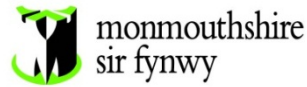


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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 25 February 2019

Notice of meeting:

Planning Committee

Tuesday, 5th March, 2019 at 2.00 pm,
The Council Chamber, County Hall, The 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 (copies attached):	
4.1.	Application DM/2018/00880: Outline application for up to 130 dwellings, provision of new open space including a new community park and other amenity space - Land to east of Church Road, Caldicot	9 - 56
4.2.	Application DM/2018/00894: Conversion of existing outbuilding into two new 3-bedroom dwelling houses, Hatcham Barn, Cwrt William Jones, Monmouth	57 - 72
4.3.	Application DM/2018/01339: The implementation of consent DC/2014/00161 after storm damage, all details are to be reconstructed as original approved design - Old Manor Cwrt B4233, Trothy Bridge to Pen-y-Parc, Llantilio Crossenny	73 - 78
4.4.	Application DM/2018/01635: Full planning application for the development of four affordable dwellings - Land At Llantillio Crossenny	79 - 88
4.5.	Application DM/2018/01641: Erection of fuel storage building to replace existing open storage compound and relocation of 2 no. portacabin office buildings together with parking provision - Trostrey Court Farm Barns Clytha Road Trostrey Common Gwehelog	89 - 100

4.6.	Application DM/2018/01784: Erection of two, two bedroom semi-detached houses - 72 The Close, Portskewett, NP26 5SN	101 - 108
4.7.	Application DM/2018/02068: Conversion of barn to holiday accommodation (2 dwellings) - Barn 1, Penterry Farm, Chapel Hill Road, Penterry, St Arvans	109 - 116
4.8.	Application DM/2019/00142: Development of 1 no. shed and 2 no. polytunnels, a foot path and associated works to supplement services offered at the Resource Centre - Mardy Park Resource Centre, Hereford Road, Mardy, Llantilio Pertholey	117 - 122
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received.	
5.1.	Appeal Decision: Caestory Avenue, Raglan	123 - 126
5.2.	Costs decision: Caestory Avenue Raglan	127 - 128
6.	Draft Infill Development Supplementary Planning Guidance (SPG)	129 - 166

**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

<https://democracy.monmouthshire.gov.uk/documents/s5949/AMENDMENTSTOTHEPROTOCOLONPUBLICSPEAKINGATPLANNINGCOMMITTEE.pdf>

Access to paper copies of agendas and reports

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

Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

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) 10 2018
- 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, 5th
February, 2019 at 2.00 pm**

PRESENT: County Councillor P. Clarke (Vice Chairman)

County Councillors: L. Brown, A. Davies, D. Dovey, D. Evans, M. Feakins, R. Harris, J. Higginson, 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 Team Manager
Andrew Jones	Development Management Area Team Manager
John Rogers	Legal Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors: R. Edwards, J. Becker and G. Howard

1. Declarations of Interest

There were no declarations of interest raised by Members.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 8th January 2019 were confirmed and signed by the Chair.

3. Application DM/2018/01349 - Construction of one bungalow. Change of use of land. Plot Between 4 And 5 Ebbw Road Caldicot Monmouthshire

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 and subject to a Section 106 legal agreement.

In considering the detail of the application, the following conditions would be added:

- Details of the new footway / vehicle crossover along the frontage of the site to be submitted to and approved by the Local Planning Authority prior to works commencing on site and to be carried out as per the approved details.
- The hardstanding at the front of the plot to consist of permeable materials.

It was proposed by County Councillor A. Davies and seconded by County Councillor J. Higginson that application DM/2018/01349 be approved subject to the seven conditions,

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th February, 2019 at 2.00 pm

as outlined in the report and subject to a Section 106 legal agreement. In addition, the following two conditions would also be added:

- Details of the new footway / vehicle crossover along the frontage of the site to be submitted to and approved by the Local Planning Authority prior to works commencing on site and to be carried out as per the approved details.
- The hardstanding at the front of the plot to consist of permeable materials.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01349 be approved subject to the seven conditions, as outlined in the report and subject to a Section 106 legal agreement. In addition, the following two conditions would also be added:

- Details of the new footway / vehicle crossover along the frontage of the site to be submitted to and approved by the Local Planning Authority prior to works commencing on site and to be carried out as per the approved details.
- The hardstanding at the front of the plot to consist of permeable materials.

4. Application DM/2018/01470 - Detached house Land Adjacent To The Beeches, Wainfield Lane, Gwehelog

We considered the report of the application, and late correspondence, which was recommended for approval subject to the nine conditions, as outlined in the report and subject to a Section 106 legal agreement.

The local Member for Llanbadoc ward, attended the meeting by invitation of the Vice-Chair and outlined the following points:

- The sub division of plots and piecemeal developments have become a regular occurrence in Wainfield Lane over the years.
- That development had mainly been on the opposite side of the lane to this application where the ground slopes down from the lane with surplus water draining away to the rear of the properties onto open ground.
- This application is on the opposite side of the lane and sits on ground that slopes down to the lane. Therefore, any run off from the ground will drain onto Wainfield Lane.

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- There is considerable concern in the community regarding the capacity of the ground to cope with and absorb both surface water and the water from the treatment systems from two dwellings.
- If the application is approved, the local Member asked that the location of the foul water treatment system is located at the rear of the plot and that it be close to the boundary with the Beeches.
- Also, that there be no application which would provide any overlooking of the adjacent house.
- The community is pleased with the design and that the level of the ridges is progressing downwards.

Having considered the views expressed, the following points were noted:

- The treatment plant will be a considerable improvement which is situated to the rear of the property and centrally located and is quite a way from Springfield's boundary.
- There will be permeable surfaces to deal with water run-off. There are engineering solutions being put in place to cope with these issues.
- The application has a condition in place in relation to permeable surfaces for any additional hard standing provided.
- The Highways Department prefers having a shared access as there will only be one point of conflict on the highway.
- With regard to the affordable housing contribution, there is a rigorous financial viability process that has to be undertaken. In this case, it was established that the affordable housing contribution being obtained is an appropriate level for this development.
- A review is being undertaken regarding commuted sums, details of which will be presented to the Planning Committee and a Select Committee for comments before going out for consultation.
- Due to the considerable drop in the viability contribution, it was suggested that the Planning Committee defers consideration of the application in order to review the figures and investigate whether other quotes should be obtained. In response, the Head of Planning, Housing and Place Shaping informed the Committee that quotes are not obtained from other companies. Officers are satisfied with the figure presented within the report based on the information that has been provided.

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- The Head of Planning, Housing and Place Shaping acknowledged that viability information would be sent to the Planning Committee confidentially but had not done so on this occasion. This would be rectified for the future.
- Condition four be reworded to ensure it indicates that the foul and surface water drainage is provided in accordance with the approved details and plans.
- It was suggested that the development could have a separate soakaway for household waste and have an additional system that deals with the sewage. In response, it was noted that any additional hard standing would consist of a permeable surface. With regard to the treatment system, this would be a matter for Building Control to address and would ensure that this system did not cause any harm to public health and was sufficient for the site prior to occupation.
- It was noted that the Informatives within the report would deal with issues of run-off.

Having considered the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DM/2018/01470 be approved subject to the nine conditions, as outlined in the report and subject to a Section 106 legal agreement. Also, that Condition 4 be modified to ensure it indicates that the foul and surface water drainage is provided in accordance with the approved details and plans.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01470 be approved subject to the nine conditions, as outlined in the report and subject to a Section 106 legal agreement. Also, that Condition 4 be modified to ensure it indicates that the foul and surface water drainage is provided in accordance with the approved details and plans.

5. Application DM/2018/01606 - Reserved matters application (pursuant to outline application DC/2016/00883) for the development of 144 dwellings and associated engineering works. Rockfield Farm, The Elms, Undy, NP26 3EL

We considered the report of the application, and late correspondence, which was recommended for approval subject to the 10 conditions, as outlined in the report.

In considering the detail of the application, the following points were noted:

- The development has been designed to accommodate emergency vehicles and refuse vehicles.

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- Concern was expressed regarding the design of the proposed dwelling. The developer has concentrated the design on the fronts of the properties but has neglected the rear. Officers should liaise with the developer to improve on some of the design features with a view to any improvements negotiated to be presented to the Delegation Panel for approval.
- It was considered that there is a need to reduce traffic speed from 60mph to 30mph on the B4245 on the approach from Rogiet and to move appropriate signage further back towards Rogiet. In response, it was noted that the entire access of the new junction on the B4245 would be subject to a Section 278 agreement, whereby all safety aspects would be addressed as a part of that process.
- All properties will have black UPVC barge boards.
- A Member expressed concern regarding the quality of design of the proposed dwellings and that they were not in keeping with the surrounding area.
- The build quality of the affordable houses will comply with DQR standard design quality recommendations. However, it was noted that the build quality refers to the internal structure and not necessarily to the external appearance of affordable homes.

Having considered the views expressed, it was proposed by County Councillor D. Evans and seconded by County Councillor P. Murphy that application DM/2018/01606 be approved subject to the 10 conditions, as outlined in the report. However, before issuing the decision, ensure details of house types (including overhanging eaves, cills and headers) are reviewed and agreed via the Delegation Panel.

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

For approval	-	10
Against approval	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01606 be approved subject to the 10 conditions, as outlined in the report. However, before issuing the decision, ensure details of house types (including overhanging eaves, cills and headers) are reviewed and agreed via the Delegation Panel.

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6. Application DM/2018/01959 - The proposed works will involve the following: 1- Internal alterations to both floors to accommodate staff relocated from Innovation House. 2- Link access facility from J Block and County Hall. 3 - Inclusion of a lift. 4 - Inclusion of external escape stairs . 5- Thermal upgrade to walls and ceiling void. 6 - Replacement of windows and doors. County Hall, The Rhadyr, Llanbadoc, Usk

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

The local Member for Llanbadoc ward attended the meeting by invitation of the Vice-Chair and expressed her support for the application.

Having considered the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DM/2018/01959 be approved subject to the two conditions, as outlined in the report and subject to an additional condition, as outlined in late correspondence.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01959 be approved subject to the two conditions, as outlined in the report and subject to an additional condition, as outlined in late correspondence.

7. Application DM/2018/02001 - Outline Planning for development of 5 new dwellings (2 market, 3 affordable), access from existing residential road. Glanusk Farm, Kemeys Road, Llanfair Kilgeddin, Abergavenny

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 and subject to a Section 106 legal agreement.

The local Member for Llanover ward, attended the meeting by invitation of the Vice-Chair and outlined the following points:

- The impact of flooding on the village, when it happens, is extensive. Therefore, the condition around the flood alleviation scheme and being a part of the wider village scheme is critical.
- The local Member agrees with the concerns raised by Llanover Community Council regarding the car parking spaces.

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Having considered the views expressed, the following points were noted:

- In terms of the layout of the development, officers have been working closely with the applicant and ensured that, for example, a terrace of three bungalows instead of detached, or semi-detached affordable units was suggested as well as extending the site to obtain some slightly bigger detached units.
- In terms of sub division, if one of these plots were sub divided to build an extra house, the application would have to come to Planning Committee for consideration and affordable housing policies would again be looked at.
- It was suggested that the size of the proposed dwellings could be amended as currently, the market houses were considerably larger than the affordable units. It was noted that the size of the dwellings would have to comply with DQR standards for the affordable units. Therefore, the actual dimensions of the living accommodation would be controlled by this.

It was proposed by County Councillor M. Feakins and seconded by County Councillor P. Murphy that application DM/2018/02001 be approved subject to the six conditions, as outlined in the report and subject to a Section 106 legal agreement.

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

For approval	-	9
Against approval	-	1
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2018/02001 be approved subject to the six conditions, as outlined in the report and subject to a Section 106 legal agreement.

The meeting ended at 3.35 pm.

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DM/2018/00880

OUTLINE APPLICATION (WITH ALL MATTERS OTHER THAN ACCESS RESERVED FOR FUTURE DETERMINATION) FOR THE ERECTION OF UP TO 130 DWELLINGS (USE CLASS C3), PROVISION OF NEW OPEN SPACE INCLUDING A NEW COMMUNITY PARK AND OTHER AMENITY SPACE, ENGINEERING AND LANDSCAPING WORKS INCLUDING SUSTAINABLE URBAN DRAINAGE SYSTEM AND ENABLING WORKS

LAND TO EAST OF CHURCH ROAD, CALDICOT, MONMOUTHSHIRE

HARVINGTON PROPERTIES LTD

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 29/05/2018

1.0 APPLICATION DETAILS

- 1.1 This planning application was resolved to be approved by Planning Committee at the meeting held on 6 November 2018, subject to a section 106 agreement and conditions. The s106 agreement has not yet been completed. The previous report follows on from this updated report, and should be read in conjunction with this update.
- 1.2 This application was considered in the context of Council's decision on 20th September 2018 on its strategic approach to 'Addressing our lack of a five year housing land supply: Monmouthshire's approach to unallocated housing sites', following the Welsh Government's disapplication of paragraph 6.2 of Technical Advice Note 1 in July 2018. That Council decision gave 'appropriate weight' to the lack of a five year housing land supply, and agreed that applications for unallocated sites must be considered against 11 ground rules.
- 1.3 Following November's Planning Committee meeting, the outline planning application was referred to Welsh Government (WG) under the terms of The Town and Country Planning (Notification) (Wales) Direction 2012 in that the proposal was for 'Significant Residential Development'. This category requires local planning authorities to refer applications where they are minded to grant planning permission for residential development of more than 150 residential units or, as in the case of this current application, it involves residential development on more than 6 hectares of land, which is not in accordance with one or more provisions of the development plan in force. The application site comprises approximately 10ha of which 60% is proposed as open space. WG considered that the Council had assessed the application against relevant national and local planning policy and had provided a reasoned conclusion for its decision. WG stated that the proposal was unlikely to have wide effects beyond the immediate locality, and did not raise issues of national security or novel planning issues. As such, WG has stated that the decision should be taken by the local planning authority and should not be called in. WG also concluded that the Council as local planning authority had considered the relevant planning policies in coming to its decision and it considered the ways of working principles set out in section 5(2) of the Well-being of Future Generations Act (WFG Act) were satisfied.
- 1.4 In its response, WG noted that Cadw had not been consulted having regard to the impact of the proposal on the setting of the Berries Mound & Bailey Castle scheduled ancient monument. Cadw was consulted regarding the application via the notification process and provided the following observations:

The Castle is located some 270m south of the application area with the nearest closest proposed buildings being some 300m from it. The monument consists of the remains of a medieval castle, that was restored to make a family home in the late 19th century. It is a large motte and bailey castle founded in the 12th century by Milo Fitzwalter, Lord of Caldicot, Earl of Hereford and Constable of England. The castle was located in order to dominate the eastern part of the Gwent Levels and to control movement along the Nedern Valley. It possessed all round views but the significant ones are to the south across the Gwent Levels to the Severn and north and east along and across the Nedern Valley.

The proposed development will be visible in the significant view along the Nedern Valley to the north, especially from the elevated position of the keep. The proposed development will not block this view, and residential buildings are already in this view. The proposed development will extend the urban area in the view but will be screened, especially in the summer, by existing vegetation and additional planting will increase this screening. The proposed development is likely to initially have a moderate, but not significant, impact on the setting of the Castle and when the additional planting has matured it is likely that this impact will be reduced to slight.

Berries Mound and Bailey Castle MM026

The Berries Mound & Bailey Castle is located some 240m west of the application area but the nearest proposed buildings will be some 335m to the west-south-west. It comprises the remains of a medieval motte and bailey castle consisting of a large steep-sided mound, 6m to 7m high in the northeast corner of a roughly circular bailey. The motte has a flat summit and is surrounded by a flat-bottomed ditch varying between 2m and 4m wide and 1m to 2m deep. The bailey is cut on the western side by a deep modern drainage ditch. On the south side the bailey is defined by a low bank, 0.6m high on the outside and 0.2m high on the inside. On the north side there is a short stretch of bank, 0.5m-1m high, immediately west of the ditch surrounding the motte. On the southeast side the bank is 1.5m high. Half way along the east side is a gap in the bank and a causeway across the ditch. To the north of the causeway the bank is 3m high and terminates at the ditch surrounding the motte. The castle was located to control movement along the Nedern Valley, as such the significant views are along the valley to the north and south and westward across the valley.

