in accordance with the list of approved plans set out in the table below.
2	The planting buffer, as shown on drawing no. B300 dated 30.09.2016 shall be retained in perpetuity. Any plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species as set out in the planting schedule (email dated xx Feb 2018).
3	Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly authorised by this permission) shall be erected or constructed within the extended curtilages of the dwellings, 7-11 James Jones Close.

Application Number: DC/2018/00001

Proposal: Erection of five new dwellings and associated curtilages and parking and new access.

Address: Glanusk Farm, Kemeys Road, Llanfair Kilgeddin, Monmouthshire, NP7 9BE

Applicant: Mr & Mrs Govier

Plans: SITE LOCATION PLAN SAH11(X) - , Site Plan SITE 1-200 PLANNING REV A - , Site Plan REVISED SITE PLAN WITH PROPOSED DITCHES - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham

Date Valid: 02.01.2018

1.0 APPLICATION DETAILS

1.1 This application is for the construction of 5 dwellings on land at Glanusk Farm, Llanfair Kilgeddin. The site is allocated for around 5 dwellings in Policy SAH11 of the LDP, the specific site reference is SAH11(x). Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. The proposal relates to 3 affordable dwellings and 2 market dwellings and therefore complies in principle with both S4 and SAH11.

The application is outline only with all matters reserved.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00540	Check planning permission is valid and work carried out (to date). Consult with Building Control.	Invalid Application	
DC/2018/00001	Erection of five new dwellings and associated curtilages and parking and new access.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design
S4 LDP Affordable Housing Provision
SAH11 LDP Main Villages

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development

4.0 REPRESENTATIONS

4.1 Consultation Replies

Llanover Community Council - Recommend refusal.

The revised plans do not change the Council's position on this application. In particular, the revised plans to deal with the surface water drainage are not acceptable.

Previous comments:

Although this site was approved as a development site in the LDP this was because there was a Primary School in the village. This is no longer the case. The application is flawed because it refers to the need to do work on land outside the site and no notice appears to have been served on the owner of that land.

The application lacks essential detail as pointed out in other objections. In particular, it is not shown how the parking area currently provided at the end of Gethin Place for Nos.13,14 and 15, which is proposed to be used as part of the access to the development, will be replaced. It is difficult to see how it can be replaced elsewhere without adversely affecting access to existing properties in Gethin Place.

Also, there are no details of the provision of services, access, disposal of foul and surface water etc. There is a considerable drainage problem in the village, which affects Gethin Place, as has been recently identified in a Welsh Government (WG) Study, the resolution of which will be dependent on a successful application to WG for funding. The problem is caused by springs which in times of heavy rainfall cause water to erupt to the North West of the site. The natural pathway of this water cuts through the site and enters the road through Gethin Place joining surface water flooding on the R53. All this flooding is too much for the existing road drains. When the flow of water is impeded it finds a new course round properties to the North West of Gethin Place thus causing damage to these properties.

Dwr Cymru- Welsh Water - No objection subject to drainage scheme to be approved prior to commencement of development to include assessment of the potential to dispose surface and land water by sustainable means. Note that the development site was allocated in the Local Development Plan and we raised no concerns.

MCC Highways - Holding Objection. The additional parking for 13-15 Gethin Place cannot be positioned on existing or proposed publically maintained highway, the highway authority are not able to control or manage individual property parking. Such provision should be in the ownership or control of the residents or landlord.

It is noted that the applicant has considered the effect on the local surface water drainage by the submission of proposed intercepting ditches abutting the proposal and existing properties in Gethin Place. It is assumed that this has been submitted following consultation with the Council's Flood Risk Manager, these proposals are welcomed and the views of the Council's Flood Risk Manager are required but as indicated previously the surface water generated by the development should be managed sustainably and in accordance with the Recommended non-statutory standards for sustainable drainage (SuDS) in Wales and Technical Advice Note 15 Development and Flood Risk. Therefore as indicated I am not in a position to recommend approval of the application as it stands, however upon receipt of confirmation of the proposed surface water management for the site I would be willing to remove the holding objection and provide appropriate conditions to control the development.

4.2 Local Member

Local Member Cllr Sara Jones - Raises the following concerns (some of which have been addressed in amended plans submitted by the applicant):

The area below the application site has ongoing issues with flooding. These issues have the potential to be exacerbated by the development and negatively impact on neighbouring properties. These flooding issues are long standing and well documented; I would suggest a discussion with Highways (Andrew Welsh) and flooding (Ross Price) who are well versed in the issues here. The application does not show how the surface water drainage will be dealt with. It is also unclear what the proposals for sewerage and foul water disposal will be.

The application does not take into account the narrow access to the site along Gethin Place, which is without footpath. I am concerned that the current infrastructure, as it stands, will not be sufficient for the properties it currently serves, field access and the five new properties. It is likely to impact particularly on those properties in Gethin Place that do not have off street parking.

The scale of the development is lacking in detail, there should be written dimensions at critical locations, a site layout and there is a lack of information on how this will impact on neighbouring properties. Given the lack of detail it is impossible to say what the impact of the development will be for privacy, and potential for neighbouring properties to be overlooked.

In addition, and whilst these might be matters for a later planning stage, the application does not allude to the construction impact - it also does not reflect on the work required outside of the red line boundary and how this will be carried out and the permissions needed to be sought. At a further stage it would be worth considering green space provision for the children and families in the area.

4.3 Neighbour Notification

Fourteen representations. Object to the application on the following grounds:

Drainage

- The proposed new ditches in themselves will not resolve the issues for the following reasons:
 1. The replacement of the agricultural field with houses and roads will only increase the amount of water to be dispersed as the water that currently soaks into the field looks for an outlet.
 2. Open ditches are only effective if well maintained. Part of the surface water flooding problems elsewhere in the village result from inadequate maintenance of existing ditches.
 3. The proposed ditches would appear to only take the surface water from the land owned by the applicant onto the adjacent field to the west of Gethin Place thus increasing the flood risk to the six properties [# 2,4,6,8,10 and 12] on this side.
 4. The only other escape route for the water from the adjacent field is onto the R53 where it would join the flows down St Mary's Hill into the village.
- Work on the surface water flood alleviation should be required before outline consent is granted.

Other

- The village status under the LDP needs reassessment. In light of changes in Llanvair Kilgeddin since 2014.
- The Monmouthshire Council in its LDP submissions made the response, "The village is marginal in terms of its sustainability, having a small population size, limited facilities and poor access to public transport".
- The closure of the village school and loss of village field indicates that the status of the village of Llanvair Kilgeddin has changed and warrants a review, as the village no longer has the assets on which the LDP decision was made.
- There is no bus service except once a week Grassroutes bus.
- No evidence that sewers are currently fit for purpose.
- The roads are narrow without a pavement so not safe.
- The use of this road by construction traffic during the works will have a detrimental effect on the general safety of road users and pedestrians in the area.

- There is no detail with regards to an underground high voltage electricity cable that crosses the site.
- No mention of landscaping in the application.
- No details of how the highway will be managed to allow access to the development.
- Redevelopment of the school site is preferable to this proposal.
- There is little information on the drawing and the scheme does not take into account neighbouring properties, in respect of overlooking and significant loss of privacy.
- The developer should be providing public open space to replace that adjacent to the school.
- There are priority and protected species, and designated sites and important habitats near the proposed development, even though the proposal states otherwise. There are clear pathways of impact to the River Usk SAC that need addressing.
- Question the need for the new houses.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site is allocated for around 5 dwellings in Policy SAH11 of the LDP. Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. This proposal relates to 3 affordable dwellings and 2 market dwellings and therefore complies in principle with both S4 and SAH11. This allocation remains in place despite the closure of the Church in Wales primary school in the village.

5.1.2 Policy S7 - Infrastructure Provision indicates that in negotiating Section 106 agreements in such circumstances priority will be given to the affordable housing required by Policy S4, 'unless there is an overwhelming need for the available contribution, in whole or in part, to be allocated for some other necessary purposes'. In this instance, it should be ensured through a Section 106 agreement that the market housing is not constructed without the required provision of affordable housing.

5.1.3 General policies DES1 and EP1 relating to General Design Considerations and Amenity and Environmental Protection respectively must also be taken into consideration.

5.1.4 Policy MV1 relating to proposed development and highway considerations will also be of relevance.

5.2 Visual Impact

5.2.1 At the time of the site's allocation it was recognised that the site as drawn has no 'defensible' boundary as it is part of a larger field. The development would have to be suitably landscaped providing adequate screening where appropriate. Policy LC5 refers to the Protection and Enhancement of Landscape Character. At the detailed (reserved matters) stage the development would have to take into consideration the aims of this policy along with Policy NE1 in relation to Nature Conservation and Development and Policy GI1 relating to Green Infrastructure (GI). This development is not considered, however, to be one to which the detailed requirements of the GI Supplementary Planning Guidance apply (such as the provision of a GI Opportunities Plan, for instance), given the small scale character of the development and the need to give priority to the provision of affordable housing.