The proposed development will be located in the significant view across the Nedern Valley. The edge of the settlement of Caldicot is already in this view but the proposed development will extend this further into the valley. Belts of existing trees will provide screening of the new buildings and additional planting is proposed, however, on the basis of the information available, we cannot confirm the efficiency of the current screening. However, at worst, the proposed development is likely to have a moderate, but not significant, impact on the setting of the Berries Mound and Bailey Castle.

In conclusion, I have carefully considered the deficiencies in process against the advice that I have obtained from Cadw's Senior Historic Environment Planning Officer. In particular, I note that the likely impact of the proposed development on the setting of the scheduled monuments is unlikely to be significant and, on balance, I do not therefore recommend that the application is called in. I am satisfied that the deficiencies that have been highlighted could be drawn to the attention of the Council so that they are properly addressed before a final decision is taken on the planning application, without the need to revert to call-in..."

- 1.5 This matter was reported to and noted by Planning Committee on 4th December 2018. It is further considered in para. 3.4.2 below.
- 1.6 A new edition of Planning Policy Wales (PPW) was published in December 2018 – PPW Edition 10. This change has aligned **Page 10** national planning policy document with the WFG Act and the seven well-being goals. In particular, the well-being objective to build healthier communities and better environments is an area which the land use planning

system can help deliver, with place-making an important aspect of achieving this.

1.7 Members will be aware that its strategic approach to unallocated sites was reconsidered by Council on 21st February 2019 to correct a data error in the 20th September report. The 21st February 2019 report provided corrected data and also considered the strategic approach against of the aforementioned updated national planning policy. Council resolved to give 'appropriate' weight to its lack of a five year housing land supply, insofar as those development proposals are otherwise acceptable in planning terms and subject to the eleven 'ground rules' set out in the report and discussed below.

1.8 This application is re-presented to Planning Committee in the light of the 21st February 2019 Council decision because the Planning Committee report from September 2018 duplicates the incorrect data regarding the LDP housing delivery shortfall against targets from the 20th September 2018 Council report. This report corrects that error. In addition, the application has been considered against the new version of Planning Policy Wales.

2.0 LACK OF A FIVE YEAR HOUSING LAND SUPPLY AND THE APPROACH TO NON-ALLOCATED HOUSING SITES IN ADVANCE OF THE ADOPTION OF THE NEW LDP

2.1 On 20th September 2018, Council resolved that, when considering planning applications for housing development on sites not allocated in the LDP, 'appropriate weight' would be given to our lack of a five year housing land supply, and proposals would be assessed against 11 'ground rules'. This was in response to a letter from the then WG Cabinet Secretary for Planning, dated 18th July 2018, stating that it is a matter for the decision-maker (i.e. Monmouthshire County Council as the local planning authority) to decide how much weight to give its housing land supply shortfall.

2.2 Subsequently, the Raglan Village Action Group contacted the Council's Planning Department to raise concerns that data presented to Council on 20th September setting out the housing delivery shortfall against LDP targets was incorrect.

2.3 The 21st February 2019 report to Council corrected that error as well as reviewing the approach to unallocated sites in the light of updated national planning policy contained in PPW10 (December 2018).

2.4 Council's decision on 20th September 2018 was based on three elements:

- 1) Monmouthshire has 3.9 years' housing land supply when measured in accordance with the Welsh Government's Technical Advice Note 1 (2015): Joint Housing Land Availability Studies. Councils are required to have at least 5 years' housing land genuinely available. This is correct and this matter is not in dispute;
- 2) The social, economic and demographic challenges facing Monmouthshire's communities, in particular our demographic imbalance, weak economic base and growing challenges regarding housing affordability. These matters are not in dispute;
- 3) That, by the expiry of the current Local Development Plan in December 2021, housing delivery is projected to be 961 dwellings short of the LDP housing target, of which 337 are affordable units. It is this aspect that is disputed, with the correct total shortfall being 504 dwellings against the LDP housing requirement of 4500 dwellings (policy S2), of which 38 are affordable homes measured against the LDP target of 960 affordable homes (policy S4).

2.5 In considering the report on 21st February, Members resolved that, when considering planning applications for residential development on unallocated sites, the Council continues to give 'appropriate weight' to its lack of a five year housing land supply, insofar as those development proposals are otherwise acceptable in planning terms and that the 11 'ground rules' are met. Members made this decision in the light of the County's demographic and economic challenges and opportunities (which are set out in para. 4.13 of the report to Council), which, in the wider context of housing need and delivery together

with contextual changes, warrants intervention. Consideration of development on non-allocated sites would follow a hybrid spatial model based on a balance between evidence of delayed site delivery, which shows the greatest shortfall is within the Southern local housing market area (and includes Chepstow and Severnside), and the LDP settlement hierarchy which seeks to focus growth on the three main towns of Abergavenny, Chepstow and Monmouth, then Severnside, then the rural secondary settlements of Llanfoist, Penperlleni, Raglan and Usk.

2.6 The following section considers the proposal against the 11 ground rules:

Ground rules:

- 1) Residential development is unacceptable in principle within undefended flood plain (zone C2) or on greenfield sites within defended flood plain (zone C1), as per PPW10 (para 6.6.22) and TAN15. This in principle policy objection remains unchanged;
This was addressed in the Council's report on the planning application considered on 6 November 2018 - see section 5.1 of the previous report, below.
- 2) Residential development is unacceptable in principle within designated Green Wedges. The appropriate time to review Green Wedge designations is via the new LDP (para 3.64 of PPW10);
This was addressed in the Council's report on the planning application considered on 6 November 2018 - see section 5.1 of the previous report, below.
- 3) Residential development is unacceptable in principle on allocated employment sites. Such sites will not be released for housing development unless full compliance with LDP Policy E1 can be demonstrated and there is no realistically likely future demand for the site for employment purposes. Delivering sustainable development and economic growth is about more than just housing developments;
This was addressed in the Council's report on the planning application considered on 6 November 2018 - see section 5.1 of the previous report, below.
- 4) Unallocated sites are required to deliver 35% affordable housing and no negotiation will be entertained (60% where the development relates to a Main Village);
This was addressed in the Council's report on the planning application considered on 6 November 2018 - see section 5.1 of the previous report, below.
- 5) The development must be acceptable in other planning terms. If infrastructure is inadequate to support new development, and it cannot be satisfactorily improved via a S106 planning agreement, permission would normally be refused. This includes matters such as highway capacity, school capacity, primary health care, air quality and the sustainable transport hierarchy (paras 4.1.12 and 4.1.16 of PPW10). This applies to all planning applications for residential development, not just unallocated sites;
This was addressed in the Council's report on the planning application considered on 6 November 2018 - see section 5.1 of the previous report, below. The section 106 agreement will secure, inter alia, affordable housing, access and green transport measures and education facilities. The local health board identified that no contribution to local health facilities was necessary. The sustainable transport hierarchy is considered further below.
- 6) The scale of additional residential development will be considered in the context of the LDP spatial strategy, both in its own right and cumulatively with other approved residential development;
This was addressed in the Council's report on the planning application considered on 6 November 2018 - see section 5.1 of the previous report, below.
- 7) Development should be restricted to the Main Towns, Severnside, and Rural Secondary Settlements (with the exception of Llanfoist and Raglan¹ where there shall be no additional development on unallocated sites outside of the new LDP), and small 60% affordable housing sites in those Main Villages without an allocated site (namely St Arvans and Llandogo);
This was addressed in the Council's report on the planning application considered on 6 November 2018 - see section 5.1 of the previous report, below.
- 8) The size and mix of the proposed development is both suitable for the location and seeks to address our demographic challenges;
This was addressed in the Council's report on the planning application considered on

6 November 2018 - see section 5.1 of the previous report, below.

- 9) Any planning permissions will have a reduced lifespan: full planning permissions shall be commenced within 2 years, and outline planning permissions shall be followed by reserved matters within 1 year, with commencement within 1 year of approval of the reserved matters;

This was addressed in the Council's report on the planning application considered on 6 November 2018 - see section 5.1 of the previous report, below.

- 10) Applications recommended for approval shall be accompanied by a Unilateral Undertaking or signed S106 agreement by the time they are presented to Planning Committee;

The s106 agreement is due to be finalised by 5th March to secure the much needed local infrastructure identified through this planning application process.

- 11) This decision ceases to have effect should we regain a five-year land supply and/or meet the LDP housing shortfall identified in this report.

Neither the identified housing delivery shortfall of 504 dwellings by the end of the LDP plan period, nor the housing land supply shortfall, have been addressed to date, and so the Council's decision of 21 February 2019 remains in place.

¹ Planning Committee resolved to approve a development of up to 111 homes on land at Monmouth Road, Raglan. This application has been called-in by the Welsh Government. Until such time as a final decision is received, it will be assumed that the development will proceed, and as such no additional development on unallocated sites in/adjacent to Raglan will be supported. This position will be reviewed should the application be rejected.

- 2.7 The proposal is therefore considered to accord with the eleven ground rules approved by Council at the meeting held on 21st February 2019. Moreover, in terms of current housing need, there are currently 706 households waiting on Homesearch for a home in Caldicot (bands 1 – 4). The most recent Local Housing Market Assessment (LHMA) (September 2018) gave an average house price of £216,289 in the town compared to £150,000 in 2009.

3.0 CONSIDERATION OF THE APPLICATION AGAINST PPW10

- 3.1 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

- 3.2 The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

3.3 Strategic and Spatial Choices

- 3.3.1 Principle of Development - Although the site is not allocated in the adopted LDP, this proposal for new housing development on the eastern edge of the town of Caldicot complies with the overall LDP spatial housing strategy. The site is adjacent to a Severnside settlement, next to the development boundary, in a sustainable location within walking distance of the town centre. The site is located within the Southern local housing market area where the evidence shows the housing delivery delays are greatest in magnitude. The proposal therefore complies with option 2e as set out in the 21 February 2019 Council report. The site is acceptable in planning terms for new housing development and is in a sustainable location within easy walking distance of the town centre, shops, medical facilities, schools, amenity sites and community facilities. The site also has good access to the local bus and train services. Paragraph 3.37 of PPW advises that an essential component for a sustainable place is where development is to be located. Paragraph 3.40 of PPW goes on to confirm that where there is a need for sites, but there is no previously developed land or underutilised sites, consideration should then

be given to suitable and sustainable greenfield sites within or on the edge of settlements. The site conforms to this spatial hierarchy. Aside from the fact that the site is not allocated within the LDP, it meets all other policy objectives.

- 3.3.2 Good Design / Place making - Paragraph 2.9 of PPW requires the planning system to adopt a placemaking approach to plan making, planning policy and decision taking. In achieving the implementation of placemaking, PPW indicates that the first stage is to assess proposals against 'Strategic and Spatial Choices issues'. The second stage of assessment is the detailed impact and contributions of the development on 'Active & Social Places'; 'Productive and Enterprising Places'; and 'Distinctive & Natural Places'. PPW explains that this process will result in a proposal which creates a sustainable place, meets the statutory well-being goals and the national sustainable placemaking outcomes. Paragraph 3.3 of PPW emphasises good design is fundamental to creating sustainable places where people want to live, work and socialise. PPW defines good design as promoting sustainable means of transport; ensuring ease of access for all; sustaining or enhancing the local character; creating attractive and safe environments; and achieving efficient use and protection of natural resources. Section 4 of PPW defines 'active and social places' as those which promote social, economic, environmental and cultural well-being by providing well-connected cohesive communities.
- 3.3.3 In response to this, the site, as mentioned in para. 3.3.1, is in a sustainable location on the edge of a viable settlement with a wide range of public amenities that could be reached by walking and cycling. Local bus and train services are also accessible for longer journeys. The site would be laid out with a strong emphasis on green infrastructure including links to existing footpaths that will encourage walking and cycling to the centre of Caldicot, and the countryside beyond. The extensive areas of open space on site will encourage active lifestyles, provide a sense of place and deliver sustainable drainage solutions that will not impact adversely on nearby environmental designations. The site does not propose development in a flood zone, and nor would it increase the risk of flooding elsewhere owing to the sustainable drainage measures proposed. This is in accord with para. 4.1.20 of PPW that identifies that well integrated green infrastructure not only creates a pleasant environment but can also achieve a range of other benefits, including pollutant filtering, urban cooling, water management and habitat creation.
- 3.3.4 Para. 4.1.11 of PPW confirms that it is WG policy to require the use of a Sustainable Transport Hierarchy in relation to new development. The hierarchy should minimise the need to travel, and should then seek to prioritise walking and cycling, followed by public transport, and ultra-low emission vehicles ahead of other private motor vehicles. Para. 4.1.30 of PPW confirms that new development should aim to create walkable neighbourhoods, where a range of facilities are within walking distance of most residents, and the streets are safe, comfortable and enjoyable to walk and cycle. The sustainable location of the site on the edge of the town, the spaces proposed across the site, and the permeable nature of the proposed development will fulfill this policy requirement, and will ensure the future occupiers of the site have the opportunity to access local facilities and employment via foot, cycling or public transport, with less reliance on the private car. This matter is extensively considered in section 5.8 of the previous report (below). There is a need to pump prime a local bus service and also to have a financial contribution towards an active travel plan. This will be included in the planning obligation under the Heads of Terms "local Highways and Sustainable Transport".

3.4 **Distinctive and Natural Places**

- 3.4.1 Effect on natural, historic or built environments - Section 6 of PPW advises development proposals to consider the long-term protection and enhancement of the special characteristics and intrinsic qualities of places, be these of natural, historic or built environments, ensuring their longevity in the face of change. This means both protecting and enhancing landscapes, habitats, biodiversity, geodiversity and the historic environment in their own right as well as other components of the natural world, such as water resources or air quality. Paras. 6.1.10 and 6.1.14 confirm there should be a general presumption in favour of the preservation or enhancement of a listed building

and/or conservation area and their setting.

The previous report addresses these issues comprehensively within sections 5.9 - 5.17, including reference to flooding, drainage, ecology and landscape, and subject to conditions, no significant effects were identified to warrant refusal of this application.

- 3.4.2 Having regard to Cadw's comments (para. 1.3 above) relating to the effect of the proposal on the setting of the nearby scheduled monument, Cadw acknowledges that 'at worst, the proposed development is likely to have a moderate, but not significant, impact on the setting of the Berries Mound and Bailey Castle.' In this regard, your officers have separately assessed the impact of the proposed development on this heritage asset. The scheduled monument is actually to the east of the site (not the west as suggested by Cadw) and is separated from the site by the Nedern valley and extensive belts of woodland. It is considered that the existing tree screen on the eastern edge of the site, coupled with the additional planting proposed across the site, will mitigate any harmful effects on the heritage asset and would thus be acceptable in planning terms. Mitigation is proposed through a number of strategic measures including the retention and management of the existing tree belt, which runs through the site from north-west to south, the provision of the community parkland to the north of the site and green corridors along existing pipelines crossing the site. All this is designed to give a softer settlement edge than that which currently exists and will mean the impact on the scheduled monument will not be significant. The original Committee decision (appended below) considered heritage matters against the PPW9 policies then in force. This topic area has been reviewed in the context of PPW10 and the development is considered to be acceptable.
- 3.4.3 This is a well-considered, sustainable proposal that will feature extensive areas of green infrastructure. It will create a distinctive place, fostering social cohesion and the well-being of its residents. The approach to the design and layout of the scheme reflects the principles and importance of placemaking as set out in PPW10.
- 3.4.4 Since the matter was last reported to the November 2018 meeting, a further objection was received from a local resident setting out concerns about the EIA screening process for this application. The EIA screening process was reviewed and amendments made to the completed pro-forma that did not change the outcome of the decision that EIA was not required for this outline planning application.