5.3 Drainage and Flooding

5.3.1 It was also noted at the time of the allocation of the site that part of the eastern area of the site had been identified as being affected by surface water flooding but at the 'less susceptible' level according to the mapping layers produced by the Environment Agency (now encompassed within Natural Resources Wales). However, since that time the Council has been working on a flood alleviation study in Llanfair Kilgeddin which has assessed the flooding mechanisms and flood risk within the village. The study has identified that surface water flood risk affecting Gethin Place is actually greater than that shown on Natural Resource Wales' flood maps.

5.3.2 A Project Appraisal Report has been submitted to and approved by Welsh Government and MCC have just been awarded grant funding to progress the detailed design of the preferred option this financial year. This preferred option was discussed with the land owner of the field to the north of Gethin Place and his representatives. The preferred option at this location consists of a cut off ditch to the north and western boundary of Gethin Place. Overland flows would be intercepted by this ditch and then conveyed southwards beneath the lane at the bottom of St Mary's Hill to the unnamed watercourse further to the south. The implementation of the preferred option described above is subject to further consultations with a number of land owners, approval of the detailed design and a future funding application to Welsh Government for the construction phase.

5.3.3 At the meetings above, options for the proposed development to discharge surface water into the proposed flood alleviation scheme ditch, should it be constructed, were discussed. Hypothetically speaking, should the two schemes go ahead, the flood alleviation scheme ditch would be constructed as described and the proposed ditch around the boundary of the proposed development could be installed and connected to the flood scheme ditch (subject to detailed design/consents etc.). However, as the proposed housing development is reliant on the flood alleviation scheme going ahead, a Grampian condition (i.e. a planning condition that prevents the start of a development until off-site works have been completed on land not controlled by the applicants) is recommended to be imposed on the outline planning consent preventing any development prior to an agreed drainage scheme which demonstrates the proposed development will not be at risk from overland surface water flows from adjacent land, and that the site will be sustainably drained in accordance with MCC's existing policies (Policies SD3 - Flood Risk and SD4 - Sustainable Drainage), Welsh Government's 'Recommended non-statutory standards for sustainable (SuDs) in Wales' and 'TAN 15: Development and Flood Risk'.

5.4 Highway Safety

5.4.1 Access is proposed via Gethin Place which is an existing narrow estate road without a footway on either side, designed and built when car ownership levels were considerably lower than they are today. As a result, on street parking is experienced.

5.4.2 The proposed development provides off-street parking which meets the Monmouthshire Parking Standards for all of the new properties. The layout of the access also ensures that the existing space on the public highway used by nos. 13-15 Gethin Place for parking will still be available together with an additional two spaces off the proposed new access road. The on road parking situation for existing dwellings on Gethin Place will not change as a result of the development which has its own private parking provision. As such, it would be unreasonable to refuse the application on the grounds of lack of parking.

5.4.3 It is considered that due to the small scale of the development, the proposed new dwellings will not lead to an unacceptable increase in traffic using the cul-de-sac and that no additional on street parking will be generated as a result of the new houses. It should also be noted that the impact of the proposal on the immediate highway network is further influenced by the reduction in traffic movements following the closure of the local Church in Wales primary school.

5.5 Residential Amenity

5.5.1 The proposed new dwellings have been laid out so as to avoid direct overlooking between them and the existing bungalows at nos. 13-15 Gethin Place. Furthermore there are distances of at least 21m between elevations in all cases. The detailed fenestration and internal layouts will be considered at Reserved Matters stage.

5.6 Response to the Representations of the Community/Town Council

5.6.1 The issues raised by the Community Council have been addressed above.

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

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

6.0 RECOMMENDATION: APPROVE subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

The market housing shall not be constructed without the required provision of affordable housing.

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

REASON: The application is in outline only.

2 (a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.

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

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

4 No development shall commence until a flood alleviation scheme for surface water run-off has been implemented in accordance with details that have been approved by the Local Planning Authority prior to those works being carried out.

REASON: To prevent surface water flooding.

DM/2018/00380

ERECTION OF FOUR NO. ONE-BEDROOM TERRACED MEWS TYPE DWELLINGS, WITH CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS

LAND AT ELM ROAD, CALDICOT - REDUNDANT GARAGE BLOCKS

RECOMMENDATION: Approve

Case Officer: Craig O'Connor

Date Registered: 05/04/2018

1.0 APPLICATION DETAILS

- 1.0 The site lies within Caldicot in a residential area that is characterised by modern two storey semi-detached properties. The existing site accommodates a group of garages that are leased to local residents by Monmouthshire Housing Association (MHA). A notification to demolish the garage was served on the Council in February 2018 (reference number DC/2018/00209) and no further information was required in relation to that demolition. This application seeks to construct four modern terraced properties at the site to replace the garages, with associated parking and landscaping of the site.
- 2.0 The proposed one-bedroom terraced bungalows would be constructed by MHA. The proposed dwellings have been designed by architects from Cardiff University Project Office as part of a larger project to build 'homes for life'. The design of the dwellings has been carefully considered to ensure high energy efficiency and to ensure there is versatility to adapt to change depending on the occupiers' circumstances. The proposed bungalows would be modular and be in the form of a wedge with a cat-slide roof. The proposed properties would have a private courtyard space at the rear of the property. They would have a footprint that would measure approximately 5.2m x 12.5m and would be 6.4m high on the front elevation, falling to 2.7m at the rear. The proposed dwellings would be constructed with a 'Euroclad' metal raised seam roof, the external walls would be white render and the openings would be grey coloured aluminium. The boundary treatments proposed for the site include grey-painted close boarding fencing and stone gabion baskets at the front of the dwellings.

2.0 RELEVANT PLANNING HISTORY

DC/2018/00209 Demolition Notification for the demolition of single storey garage blocks. No further information required March 2018

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 Spatial distribution of new housing provision
- S4 Affordable housing provision
- S13 Landscape, Green Infrastructure and the Natural Environment
- S16 Transport
- S17 Place making and design

Development Management Policies

H1 Development in main towns
DES1 General Design principles
EP1 Amenity and environmental protection
MV1 Proposed Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Caldicot Town Council – Response to be issued on 26th April 2018

Environmental Health – No objections to the proposals subject to the suggested conditions and informatives. Based on that report I would recommend that a site investigation/risk assessment procedure be undertaken by the developer in accordance with CLR11 “Model Procedures for the Management of Land Contamination”. Should it be considered appropriate to grant planning approval prior to a contaminated land site investigation I would recommend that the conditions (EH01 a-e and EH03) be attached to ensure that the site is fully investigated and, if necessary, remediated to ensure the protection of public health.

MCC Highways Officer – There are concerns that existing off-street car parking provision has been lost as a consequence of the demolition works; it is, however, understood that it did not require planning consent. Therefore we as Highway Authority had no opportunity to comment on the proposals. In light of the aforementioned we would comment on the application as presented which is for the erection of 4 no. one-bedroom dwellings with associated access and car parking. Access to the development is proposed via the existing site access and therefore remains unchanged as part of the proposal. Rear access is being retained for existing properties on Firs Road. The car parking provision is shown at 5 car parking spaces, 1 space for each dwelling with an additional space for visitor parking. The Monmouthshire Parking Standards specifies 1 car parking space to be provided per bedroom per dwelling with a maximum of 3 car parking spaces per dwelling. The proposed development therefore meets the car parking standards. In light of the aforementioned there are no highway grounds to sustain an objection to the application subject to the suggested conditions relating to the submission of a construction management plan and surface water management plan.

Dwr Cymru Welsh Water – No response to date although officers and the applicant are aware that there is a public sewer within the site and the applicant would have to liaise with Dwr Cymru directly in relation to this matter. An informative would be added to any consent.

4.2 Neighbour Notification

There have been two representations received to date in relation to this application that outline the following:

- The loss of the garages for local residents is unacceptable
- With tenants having a place to park their cars there will be congestion on the roads and people parking on the pavement. This will be a nuisance for people with pushchairs and for disabled people.

- Concerns over access for emergency services with more cars parked on the road
- Can the site not accommodate garages for local residents?

One of the responses is not an objection but is a copy of a letter sent to MHA from a local resident who queries whether the applicant would consider dropping the kerb in front of his home and taking down the wall to accommodate parking in the front curtilage to replace the garage lost as a result of the proposal [N.B. this is a matter for the applicant and is not a planning consideration]. The resident also suggests that only five of the 32 garages were being used to park cars but that has not been corroborated by the applicant at this stage.

There were four representations received in relation to the previous demolition notification DC/2018/00209 that outlined the same concerns that the loss of the garages would result in congestion and parking on the existing highway. There was also an issue raised with regards to the health and safety of removing the garages and ensuring that neighbouring party's boundaries are maintained.

4.3 Local Member Representations

Cllr Easson – I afford my support to the four mews properties planned, with misgivings at the increase in street traffic and parking that the development may well create. The decision to bound off the development on four sides with close boarded fencing does leave some questions to be answered.

5.0 **EVALUATION**

5.1 Principle of the proposed development

- 5.1.1 The principle of constructing new residential development within the settlement of Caldicot is acceptable subject to material planning considerations, having regard to Policies S1 and H1 of the Local Development Plan (LDP). The application is by MHA and is to provide affordable housing and so therefore there will be no requirement for the developer to provide any financial contribution for the development. However they will need to sign a legal agreement to ensure that the housing would be for affordable purposes only in perpetuity. The site is capable of accommodating the four terraced properties without resulting in there being an overdevelopment of the site. The proposed dwellings would be constructed in a linear form and would be a contemporary interpretation of a traditional terrace. The layout of the site allows for green open space and activate frontages. The development would introduce modern design and a new street scene to the area. It is considered that the visual appearance of the area would be enhanced by the development. The submitted plans illustrate the proposed access, parking arrangements and private amenity space for each dwelling which demonstrates that each dwelling can be adequately accessed and would have adequate garden space. The principle of siting the dwellings at the site is considered to be acceptable and the development would be in accordance with Policy H1 of the LDP.