4.0 CONCLUSION

- 4.1 The application is presented back to Planning Committee members to reconsider due to the data error on housing completions against LDP targets, included in the 20th September Council report and duplicated in the 6th November 2018 Planning Committee report for this item. In addition, the application has been reviewed against PPW10, which is updated national planning policy published since Committee considered the application in November. The impact on Scheduled Ancient Monuments has been considered by Cadw and no objection is offered.
- 4.2 The proposed development would make a significant and timely contribution to our housing land supply shortfall and the 35% affordable housing would help tackle the significant affordability challenge facing our communities. The proposal is considered to comply with the 11 ground rules and it is considered to accord with the policies set out in PPW10. It is therefore recommended that planning permission be granted subject to conditions and subject to the S106 agreement with heads of terms as previously agreed in November.

RECOMMENDATION: APPROVE subject to a section 106 agreement and planning conditions as set out in the previous report to Committee of 6 November 2018 (below).

PREVIOUS APPLICATION REPORT FOR INFORMATION (6th NOVEMBER 2018 MEETING)

DM/2018/00880

OUTLINE APPLICATION (WITH ALL MATTERS OTHER THAN ACCESS RESERVED FOR FUTURE DETERMINATION) FOR THE ERECTION OF UP TO 130 DWELLINGS (USE CLASS C3), PROVISION OF NEW OPEN SPACE INCLUDING A NEW COMMUNITY PARK AND OTHER AMENITY SPACE, ENGINEERING AND LANDSCAPING WORKS INCLUDING SUSTAINABLE URBAN DRAINAGE SYSTEM AND ENABLING WORKS

LAND TO EAST OF CHURCH ROAD, CALDICOT, MONMOUTHSHIRE

HARVINGTON PROPERTIES LTD

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 29/05/2018

1.1 This is an outline application with all matters reserved except for access. It seeks permission for up to 130 dwellings, 35% of which would be affordable. The application site includes a community park in the northern part of the site, other amenity open space and significant woodland areas. The main vehicular access would be from the existing residential area through Heol Sirhowy with smaller access from Clos Ystwyth. Provision could be made at some future date for a second main access into the south of the site from Heol Teifi. The site measures 10.09 ha and consists of four fields immediately to the north east of the new housing development off Church Road. The site is outside the Town Development Boundary and consequently has been advertised as a departure to the Development Plan. The land generally slopes downwards from west to east and the site is adjacent to the Nedern Brook Wetland which is designated as a SSSI for its importance for over wintering and wading birds. To the south of the site is the Caldicot Country Park A public right of way dissects the northern part of the site. There are several mature hedges crossing the site and the eastern boundary is formed by a wide woodland belt. The northern part of the site is a Mineral Safeguarding area for Limestone. The agricultural land classification is made up of Grade 1 and 3 agricultural land.

1.2 The application is accompanied by the following supporting documents

Site Location plan

Illustrative master plan

Building's Heights parameter Plan

Land Use parameters Plan

Land Budget Plan

Design and Access Statement

Landscape and Visual Appraisal

Archaeological Assessment

Arboricultural Impact Assessment

Ecological Assessment

Planning Statement

Pre-application Consultation Report

Transport Statement

Framework Travel Plan

Flood Consequences Assessment and Drainage Strategy Soil and Agricultural Quality of Land east of Caldicot

Travel Audit

Additional Transport Information.

1.3 In December 2017 a formal screening request was submitted and MCC determined that an Environmental Impact Assessment (EIA) was not required. The developers held a public exhibition in February 2018 and a Pre-Application Consultation Report has been submitted as part of the application which includes a summary of the consultation responses received.

2.0 RELEVANT PLANNING HISTORY

No other applications have been received on this site.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision S2

LDP Housing Provision

S4 LDP Affordable Housing Provision

S5 LDP Community and Recreation Facilities S12

LDP Efficient Resource Use and Flood Risk

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S15 LDP Minerals

S16 LDP Transport

S17 LDP Place Making and Design

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural

Secondary

Settlements

CRF2 LDP Outdoor Recreation/Public Open Space/Allotment Standards and Provision SD3

LDP Flood Risk

SD4 LDP Sustainable Drainage

LC1 LDP New Built Development in the Open Countryside

LC5 LDP Protection and Enhancement of Landscape Character NE1

LDP Nature Conservation and Development

EP1 LDP Amenity and Environmental Protection

M2 LDP Minerals Safeguarding Areas

MV1 LDP Proposed Developments and Highway Considerations

MV3 LDP Public Rights of Way

DES1 LDP General Design Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Caldicot Town Council – recommends refusal. Development is outside of LDP

Insufficient Infrastructure, schools, health, traffic congestion (Church Road).

Caerwent Community Council: Caerwent is not included in the Traffic Assessment; Impact on the traffic in Caerwent;

Impact on the Roman Remains;

Increase in Traffic over Caerwent Brook Bridge;

No footpaths on the road from Caerwent to Caldicot; Discharge of Surface water into watercourse;

Close to a flood risk area;

Impact on the SSSI; Impact

on Caldicot Castle;

Inadequate Infrastructure;

Additional 1500 people in the area.

requiring a programme of archaeological work to protect the archaeological resource to be attached to any consent.

The proposal is located in an area of high archaeological potential. Extensive archaeological remains are located in the vicinity, including Romano-British farmsteads and land divisions, roundhouse, prehistoric pits and ditches, Roman cremations, as well as possible loom-weights. Several Scheduled Monuments are also located in the area, including a motte and bailey (The Berries, MM026), Caldicot Castle (MM050), Manor Farm (MM053) and a Romano-British farmstead (MM334).

Natural Resources Wales (NRW) -

We received a statutory pre-application consultation notice for this proposal under Article 2D of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2012. We provided a substantive response to that consultation on 11 May 2018. A copy of this response is contained in Appendix 10 of the pre-application consultation (PAC). Our advice remains unchanged. We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Condition 1: Submission of a Construction and Environmental Management Plan (CEMP)

Condition 2: Submission of a Landscape and Ecological Management Plan (LEMP)

Condition 3: Details of the foul and surface water disposal.

Fluvial flood risk

The submitted Flood Consequence Assessment & Drainage Strategy (FCA) prepared by Jubb Consulting Engineers Ltd (dated May 2018, referenced: 17147-FCA-01-v3) indicates two very small areas of the application site fall within zone C2, as defined by the Development Advice Map (DAM) referred to under TAN15.

Our Flood Map information, which is updated on a quarterly basis, confirms these small areas are within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines.

The FCA (4.1.1 and 4.1.2) explains that the areas at risk are currently woodland and grassland, however new development is not proposed for these areas. The proposed retention of these areas as woodland and grassland is reflected in the illustrative masterplan.

Given the scale of the areas and their retained use as woodland and grassland, we do not require any further assessment or information regarding the potential consequences of flooding in accordance with TAN15.

Land drainage and land drainage consent

The eastern boundary of the site is adjacent to the Internal Drainage District (IDD) boundary. The FCA states that a possible option for the site includes discharging to a local watercourse, with flows being discharged at a restricted rate.

From an IDD perspective, we may wish to comment on these details when they become available. However, we are satisfied that 'condition 3', requesting details of the foul and surface water drainage disposal, will control this aspect of land drainage. We advise the applicant to contact us to discuss this further and whether IDD land drainage consent is required.

MCC Planning Policy -

The site is located outside the Caldicot Development Boundary in an area considered as open countryside, its development for a residential use would be contrary to Strategic Policy S1 of the LDP relating to the spatial distribution of new housing provision. The proposal is considered a departure from the adopted development plan and open countryside policies would subsequently apply.

With regard to the claimed need for the development, the shortfall in the Housing Land Supply (currently 3.9 years) is an issue that has been addressed in both the September 2016 LDP Annual Monitoring Report (AMR) and the October 2017 AMR. Both of these AMR's are available on the Council's website, the latest of which was formally endorsed for submission to the Welsh Government by Cabinet on 11 October 2017. The AMR

recommended an early review of the LDP as a result of the need to address the shortfall in the Housing Land Supply and facilitate the identification and allocation of additional housing land. It also suggests that the adoption of a pragmatic approach to the determination of residential development sites will also assist in this context (as recognised in para 6.2 of TAN1). That is, where sites are a departure from the LDP but are otherwise acceptable in planning terms a recommendation for approval may be considered, however, the Welsh Government Cabinet Secretary made the decision on the 18th July 2018, to dis-apply paragraph 6.2 of TAN1, meaning that the requirement for Councils to give any housing land shortfall 'considerable weight' was removed. Nevertheless, the letter made it clear that it is for the decision-maker to decide how much weight, if any, to give its housing land supply shortfall. You may be aware that a report regarding Monmouthshire's approach to the housing land supply shortfall and unallocated sites was taken to Full Council on 20th September. The decision was made that when considering planning applications for residential development on unallocated sites, the Council gives 'appropriate weight' to its lack of a five year housing land supply, insofar as those development proposals are otherwise acceptable in planning terms and that a number of 'ground rules' are met. The Council minutes outlining this approach are available. In respect of this approach, any application would need to meet the ground rules and be assessed against the relevant policies considered in the remainder of these comments.

Strategic Policy S1 of the LDP relating to the spatial distribution of new housing provision states that the main focus of new housing development will be within or adjoining the main towns of Abergavenny, Chepstow and Monmouth, and that a smaller amount of new housing development will be provided in the Severnside sub region which includes the settlement of Caldicot. In this respect, as the proposal is for residential development within the Severnside area it is in general alignment with the spatial strategy of the plan, however, as it is outside the development boundary of Caldicot open countryside policies would apply.

Policy S4 relates to Affordable Housing Provision, as the site is located outside the Caldicot Development Boundary it is a departure from the LDP. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and contains a specific section relating to departure applications in the open countryside (Section 4.4 E). This states that there is a requirement for 35% of the total number of dwellings on the site to be affordable. The proposal relates to 130 dwellings, the affordable housing requirement would therefore be 46 units. The planning statement refers to a contribution of up to 35% which would be in line with guidance but states that the applicant maintains the right to review the percentage of affordable housing provided subject to a viability assessment. As a departure site, however, if granted permission it will be expected that the site would deliver 35% affordable housing in line with policy.

Policy LC1 relates specifically to new built development in the open countryside, the policy contains a presumption against new build development although it does identify a number of exceptional circumstances involving new built development that might be permitted (subject to policies S10, RE3, RE4, RE5, RE6, T2 and T3). None of these exceptional circumstances apply and as a consequence the proposed development would be contrary to the policy.

Strategic Policy S13 relating to Landscape, Green Infrastructure and the Natural Environment is of importance. Policy LC5 relating to the protection and enhancement of landscape character must also be considered. Additionally Policy GI1 should be referred to in relation to Green Infrastructure, the GI team will no doubt provide more detailed comments in relation to these matters. Policy NE1 relating to Nature Conservation and Development must also be considered, liaison with the Council's Biodiversity Officer is advised in relation to this.

Strategic Policy S17 relating to Place Making and Design should also be considered along with Policy DES1 in relation to General Design. The site slopes down from west to east and is visible from the M48 Motorway. There is a substantial tree belt planted on the east side of the site and there is a SSSI beyond the eastern boundary. It would need to be demonstrated that the development would not have an adverse impact on this wider landscape and in this regard the density of the development would have to be carefully considered. Criterion i) of

DES1 requires a minimum net density of 30 dwellings per hectare in order to ensure the most efficient use of land. The area of the site in the planning statement is stated to be 3.44 hectares, as the application relates to the construction of up to 130 dwellings this would give a density of some 38 dwellings per hectare. However, if all of the land within the site boundary is included this gives a total area of some 6.84 hectares. The illustrative masterplan provided with the application shows a large area of the site given over to Community Parkland and existing woodland, if these areas are excluded this would leave a net developable area of some 4.7 hectares which would reduce the density to some 27 dwellings per hectare.

Policy EP1 relating to Amenity and Environmental Protection should also be considered.

The majority of the site is Grade 1 Agricultural Land which is identified as Best and Most Versatile. The applicant states that a soil and agricultural land quality survey was prepared by Land Research Associates for the site in October 2017 which found that while the site is technically classified as 'best and most versatile' agricultural land, it is right at the lower end of the scale and is not in a practicable sense suitable for intensive agricultural use. This issue will need to be addressed as part of the planning application.

Policy MV1 should be referred to with regard to access and car parking. Policy MV2 relating to highway considerations and sustainable transport access is also of relevance. Policy MV2 states that, where necessary, financial requirements deemed will be required towards improvements in transport infrastructure and services, in particular to support sustainable travel links / public transport, cycling and walking. This is a matter that will need to be considered in any planning obligation / heads of terms. It is noted a Transport Assessment has been submitted. Colleagues in the Highways section will no doubt provide comment on this matter.

Policy CRF2 should be considered relating to outdoor recreation/public open space/allotment standards and provision. The policy requires outdoor playing space at a standard of 2.4 hectares per 1,000 population and 0.4 hectares of public open space per 1,000 population. It is noted that 4 hectares of open space is included in the proposal in the form of community parkland with existing woodland also incorporated into the scheme. The last paragraph of Policy CRF2 also states that any development exceeding 50 dwelling units per site, should make provision for allotments if required in accordance with the standards set out in the policy. Colleagues in the landscape/recreation team will no doubt provide comment in relation to these matters.

Policies SD2 and SD4 relating to Sustainable Construction and Energy Efficiency and Sustainable Drainage respectively must also be considered

The site is within a Minerals safeguarding Area for Limestone and as such Policy M2 should also be considered.

With regard to the claimed need for the development, the shortfall in the Housing Land Supply is an issue that has been addressed in the current LDP Annual Monitoring Report (AMR) (September 2017) which is available on the Council's website. The AMR recommends an early review of the LDP as a result of the need to address the shortfall in the Housing Land Supply and facilitate the identification and allocation of additional housing land. The Council has formally begun the LDP revision process with a Delivery Agreement for the revised Monmouthshire LDP agreed by Welsh Government on 14th May 2018. This means that work has formally commenced on the revised LDP, albeit that the revised Plan will not be in place until early 2022. It is acknowledged that to date the delivery of housing in the Severnside area has not reflected the levels proposed in the LDP with the strategic sites taking longer to come forward than expected, albeit it is acknowledged that they are progressing. For a site to make a positive contribution to the Council's land supply it would need to be ensured that the housing can be delivered within a five year period following any resolution to grant planning permission. **Page 20** If permission were to be granted for the site then the reserved matters timescale would need to be shortened to ensure delivery within this period.

MCC Housing -

Housing and Communities have pleasure in responding to the consultation as set out in the table below. I have tried to include all of the information that the developer would require with links to our Affordable Housing Supplementary Guidance (SPG) and Welsh Government Development Quality Requirements (DQR).

Evidence of Housing Need

There are 876 households on Monmouthshire's Common Housing Register waiting for a house in this area.

The price of housing in Monmouthshire has risen to a level beyond that which many local people can afford. The average house price is now £299,400. The affordability ratio is 9:1 (Source: Hometrack LQ Date 09/04/18).

Policy compliant percentage of affordable housing: Departure from LDP: 35%

Standard required

Welsh Government Development Quality Requirements (DQR) - a copy of this document can be obtained from the Welsh Government website.

Tenure of affordable housing

Neutral Tenure. This is where tenure of housing is not predetermined but can vary according to needs, means and preferences of households to whom it is offered.

Number of units 130 @ 35% = 46 As we require an adapted bungalow for a disabled person we will accept 45 units

Mix Required

General Needs

2 person, 1 bed flats	12 (3 x 4 blocks of walk up flats)
4 person 2 bed houses	16
5 person 3 bed houses	4
6 person 4 bed houses	2

OAP and Disabled

2 person 1 bed flats	8 (with a lift)
3 person 2 bed bungalows	2
Adapted bungalow (2 or 3 bed)	1

Price to be paid by RSL for affordable units

42% of Welsh Government Acceptable Cost Guidance

Preferred RSL Partner: Monmouthshire Housing Association

MCC Highways – No objection

The site is not an allocated strategic site in the Local Development Plan.