5.2 Design and visual impact

- 5.2.1 The visual impact of this proposed contemporary form of dwelling is not harmful to the character and appearance of the locality. The terraced dwellings proposed would introduce a distinctive, modern element of design to the site; however the dwellings would directly relate to each other and would create a new, interesting street scene. The demolition of the dilapidated garages and the introduction of this development

would improve the appearance of the area. The proposed dwellings would be symmetrical, balancing each other visually and they would not be visually dominant or overbearing. While the proposed dwellings would be a contrast to the existing arrangement, their scale and form would not result in them being alien to the area. The cat-slide roof would be on the rear of the properties and would have minimal visual impact. The modern design would revitalise the site and provide much needed affordable housing to the area. The character and appearance of the immediate area would be enhanced by the development. The proposed design approach has been carefully considered by architects from Cardiff University who have been tasked with developing a modular building that would be fit for purpose in terms of energy efficient and being adaptable as life time homes.

5.2.2 The one-bedroom dwellings would be relatively modest in scale and the proposed layout is appropriate for the site. The dwellings would have white rendered external walls and a grey metal roof that would appear clean and modern. While the metal roofing material would contrast with other properties this would be a key element of the design approach and the proposed resultant dwellings would enhance the visual appearance of the site, as well as integrating well with the other properties in the locality. The dwellings would respect the existing form, scale, massing, materials and layout of its setting and improve the appearance of the area in accordance with Policies S1, S13, S17, EP1, DES1 and H1 of the Monmouthshire LDP.

5.3 Residential amenity

5.3.1 The proposed dwellings would be sited on an existing site of garages and would not result in an overdevelopment of the site. The dwellings are of a relatively modest scale and would not have an impact on any other party's privacy or private amenity space in accordance with the Policy EP1 of the LDP. The proposed dwellings have been carefully designed to ensure that they do not have an impact on any neighbouring party's residential amenity including loss of privacy or by being overbearing. There are only first floor windows on the front elevation of the dwellings and there would be an intervening distance of 19.5m between the front of the buildings and the boundary with No 2 Sycamore Avenue. This is considered to be an acceptable intervening distance. The proposed dwellings would have angled views into the rear gardens of properties along Firs Road but given the intervening distances and the angles of sight involved the proposed development is not considered to have an unacceptable impact on any party's privacy. The proposed development would not harm residential amenity and would be in accordance with Policy EP1 of the LDP.

5.3.2 The proposed access arrangements for the site are acceptable and would not result in any harm to highway safety. The site has been used to accommodate garages and therefore the site has been associated with moderate levels of traffic movements. The introduction of the proposed dwellings would not be out of character with the area and the proposed layout plan outlines sufficient parking provision for the proposed development with each property having one car parking space in accordance with Monmouthshire's Parking Guidance. The Highways Officer has reviewed the proposals and has no objection to the development subject to the suggested conditions. The proposed development would be in accordance with the requirements of Policy MV1 of the LDP.

5.4 Response to concerns from Local Member and residents

5.4.1 There have been objections and concerns raised in relation to the loss of the garages at the site for use by local residents and the impact that this would have on the highway network. The demolition of the garages is a decision that has been taken by MHA and

officers could not ensure that the garages remain. It is understood that 15 of the 32 garages were not let out and there are other garages in the locality that could be available for tenants to rent out as alternative provision – e.g. Park Road garages, recently refurbished, which are 280m as the crow flies from the application site. The chief consideration is whether or not the proposed development is acceptable based on the proposal's planning merits. As outlined in section 5.3 the proposed dwellings would have sufficient parking provision and the Highways Officer has not raised any concerns regarding the development. Concerns have been raised by the Local Member and some neighbouring parties in relation to how those parties are to maintain their rear boundaries. This would be a civil matter between MHA and the local residents rather than a material planning consideration. The submitted plans outlines acceptable forms of boundary treatment that would be appropriate for the site and the area.

5.5 Conclusion

5.5.1 The proposed terraced dwellings would provide an innovative form of affordable housing to the community that would enhance the appearance of the site and the locality. The form, scale and design of the dwellings are considered to be appropriate for the site and the development would not have an adverse impact on any other party's residential amenity. The development would introduce modern design into the locality that is of an appropriate form and scale and would be in accordance with the relevant policies in the LDP. The development would therefore be acceptable.

6.0 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.

6.0 RECOMMENDATION: Approve subject to legal agreement to ensure that the dwellings are for affordable housing provision in perpetuity

Conditions/Reasons

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: For the avoidance of doubt.
3. No development shall commence until a construction traffic management plan (CTMP) has been submitted to and agreed in writing with the Local Planning Authority. The CTMP shall be implemented during the course of the works as agreed.
Reason: To protect the amenity of the neighbouring properties and the operational capacity of the highway network.
4. No part of the development hereby permitted shall commence until:
 - a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.

- b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

- d) Following remediation a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
- e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

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

5. Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

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

6. Prior to the construction of the dwellings the exact materials for the dwellings and the hardstanding areas shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with those approved details.

Reason: To ensure a satisfactory form of development.

7. Prior to the construction of the dwellings a surface water management plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with those approved details prior to the occupation of the development.

Reason: To ensure that surface water is effectively managed.

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

Reason: If substantial extensions or alterations were constructed it may have an adverse impact on the design concept.

DM/2018/00381

ERECTION OF FOUR NO. ONE-BEDROOM TERRACED BUNGALOWS, WITH CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS.

LAND AT CROESONEN ROAD (GARAGE BLOCKS), ABERGAVENNY, NP7 6HR

RECOMMENDATION: APPROVE

Case Officer: Craig O'Connor

Date Registered: 05/04/2018

1.0 APPLICATION DETAILS

1.0 The site lies within Abergavenny in an area that is characterised by a mix of different properties that vary in scale and design. The existing site accommodates single storey garages that are leased to local residents by Monmouthshire Housing Association (MHA). A notification to demolish the garage was served on the Council in February 2018 (reference number DC/2018/00212) and no further information was required in relation to that demolition. This application seeks to construct four terraced bungalow properties at the site to replace the garages.

2.0 The proposed one-bedroom terraced bungalows would be constructed by MHA and the design and type of dwellings to be constructed have been designed by architects from Cardiff University Project Office as part of a larger project to build 'homes for life'. The design of the dwellings has been carefully considered to ensure high energy efficiency and versatility to adapt to changes in occupiers' circumstances. The proposed bungalows would be L shaped and would have a private courtyard space. They would have a footprint that would measure approximately 8m x 12.45m and have a cat slide roof that be approximately 4.8m at its highest point and 2.7m at the eaves. The proposed dwellings would also would have a chimney. They would be constructed with a 'Euroclad' metal raised seam roof, the external walls would be white render and the openings would be colour coated aluminium.

2.0 RELEVANT PLANNING HISTORY

DC/2018/00212 Demolition Notification for the demolition of single storey garage blocks. No further information required March 2018

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 Spatial distribution of new housing provision
S4 Affordable housing provision
S13 Landscape, Green Infrastructure and the Natural Environment
S16 Transport
S17 Place making and design

Development Management Policies

H1 Development in main towns
DES1 General Design principles
EP1 Amenity and environmental protection

4.0 REPRESENTATIONS

4.1 Consultations Replies

Abergavenny Town Council – response awaited; any received in the interim will be reported as late correspondence.

Environmental Health – No response to date

MCC Highways Officer – There are concerns that existing off-street car parking provision will be lost as a consequence of development and removal of the garages. However it is understood that the planned demolition of the garages does not require planning consent and therefore we as Highway Authority are unable to comment on this element of the proposal. In light of the aforementioned we would comment on the application as presented which is for the erection of 4 no. one-bedroom dwellings with associated car parking. Access to the development is proposed via the existing access road and therefore remains unchanged as part of the proposal. The car parking provision is shown at 7 car parking spaces, 1 space for each dwelling with an additional 3 spaces for visitor parking. The Monmouthshire Parking Standards specifies 1 car parking space to be provided per bedroom per dwelling with a maximum of 3 car parking spaces per dwelling. The proposed development therefore meets the car parking standards. In light of the aforementioned there are no highway grounds to sustain an objection to the application subject to the suggested conditions being applied to any grant of planning approval relating to surface water drainage and a construction traffic management plan.

MCC Tree Officer – No response to date

Dwr Cymru Welsh Water – No response to date

4.2 Neighbour Notification

No objections received to date.

4.3 Local Member Representations

Cllr Groucutt – No concerns with proposals

5.0 EVALUATION

5.1 Principle of the proposed development

- 5.1.1 The principle of constructing new residential development within the settlement of Abergavenny is acceptable subject to material planning consideration having regard to Policies S1 and H1 of the Local Development Plan (LDP). The application is by MHA and is to provide affordable housing and so therefore there will be no requirement for the developer to provide any financial contribution towards affordable housing. The applicant will, however, have to sign a legal agreement to ensure that the housing would remain for affordable housing provision in perpetuity. The site is capable of accommodating the four terraced bungalows without resulting in there being an overdevelopment of the site. The proposed layout plan illustrates that the site would retain open green space around the dwellings and the resultant development would not appear incongruous to the area. The dwellings would be constructed in a linear

form of development and would be viewed as a modern interpretation of a traditional terrace of bungalows. The properties in the area vary in scale, form and design and therefore there is scope to construct dwellings at the site that are of a contemporary design. The submitted plans illustrate the proposed access, parking arrangements and private amenity space for each dwelling and outline that each dwelling can be adequately accessed off the existing road safely and would have adequate garden space. The principle of siting the dwellings at the site is considered to be acceptable and the development would be in accordance with Policy H1 of the LDP.

5.2 Design and visual impact

5.2.1 The proposed contemporary design of the dwellings would not be harmful to the character and appearance of the locality. The proposed terraced bungalows would introduce a distinctive, modern element of design to the area, but the dwellings would directly relate to each other and would create a new street scene. The development would enhance the visual appearance of the site with the demolition of the existing dilapidated garages. The dwellings proposed would be symmetrical and balance each other visually and being single storey they would not be visually dominant or overbearing. The character of the immediate area would be enhanced by the development. The proposed design approach has been carefully considered by architects from Cardiff University who have been tasked with developing a modular building that would be fit for purpose in terms of energy efficient and being adaptable as a life time home. The proposed dwellings are of a contemporary design that would enhance the visual appearance of the area.

5.2.2 The proposed bungalows would be relatively modest in terms of their footprint and size. The proposed layout is appropriate for the site and the resultant development would retain green spaces around the dwellings. The modern design of the proposed dwellings would enhance the appearance of the street scene. The proposed dwellings would have white rendered external walls and a grey metal roof that would appear clean and modern. While the metal roofing material would contrast with other properties nearby this would be a key element of the design approach and the proposed resultant dwellings would enhance the visual appearance of the site, as well as integrating well with the other properties in the locality. The dwellings would respect the existing form, scale, massing, materials and layout of its setting and improve the appearance of the area in accordance with Policies S1, S13, S17, EP1, DES1 and H1 of the Monmouthshire LDP

5.3 Residential amenity

5.3.1 The proposed bungalows would be sited on an existing group of garages and would not result in an overdevelopment of the site. The bungalows are of a relatively modest scale and would not have an impact on any other party's privacy or private amenity space in accordance with the Policy EP1 of the LDP. There have been no objections to the proposals to date.

5.3.2 The proposed access arrangements of the site are acceptable and would not result in any harm to highway safety. The site has been used to accommodate garages and therefore the site is already associated with moderate levels of traffic movements. The introduction of the dwellings would not be out of character with the area. The proposed layout plan outlines sufficient parking provision for the dwellings with each property having one car parking space in accordance with Monmouthshire Parking Guidelines. The proposals also offers two additional visitor parking spaces and one additional disabled car parking space. The proposed development would be in accordance with the requirements of Policy MV1 of the LDP.

5.4 Conclusion

5.4.1 The proposed bungalows would provide an innovative form of affordable housing to the community that would enhance the appearance of the site and locality. The form, scale and design of the dwellings are considered to be appropriate for the site and the development would not harm any other party's residential amenity. The development would introduce modern design into the locality that is of an appropriate scale and appearance and would be in accordance with the relevant policies in the LDP and therefore the development would be acceptable.

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

6.1.1 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.

7.0 RECOMMENDATION: Approve subject to legal agreement to ensure that the dwellings are for affordable housing provision in perpetuity

Conditions/Reasons

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 including the Tree Survey plans.
Reason: For the avoidance of doubt.
3. No development shall commence until a construction traffic management plan (CTMP) has been submitted and agreed in writing with the Local Planning Authority. The CTMP shall be implemented during the course of the construction works, as agreed.
Reason: To protect the amenity of the neighbouring properties and the operational capacity of the highway network.
4. Prior to the construction of the dwellings the exact materials for the dwellings and the hardstanding areas shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory form of development.
5. Prior to the construction of the development a surface water management plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details before the development is occupied.
Reason: To ensure that surface water is effectively managed.
6. Prior to the dwellings being occupied a detailed boundary treatment plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the development being occupied.
Reason: To ensure a satisfactory form of development.
7. Notwithstanding the provisions of Article 3, schedule 2, Part 1 Classes A B C D F & H of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no

enlargements, improvements or other alterations to the dwelling houses shall be erected or constructed.

Reason: If substantial extensions or alterations were constructed it may have an adverse impact on the design concept.

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Matthew Coward
Cadw
Plas Carew
5-7 Cefn Coed
Parc Nantgarw
Cardiff
CF15 7QQ

17th April 2018

Dear Matthew

**LISTED BUILDING CONSENT DELEGATION
Annual Report from 1st March 2017 to 28th February 2018.**

The purpose of the report is to outline all work undertaken by the heritage team in terms of heritage Management in line with the terms of delegation.

1.0 General

During the reporting period the team has benefitted from a consistency in the team allowing the Jonathan and Molly time to settle in and develop a strong team presence. This has been further supported by the addition of Ben Terry, Green Infrastructure, Landscape and Urban Design Officer. Ben has qualifications and experience in Urban Design and Landscape and has been an invaluable addition to the team. He has taken a strong lead in Conservation Area Management by being responsible for commenting on all planning applications in conservation areas. Ben is also responsible for commenting on planning applications that have an impact on landscapes in Monmouthshire, including replacement dwellings to larger scale housing developments.

2.0 Applications

This report includes all applications where consent has been granted under delegated powers, i.e.:

all approvals relating to Grade II listed buildings, except:

- a) those which only involve internal works and therefore were not referred to Cadw prior to delegation;*
- b) those which involve demolition as defined in Circular 1/98*
- c) those buildings where the Local Authority is the applicant.*

Accompanying this report is a list of the decisions we have made over the twelve months of this reporting period. All the decision notices and officer's reports can be found as per the Councils website.

This written report endeavours to provide an overview of the applications and non - application based workload, of the heritage team during the above reporting period.

Over the time period a total of 102 Listed Building Consent applications and 9 Conservation Area Consent applications were received. These figures include all determined applications following negotiation by the heritage team of all grades of buildings.

In total over the time period the council has determined 116 LBC applications of this 19 were referred to Cadw under the terms of Delegation (Grades II* and I buildings). We have seen an increase in the number of applications from the last year, from 68 in 16/17 to 116 in 17/18 including LBC's, CAC's, Doc's and pre-application enquiries.

In virtually all cases the successful applications were amended through negotiation with officers of the heritage team, consequently in the majority of cases negotiations resulted in the application taking longer than the target 8 weeks to reach determination for the first half of the reporting period. This was in part due to the staffing issues addressed later in the report. However, from September onwards the application timescales have improved significantly as can be seen in the table below. From April 2018 onwards WG will be recording timescales for LBC applications as part of the Annual Performance Review. This figure will be the number of applications determined on time which includes applications determined in 8 weeks or within the agreed extension of time. 60% or less would be in the 'improve' banding and 80% or more would be classed as good. The below table shows the figures over the current reporting period. Figures for February 2018 are unavailable at present due to the changeover of the computer system.

Month	Registered	Determined	Within 8 weeks	Within EoT
March 17	9	6	0%	33%
April 17	7	5	0%	40%
May 17	6	7	0%	43%
June 17	5	6	0%	17%
Jul 17	7	3	0%	0%
Aug 17	12	1	0%	0%
Sept 17	8	14	21%	64%
Oct 17	7	18	17%	83%
Nov 17	6	3	33%	66%
Dec 17	8	6	33%	67%
Jan 18	13	14	64%	100%
Feb 18				
TOTAL				

In particular over the period there has been extensive negotiation on the following applications;

Troy House (Grade II*)- Application for conversion of house to apartments and enabling development. Application was first registered in 2008 and has been subject of significant negotiations and detail required in order to bring the application to Committee. Further details are set out in the Buildings as Risk sections below.

Mulberry House (Grade II) – Application for internal alterations of house, chapel and apartments. Concurrent application for new build within the grounds. The application benefitted from discussions over design and improvements to the proposed extension and new build. Approved

Town Farm, Grosmont (GII*)- Applications for renovations involved lengthy discussions seeking to retain important internal fabric. Approved

Wyelands House, Mathern (GII) – On going work, including alterations to the garden buildings, stables and house. All approved

Kings Head, Monmouth (GII*)– resulting from emergency works, a number of applications were then submitted to rectify works and propose further enhancement and repair. All Approved

HMP Usk, (GII*), Installation of wireless fire protection system throughout the whole prison. Approved

Anchor Inn, Tintern (GII) – Internal and external alterations to the building involving a highly sensitive setting. Approved

LLandowlais Farm, LLangybbi (GII) – Conversion of Barns, not carried out in accordance with the approved plans resulting in additional applications. Approved

2 Mounton Cottages – (GII) extensive discussion over window details- Approved

It is important to note that out of the 116 applications determined, only 8 applications were refused, these include

44 Castle Terrace GII* – rear addition of a raised decking area

HMP Usk GII* - installation of a hard wired fire protection system

1 and 3 Mounton Cottage, Mounton Estate, Two separate applications both involving the removal of original windows to rear

Ye Olde Tippling Philosopher, Caldicot. Attached garages to the rear

Lloysea Barn, Trellech. Two separate applications for large extensions to the barn conversion.