The application is for outline approval, with all matters reserved except for access.

With particular reference to the Transport Assessment dated April 2018 and Technical Note 02 Sensitivity Testing and Additional Modelling dated June 2018 and Drawing No. edp4019_d005j Illustrative Masterplan, I would offer the following highway comments;

Transport Assessment General Observations;
Site Accessibility
Pedestrian accessibility

The proposed development abuts existing residential developments and links with existing pedestrian provision on the developments and Church Road providing reasonable links to the main attractors/facilities available in Caldicot, albeit the vast majority are in excess of 800 metres but all bar two identified locations are within 2km of the site.

Reference to a link to Heol Teifi is made but no details of the proposal have been provided for consideration.

Cycle Accessibility

The proposed site is within 600 metres of the National Cycle Network Route 4, the connection to the route has been assessed as part of the Active Travel audit but no details of any improvements or links between the site and adjacent infrastructure has been provided.

Public Transport Accessibility

The nearest bus stops to the development are located at Caldicot Cross (Chepstow Road / Church Road / Sandy Lane junction). They are approximately 890 metres from the nearest edge of the proposed development.

No real assessment of existing demand and spare occupancy on the 74 & X74 bus service has been undertaken.

Rail

Caldicot Station is within 1.8km and Severn Tunnel Junction is within 2.7km, walking from the development to either station is likely to be limited, although cycling may well be a more viable option for residents.

Highway Safety

No road safety concerns or issues have been identified.

Means of Access

The primary means of access is via the recently adopted roads known as Heol Sirhowy and Heol Trothy with a further two means of access proposed off Clos Ystwyth via the existing private drive serving Nos. 28 - 32 and the extension of Clos Ystwyth serving Nos. 34 – 40.

The highway authority at pre-application stage recommended that the development would benefit from two means of vehicular access thus promoting permeability, facilitate alternative routes of travel in and out of the development, emergency access and provide a through route for public transport. The transport assessment has concluded that the development can adequately be served via the recently adopted roads known as Heol Sirhowy and Heol Trothy and provision provided within the internal estate road layout to provide the opportunity at a later date for a connection to Heol Teifi over land outside the ownership and control of the applicant.

Traffic Impact

Heol Sirhowy, Heol Trothy and Church Road will operate within capacity with the increase in traffic generated by the development.

The development increases traffic flows on Church Road outside the school by approximately 6.2% and 5.9% in the am and pm peaks respectively. The increase in traffic is not considered to be detrimental to the existing situation. The site is not an allocated strategic site in the Local Development Plan.

The traffic increase and impact on the junctions in the immediate vicinity of the site is not detrimental and will operate within capacity, thus requiring no improvement or mitigation to accommodate the increased traffic flow.

Internal Layout

It is recommended that all internal estate roads will have a design speed of 20mph or less. Parking provision shall be in accordance with the Council's Adopted Supplementary Planning Guidance " Monmouthshire Parking Standards"
Estate roads and will be constructed to adoptable standards enabling their future adoption pursuant to Section 38 of the Highways Act 1980.

In principle the Highway Authority have no objections to the proposed development from a traffic impact perspective, albeit that secondary access is neither required in capacity terms nor is in the ownership of the applicant.

Therefore on the basis of the aforementioned and with particular reference to the Transport Assessment dated April 2018 summary and conclusions, Technical Note 02 Sensitivity Testing and Additional Modelling dated June 2018 and Drawing No. edp4019_d005j Illustrative Masterplan, I would offer no objections to the proposed outline application (with all matters other than access reserved for future date) subject to the following:

The internal estate roads and footways shall be designed and laid out to facilitate the future connection of the desirable secondary means of access if so required by the Highway Authority at a future date.

The highway authority will expect the developer to enter into a Section 106 Agreement for the following:

A financial contribution towards local highway and transportation improvements in Caldicot.

MCC Green Transport -

Because of the distance to many trip attractors and the state of the current bus service and active travel routes we feel a contribution to improve the local bus services and to improve walking and cycling links to key destinations is appropriate.

In terms of bus services, Church Road is currently served by route 75. However, it is running very infrequently (five buses per day) and a contribution of £40,000 is sought to pump-prime an enhanced service for up to five years.

In terms of active travel, as set out in the documents, while overall the routes to key destinations are reasonable, there are a number of issues (score between 70 and 95%) and a contribution of £30,000 would enable improvement of the routes.

Gwent Police - No objection to the proposed development.

MCC Education - Castle Park Primary School currently has some surplus capacity, however, with the developments assigned as part of the LDP we are anticipating that all Caldicot town schools will be under significant pressure and therefore have claimed / registered our intentions to claim contributions from the LDP site at the appropriate time.

On the basis of the above, and prioritising the LDP sites, we would be seeking to claim a shortfall of 20 pupil places for this development on the basis of 90 market 3 bed dwellings.

In terms of how these contributions will be spent, I am not able to commit at this stage to an increase in capacity at Castle Park Primary as a result of this development. We would need to undertake some feasibility studies, as I know the site of Castle Park is particularly pressured in its existing form of a 210 place school. However, if investment / increase in capacity at Castle Park is considered not to be appropriate, we would be looking to invest elsewhere in the town to ensure there are sufficient school places to accommodate the children forecasted to be generated.

The catchment area school for this development is Castle Park Primary School which currently has 185 pupils on roll with a capacity of 210. Caldicot town is one of our pressurised areas in terms of pupil places and we have prioritised the following developments within our pupil projections for the Caldicot area.

- * Sudbrook Shipyard
- * Crick Road, Portskewett
- * Sudbrook Paper Mill

Therefore it has been anticipated that Sudbrook Shipyard will take the remaining places and we have requested S106 contributions from Crick Road and the Paper Mill.

Dwr Cymru-Welsh Water -

The potable water hydraulic modelling assessment has recently been completed and it was confirmed that the development has three connection options into surrounding water mains network that would not cause an unacceptable level of detriment to existing water supplies. We can therefore remove our OBJECTION, please see following comments and recommended planning conditions should this application receive consent.

The proposed development site is crossed by a number of public sewers with the approximate positions being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991, Dwr Cymru Welsh Water has rights of access to its apparatus at all times:

In addition, as shown on the Statutory Public Sewer Record, Nedern Rise/Clos Alwen SPS – Asset No 73604 lies in the West corner of the proposed development site. We would advise that no habitable buildings should be constructed within a 15m vicinity of this Sewerage Pumping Station (SPS) so as to minimise any effects of noise and odour nuisance. We would advise that the applicant consult with Monmouthshire's County Council's Environmental Health Team to seek their opinion regarding potential noise/odour issues and the current separation distance from the proposed development

We note the applicant is proposing to use sustainable drainage systems for the management of the development's surface water, as this does not involve direct/indirect connection to the public sewerage system we are satisfied with this. If the applicant proposes an alternative surface water removal method then we request the applicant exhausts the use of all sustainable drainage systems and make reference to "recommended non statutory guidance for sustainable drainage systems (SuDS) Wales" this has a surface water removal hierarchy, progression down the list should only be completed once each method has been exhausted. Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Wales and West Utilities -

Our records show those pipes owned by Wales and West Utilities in its role as Licenced Gas Transporter. Service pipes, valves, syphons, stub connections etc. may not be shown but their presence should be anticipated. No warranties therefore are given in respect of it. They may also provide indications of gas pipelines owned by other gas transporters.

WWU have pipelines in the area. Our appliances may be affected and at risk during the construction works. Should planning permission be granted, then we would require the promoter of these works to contact us directly to discuss our requirements in detail.

Development will not be allowed on any plant or enclosure apparatus.

Health and Safety Executive -

Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

MCC Green Infrastructure (GI) -

In principle GI support the application subject to the following information being submitted as part of the outline application. In particular it is essential that the Landscape Schedule Drwg

is amended based upon the comments below prior to approval:

1. Upgrade the LVA currently submitted to a full LVIA to include consideration of cumulative effects in relation to existing development. Consideration of the cumulative impact in relation to the existing settlement and its impact on the wider landscape.
2. Production of a clear Green Infrastructure Assets and Opportunities plan to identify:
 - a. Existing assets, opportunities and constraints which will feed into the GI masterplan.
 - b. Existing movement and connections around and into the site, including consideration of the Caldicot Greenway Scheme and how the site may have opportunity to connect to the disused railway to the east;
 - c. Existing vegetation and green links;
 - d. The course of the gas main and the easements required (including what is acceptable for inclusion within the easement) no plant zones and their extent.
 - e. Existing play facilities adjacent to the site – play areas, the grass area /historical space.
 - f. Existing PROW and opportunities for connection.
 - g. Drainage constraints (possible attenuation tanks, open drainage channels – no plant zones.
 - h. Opportunities for connecting to castle.
 - i. Routes through to town.
3. Landscape Schedule Drwg to be retitled - Green Infrastructure Framework Plan:
 - a. The plan should clearly identify the difference between existing and proposed vegetation;
 - b. The plan should clearly show the inclusion of a hedgerow between existing and new development (currently not clear enough and in places hidden by the redline boundary); please show this hedge boundary to be a minimum width of 3 double staggered rows with hedgerow trees incorporated within this boundary but for it not to be in private ownership so access for maintenance will be needed.
 - c. Note that the majority of internal tree planting is located within private gardens – please divert away from this if possible and include more street tree planting within strategic GI areas capable of being adopted;
 - d. Mark on a 4m wide maintenance strip/easement along strategic planting and existing hedgerows;
 - e. Within the northern green space simplify the grassland blocks into more consolidated areas of wildflower for ease of management, remove the kick-about area and include informal trim trail equipment and opportunities for informal play to link down into the central green corridor;
 - f. Areas within the gas main easement be mounded up with planting to create visual diversity and include narrow tunnels for informal wild play thus ensuring maximum use of these potentially sterile areas;
 - g. Clearly set out requirement for grazing within the south western field in the blue line to aid the lifecycle of the Hornet Robber Fly. This will be supplemented by detailed management plan that will need to be provided for 10 year period to run in perpetuity with the land – a specific separate Management Plan will need to be dovetailed into the GIMP and will form part of the Unilateral Undertaking.
 - h. Where the secondary pedestrian access will be incorporated please provide more planting and have consideration as to how this may affect the existing play area and footpath routes.
 - i. Identify and allow for a maintenance access to the woodland buffer strip.
 - j. Remove the road layout and only illustrate access points into /out of the site.
 - k. Opportunities for seating and interpretation to be incorporated along all green corridors and the northern green space.
 - l. Please indicate hatched areas where sections of the existing hedge/trees/vegetation will be lost to create access, either roads or gate to carry out maintenance.
 - m. All areas where planting is restricted to be shown and their extent.
 - n. Remaining areas to be developed Page 25 noted that there may be additional open space/GI assets to be incorporated.

- o. Northern Green space to clearly illustrate consolidated areas of wildflower planting and retain existing grassland sward to aid a more deliverable management. Incorporation of trees/copses.
- p. All footpaths and PROW through and beyond site to be clearly illustrated and key connection points incorporated on the plan.
- q. All existing hedgerows, woodland and parkland character to be protected and reinforced as part of the new development and integrated into accessible green corridors.
- r. Design principles for key areas along street frontages to be incorporated.

4 Indicative GI Masterplan will need to dovetail with the Landscape Schedule/ GI Framework Plan. The two are interlinked.

MCC Biodiversity -

We have concerns about the loss of habitat for priority species and a more emphasis on mitigation is required before we can be satisfied that there the planning decision will not be contrary to local policy and national legislation. We have outstanding concerns relating to the principle of the development and loss of habitat for Priority Species however, subject to a unilateral undertaking to cattle graze the adjacent land for a period of 10 years plus improvement of the floral diversity of the open space to be adopted by MCC, we do not object to the scheme.

Aneurin Bevan University Health Board -

This is to confirm that there are no specific building issues related to this development, as although there are some capacity issues in the Caldicot practice, they are resolvable within the current footprint. There are staffing challenges in primary care as you are aware, however the practice are optimistic that they will be able to meet the requirements of the residents of this particular development.

Comments received from the Health Board in relation to the pre-application submission MC/2017/ENQ/00906:

In order to assess whether the new unallocated housing units proposed in Caldicot will impact on the provision of health services in this area, it has been necessary to also examine the proposed housing developments in Chepstow and The Forest of Dean. It is clear that if all the proposed housing allocations are developed, there could potentially be insufficient capacity to accommodate the increased demand on General Medical Services in Chepstow, Severnside and Tutshill/Sedbury areas.

Severnside Area

Mon CC Local Development Plan highlights the increase of 1,782 housing units up to the year 2026, with a proposed increase in population of 4,633.

There are four GP practices which cover this area, however in reality the majority may attend the Caldicot practice with a smaller amount going to Mount Pleasant branch in Portskewett. Therefore if the total number of units is developed there will be a strain on General Medical Services provided in this area.

Chepstow Area

The three Chepstow GP practices are set to experience an increase in the population due to Mon CC Local Development Plan, which highlights the increase of 248 housing units in Chepstow up to the year 2026, with a proposed increase in population of 6,488.

Working on the assumption that this increased population will be equally divided between them equates to 2,149 to each practice and this will impact on the practices, putting strain on the General medical Services provided in this area.

Tutshill/Sedbury Areas

Also to be included in this is the Forest of Dean District Council Local Development Plan which indicates that in the Sedbury and Tutshill area there will be an increase of 222 units which equates to a proposed 577 population increase. The increase in patients will create further demands on the Chepstow practice

Conclusion

In summary up to the year 2026 there are a total of 4,484 housing units proposed with a total potential increase in the population of 11,658.

MCC Heritage Officer -

Recommendation: Acceptable

The development site is north of Caldicot Conservation Area, within a 1km radius several listed buildings can be found, of particular note is the Grade I Caldicot Castle, within the radius three Scheduled Monuments can be found, the castle is a monument and LB. In regard to the potential impact of the development on the setting of Scheduled Monuments comments should be sought from Cadw. Heritage comments relate strictly to the listed buildings and the Conservation Area.

LBs:

2006 – Caldicot Castle (GI)

2019 – Church of St Mary (GI)

2741 – The Manor Nursing Home (GII)

2055 – Church Farmhouse (GII*)

2756 – Barn at Church Farm (GII)

2738 – Upper House (GII)

Apart from Caldicot Castle, the above designations sit within an existing urban environment; it is considered the development will not have a detrimental impact on the special architectural or historic interest of the buildings. Caldicot Castle, northbound views from the tower sections contain a mixture of rural and urban landscape vistas. Elements of the proposed development will be visible from the north tower, however due to the enclosing nature of the castle grounds and mature vegetation surrounded by the park, soft landscaping mitigation can screen the potential loss of views from the tower, it is viewed such impact is negligible.

Caldicot Conservation Area:

It is considered, the development will not have a detrimental impact on the character of the conservation area. The north-west is an urbanised view and Caldicot Castle Park is relatively screened with existing mature growth. The development would be established from the area as a further urban extension, potential impacts can be further mitigated via soft landscaping which will mature in time to provide coverage.

Planning (Listed Buildings and Conservation Areas) Act 1990:

Paragraph 66 – (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 72 – (1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Planning Policy Wales (Edition 9):

Paragraph 4.11.10:

In areas recognised for their landscape, townscape or historic value, such as National Parks...and conservation areas, and more widely in areas with an established and distinctive design character, it can be appropriate to seek to promote or reinforce traditional and local distinctiveness. In those areas the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important. The impact of development on listed buildings should be given particular attention.

Paragraph 5.1.2:

The Welsh Government's objectives for the conservation and improvement of the natural heritage are to:

- Ensure that statutorily designated sites are properly protected and managed.

Paragraph 6.5.9:

Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

Paragraph 6.5.10:

Applicants for listed building consent must be able to justify their proposals, show why alteration or demolition of a listed building is desirable or necessary.

Paragraph 6.5.11:

There should be a general presumption in favour of the preservation of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.