5 Welsh Street, Chepstow. Addition of large signage to gable.

All refusals were at officer level.

Of the eight applications above, only one is currently subject to appeal, relating to 5 Welsh Street. This was a written representation case which in late March was dismissed by the Inspector, enforcement action will now secure the removal of the unauthorised signage. Two further appeals were considered against two applications notified in the last report. The included the Britannia Inn, Abergavenny, (removal of internal floor) and Wyndcliffe Court, St Arvans, (replacement roof covering). The former was withdrawn by the applicant shortly after the case officer submitted their statement of case. In relation to the latter the appointed Inspector dismissed the appeal and supported the Officer decision. However, the applicant has since lodged and appeal to the High Court to challenge the Planning Inspectorates decision. The court has granted leave for the challenge to progress to a hearing.

At the time of writing the last report Woodlands House (former Magor Vicarage) was subject to call in and will be considered by the planning inspectorate in June 2017, in line with the full M4CaN Public Inquiry. MCC gave evidence in the opening day of Inquiry, which was adjourned to consider the potential to relocate the listed building. MCC have been having ongoing discussions with WG over alternative sites and options for the house. The call in is now closed and with final statements provided on the 16th March 2018. A decision is anticipated at the close of the M4CaN Inquiry.

Officers of the team also deal with discharge of condition applications, for all LBC and CAC applications and those for planning applications where a heritage input is required. Officers have directly handled 40 Discharge of Condition applications for LBC and CAC. Officers also have an input on concurrent planning applications/ advertisement consent applications/non material amendments where they impact on the historic environment. In addition officers will also carry out monitoring of the works on LBC and CAC applications as well as planning applications where a heritage asset is affected.

As I'm sure you're aware in terms of the workload dealt with by the heritage team the applications make up only a proportion. On top of the applications there are significant levels of consultation responses on planning applications. In addition following the granting of consent the heritage team actively ensure that conditions are discharged and carry out thorough monitoring, to ensure compliance with the approved plans. In terms of proactive work the heritage team pursue cases where unauthorised work has been carried out and also attempt to engage with owners of listed buildings whose properties are within the 'At Risk' category of the Buildings At Risk register. Details of these areas of work are provided below.

2.0 Consultation responses :

a) The Royal Commission on Ancient and Historical Monuments in Wales (RCAHMW) have been consulted on all applications where significant work, and demolition, has been proposed. In the past the Commission have always responded to consultations. However there has been less direct input from them during this period, despite this their input has always proven extremely useful. In addition Richard Suggett has also attended site during works where necessary to advise and provide further recording of the historic asset. In particular Richard has given extremely helpful advice on site at Town Farm in Grosmont.

b) Glamorgan Gwent Archaeological Trust (GGAT) responds to consultation with full guidance. They have regularly advised watching briefs and less often a programme of archaeological investigation.

c) The amenity societies have developed a new joint email which has caused some confusion over who should respond. However, as this is in relatively early stages, time should be given for the process to be bedded in.

d) Community or Town Councils. Responses are nearly always received though often only with a recommendation for approval or refusal.

3.0 Grant work.

Within this reporting period there has been a reduction in the availability of grant funding and therefore limited activity in terms of grant work.

4.0 Planning.

As well as the detailed caseload above, the heritage team work closely with planning colleagues to achieve high standards of design in all of the conservation areas, and in some cases outside conservation areas where there is a heritage and landscape element which has not been afforded any statutory protection. This advice is significant and extremely important for the broader historic environment of the county. Many application responses are small in length but cumulatively have a significant impact. More sizeable sites where there has been significant ongoing input include:

On-going phase II of redevelopment and mixed use new build at 20-22 Monnow Street, Morrisons Supermarket, Abergavenny, including the public realm works
Public Realm works along Frogmore Street, Abergavenny
Extension of Aldi supermarket in Abergavenny
Newbridge House Extension and external alterations, Tudor Street Abergavenny
Courts and Police Station, demolition and redevelopment of flats, Tudor Street, Abergavenny
Re-development of Heronhurst showroom, Brecon Road, Abergavenny
Restoration and redevelopment of Henstaff site, Brecon Road, Abergavenny
Residential development of 600 houses at Fairfield Mabey in Chepstow
Residential development at Bishops Barnet Wood Chepstow
Land management at LLanover/Coldbrook Estate
Residential development of Land at Monmouth Road, Raglan.
Redevelopment of the Ford garage site in Raglan Town Centre.
Residential development at Nailers Lane, Monmouth adj to Monmouth Castle.

In addition advice was also provided on other works within Conservation areas, which include:

Significant public realm improvements in Abergavenny Conservation Area together with ongoing collaboration with the Abergavenny Town Team (community group) have been completed to a high standard and very successful. These have since been extended to the northern end of Frogmore Street and around Lion Street.

Discussions over similar public realm improvements in Agincourt Square, Monmouth also with Monmouth Town Team. These are ongoing and dependant on funding.

Preliminary discussions over traffic management and public realm improvements in Usk.

5.0 Pre-application advice

The introduction of the pre-application enquiry service for listed buildings has proved significantly helpful and very popular. Charging for specialist advice was carefully considered and the evidence collected now shows that this has not 'put off' applicants, rather it has encouraged owners of listed buildings to seek advice and be confident moving forward with their proposals. This has helped the heritage team not only to add value to the application process in discussing proposals to listed buildings early on, but equally as important, to improve the understanding and appreciation of the building together with forming a good working relationship with owners and agents.

From the 1st July 2017 the pre app charging schedule changed and introduced additional fee paying services. The pre application charging increased from £60 for a Listed Building enquiry to £120. The enhanced services are discussed in the following section.

In the reporting period 47 formal pre-application enquiries have been submitted and dealt with directly by the heritage team. This is similar to the last reporting period of 50 enquiries. Providing and income of £4,620. In addition heritage officers have had direct input in planning pre applications as an additional officer. This includes pre applications from small alterations to large scale housing sites. Due to the way the data is collected at present it is extremely difficult to extract exact figures but these include many of the residential developments mentioned above and;

49 Maryport Street, Usk demolition and rebuilding of new dwellings on the site.
Abbey Hotel Tintern, redevelopment of the site and conversion of barn
Hillside, Abergavenny, Residential development
Monmouth sports ground – new sports building
Willows Garden Centre, residential development
Troy Lodge, proposed swimming pool
Priory House, Usk – Alterations

6.0 Enhanced Services

In addition to pre application advice, in July we received Cabinet Member approval for the development of enhanced services. This included the roll out of pre-purchase enquiries and completion certificates as mentioned in the last report. These have not been as popular as anticipated as we have only received 4 applications for pre-purchase applications and 1 application for a completion certificate. This has resulted in £880 income. However, those who have used the service have been happy with the results. In addition the team have also had a significant involvement in developing and supporting the enhanced services and fee income delivery across all DM functions.

In addition to these services we have also offered a fast track service in relation to listed building consent applications. To date we have had 4 fast track listed building consent applications, at an income of £1100. Further work is required to resolve timing issues with the necessary external advertising.

7.0 Enforcement

During this reporting period Molly Edwards has settled in and has been a very positive enhancement to the team and helping return to a much needed consistent level of staffing.

At the time of writing we are in the process of installing a new computer system and at present it is difficult to extract exact data on enforcement cases. However Molly has been actively involved in the following cases,

White House Farm Kilgedden, a retrospective listed building consent was refused for the installation of French doors to the front elevation and upheld at appeal, followed by an enforcement notice requiring the former windows to be reinstated. The reinstatement has been actively pursued, and it is anticipated that the replacement units will be installed shortly.

Pentwyn Farm, LLantilio Crosenny – Unauthorised works relate to the replacement windows to the farmhouse and replacement roof and covering to the barn. Meetings have been held with the potential new purchaser in order to rectify the work through a property transfer. However at the time of writing this maybe unlikely and therefore a formal enforcement notice will be served.

LLandowlais Barns, Llangybbi.- Three of the curtilage listed barns on site have been converted to residential uses, however the works have not been in accordance with the approved plans. Works to Units 2 and 3 have been addressed through monitoring and co-operation by the owner. Works to Unit 1 remain unauthorised, however negotiations are being held with the owner. If these breakdown a formal notice will be served.

Little Bank, Usk – Unauthorised works included a number of unauthorised roof lights to the building, the case had been on going for a number of years due to queries over legal ownership and searches at the time of purchase. However, extensive negotiations have been undertaken and agreements made to accept some roof lights. Amended plans are anticipated and a retrospective application will be determined shortly.

Glance Back books, Chepstow- was a building in a poor state of repair, this was addressed with the owner via letters and general advice and so the owner has undertaken the necessary work to vastly improve the condition of the building and the impact on the conservation area.

5 Welsh Street, retrospective Listed Building Consent has been refused for the erection of signage to the gable end of the terrace, this has been appealed and we are awaiting the Inspectors decision. If the appeal is dismissed an formal enforcement notice will be served to secure the signs removal.

In relation to the Kings Head in May 2017 it was considered necessary to serve a Temporary Stop Notice to restrict ongoing works on the building. Work was being undertaken without consent that had gone beyond that agreed for structural work. This allowed the owners to carefully consider the works they wanted to carry out and phase the works and necessary applications.

16.0 Monitoring cases and Discharge of Conditions.

Likewise staff changes that impacted on our capacity to carry out the same level of monitoring have now been resolved.

Principal cases monitored during this reporting period were:

Residential development at the Hill, Abergavenny
Town Farm, Grosmont
St James House, Monmouth
3 St James Street, Monmouth
43 Drybridge Street, Monmouth
LLandowlais Farm
Usk Prison Walls
St Pierre Marriot House, Mathern
Mounon House,
Britannia Inn
Morrisons Abergavenny

Monitoring remains time-consuming work but this authority is committed to requiring full compliance. The continued pressure is critical and helps to ensure that agents and applicants remain focused on discharging conditions and complying with approved plans. Reinforcing that work undertaken at the point of negotiation. It remains the case that in nearly all monitoring cases our advice is needed, either to address issues that have happened or to stop them from happening. This has resulted in a better customer service as well as avoiding any unnecessary enforcement action. This proactive approach helps not only the protection of the historic fabric but also helps to build relationships with applicants and agents.

17.0 MCC Planning website.

Following a reconfiguration of the website the work previously undertaken was largely wiped away, leaving a watered down version. Staffing shortages within the webpage team continue to block the creation of exemplar pages. Unfortunately this has yet to be resolved since the last report. We are pursuing this as a whole Development Management Team to produce the right information, or links to pages, in the right place for the service user.

18.0 Conservation Area Management

Following the adoption of 18 of the Conservation Area Appraisals in March 2016, they have been widely used by the team and have proved a useful and informative tool for applicants as well.

There is limited funding for the remaining 14 Conservation Areas that require an up to date appraisal. It is unknown when this can be achieved.

Following this process two other areas within the borough were put forward for consideration of conservation area status. These include a new conservation area within Abergavenny for the Richmond Road area and the garden city area towards Bulwark, Chepstow. Whilst there is sympathy for both, the Richmond Road area requires further work whilst it is felt that Conservation Areas status would not provide the right approach for the Bulwark area.

The team continue to respond to all planning applications in Conservation Areas, advising on improvement and negotiating where necessary. Ben Terry has taken the lead on this and has had direct input on a number of larger scale developments in various town centres across the county.

19. Buildings At Risk

Proactive work continues in an attempt to try and remove the buildings from the At Risk category of the Buildings At Risk Register. The list below details some of the key buildings where action has been taken.

Piercefield (Grade II*) – Following on from the initial discussions outlined in the last report, further progress has been made to build relationships with the Racecourse and to agree a schedule of works for another round of urgent works to stabilise the existing structure. The Racecourse has commissioned an accredited Conservation Architect together with a Conservation structural engineer to prepare a schedule of works for support and propping. This is now to include works to the barn, stables, garden walls as well as the pavilions and the main house. We have also met with SAVE Britain's Heritage Director on site to discuss how SAVE can help promote awareness of the building at a more national level.

The Priory (Grade II) and Gatehouse (Grade I) – MCC served a Repairs notice in 2013, however due to a lack of options for the site or potential purchasers/partners for a back to back agreement the continuation with a CPO has not been pursued. Usk Civic Society have been very keen to pursue options and have confirmed that they would be willing to fund the district valuer for a report to get an indication of value and therefore potential

compensation in the event of a CPO. This is very promising and will be pursued in the near future.

However, work stalled on site with regards to compliance with the 215 in relation to the stables and conversion to residential. The owner was threatened with a second prosecution for noncompliance with the notice and has subsequently appointed a reputable architect to work on their behalf. This has however not produced any new applications or any noticeable work on site. Further prosecution remains a very real possibility.

Caerwent House. Caerwent (Grade II). Following the CPO the building has been transferred to Spitalfields Building Preservation trust. The trust have been on site measuring and recording the building and have submitted a listed building consent and planning applications. This can now be processed as the ecology reports have been submitted. The application proposes the conversion of the house into two separate dwellings, whilst this is not ideal the building does lend itself to sub-division and so this will facilitate a viable future for the building.

During the next reporting period it is anticipated that we will be dealing with the tribunal and legal challenge for compensation of the owners. This will be very resource intensive and we anticipate that this will take 6 months to complete.

10 New Market Street, Usk - aka the White House. (Grade II). Works have commenced on site with regards to the extension of the public house however this has not been carried out in accordance with the approved plans. This has been addressed through a retrospective listed building consent and planning application to agree appropriate mitigation. The main house remains in very poor condition and the need to serve a 215 notice increases as the building is still deteriorating.

Troy House (Grade II*). Significant progress has been made in relation to both the listed building and planning applications. This has involved an extensive period of productive negotiation in relation to the proposed plans. The application was referred to Cadw with the recommendation for approval which was confirmed in January 2018. The planning application was referred to Planning Committee with a recommendation for approval and such has subsequently been notified to WG due to its position in a C2 flood zone. At the point of writing we are awaiting confirmation as to whether WG intend to call in the application for Inquiry.

Despite this, Planning Committee has also granted approval to service an Urgent Works Notice to address the condition of the building which would include works to the roof, propping of the staircase and propping of the highly decorated plaster ceilings. This building is considered to be a priority for the Local Authority.

Kings Head Monmouth – Lengthy negotiation and numerous applications for listed building consent have been submitted and approved throughout the reporting period. This has facilitated the reopening of the public house portion of the building. The hotel section remains closed due to specialist work required to the plaster ceilings. During the works significant plaster paintings were discovered in the earlier part of the building which has been restored and protected as part of the works. It is anticipated that this will be finished in the coming months. This has required a considerable amount of officer time in order to advise and expedite the re-opening of the pub and hopefully hotel in the near future.

Buildings at Risk Strategy – Given the number of listed buildings in the county and the issues surrounding many of them, it is considered that the Authority would benefit from a Buildings At Risk Strategy. In order for this to be effective and a useful tool, it was considered that this should take the form of an action plan rather than repetition of policy. It will identify the buildings that are considered to be most at risk in the County and identify what action should be taken. The buildings will then be prioritised in terms of risk and availability of resources. It is anticipated that this work will be completed by the next reporting period.

21.0 Council input on wider heritage discussions

I was part of the Task and Finish group looking at the potential for collaboration between Local Authorities in terms of specialist heritage management. The group has met a number of times and a report was collated by Cadw to be presented to the Minister for approval. We are awaiting the outcome of this report.

Work is also being undertaken in North Wales looking at the service collaboration and improvements. As part of this one work stream is looking at income generation and cost recovery. I have helped provide data in terms of the overall cost of processing applications based on our internal processes and service delivery for comparison in North Wales. In addition the team were interested to hear about the fee income services that we currently offer and the costs and benefits of these processes.

MCC have also been asked to work with Cadw looking at the process of implementing the new provisions under the Historic Environment Wales Act 2016 in relation to Heritage Partnership Agreements. Initial meetings will be held in March aiming to consider what HPA's will achieve and how they will work. This may result in a trial agreement with a local large landholder that has shown interest in progressing a HPA with us.

During the reporting period we have been through a year of monitoring with Cadw officers, including two full days of site visits to secure named officer delegation or Grade II* listed buildings. In addition as part of this process we are also seeking approval for Jonathan Morgan to also receive named officer status. This has received a very positive response from Cadw and we are hopeful of reaching a conclusion in the coming months. If successful, MCC would be the first LPA to receive this enhanced delegation in Wales.

I have also attended a Welsh Government Public Inquiry at the Senedd into the Historic Environment. My role was to provide evidence from a Local Authority position in relation to all aspects of the Historic Environment including, the use of new legislation, use of enforcement powers and the role of the Local Planning Authority in the protection of the Historic Environment.

The role of Chair for SWCOG has passed to Cardiff, however MCC continue to attend all meetings and actively participate in the group. In addition I led an afternoon CPD session on enforcement hoping to pass on lessons learnt from the action taken in MCC. As a group we have responded on the recent Law Commission consultation with regards to the proposed changes in LBC process where it was agreed to gather evidence to support the responses. Jonathan still retains the post of CDP co-ordinator on the group.

In addition to this I was asked to speak at the annual RTPI enforcement conference in relation to enforcement in the Historic Environment using case studies of the type of action that MCC has taken and the lessons learnt. This was well received.

The heritage team have also been working with a local Building Preservation Trust, the Village Alive trust in order to support their work helping save buildings at risk. The Trust have some grant funding available and we have supported them in developing a conference aimed at owners of buildings on the at risk register in Monmouthshire encouraging them to take action to address the buildings condition. The conference took place in May 2017 and was well attended. I was asked to give a presentation outlining the legislation surrounding listed buildings and the approach taken by MCC. This also proved very helpful and allowed us to make contact with owners of all types of listed buildings in Monmouthshire improving a working relationship.