Paragraph 6.5.20:

There should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting,

Monmouthshire Local Development Plan 2011-2021

Policy HE1 – Development in Conservation Areas Within Conservation Areas, development proposals should, where appropriate, have regard to the Conservation Area Appraisal for that area and will be permitted if they: a) preserve or enhance the character or appearance of the area and its landscape setting; b) have no serious adverse effect on significant views into and out of the Conservation Area; c) have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape; d) use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and e) pay special attention to the setting of the building and its open areas. Where development is acceptable in principle it should complement or reflect the architectural qualities of adjoining and other nearby buildings (unless these are harmful to the character and appearance of the area) in terms of its profile, silhouette, detailing and materials. However, good modern design may be acceptable, particularly where new compositions and points of interest are created.

MCC Public Rights of Way -

The Active Travel Act requires that LA continually improve facilities and routes for pedestrians. The Act aims to make active travel the most attractive option for short everyday

journeys. All schemes should be permeable to pedestrians and cyclists and form safe and convenient connections to surrounding infrastructure.

Although pedestrian links to the adjacent existing housing development could be better these are probably as good as is achievable given the site's constraints. These links must however be made up to appropriate standards and maintained and protected for the public. Public footpaths 37, 38 and 39 run through or adjacent to the site. The developer must accommodate these paths or apply for a path order to divert them. Paths should avoid the use of estate roads and private areas wherever possible, they should be made away from vehicular traffic. The proposal although in outline looks to divert path 37 onto an estate road. The effect of development on a public right of way is a material planning consideration. Another footpath runs close to the site that has no recorded legal status. This path is well used and forms path of the Wales Coast Path Caldicot Circular Route. Although outside the red line we would like to see this path formalised as part of the application by way of planning gain.

Local Member Councillor Tony Easson

Magor GP surgeries need major improvement to cater with the expected population growth. Patients will gravitate to Caldicot from Magor. Need also to consider growth from Sudbrook, Crick Road and Magor. Do not consider that the Health Board have explored the effects that all development pressure will put on GP surgeries.

4.2 Neighbour Notification

Adverse impact on air quality

TA uses national not local data

Loss of views

Needs high quality design, detailing and materials

Impact on bat roosts

Impact on Great Crested Newts

Inconstancies in the ecological appraisal

Ecological report is not objective

Needs technical examination of submitted documents

Impact on protected wildlife

Local residents and RSPB have not been consulted

Needs planning condition to exclude the keeping of domestic animals?

There is a five-year management plan for the protection of robber flies on this land through a S106 agreement

Impact on the SSSI, pollution and disruption

Development by stealth

TA underestimated car use

Site not allocated in the LDP

Effect on the landscape character of the area

MCC is failing to meet housing targets

Needs sufficient water and sewerage infrastructure

Will not provide sustainable development

Site will not be accessible by public transport or walking

Contrary to policy S13 of the LDP

Exacerbate existing flooding issues

Will not reduce the need to travel

Loss of agricultural land

No economic gain for the area

Planning statement is inaccurate

Cars will park on the roundabout

Heol Sirhowy is not suitable for a further 130 dwellings

Applicants have not put forward reliable evidence

Disruption to a beautiful area filled with wildlife
Disruption during building works
Roads are not fit for purpose
Doctors and dentists are overloaded
Increased risk of accidents
Additional stress on the health service
Tarnish the charm of Caldicot
Impact on the National Cycle Network
MCC lack of investment in integrated footpaths
Footpaths are too narrow
The DAS is inaccurate saying that it was always intended that this site be developed
Loss of open green space
Primary school is already full
Lanes through Caerwent are unsuitable for more traffic
Land will become compacted during construction and this could affect land drainage
Impact on traffic through Caerwent
Will lead to more commuting
Will not lead to more job opportunities
Caldicot is overloaded
Additional 1000 homes added to Caldicot /Portskewett
Development is not needed
Over development
Impacts negatively on the quality of life and health of local residents
No guarantees on how the sustainable drainage will work
Impact on the Severn Estuary SAC, SPA and RAMSAR
Surface water and run-off may pollute the Nedern Brook
A second access is needed but not provided
MCC does not have the resources to provide a second access
Danger to children using the park
Dangerous road junction and a blind corner
Vehicles will mount the pavement
Roads are in a poor state of repair
Lack of council investment in the area
Local leisure centre is at capacity
Local roads are at gridlock
Caldicot is full
Safety issues with the high-pressure gas main
Compromises LDP policies
Building near protected limestone deposits
Destruction of the landscape
No justification for this development in the LDP
Loss of wildlife corridors
Danger of pedestrians going to school
Loss of public rights of way
Developments in Sudbrook and Portskewett will add to the pressure
Faulty surveys
The roads are unsuitable for construction traffic
The very fabric of Caldicot Town is threatened
Traffic survey was carried out during half term
No considerations of other developments in the area
No joined up thinking about the cumulative impact
Loss of protective boundary for the SSSI
The land for the community park already exists, it is not being created
Impact on Roman Ruins in Caerwent
Loss of views from existing houses and Nedern Trail

Adverse impact on Tourism Loss of Green Space
 Where will the cattle be relocated into the SSSI or the Flood Zone?
 No monitoring of the site for the last 10 years for the Hornet Robber Fry despite a requirement in the S106
 Why was the site not included in the LDP?
 Not enough mitigation for the impact on the landscape
 LVIA says this is a high to sensitive landscape and the proposal will have a major adverse effect on the landscape and PROW
 The democratic process does not work
 Houses are too expensive for local people so people will move in from England, which is contrary to WG goal to promote a bilingual Wales.
 Church Road is unsafe for pedestrians and drivers
 Increased flood risk
 Disagree with the Health Board's comments. Health Board do not know how difficult it is to get an appointment in Caldicot. This is not what local residents want
 Town Council's objections have been ignored
 MCC does not listen to public's views
 Do not believe that all the correspondence from the developer is appearing on the website
 As suitable access points were made on the previous development, they must have known that this site was going to be developed
 Landscape is high to medium sensitivity
 Neddern Valley acts as a setting for the Castle and other SAM's
 Ignoring the advice given in the "Ecological Connectivity Assessment of 2010
 Conflict with LDP Policy LC1
 Caldicot is providing more new housing than other towns should be accommodating
 The density of development is too high
 The affordable housing will not be delivered
 Major impact on landscape character
 No employment opportunities
 Increase in pollution
 Decaying infrastructure
 Existing trees are not substantial enough to protect the SSSI
 Loss of TPO's
 Reports not issued in Welsh
 Impact on the castle from south facing solar panels
 Underhand tactics by MCC officers, insufficient time to study reports
 Inaccurate reports
 Loss of high quality agricultural land
 MCC should work for local people who elected them and not be persuaded by bribes.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site is located outside the Caldicot Development Boundary in an area considered as open countryside. As such, its development for housing is a departure from the adopted development plan and open countryside policies apply. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications shall be determined in accordance with the adopted LDP unless material planning considerations indicate otherwise. One of those material considerations is the Council's housing land supply. There is a shortfall in the five year land supply in Monmouthshire with the land supply currently at 3.9 years. Until July 2018, paragraph 6.2 of TAN1 required that, when considering planning applications for housing development on land not allocated in an adopted LDP, 'considerable weight' must be given to the lack of a five year housing land supply. This meant that otherwise acceptable housing development would be approved

even if it were not allocated for development in the LDP. Appeal decisions in this regard were consistent and clear. In July 2018, the Cabinet Secretary with responsibility for Planning issued a consultation on a proposal to 'suspend' paragraph 6.2 of TAN1 for an undetermined period, while a review of housing supply is undertaken. The Cabinet Secretary has since issued her decision, which is to dis-apply paragraph 6.2. The duration of this decision is unspecified. Her letter, however, goes on to state that it is now for the decision-maker (i.e. Monmouthshire County Council as Local Planning Authority) to decide the weight to give its housing land supply shortfall.

5.1.2 On 20th September 2018, Council considered a report entitled "Addressing our lack of 5 year land supply: Monmouthshire's Approach to Unallocated Sites". This report set out the challenges and opportunities facing the County and our communities, including significant affordable housing need, the highest average house prices in Wales, our increasingly imbalanced demography and the resultant weak economic base, and the opportunities arising from Cardiff Capital Region City Deal and the economic growth in the Bristol area. Our housing land supply stands at 3.9 years, and our development trajectories show that by the end of the current LDP's plan period in December 2021, we would have a shortfall of 961 homes (of which 337 are affordable homes) against the LDP housing targets. Council resolved that our housing land supply shortfall will be given 'appropriate weight' when considering planning applications for residential development on sites outside of the adopted LDP. Consideration would follow a hybrid spatial model based on a balance between evidence of delayed site delivery, which shows the greatest shortfall is within the Southern local housing market area which includes Chepstow and Severnside; and the LDP settlement hierarchy which seeks to focus growth on the three main towns of Abergavenny, Chepstow and Monmouth, then Severnside, then the rural secondary settlements of Llanfoist, Penperlleni, Raglan and Usk. The Council resolved that consideration of unallocated sites would be subject to the following ground rules:

1. Residential development is unacceptable in principle within undefended flood plain (zone C2) or on greenfield sites within defended flood plain (zone C1), as per national planning policy and TAN15;
2. Residential development is unacceptable in principle within allocated Green Wedges: the appropriate time to review Green Wedge designations is via the new LDP;
3. Residential development is unacceptable in principle on allocated employment sites. Such sites will not be released for housing development unless full compliance with LDP Policy E1 can be demonstrated and there is no realistically likely future demand for the site for employment purposes;
4. Unallocated sites are required to deliver 35% affordable housing and no negotiation will be entertained (60% where the development relates to a Main Village);
5. The development must be acceptable in other planning terms. If infrastructure is inadequate to support new development, and it cannot be satisfactorily improved via a S106 planning agreement, permission would normally be refused. This includes matters such as highway capacity, school capacity, primary health care and air quality;
6. The scale of additional residential development will be considered in the context of the LDP spatial strategy, both in its own right and cumulatively with other approved residential development.
7. Development should be restricted to the Main Towns, Severnside, and Rural Secondary Settlements (with the exception of Llanfoist where there shall be no additional development on unallocated sites outside of the new LDP); and small 60% affordable housing sites in those Main Villages without an allocated site (namely St Arvans and Llandogo).
8. The size and mix of the proposed dwellings is both suitable for the location and seeks to address our demographic challenges;
9. Any planning permissions will have a reduced lifespan: full planning permissions shall be commenced within 2 years, and outline planning permissions shall be followed by

reserved matters within 1 year, with commencement within 1 year of approval of the reserved matters;

10. Applications recommended for approval shall be accompanied by a Unilateral Undertaking by the time they are presented to Planning Committee;

11. This decision ceases to have effect should we regain a five year land supply and/or meet the LDP housing shortfall identified in this report.

In the case of this current outline application for new housing development on the eastern side of the Town of Caldicot, the proposal does comply with the overall LDP spatial housing strategy as the site is adjacent to a Severnside settlement, next to the development boundary, in a sustainable location within walking distance of the Town Centre. The site is located within the Southern local housing market area where the evidence shows the housing delivery delays are greatest in magnitude. The proposal therefore complies with option 2e as set out in the 20th September 2018 Council report.

Since the date of Council's decision, the following planning applications for unallocated sites have been approved:

None

However, an application for outline planning permission for up to 111 dwellings in Raglan is reported elsewhere on this agenda.

It is therefore considered that there has been no change in circumstances to diminish the appropriate weight to be given to our housing land supply shortfall when considering this application.

With regards to the ground rules agreed by Council:

- 1) A small part of the site, but not the developable area, is in a C2 Flood zone. No dwellings or roads would be located within the flood zone;
- 2) The site is not designated as a Green Wedge in the adopted LDP;
- 3) The site is not allocated as an Employment Site in the adopted LDP;
- 4) . The development would provide 35% affordable housing which is policy compliant and not subject to viability testing. Based on 130 dwellings, the site would provide 46 affordable dwellings (or 45 if the requested adapted bungalow is provided);
- 5) The site is acceptable in planning terms for new housing development and is in a sustainable location within easy walking distance of the Town Centre, shops, medical facilities, schools, amenity sites and community facilities. The site also has good access to the local bus and train services. Aside from the fact that the site is not allocated within the LDP, it meets all other policy objectives. This is considered further in the remainder of the report;
- 6) The scale of the proposed development (up to 130 dwellings) is considered to be proportionate in the context of the scale of Caldicot, a town of approximately 4350 homes, and part of the wider Severnside area. There are no LDP allocated housing sites within Caldicot itself, although Severnside includes the following allocated sites:
 - a. Crick Road, Portskewett: allocated for 291 homes (25% affordable), outline planning application reported elsewhere on this agenda;
 - b. Former Paper Mill, Sudbrook: planning permission granted for 212 dwellings (9.6% affordable), under construction;
 - c. Rockfield Farm, Undy: outline planning permission granted for around 270 dwellings (25% affordable), reserved matters application received for phase 1;
 - d. Vinegar Hill: allocated for around 225 homes, no application submitted to date.

The following additional development in Caldicot appears in the latest Joint Housing Land Availability Study:

DC/2016/01453 Brookside 25 dwelling units

In conclusion, the scale of additional residential development is considered proportionate and acceptable both in its own right and cumulatively with other approved and allocated residential development;

7) As stated above, the application site is located within Severnside, so this ground rule is complied with;

8) The size and mix of the proposed dwellings, and their effect on tackling our demographic challenges and their suitability for the location will be considered at the Reserved Matters stage, should this application be approved;

9) Should Committee be minded to grant planning permission, a condition would be imposed to require submission of reserved matters within 1 year, with commencement within 1 year of approval of the reserved matters. The reason is to ensure prompt delivery to meet the housing shortfall which is the justification for departing from the adopted LDP;

10) This application is accompanied by a Unilateral Undertaking;

11) Neither the identified housing delivery shortfall of 961 dwellings by the end of the LDP plan period, nor the housing land supply shortfall, have been addressed to date, and so the Council's decision of 20th September 2018 remains in place.

5.2 Loss of Agricultural Land

5.2.1 Section 4.10 of PPW gives weight to the protection of land in agricultural grades 1, 2 and 3a. Paragraph 4.10.1 states that such land should only be developed on "if there is an overriding need for development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations." A soil and agricultural land quality survey was prepared by Land Research Associates for the site in October 2017. The majority of the site is Grade 1 Agricultural Land which is identified as Best and Most Versatile. Part of the site is woodland and the majority of the site has been used for the grazing of cattle. There is an overriding need for housing development within the Severnside sub region due to the shortfall of housing provision in the area which can be demonstrated through the latest Joint Housing Land Availability Study. The applicant maintains that the land in question is at the lower end of the "best and most versatile" land classification and that it has imperfect subsoil drainage and that it has limited potential for growing crops, hence why it has been used as grazing land. According to the applicants, the land is not suitable for intense agricultural use. In this case, officers consider that the overriding need for housing development in the area overcomes the need to protect agricultural land which is grade 1 and that the proposal is in accordance with the objectives of paragraph 4.10.1 of PPW.

5.3 Mineral Safeguarding Area

5.3.1 The Regional Technical Statement (RTS) of the South Wales Aggregates Working Party (October 2008) requires MCC to investigate and safeguard limestone for possible future use. This requirement is achieved through LDP Minerals Policy S15 which states that the Council will seek to contribute to regional and local demand for a continuous supply of minerals by safeguarding known and potential resources and maintaining a 10 year land bank of permitted aggregate resources through the plan period. To this end Minerals Safeguarding Areas have been identified on the LDP proposals map. The northern half of the development site is in the Limestone Safeguarding Area. Policy M2 of the LDP states that development proposals which may impact on the MSA will be considered against the following requirements:

a) Proposals for permanent development uses within identified MSA will not be approved unless:

- i. “The potential of the area for mineral extraction has been investigated and it has been shown that such extraction would not be commercially viable now or in the future or that it would cause unacceptable harm to ecological or other interests; or
- ii. The mineral can be extracted satisfactorily prior to the development taking place; or
- iii. There is an overriding need for the development; or
- iv. The development comprises infill development within a built-up area or householder development or an extension to an existing building.”