MCC have also provided a full response to the recent Law Commission Consultation, this involved attending relevant meetings to hear directly from the Law Commission to fully understand the impact of the proposals. The Council have provided a full response to the consultation stating that we are not in support of the proposed changes to merge listed building consent and planning permission. However, it was used as an opportunity to propose some other enhancements that could be carried out to the process that would help create efficiencies in both time and income.

22 Internal Systems. In late February the Development Management team had a new computer system which has resulted in learning new processes. There has been a short period where we were unable to issue decision notices while the data was transferred from the old to the new systems. No doubt this will result in a dip in performance figures while the new system beds in, however this will be offset by significant improvements in efficiency in automation of the new processes.

23 CPD

Throughout the reporting period staff have undertaken both internal and external training involving;

General

Officers and members attended training by DFcW on design at Monmouthshire County Council.

Officers attended a conference in Bristol regarding Heritage Management and Policy Application.

Officers attended a Planning Law Seminar on the New Heritage Act Wales

I am also enrolled on a L4 ILM qualification in Management and Leadership due to complete the course by the end of March 2018.

I also attended a session on Compulsory Purchase Orders by Harriet Townsend of Cornerstone Barristers.

Jonathan is working towards his IHBC membership and will be submitting his submission very shortly. Jonathan also attended a number of training courses including,

4 day Timber framing course

Number of Stone Forum field trips

2 day conference on Vernacular Architecture Survival.

Molly has attended also attended a course on timber framed buildings.

Yours sincerely,

Amy Longford

Heritage Manager

For Corporate Director – Regeneration, Environment and Resources.

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 08/02/18

Ymweliad â safle a wnaed ar 08/02/18

**gan Janine Townsley LLB (Hons)
Cyfreithiwr (Nad yw'n ymarfer)**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22.03.2018

Appeal Decision

Hearing Held on 08/02/18

Site visit made on 08/02/18

**by Janine Townsley LLB (Hons) Solicitor
(Non-practising)**

an Inspector appointed by the Welsh Ministers

Date: 22.03.2018

Appeal Ref: APP/E6840/A/17/3187998

Site address: Llan y Nant Farm, Trellech Grange, NP16 6QN.

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr George Prichard against the decision of Monmouthshire County Council.
- The application Ref DC/2017/00524, dated 2 May 2017, was refused by notice dated 25 September 2017.
- The development proposed is restoration and conversion of stone barn in accordance with supporting documents and plans.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site is situated outside of any settlement boundaries and is therefore within the open countryside for the purpose of development plan policies. Local Development Plan (LDP) strategic policy S1 states that outside settlement boundaries permission will only be allowed for certain types of new residential development, including dwellings necessary for agricultural, forestry or other appropriate rural enterprises in accordance with Technical Advice Note 6 *Planning for Sustainable Rural Communities* (TAN6). TAN 6 states that one of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. The TAN sets out the criteria to establish when a new dwelling on a new rural enterprise may be justified and sets out the criteria to be satisfied by proposals. The proposal is for an additional dwelling on an existing enterprise.
3. TAN 6 requires that applications for new rural enterprise dwellings in the open countryside should be supported by robust evidence¹ and that a rural enterprise dwelling appraisal must accompany planning applications. The appraisal should

¹ Paragraph 4.7.1

address the functional, time, financial, other dwelling and other normal planning requirements tests.

4. The Council accepts that the proposal falls within the TAN 6 definition of a rural enterprise and that the permission sought for residential use is in connection with the rural enterprise.
5. The Council has confirmed in written evidence and at the hearing that planning officers are satisfied that there is a functional need for a full time worker and that the employment is likely to remain financially sustainable. However I have not seen any detailed evidence relating to the functional and time test, nor have I seen any accounting evidence in relation to the financial test nor a business case as required by the TAN². This means I am unaware how much of the farm's income is derived from farming as opposed to other income, for example rental income. This is set out in more detail within the reasons for this decision.
6. Accordingly, the Council's concern in this case is whether the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise and if it could not, whether this proposal would meet the usual planning requirements set out in local and national policy. Therefore the main issue to be considered in this decision is:
 - Whether the proposed rural enterprise dwelling is justified with particular reference to the alternative dwelling and usual planning requirements tests set out in TAN 6 and local planning policy.

Reasons

7. The appeal site comprises a barn which consists of stone walls and no roof. This falls within a farm holding known as Llan y Nant farm of some 277 acres with a further 140 acres of grassland occupied by annual arrangement. The proposal is for an additional dwelling for the appellant's daughter who, I heard, works full time on the farm, her primary role being the day to day management of the dairy herd. I note the appellant's representations that she can no longer share the farmhouse with her parents now that she is married. At the hearing, the appellant stated that the proposed residence would provide accommodation for the appellant's daughter, her husband and her stepson.
8. The appellant's evidence is that this should not be considered to be a conversion but rather a simultaneous renovation and conversion and that the application should not be considered under the LDP conversion policies. At the hearing I asked that this be clarified in order that I could ascertain what distinction was being made. However the appellant was unable to offer any further clarification other than to assert that the proposal was not a total re-build. This does not change the position that the application was made for a rural enterprise dwelling; the Council have determined the application as such and I have determined the appeal on this basis.

The Alternative Dwelling Test

9. The Council states that the proposal does not meet the alternative dwelling test outlined within paragraph 4.11 of TAN 6 as it has not been demonstrated that the functional need of the enterprise could not be fulfilled by another building suitable for conversion at the farm or that a new build dwelling could not be constructed with the group of farm buildings.

² At paragraph 4.4.1

10. Most of the existing buildings within the farm are grouped together. Adjacent to the farmhouse are two barn conversions and a group of barns one of which is unused (and referred to within the evidence as barn B) and the others house animals. Between this group of buildings and the entrance of the farm is a bungalow.
11. I observed that the appeal barn (referred to within the evidence as barn A) is located some distance away from the other farm buildings, towards the farm boundary. Barn A itself is open to the elements, without a roof. Adjacent to barn A is another open barn, partially roofed but generally open to the elements. These are set within the contours of the land, partially built into the slope. Behind a row of trees there is just visible a highway and a small group of houses which fall just outside the farm boundaries. None of the other farm buildings are visible from barn A and due to this and the physical separation distance of approximately 0.8 of a mile, it cannot be said that that barn A relates to the other buildings. It is clearly isolated from them. This is so even if it is possible to use an off road vehicle to drive directly between it and the other farm buildings.
12. A structural appraisal has been submitted which concludes that barn A is in generally good condition and that the degree of rebuilding required would be limited. The appellant states that the proposal represents an achievable solution based on its size and the cost of works. However, due to the lack of financial information provided, it is not possible for the appellant to be able to demonstrate that the size of dwelling which the enterprise can afford to build and maintain has been assessed. Whilst I note the appellant's representations that the proposed dwelling would be affordable, this is not based on any detailed financial information relating to the farm.
13. The appellant states that it has yet to be established that Barn B is capable of conversion, however the onus is on the appellant to demonstrate that there are no other dwellings or buildings suitable for conversion which are available to meet the need³.
14. The Council's written evidence refers explicitly only to barn B as a potential alternative. Whilst I note the appellant's representations that barn B is larger and therefore would be more costly to convert, I have not seen any evidence to confirm that this would be the case, nor that it would be necessary to convert the whole structure. The only evidence submitted in relation to barn B states that it was originally intended for conversion to three rental properties and reference is made to pre-application discussions for this. I note also that the appellant states that barn B would be needed if any future expansion of the herd were to take place, however there is no evidence of when that expansion is planned, nor whether any such expansion could be facilitated by other facilities on site. The appellant has therefore failed to satisfy the alternative dwelling test in this regard.
15. There was a smaller barn shown during the site visit which the appellant confirmed is used for calves. The appellant explained that this area was an integral part of the farm and essential for animal welfare and I see no reason to doubt that. Further, from my own observations, whilst the barn had a traditional appearance from the front section, this area was limited in size and the majority of the barn was of corrugated sheeting material.
16. I am mindful of paragraph 4.11.1 of TAN 6 which states that if there are existing dwellings on the enterprise it needs to be shown why these cannot be used to meet the needs of the enterprise for a resident worker, and why labour or residential

³ TAN 6 4.11.1

arrangements cannot be re-organised to ensure that the existing accommodation meets the needs of the enterprise without the need for a further dwelling. In this particular case there are four existing dwellings on the appeal site. In addition to the farmhouse where the appellant's daughter and her family currently reside, there is a bungalow which I understand to be owned and occupied by the appellant's mother and two barn conversions which are privately rented out. One of these is a single bedroomed dwelling and the other has two bedrooms. The appellant states that these were developed as farm diversification and they are rented out, the income from which makes up a significant proportion of the overall farm income.

17. Without any financial evidence, I am unable to ascertain how much of the farm income derives from these rental properties as opposed to farming income which would be used to justify an additional dwelling. Likewise, without evidence relating to these properties it is not possible to determine that these should not be taken into account as a potential alternative for the needs of the enterprise. This too is a factor which leads me to conclude that the alternative dwelling test has not been satisfied in this case.
18. I heard that the Council do not expect the appellant to produce evidence of alternative properties which may be available to buy or rent in the locality due to the isolated location of the farm. This, I am told, means that no other properties would be reasonably accessible. I see no reason to question this position. This, however, does not alter my overall conclusion that the appellant has failed to satisfy the alternative dwelling test.
19. The Council also states in evidence that a new build would be preferable to the appeal proposals but the appellant asserts that this is not anticipated by the TAN 6 guidance. The Welsh Government Practice Guidance to TAN 6 provides clarity on this issue and states that a new build dwelling should only be considered where it has been demonstrated that no reasonable alternative is available. For the above reasons, I have concluded that this does not apply in this case.