5.3.2 The proposed housing site is in close proximity to a SSSI and there is a risk that any mineral extraction in this location could cause ecological harm to the SSSI. The limestone could not be satisfactorily extracted prior to development taking place due to the close proximity to the existing residential housing, which abuts the site. Minerals would not normally be quarried within 200m of existing homes, so future extraction from this site is considered to be very unlikely. The SSSI to the east means allowing this proposed development would not, in itself, sterilise further mineral reserve from future extraction because the SSSI would likely limit this opportunity anyway. In this case, it has been demonstrated above that there is an overriding need for the development to provide much needed housing in the area. The proposal is therefore not contrary to the objectives of policy M2 of the LDP

5.4 Affordable Housing

5.4.1 Policy S4 of the LDP relates to Affordable Housing Provision, as the site is located outside the Caldicot Development Boundary it is a departure from the LDP. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and contains a specific section relating to departure applications in the open countryside (Section 4.4 E). This states that there is a requirement for 35% of the total number of dwellings on the site to be affordable. The proposal relates to up to 130 dwellings, the affordable housing requirement would therefore be 46 units if the full 130 dwellings are included at the detailed planning stage. The Planning Statement refers to a contribution of up to 46 units but requests the right to review the percentage of affordable housing provided subject to a viability assessment. MCC planning officers maintain that if this departure development should go ahead the development must provide the full 35% in order to be policy compliant and that there is no need for a viability assessment: if 35% cannot be achieved the whole development would not be allowed. The developers have now agreed that 35% will be provided and that this will not be subject to a viability assessment. This will be clearly stated in the Unilateral Undertaking between the Council and the landowner. This is in accordance with the ‘ground rules’ agreed by Council on 20th September 2018.

5.4.2 There is clear evidence of need for affordable housing in the Caldicot Area. The MCC Housing officer has outlined the mix of affordable housing that is required based on local need. This being as follows:

Mix Required

General Needs

2 person, 1 bed flats	12 (3 x 4 blocks of walk up flats)
4 person 2 bed houses	16
5 person 3 bed houses	4
6 person 4 bed houses	2

OAP and Disabled

2 person 1 bed flats	8 (with a lift)
3 person 2 bed bungalows	2

Adapted bungalow (2 or 3 bed) 1

Total 45

5.4.3 The houses would all be built to the relevant DQR standards and will be available under neutral tenure. This is where tenure of housing is not predetermined but can vary according to needs, means and preferences of households to whom it is offered. Of the 130 dwellings provided on this site 35% would be affordable and this equates to 46 units. As we require an adapted bungalow for a disabled person the Council's Housing Officer is prepared to accept 45 units as the adapted bungalow will be land hungry with a larger than average floor area. The affordable housing units will be handed over to a registered Housing Association. The specific mix of housing types required will be included in the legal agreement and will be altered pro rata if the housing numbers alter with the reserved matters. The affordable housing will be provided in three separate areas in line with the 'pepper potting' requirement of the policy. It will be part of the terms of the unilateral undertaking that all of the affordable housing will be constructed before the occupation of 80% of the market housing. The provision of affordable housing will be fully compliant with LDP Policy S4 and the Affordable Housing Supplementary Planning Guidance.

5.5 Education Provision

5.5.1 MCC Directorate for Children and Young People has considered all major new housing developments in the Caldicot, Sudbrook and Portskewett areas and has concluded that while Castle Park Primary School currently has some surplus capacity, taking into account the developments assigned as part of the LDP or with extant planning permission, it is anticipated that all Caldicot town schools will be under significant pressure. Therefore a S106 contribution is required to increase capacity at primary level. There is sufficient secondary education capacity.

5.5.2 On the basis of the above, and prioritising the LDP sites, there would be a shortfall of 20 pupil places for this development on the basis of 90 market 3 bed dwellings. This takes into account the open market housing and does not include the affordable housing units, which do not pay a contribution.

5.5.3 As this is an outline application, the exact mix of the housing types is not known at this stage, so we have taken a 3-bedroom property as the average. The proposed development would provide a maximum of 85 open market houses and this figure has been used to predict the demand for school places required in the area as a result of this development. It is predicted that this development will result in a shortfall of 20 primary school places in the Caldicot Catchment area, the exact number will be determined by the number of houses put forward in the reserved matters but the contribution will be £17,257 for each extra school place required. This will be required through a unilateral undertaking. This money will be used to provide extra school places in the most expedient locations to ensure there are sufficient school places to accommodate the children forecasted to be generated.

5.6 Health Provision

5.6.1 As agreed with Members in 2017, the Aneurin Bevan Health Board is consulted on all major residential planning applications. The number of GPs in an area is based on population number. Aneurin Bevan Health Board have confirmed that GP provision within the area is at capacity. However, in this particular case the local GP surgery can accommodate an additional GP without needing to physically extend the surgery building or its car park. Consequently, no S106 contribution is sought in this instance. In terms of concerns raised during a recent public meeting organised by the Town Council that there is difficulty recruiting GPs, this has been raised with the Health Board. The Health Board

advises that although this is an issue in some areas of their Health Board area, they and the practice are optimistic that they will be able to meet the requirements of the residents of this particular development. There is no justification for requiring any new infrastructure in the form of a new surgery based on the number of new homes being created as a result of this development.

5.7 Highway Safety

5.7.1 The application was supported by a Transport Assessment (TA) that included sensitivity testing and additional modelling. This TA has been considered by MCC Highways and independently assessed by Capita. The TA found that the proposed site had good pedestrian links to Caldicot Town Centre and that there was a bus stop within 900 metres of the edge of this site at Caldicot Cross from where there are services to Newport and Chepstow. There are two train stations within 3km of the site, Caldicot Station that has links to Newport and Chepstow and Severn Tunnel Junction which has access to Bristol and London. In addition, the site is only 600 metres away from the National Cycle Network Route 4. It can be seen therefore that this is a sustainable location with good links to public transport. Of all the settlements within Monmouthshire, Caldicot with its two local train stations and good bus links, is the most connected in terms of public transport. The principle of new housing development in this sustainable location conforms to policy objectives for new housing development within the County. The pedestrian links to the town centre and the cycle routes are good.

5.7.2 With regards to Highway Safety Issues, MCC Highways offer no objection. Although this is an outline application, access into the site is being considered at this stage. The proposal shows that there will be one main access into the new housing development and this will be from the recently adopted Heol Sirhowy and would serve up to 120 of the new dwellings. There would also be two vehicular accesses off Clos Ystwyth each serving approximately five dwellings (dependent on the reserved matters design). The capacity of the local road network to accommodate the additional traffic generated by the proposal has been considered especially with reference to Church Road, Heol Trothy, Heol Sirhowy and Clos Ystwyth. The TA concluded that the development can adequately be served along those roads without detriment to the local road network and that those roads do have sufficient capacity to accommodate the new development. The TA looked particularly at the increase in traffic flows along Church Road. It found that there would be a 6.2% increase in traffic during the morning peak (rush hour) and a 5.9% increase during the pm peak. This level in the increase in traffic can be accommodated at the junctions in the immediate vicinity. MCC Highways concur with this stating that the roads will operate within capacity after the development is completed and that there is no need for any improvement or mitigation.

5.7.3 While it is agreed that the new development can be safely served by one main vehicular access into the site, the local area would benefit from two means of vehicular access into the site thus promoting permeability, facilitating alternative routes of travel in and out of the development, emergency access and potentially providing a through route for public transport. It is for this reason that a clause will be put into the unilateral undertaking requiring that the developers provide the opportunity for the new development to link up to Heol Teifi over land outside the ownership and control of the applicant.

5.7.4 As this is an outline application the design of the estate roads is not being considered but it is expected that they will be designed to have a speed of 20mph or less and that the layout will comply with the adopted Monmouthshire Parking Standards. This will be considered at the Reserved Matters stage, should this outline application be approved.

5.7.5 In conclusion, MCC Highways have no objection in principle to the proposed development from a traffic impact perspective. While a secondary access is not required in terms of capacity, it would be desirable at a later date to improve permeability.

5.8 Sustainable location and sustainable transport

5.8.1 Paragraph 9.1.2 of Planning Policy Wales (PPW) emphasises the importance of locating residential development on sites that are easily accessible by public transport, cycling and walking, as well as by private car. Paragraph 4.4.3 of PPW also emphasises the need to promote resource-efficient settlement patterns that minimise land-take. Paragraphs 4.9.1 and 9.1.1 outline the preference to utilise previously developed land in advance of greenfield sites, ensure high levels of sustainability and an appropriate mix of private and affordable housing. In this regard, Paragraph 9.2.8 states that when identifying sites, local authorities should follow a search sequence, as follows:

- 1) Re-use of previously developed land and buildings within settlements;
- 2) Settlement extensions; and then
- 3) New development around settlements with good public transport links.

5.8.2 Whilst this location is a greenfield site, there are very few brownfield sites available in Monmouthshire; it is on the edge of an existing settlement. The site does comply with the overarching housing strategy of the LDP which is that the main focus for new housing development should be within or adjoining the main towns and Severnside sub region settlements. The proposed site abuts the existing residential development along Church Road and is within easy walking distance of Caldicot Town Centre and other community facilities. This site can be considered as a sustainable location. The proposal also conforms to the strategy outlined in the recently adopted report for Addressing the Lack of Five Year Land Supply: Monmouthshire's Approach to Unallocated Housing Sites. The site is not allocated as part of a green wedge, it is well related to the existing built form being adjacent to similar housing development, and the site boundary is clearly formed by existing woodland planting to the east of the site and its close proximity to community facilities.

5.8.3 An Active Travel Audit was submitted as part of the application and was prepared in accordance with the Welsh Government's Design Guidance: Active Travel (Wales) Act 2013. The Active Travel Audit gives an assessment of walking and cycling routes. A number of walking routes between the site and important destinations within Caldicot were identified. Each of the identified walking routes achieved a score equal to or above the 70% identified as a 'Pass' within the 'Active Travel Design Guidance'. These routes are all well-established walking routes, generally with footway, footpath or shared-use provision. Many of these routes also comprise part of the existing active travel routes. It did identify some areas where the routes could be improved for example by cutting back overhanging vegetation or by repainting road signs. An existing cycle route runs through Caldicot but is not adjacent to the proposed development site. The cycle route element of the Audit also scored 70% which is identified as a 'Pass' within the 'Active Travel Design Guidance' and as such, it is considered that this link between the site and National Cycle Network (NCN) Route 4 is suitable for cycling. There is currently no signage from the site to the cycling route but, as part of the Full Travel Plan, future residents of the site would be furnished with details on local cycle routes and this could include directions to connect into this local cycle route. As part of MCC's Active Travel Annual Report 2016 – 2017, improvements to the cycle infrastructure within Caldicot are identified. These comprise the "Installation of retro cycle hoops at 6 locations and large public pumps at 2 locations within and around the town centre, including Woodstock Way, Newport Road, Chepstow Road and Sandy Lane in Caldicot. It is noted that this equipment has been purchased but not installed, with installation envisaged during improvement works to the town centre in 2018.

5.8.4 The Council's Transport Planning and Transport Officer has identified that there is a need to pump prime a local bus service and also to have a financial contribution towards an active travel plan. This will be included in the Unilateral Undertaking under the Heads of Terms "local Highways and Sustainable Transport".

5.9 Drainage

5.9.1 The application is proposing the use of a suburban urban drainage system which would incorporate a number of attenuation features such as tanks and large diameter pipes to provide the required storage for surface water. This is in line with the objectives of Policy SD4 of the LDP which requires that development proposals will be expected to incorporate water management measures, including Sustainable Drainage Systems (SuDS), to reduce surface water runoff and minimise its contribution to flood risk elsewhere. As with the recently completed site adjacent, the use of SuDS can control the rate at which the surface water enters the Nedern Brook and its catchment area thereby reducing the risk of flooding. The details of the surface water drainage will need to be provided as part of the reserved matters application as its nature and location will be dependent on the layout of the site and vice versa. NRW are satisfied with this approach and have requested a condition requiring that details of the foul and surface water drainage disposal be provided at the Reserved Matters stage. As the site is adjacent to an SSSI, it is important that any surface water entering the water course is not contaminated. The site is also located within Zone 1 of the Great Spring Source Protection Zone (SPZ). Source Protection Zones are designated by NRW to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface. Source Protection Zone 1 (SPZ1) areas are designated closest to the source of potable water supplies and indicate the area of highest risk for abstracted water quality. Inappropriate foul or surface water drainage disposal has the potential to pollute the SPZ1. The current application does not provide details in relation to surface and foul water disposal but states that surface water management design will be incorporated into the detailed layout at the Reserved Measures stage. The Drainage Strategy states that it is proposed to discharge surface water run-off to the watercourse. NRW are satisfied that the discharge of clean roof water to ground is acceptable both within and outside SPZ1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. There is a pipe carrying surface water (between 450mm and 2100mm in width) which crosses the northern part of the site. The developers are aware of the width of easement required for this and the layout of the housing development can be designed to accommodate these easements.

5.10 Water Supply

5.10.1 Welsh Water states in the consultation response, "The potable water hydraulic modelling assessment has recently been completed and it was confirmed that the development has three connection options into surrounding water mains network that would not cause an unacceptable level of detriment to existing water supplies." Local residents have reported concerns regarding water pressure, with some residents in the older homes saying their water pressure has reduced since the new homes have been built. However, Welsh Water have no objection to the proposal, and confirms that sufficient water can be supplied to the site.

5.11 High Pressure Gas main through the site

5.11.1 There is a high-pressure gas pipeline crossing the site. It runs between Caerwent and Sudbrook with an operating pressure of 39 Bar and a diameter of 168mm. It is constructed of steel and is approximately 1.1 metres in depth.

The applicants have discussed the proposal with Wales and West Utilities confirming that the existing high-pressure gas infrastructure is located within the site and it was confirmed that an easement along the pipeline provides for 6m either side of the pipeline to be kept clear of buildings, to ensure access and maintenance to the pipeline at all times. The applicants also consulted with The Health and Safety Executive whose guidance identifies consultation distances (measured from the centre of the pipeline) within which lie sub-zones named “Inner Zone” (IZ), “Middle Zone” (MZ), and “Outer Zone” (OZ). HSE bases its advice on land-use proposals on features of the proposal and how the site area lies in relation to these Land-Use Planning (LUP) Zones. These distances are as follows:

Inner Zone – 15m
Middle Zone – 15m
Outer Zone – 21m

5.11.2 As this is a development of more than 30 dwellings, the HSE would classify the development a Level 3 sensitivity. For a development with a sensitivity level of 3, HSE guidance suggests this type of development would be acceptable within the outer zone but would not be suitable within the inner or middle consultation zone. The developers considered various mitigation measures but decided that the site could be developed by leaving an area of 15 metres either side of the gas pipeline on which no houses would be constructed. This conforms to the HSE requirements and will also provide a green wildlife corridor through the centre of the site.

5.11.3 The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web application, based on the details input on behalf of Sir Fynwy – Monmouthshire. Planning Officers ran the development proposal through the HSE's web application plotting the position of the housing development and also the areas of landscaping. According to the advice in Annex 2 of An introduction and guide to HSE's Planning Advice Web App, A Local Authority Guide v1.0, the definition of “landscaping” includes gardens, car parking areas, open spaces etc., associated with a development. It is considered to be areas where people are transient and do not congregate. The land on the northern part of the site was not classified as Outdoor Use by Public because according to the HSE definition this classification is for land where members of the public congregate in large numbers such as food festivals, picnic areas, outdoor markets, car boot sales, community and adult education, open-air theatres and exhibition, coach/bus/railway stations, park & ride interchanges, ferry terminals, sports stadia, sports fields/pitches, funfairs, theme parks, viewing stands, marinas, playing fields, children's play areas, BMX/go-kart track, country parks, nature reserves and marquees. The use of the land on the northern part of the site is more closely aligned to the definition of Landscaping than it is for Outdoor Use by the public. Applying the app there are only 10 land uses to choose from and we have run it using the land use with the most appropriate definition. The Health and Safety Executive response is that they do not advise, on safety grounds, against the granting of planning permission in this case.

5.12 Flooding

5.12.1 A Flood Consequences Assessment and Drainage Strategy by Jubb Consulting Ltd, has been submitted as part of the application. It was prepared in accordance with the requirements of the current national planning policy and in particular the Technical Advice Note 15: Development and Flood Risk (TAN 15) published by the Welsh Government. The assessment examines key flood risk issues as they relate to the proposed residential development, and as such demonstrates its suitability for development in accordance with TAN 15 developing a full appreciation of:

- The consequences of flooding on the development
- Consequences of the development on flood risk elsewhere within the catchment for a range of potential flooding scenarios up to that flooding having a probability of 0.1%
- Establish whether appropriate mitigation measures can be incorporated within the design of the development to ensure that development minimises risk to life, damage to property and disruption to people living and working on the site or elsewhere in the floodplain.

5.12.2 The topography of the site results in the land falling away in a south-easterly direction with a difference in levels of about 20 metres. The lowest part of the site is the south-east corner reaching a level of 7.5m AOD. This part of the site is within a C2 flood Zone. This zone is classed within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines. The majority of the site is outside either of the flood zones and it is here that the houses would be built. The small area of the site which is in the flood zone will be an area of woodland with no houses or roads being located within the flood zone.

5.12.3 NRW acknowledges that there are two small areas of this site that fall in the C2 flood zone and that these areas at risk of flooding are currently woodland and grassland and that no new development is proposed for these areas. Given the small scale of these two areas and their retained use as woodland and grassland NRW did not require any further assessment or information regarding potential or consequences of flooding. NRW have no objection to the proposal on flood grounds given that no new development is proposed on the land liable to flooding. During the construction phase of the development the land may be compacted and this may alter the drainage on the land. It is important that this is addressed as part of the drainage details to be submitted with the reserved matters. The two small areas identified as being at risk of flooding will probably continue to flood during the winter months but the proposed development will not exacerbate this situation.

5.13 Impact on Caerwent and Other Heritage Assets

5.13.1 Local residents have expressed concern that the increase in traffic resulting from this development will have an adverse impact on the Roman remains at Caerwent. It is true that the development will generate additional traffic and that some is likely to exit the site and join the A48 travelling through Caerwent. The developers have amended their TA to address this point. At the crossroads in Caerwent a Classified Turning Count was undertaken on Wednesday 6th June 2018. It found the junction to be lightly trafficked even during the am and pm peak. Junction capacity modelling was undertaken and found that the junction was operating well. It is estimated that if 62% of the traffic generated by the new development resulting from this application would turn north on Church Road to travel to Caerwent rather than turning south toward Caldicot Town Centre, then the junction capacity would still be acceptable with only slight queuing and delays. The fact that there would only be slight queuing at this junction even at the peak times, is important as long delays could lead to air pollution which could affect the Roman Walls which are close to this junction. But given the very small increase in queuing traffic and the distance from the wall to the road there will be no damage to the walls as a result of this proposal.

5.13.2 Immediately to the south of the site is Caldicot Country Park and a designated Conservation Area. The edge of the proposed Housing Site is just over 100 metres from the boundary of the Country Park. Although it is proposed that there would be woodland planting along the southern boundary of the housing site, which will in part act as a buffer, the proposed development would be visible from parts of the Castle and Country Park. However, these views would be against the backdrop of other modern housing developments, and consequently are not considered to significantly impact on the setting of historic importance of the castle, or on the amenity or relative tranquillity of the Country Park. MCC Heritage Officers have assessed the impact that the proposal will have on the Caldicot Conservation Area and all the listed buildings within a 1 km radius of the site. They found

that apart from Caldicot Castle, all of the other listed buildings sit within an existing urban environment; and is considered the development will not have a detrimental impact on the special architectural or historic interest of the buildings. From Caldicot Castle, northbound views from the tower sections contain a mixture of rural and urban landscape vistas. Elements of the proposed development will be visible from the north tower, but due to the enclosing nature of the castle grounds and mature vegetation surrounding the park, soft landscaping mitigation can screen the potential loss of views from the tower. It is considered that such impact is negligible.

5.13.3 It is also considered the development will not have a detrimental impact on the character of the Conservation Area. The north-west is an urbanised view and Caldicot Castle Park is relatively screened with existing mature growth. The development would be established from the area as a further urban extension, potential impacts can be further mitigated via soft landscaping which will mature in time to provide coverage. The proposed housing development would preserve the character and appearance of the Caldicot Conservation Area and would not have an adverse impact on significant views into or out of the Conservation Area or on significant vistas within it. The proposal therefore accords with the objectives of Policy HE1 of the LDP which relates to Development within Conservation Areas.

5.14 Ecology and Impact on the SSSI

5.14.1 An assessment titled Church Farm, Caldicot Ecological Appraisal prepared by The Environmental Dimension Partnership Ltd on behalf of Harvington Properties Ltd dated May 2018 was undertaken and submitted as part of the application. It looked in detail of the impact of the proposal on the Nedern Brook Wetlands SSSI which has been designated for its breeding and wintering bird assemblages. The interface between the SSSI and the plantation woodland east of the southern and the broadleaved woodland north east of the of the northern fields sits above a steep cliff formed by a limestone outcrop. The Ecological Assessment considered the ecological implications of development on the site through a Desk Study, an Extended Phase 1 Habitat Survey and further detailed surveys for breeding and wintering birds, bats, badgers and Great Crested Newts. Both MCC Biodiversity Officers and NRW reviewed the Assessment.

5.14.2 NRW welcome the Ecological Appraisal and agree that, provided the measures set out in the Ecological Appraisal are implemented, the proposal will not have significant impacts on the nearby Nedern Brook Wetlands Site of Special Scientific Interest. NRW also suggest that a notice board is produced by the applicant to educate home owners of the potential disturbance that could be caused to wintering birds by activity on the SSSI. They suggested a Construction and Environmental Management Plan (CEMP) condition to manage the generation of contaminated materials during construction that could result in pollution to ensure adequate protection of the water environment. MCC officers consider that this is necessary and could be secured by condition.

5.14.3 NRW also suggested that a Landscape Ecological Management Plan (LEMP) should be secured by condition. MCC do not consider that the LEMP is necessary as the as the detailed landscaping issues will be covered in the Green Infrastructure Management Plan to be submitted alongside the reserved matters submission which will cover long term management of the site. There is an existing strip of woodland extending down the eastern side of the site, this will be retained and will act as a buffer between the SSSI and the housing development, NRW identify the main issues affecting the SSSI are the disturbance of birds from dog walkers and the water quality of the Nedern Brook. The ecological appraisal submitted by the applicants considers how to avoid and mitigate these disturbance pressures, these include the creation of the community park away from the SSSI and interpretation boards advertising local walks and directing recreational activities away from

the SSSI. NRW are satisfied that provided that the measures set out in the ecological appraisal are implemented fully, the proposal will not have a significant impact on the SSSI. In addition to the interpretation boards, NRW advise that notice boards are produced to educate home owners and potential dog walkers of the disturbance they could cause to wintering birds.

5.14.4 Some local residents have expressed concern regarding the loss of the application site for dog walkers and those wishing to use the public right of way to walk in the countryside will result in walkers being forced to walk in the SSSI, causing harm to the wildlife. Although the public right of way through the site would be retained, albeit likely diverted to follow the road network through the site, it is acknowledged that this section would no longer be a countryside route. However, as part of this application, the applicant is providing a 2.82 hectare area of open space in the northern part of the site, to be gifted to the Council as a community park. There would also be 0.92 ha of woodland with public access.

5.14.5 The majority of the existing hedgerows and woodland on the site will be retained and incorporated into the scheme. Protection and long term management of these will need to be secured via the GI Management Plan. These should not be included within the ownership of individual plots and adequate buffer strips to allow maintenance will need to be incorporated. MCC officers are satisfied that there will not be a significant loss of priority species from the site. The development will however result in the loss of grassland habitat. This includes poor semi-improved grassland and improved grassland of low intrinsic value. This is offset by the open space to be provided to the north which will include grassland managed for biodiversity and public enjoyment and would include species rich grassland and will compensate for the wider loss of grassland.

5.15.6 At least ten species of bat were recorded using the site. The Council's ecologists disagree with the approach of clumping Myotis species together as it has the potential to skew the value of the site but based on the proposals and the availability of foraging / commuting habitat and ecological connections wider in the landscape, the scheme should not have a negative impact on local bat populations. The reserved matters plans should show roosting opportunities for crevice dwelling bats incorporated into the scheme.

5.15.7 The site is currently a home to The Hornet Robber Fly which is Priority Species. As part of a previous application for the adjacent housing development, a section 106 agreement required that the current application site and adjoining field be grazed by cattle to ensure sufficient dung was available for the Robber Fly. A similar approach will be taken here. The applicant owns the surrounding fields to the east of the site and is prepared to enter into agreement that he will continue to graze cattle on the land for the next 10 years. The Hornet Robber Fly is presumed to be inhabiting the development site and this species has been listed as a species of Principal Importance

5.16 Green Infrastructure

5.16.1 Policy GI1 of the LDP states that development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network by ensuring that individual green assets are retained where possible and integrated into the new development. Developments should incorporate new and/or enhance green infrastructure of an appropriate type, standard and size. In this case, there is a substantial area of mature woodland along the northern boundary of the site, and this will in part help to screen the proposed development from views when travelling west along the M48 Motorway. The development will still be visible from the M48, but just because something can be seen does not mean it is harmful or unacceptable. The belt of trees will be retained as part of the development, adopted by and maintained by MCC. There is also existing woodland to the

east of the site, and this being retained will help to protect the SSSI from the impacts of the development by providing some screening. It is acknowledged that one of the primary characteristics of the SSSI relates to over-wintering birds, and that the woodland is deciduous, however the separation distance and level of screening are considered to be sufficient. The Landscape Plan shows enhanced tree planting along the eastern boundary of the development site. The existing hedgerows on the site are to be retained and incorporated into the scheme design. There will also be tree planting though the developable part of the site. The community park proposed for the northern part of the site will provide biodiversity opportunities and informal recreational provision. There will be a green corridor through the site, following the line of the gas pipeline. Other green corridors will be provided running east/west. In total approximately 50% of the site will be retained as green space. The details of this will be drawn up as part of the reserved matters but a Landscape Master Plan is being considered at this stage.

5.17 Landscape Impact

5.17.1 A Landscape and Visual Appraisal (LVA) was submitted as part of the application and further work was undertaken during the course of the application. As a result of this further information the Landscape and Visual Appraisal (LVA) was revised and became a Landscape and Visual Impact Assessment (LVIA). The site does not sit within any local or nationally designated landscape, although Caldicot Castle Country Park does lie to the south of the site. The site has been identified by LANDMAP as being of high value for historic and geological landscape and of moderate value for visual and sensory, cultural and habitats landscape. This type of landscape is relatively common in Monmouthshire. The LVA found that the site has limited visibility from the surrounding area and is not visible from more than 1 km from the site. The existing vegetation and topography do partially screen the site when viewed from the wider landscape. The development will be seen against the existing built form of development which makes up the north-eastern part of Caldicot Town. MCC's Landscape Officer does not object to the findings of the LVIA.

5.17.2 Policy LC1 of the LDP presumes against new built development in the open countryside unless it can be justified under national planning policy or other LDP policies. In this case there is an overriding justification for new housing development, but in such exceptional circumstances, the new built development will only be permitted where all the following criteria are met:

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;
- b) new buildings are wherever possible located within or close to existing groups of buildings;
- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and
- d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value.

5.17.3 The LVIA submitted by the applicants found that "overall the proposed housing scheme will result in a major - moderate adverse level of effect upon landscape character of the site itself – due to a land-use change from greenfield to residential. It is predicted that the wider landscape (including the LANDMAP aspect areas and adjacent landscape setting) will experience no more than a minor level of change, with the addition of the proposed scheme perceived to be a logical rounding off of infill along this edge of Caldicot by creating a settlement edge with more organic character." Specific viewpoints were identified and the report found that those receptors anticipated to experience the most visual change, were those in close proximity to the site. These are the public footpath crossing the site, the public footpath to the south of the site and the existing dwellings on the site's western and southern boundary. Here there was anticipated to be a major to moderate level of visual effect. It is from these public footpaths and existing dwellings where the impact will be the greatest as

the land immediately adjacent will turn from greenfield to housing development. This impact will only affect the immediately adjoining residents and users of the footpath. This is a relatively small number of people affected and will have the same level of impact as when those existing houses were built in the last 10 to 15 years. Some residents have expressed concern that, when purchasing their homes, searches showed this site was not included within the current LDP. This concern is acknowledged, and it is accepted that a negative consequence of considering sites outside of the adopted LDP is this change in circumstance. However, as set out in the report to Council on 20th September, on balance this negative impact is considered to be outweighed by the benefits of delivering much needed housing and affordable housing. Moreover, had the alternative approach been taken by Council, and a decision made to reject all applications for unallocated sites, instead dealing with the identified issues in the new LDP, the outcome would essentially be the same; namely, this site would be proposed for inclusion in the LDP, based on our assessment for this application. The strong likelihood is it would be allocated in the new LDP.

5.17.4 The effect on the wider landscape will be less pronounced as the intervening vegetation, notably a substantial and well-established tree belt will restrict long distance views of the site. Beyond the site boundary views of the proposed scheme from public rights of way, road, commercial and play receptors surrounding the site will be in part filtered by the existing topography and vegetation. The proposed planting and green open spaces within the site itself including the Country Park on the northern and highest part of the site will also help to reduce the visual impact of the scheme. The main adverse effects expected as a result of the proposed site are partly mitigated through a number of strategic measures including the retention and management of the existing tree belt which runs through the site from north-west to south, the provision of the community parkland to the north of the site and green corridors along existing pipelines crossing the site. All this is designed to give a softer settlement edge than that which currently exists. The Council's Landscape Officer has not objected to the findings of the submitted LVIA. The site might be seen when traveling west along the A48 but this will only be a glimpse and the development will be interspersed by planted vegetation and will be seen with the background of existing and recently completed residential development. There are no specific landscape designations such as an Area of Outstanding Natural Beauty or National Park close to the development site that require additional consideration (the Country Park and Castle having been considered above). It is considered that for the reasons outlined above the proposal will be satisfactorily assimilated into the wider landscape and will have no significant adverse impact.

5.17.5 The proposed development will be located on the edge of an existing settlement adjacent to the recently completed housing development on Clos Ystwyth, Heol Sirhowy, Heol Glaslyn and Heol Towy. The application site is not set in isolated countryside away from any other form of built development. In fact it relates well to the existing settlement form. The detailed layout and design of the proposal will form part of the reserved matters submission but with careful design the development will have no unacceptable adverse impact on the landscape, historic, cultural or geological heritage, biodiversity or local amenity value. The proposal therefore accords with the objectives of Policy LC1 of the LDP.

Policy LC5 of the LDP states that development proposals that would impact upon landscape character, as defined by LANDMAP Landscape Character Assessment, must demonstrate through a landscape assessment how landscape character has influenced their design, scale, nature and site selection.

Development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects by:

- a) Causing significant visual intrusion;
- b) Causing significant adverse change in the character of the built or natural landscape;
- c) Being insensitively and unsympathetically sited within the landscape;

- d) Introducing or intensifying a use which is incompatible with its location;
- e) Failing to harmonise with, or enhance the landform and landscape; and /or
- f) Losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both the built and natural environment.

Particular emphasis will be given to those landscapes identified through the LANDMAP Landscape Character Assessment as being of high and outstanding quality because of a certain landscape quality or combination of qualities.