The Usual Planning Requirements Test

20. I have already concluded that the proposal fails the alternative dwelling test, however, even had the evidence in support of the proposal satisfied this requirement, TAN 6⁴ states that proposals should also satisfy the usual planning requirements in terms of design, sustainability and access and that the siting of the proposed dwelling should relate closely to the activities for which there is a need; "In most cases this will mean that the new dwelling should be sited in close proximity to existing buildings and in the case of dwellings for agricultural enterprises, should not be isolated from the farmstead or in locations that could encourage farm fragmentation".
21. The appellant states that there has been a structure at the appeal site for many years and that it is an established part of the landscape. This is not disputed. Against this background, the Council has not set out in any detail why it is felt the proposal would have an unacceptable impact on the landscape and when asked to elaborate at the hearing no detailed reasons were forthcoming. Notwithstanding this, I have already found that the proposal fails to meet the alternative dwelling test set out in TAN 6 and in this regard, the proposal fails to comply with policy S1 of the LDP.
22. Without that agricultural justification, the proposed dwelling constitutes unjustified new development in the open countryside that is not grouped with existing buildings

⁴ At paragraph 4.12.1

contrary to policies S1 and LC1 of the LDP. Accordingly, I conclude that the usual planning requirements test has not been satisfied.

Conclusion

23. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.
24. For the aforementioned reasons, and taking into account all matters raised, I conclude the appeal should be dismissed.

Janine Townsley

Inspector

DOCUMENTS

- 1 Letter of Notification of Appeal

APPEARANCES

FOR THE APPELLANT:

Robert Fox Fox Rural

George Prichard

Laura Kitson

FOR THE LOCAL PLANNING AUTHORITY:

Craig O'Connor Monmouthshire County Council

INTERESTED PERSONS:

Cllr Ruth Edwards

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 27/03/18

gan **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 12/04/18

Appeal Decision

Site visit made on 27/03/18

by **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 12/04/18

Appeal Ref: APP/E6840/D/18/3195534

Site address: Parklands, Llandogo, Monmouth, Monmouthshire NP25 4TW

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A Jones against the decision of Monmouthshire County Council.
- The application Ref DC/2017/01265, dated 14 September 2017, was refused by notice dated 20 December 2017.
- The development proposed is described as 'New vehicular access to Parklands, to separate access from Holiday Let within grounds, to provide secure garden to Parklands'.

Decision

1. The appeal is allowed and planning permission is granted for a new vehicular access to Parklands, to separate access from holiday let within grounds, to provide secure garden to Parklands at Parklands, Llandogo, Monmouth, Monmouthshire NP25 4TW in accordance with the terms of the application, Ref DC/2017/01265, dated 14 September 2017, and the plans submitted with it subject to the following conditions:
 - (i) The development shall begin not later than five years from the date of this decision.
 - (ii) The development shall be carried out fully in accordance with the details shown on Drawing Ref BP2609/00 prior to the beneficial use of the access hereby approved.
 - (iii) No structure, erection or planting exceeding 0.9metres in height shall be placed, erected or grown in the visibility splay.
 - (iv) No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

Procedural Matters

2. The Council has incorrectly referred to Mr A James as the applicant in its decision notice. The appellant has clarified that the name shown on the planning application form and the subsequent appeal form is Mr A Jones.

Main Issue

3. This is the effect of the proposed development on highway safety.

Reasons

4. The appeal site comprises a dwelling known as 'Parklands' and its large garden, which fronts the A466, a Class 1 Primary Road Network. Along its road frontage, there is continuous line of conifer trees separated from the carriageway by a grass verge.
5. Parklands and the wider site in the appellant's ownership is served by an existing vehicular access off the A466. This existing gated access is set back from the carriageway with flanking low stone walls and splays in both directions.
6. The proposal would result in the formation of a new vehicular access alongside the existing access (with a distance of 21 metres between centre lines) to serve Parklands only, which would incorporate a 6 metres set back from the kerb edge to the gates and 2.1 metre x 160 metre visibility splays in both directions. The existing access would remain and would continue to serve the holiday let, the agricultural buildings and the telecommunications mast.
7. The Council has not taken issue with the design of the proposed access or the visibility from this access to on-coming traffic in either direction along the A466. Rather, the Council's concern relates to the juxtaposition of the proposed and existing vehicular accesses and its implications for highway safety. It contends that the creation of a new separate access represents an unnecessary additional point of conflict onto the A466 within close proximity to existing means of access to surrounding properties (*my emphasis*).
8. The Council has not provided me with any national or local planning policy which requires the appellant to demonstrate a need for a new vehicular access or which states that such proposals can only be favourably considered where they are deemed necessary.
9. However, the need to ensure that new development does not compromise highway safety is entrenched in both national and local planning policy. To this end, I have had regard to the Council's argument that the development would be within close proximity to other existing vehicular accesses on a route which is a Class 1 Primary Road Network and has the potential to result in an additional point of conflict.
10. The site lies on a relatively straight section of the A466 which is subject to a 40 mph speed limit. I saw that it has clear visibility of oncoming traffic in both directions. Hence, there would be excellent forward visibility for a vehicle entering or exiting the new access.
11. In my opinion, the proposal is unlikely to significantly increase the volume of vehicular movements at or around the appeal site; it would merely re-direct the vehicular movements associated with the existing dwelling to the new access but the activity associated with the other uses on the wider site would remain as existing. Similarly, the level of use associated with the lane providing access to a paddock immediately to the north-east would appear to be relatively low given its nature and character, and there is no reason to believe that this situation would change as a result of that proposed. In this context, and given the relatively modest level of use of the proposed and existing accesses, it is unlikely that vehicular movements entering and exiting the access points would coincide.

12. Be that as it may, the appellant has described several scenarios that might occur with the concurrent use of the existing and proposed accesses. I agree that the inter-visibility between the existing and proposed access points is such that the associated vehicular movements would be undertaken by drivers in full sight of each other. As such, in the infrequent event of a vehicle exiting the proposed access at the same time as one entering the existing accesses, the latter would have the right of way and the driver of the exiting car would wait until the vehicle leaving the highway completes its manoeuvre.
13. In a situation where cars exit from the proposed and existing accesses at the same time, drivers of both vehicles would have good inter-visibility of each other from a distance in the order of 20 metres, with no vehicle having right of way over the other. Whilst such movements may cross where their directions of travel converge, it is likely to be an infrequent occurrence in relatively low traffic speed within the 40mph speed limit¹, thus providing drivers with the opportunity to complete their manoeuvres safely and in full sight of each other.
14. Where vehicles seek to leave the highway to enter the proposed and existing accesses at the same time, their movements would be sufficiently divorced to avoid conflict with each other as their paths would not cross.
15. Consequently, I do not consider that the proximity of the proposed access to the existing accesses, the volume of vehicles using the accesses and the pattern of movements described would be likely to result in an additional point of conflict onto the A466 such that it would have serious implications in highway safety terms.
16. Furthermore, the Council has not provided any compelling evidence of adverse highway conditions in the vicinity. Neither has it cited any record of road traffic accidents that have arisen from vehicular movements using the existing accesses or those associated with the properties on the opposite side of the A466 where their access points also lie in close proximity to one another. That is, there is no substantive evidence to suggest that the proposal would lead to a dangerous highway situation where one does not presently exist.
17. I therefore find that the proposal is acceptable in terms of highway safety and would meet with the aims of Policies EP1 and DES1 of the adopted Monmouthshire Local Development Plan 2014 (LDP), which *inter alia* support new development proposals that would ensure a safe environment and would not cause unacceptable harm or risk to amenity, including public health or safety.
18. The appellant has also drawn my attention to LDP Policy MV9 which deals with new proposals affecting County Routes, including the A466. I consider that the development the subject of the appeal meets with its requirements to favourably consider proposals which are in the interests of road safety and the efficient movement of traffic.

Conditions

19. I have had regard to the Council's suggested conditions and whether they meet the tests outlined in Welsh Government Circular 016/2014 '*The Use of Planning Conditions for Development Management*'.

¹ There is no evidence before me to suggest that traffic speeds are higher than the speed limit along this section of the A466.

20. In accordance with the provisions of Section 91 of the 1990 Act, the standard condition specifying a time limit for the commencement of development is imposed.
21. A condition requiring the development to be carried out in accordance with the details shown on the approved plans prior to the beneficial use of the access is necessary in the interest of highway safety, albeit I have amended the wording suggested by the Council in the interests of clarity and precision.
22. A condition stating that no surface water shall be permitted to drain from the site onto the adjoining highway is reasonable to ensure a satisfactory form of drainage. It is also necessary to attach a condition preventing any structure, erection or planting exceeding 0.9metres in height in the visibility splay to ensure that adequate visibility is maintained in the interest of highway safety.

Conclusion

23. For the reasons I have given, and having regard to all matters raised, the appeal is allowed.
24. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.

Melissa Hall

Inspector