5.17.6 In this case a LVIA has been submitted as part of the application. It concludes that:

“Overall, the proposed development is considered to be a logical extension of Caldicot. It shares the same topographical context and character as the rest of the eastern parts of the town; it comprises undesignated land of the same use and character, as have previous extensions to the town which have been considered acceptable. There are no landscape features within the site which are especially rare or special that would suggest development would be inadvisable, much less precluded as a matter of principle. The proposal retains and reinforces wherever possible the best on-site vegetation. The position of the tree belt, which defines and visually reinforces the boundary between Caldicot and the Nedern Brook is especially significant. It is already effective at containing the current leading edge of Caldicot and conserving the visual integrity/openness of the Nedern Brook valley. Some harm would accrue nonetheless in both landscape and visual terms. The loss of the site’s openness and farmland character represents a degree of harm, but not at a level which ought to preclude development given the site’s undesignated status and otherwise perfectly ‘representative’ visual character. Local residents with homes overlooking the site will lose their attractive views over the site; while no doubt valued by them, their homes occupy land which, not that long ago, was of the same character. There would also be some harm to the user-amenity and open character of footpaths through the site. This is compensated for – if not on a like-for-like basis, by the delivery of an area of community parkland. Overall however, and having particular regard to the spatial logic of this site as a potential extension to Caldicot, together with the mitigating effects of the already mature tree belt, EDP concludes that there are no landscape-related grounds which are so significant that they should preclude planning permission.”

5.17.7 It is recognised that there would be a change to the landscape character on the site itself and upon the land immediately adjacent to the site but that this impact would not be so great when considered in relation to the wider landscape of the area. The proposal would not cause significant visual intrusion on the wider landscape due to the existing mature woodland on the eastern part of the site and the proposed green spaces within the site. The proposal would not cause a significant adverse change in the character of the built natural landscape given that the site is adjacent to the built form of Caldicot and will be seen against a backdrop of existing residential development. The proposed housing development with its green corridors and open parkland is sympathetic to its surroundings and is compatible with its location. The proposal therefore accords with the broad aims and objectives of Policy LC5 of the LDP.

5.18 Outdoor Recreation Provision

5.18.1 Policy CRF2 of the LDP considers Outdoor Recreation/Public Open Space and Allotment Standards and provision. It states that proposals for new residential development should provide appropriate amounts of outdoor recreation and public open space in accordance with the National Playing Fields Association minimum standards and make provision for allotments. In this case, it is proposed to provide a 4 hectare community park in the northern part of the site. This would contain informal areas for play and a circular walking path which could link into the two existing footpaths that cross the site. In addition

there would be a 30 metre wide strip through the centre of the site, either side of the gas pipe line which would not be developed by housing and would be planted as a green corridor. Informal play facilities could also be provided in this area. There are several Local Areas for Play (LAPs) and a Local Equipped Area for Play (LEAPs) on the adjacent development. It would be more beneficial to the existing residents as well as the occupiers of the new development, to upgrade the existing play facilities in the area rather than creating more LAPs on the proposed site. This would provide a better overall provision within the locality, and help integrate the new development as part of the existing community. Overall, over half of the site will be retained as green open space for the public to enjoy. The proposal does not include provision for any allotments. As per the requirements of Policy CRF2 the outdoor recreation and public space is being provided within the site in line with the NPFA standards and this will have benefit to the local community. The scheme will provide significantly more than the 0.5 hectares of informal open space and 1.6 hectares of adult outdoor recreational space. The proposal exceeds the requirements set out in Policy CRF2 of the LDP. A financial contribution of £25,000 will be required for the installation of informal play equipment in the community park. This could include a Trim Trail and wooden logs. In addition, there would be requirement for a commuted sum of £233,152 for the maintenance of the community park for 20 years. A sum of £1566.00 per market dwelling would also be required to offsite recreational facilities. This money could be used to fund facilities including the Caldicot Greenway Scheme, Caldicot Castle Country Park, Hall Park Open Space and the Caldicot Town Centre Regeneration Project.

5.19 Residential Amenity

5.19.1 The impact of the proposal on residential development can be divided into two distinct parts. Firstly the physical impact of the development on the existing residential properties immediately adjacent to the application site and secondly the impacts on the local area from increased traffic generation. Many of the properties along Clos Ystwyth, Heol Sirhowy, Heol Glaslyn and Heol Towy actually abut the development site. There is an existing footpath between Heol Towy and the development site and this would be retained giving a green buffer between the existing houses and the proposed housing. Many of the properties along Clos Ystwyth, Heol Sirhowy and Heol Glaslyn have their rear gardens abutting the development boundary. When designing the layout for the reserved matters, consideration will be given to maintaining privacy distances between the existing and the proposed dwellings. It would also be ensured at that stage that the proposed dwellings will not have an overbearing impact on the residential amenity of the occupiers of the existing properties. There is no justification for requiring a tree buffer to be planted on the western boundary of the proposed site between the existing and proposed dwellings and this request, coupled with the requested maintenance strip, all in public ownership, would create a potential no-man's land between the new and existing homes which is not considered to be desirable. Adequate protection of residential amenity can be achieved through good design. The objectives of Policies DES1 and EP1 of the LDP will be considered with the reserved matters but the site is certainly capable of delivering these.

5.19.2 With regards to impact of the proposed development on the local area as a result of increased traffic generation, there will inevitably be more traffic moving through the area and this will generate more noise. The TA, however, has demonstrated that the road network is capable of accommodating the increase in traffic. The increase in noise and disturbance along the existing residential streets over and above that already generated will not be so great as to justify refusal.

5.20 Archaeology

5.20.1 An archaeological assessment (EDP, dated November 2017) and a geophysical survey (SUMO Services Ltd, dated December 2017) were completed. Based on the results,

a field evaluation was conducted by GGAT Projects in February 2018 (Report number 2018/006).

5.20.2 The proposal is located in an area of high archaeological potential. Extensive archaeological remains are located in the vicinity, including Romano-British farmsteads and land divisions, roundhouse, prehistoric pits and ditches, Roman cremations, as well as possible loom-weights. Several Scheduled Monuments are also located in the area, including a motte and bailey (The Berries, MM026), Caldicot Castle (MM050), Manor Farm (MM053) and a Romano-British farmstead (MM334).

5.20.3 The geophysical survey noted several anomalies that may represent archaeological features. Whilst the majority were located in areas that would be preserved as 'Community Parkland' within the proposal, a potential linear feature was evaluated by two trenches. No evidence of the geophysical anomaly was apparent during the field evaluation, although a north-south rock-cut feature was exposed and recorded. This feature was not apparent on the geophysical survey.

5.20.4 There are significant archaeological remains in the vicinity. There is the potential for similar remains to extend into the currently proposed development area. It is clear that in at least one instance, there are archaeological features present that are not apparent on the geophysical survey. GGAT has no objections to the proposal subject to a condition being imposed should planning permission be granted, requiring a written scheme of investigation for a programme of archaeological work to protect the archaeological resource.

5.21 Public Rights of Way

5.21.1 There are two public footpaths crossing the site and these are both currently well used. The majority of the existing footpath length is in the area of the proposed country park and their alignment not be affected by the housing development. Part of one footpath does cross the developable area and its alignment may have to be altered as a result of the detailed layout of the housing site. Given the amount of green open space proposed for the site and the fact that there will be several green corridors running through the site, there will be plenty of scope to have the footpath separated from vehicular traffic and provide a pleasant link through the development. The exact position of this footpath will be determined with the reserved matters and if necessary, a diversion order will be required.

5.22 Advertising the application

5.22.1 Under the provisions of the Town and Country Planning Development Management Procedure (Wales) Order 2012, this application needed to be advertised as being a Major Development, a Departure from the Development Plan and a Development Affecting a Public Right of Way. Several site notices were displayed stating that the application was a Major Development and that it was a Departure from the Development Plan. The application was also advertised in the local press as being a departure but the application was not initially advertised as Affecting a Public Right of Way or as being a Major application in the press. It was advertised as Affecting a Public Right of Way on site on the 23/10/18 and in the press on 31st October 2018. Therefore, the 21 day period for representations to be received has not expired at the time that Committee considers the application. No responses have been received to date, but if any are received between now and the time that the application can be determined that raise fresh, material issues they will be reported to the Council's Member Panel (which comprises the Chair and Deputy of Planning Committee and the Opposition spokesperson) for consideration. This would be done before the final decision is issued (whether Committee decides to approve or refuse the application).

5.23 Economic Development Implications

5.23.1 There are economic development implications stemming from this development, most notably the jobs created during the construction phase when the houses and roads are being built. Obviously, this is a temporary benefit. Longer term, these houses will provide homes for people who may want to work in the area and in a small way will contribute towards growing the County's economic base. Future residents are also likely to use and support businesses within the town centre and local leisure amenities.

5.24 Response to the Representations of the Community/Town Council and other issues raised

5.24.1 Caldicot Town Council raised the issue that the site is not allocated within the LDP and that there is insufficient infrastructure provision within the Caldicot area. These matters have been addressed in detail in the report above.

5.24.2 Caerwent Community Council is concerned about the impact on increased traffic through the village of Caerwent. Again this has been discussed in detail within the main body of the report and reference has been made to the additional information appended to the TA which was submitted to address the traffic issues in Caerwent especially at the crossroads.

5.24.3 Most of the issues raised by local residents have been addressed in the main body of the report. This development is proposing a maximum increase of 130 dwellings into the town of Caldicot; the resultant traffic will not be so great as to impact on the air quality of Caldicot or the wider area. The impact of the proposal on the Severn Estuary SAC, SPA and RAMSAR have been considered as part of the submitted Ecology Appraisal which is available to view on line. The lack of investment in Caldicot in terms of roads and footpaths is not of immediate concern to this development but we have passed these concerns onto our colleagues in the Highway Department. Members may be aware that town centre regeneration proposals are currently being drawn up, part of which includes public realm improvements at The Cross, with improved linkages from the town centre to this area of Caldicot and to/through the castle grounds. Disruption during the construction phase of development is temporary and would not be grounds to refuse an application. There will be no loss of public rights of way - the existing ones will be retained on site and additional footpaths will be provided. The existing footpaths will be incorporated into the layout and design of the site.

5.24.4 The submitted documents were not translated into Welsh but it was made clear at the public meeting that if any resident wanted to request in writing that any specific document be translated then we would arrange for this to be done. Caldicot does not have a high percentage of Welsh speakers and building more homes in the area, even if many are occupied by people moving into the area from across the border, will not materially alter the linguistic balance of the town or harm the Welsh language.

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

5.25.1 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.

5.26 Conclusion

5.26.1 Although this site is not allocated in the LDP as a new strategic housing site and is not within the Town Development boundary, it does conform to the strategy outlined in the report “Addressing our lack of 5 year land supply: Monmouthshire’s Approach to Unallocated Sites”, which seeks to establish the Council’s decision on the weight to be given to our housing land supply shortfall. This report was agreed by Council in September 2018. There is a significant shortfall of housing development within the south of the county and this proposal would help to meet that shortfall. The site conforms to the Council’s other strategic housing policies of concentrating new housing development in major towns and Severnside Settlements. This is a sustainable location on the edge of a settlement within walking distance of community facilities and with good public transport links. The proposed development complies with the ‘ground rules’ set out in the Council report.

6.0 RECOMMENDATION: APPROVE

Subject to a Unilateral Undertaking Legal Agreement requiring the following:

1 Affordable Housing

35%, DQR, Tenure Neutral.

Triggers: The Landowner covenants not to occupy or permit first occupation of more than 80% of the market housing until all of the affordable units have been constructed and are ready for occupation.

No need for a viability review as they are providing 35% which is policy compliant and that the AH be provide in 3 separate parcels.

2. Education

There is a shortfall of 20 places this needs to be provided in the form of a financial contribution to be used to provide extra school places in the most expedient locations within Caldicot to ensure there are sufficient school places to accommodate the children forecasted to be generated. Cost of 20 spaces at £17,257 = £345,140

Triggers 50% prior to 50% of market housing being occupied
50% prior to 80% of market housing being occupied

3. Access and Green Transport

A financial contribution towards local highway & transportation improvements in Caldicot.
£130,000

40% contribution on the occupation of 50% dwellings

60% contribution on the occupation of 80% dwellings

4. Primary Health Care - no need for a financial contribution.

5. GI and Biodiversity.

Area of Land to adopted by MCC for public open space to be shown on a plan and 20 years of Maintenance cost added.

Net Developable £233,152.61 inclusive of inflation. Maintenance for 20 years

Land for grazing of Robber Fly. A management plan for 10 years to include cattle grazing of the remaining land in Mr. Heaven’s ownership. The management plan will need to specify stocking densities etc. and will need to reference the habitat improvements that will be undertaken on site.

Contribution of £5,000 for delivery of a Green Infrastructure Management Plan to be delivered through the Council for the areas of adopted POS.

Access from point A on the 106 plan to the land which will be transferred land edged purple. Seller will need access for retained land.

The Council is pursuing a centralised play strategy and will not be seeking formal on site play equipment however contribution of £25,000 towards informal on-site wild play in the parkland/ woodland area is sought. A trim trail and other informal structures.

A contribution of £1,566 per market dwelling is payable to help support connections to this on site recreational resource.

It is anticipated that this would cover one or a combination of the following:

- Caldicot Greenway Scheme – linking Caldicot via the castle to Caerwent/Crick at the A48 by utilising the former MOD railway line – as per the Sustrans report commissioned previously from another of the Church Road developments;
- Caldicot Castle Country Park – which is an MCC managed site adjacent to Church Road and a major recreation provision in the local area;
- Hall Park Open Space, providing another pedestrian walkway/cycle path to Caerwent (from behind Castle Park Primary School up through the open space to Sandy Lane at the top end of the open space), which then forms a footpath link through to Caerwent under the M4 motorway.
- The Caldicot Town Centre Regeneration Project – relating to connectivity to /from the Cross Street scheme.

If the 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. Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.

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 12 months from the date of this permission.

b) The development hereby approved must be begun either before the expiration of two 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 and to adhere to the ground rules set out in "Addressing our lack of 5 year land supply: Monmouthshire's Approach to Unallocated Sites".

3. No development shall take place until the applicant or his agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON:

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

4. No development shall take place until a drainage scheme has been submitted to, and approved by, the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water and shall include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no foul water, surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water.

5. The Reserved Matters pursuant to the layout of the proposed development shall ensure that the internal estate roads and footways shall be designed and laid out to facilitate the future connection of the desirable secondary means of access if so required by the Highway Authority at a future date.

Reason: To provide for a secondary vehicle access at some time in the future.

6. The details submitted pursuant to the Reserved Matter for landscaping shall reflect the guidelines set out in the Landscape Schedule/ GI Framework Plan and GI Masterplan [include plan numbers] in addition to providing details incorporating all strategic planting and open space and design principles in addition to providing details incorporating;

- proposed finished levels or contours;
- means of enclosure;
- Hard surfacing materials;
- Soft landscape details including planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities;

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure in accordance with policies LC5, S13, and GI1 and NE1.6.

7. The details submitted pursuant to the Reserved Matter for layout shall include the proposed and existing functional services above and below ground (e.g. drainage details, power etc);

- Water Features (including SUDS details);
- Clarification of access connections beyond the site.

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure in accordance with policies LC5, S13, and GI1 and NE1.6.

8. LANDSCAPE WORKS IMPLEMENTATION

All hard and soft landscape works shall be carried out in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. A time table for these works shall be submitted as part of the reserved matters submission and all works shall be carried out in accordance with the timetable agreed with the Local Planning Authority. The planted areas shall be kept clear of underground utilities. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

9. LANDSCAPE MAINTENANCE

A schedule of landscape maintenance for a minimum period of five years or until the areas are passed to the council for adoption, whichever is the sooner, shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation this shall be integrated into the GI management Plan.

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

10. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

NOTE: See BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.

REASON: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

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

REASON: To ensure a satisfactory form of development takes place.

12. There shall be no built form of development within either side of a 15 metre easement from the centre line of the high pressure gas main that crosses the site.

REASON: In the interests of public safety.

13. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance

details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

REASON: In the interest of highway safety and to ensure compliance with Policy MV1 of the Local Development Plan.

Informative.

Wales and West Utilities has pipes in the area, the apparatus may be affected and at risk during construction works. Should planning permission be approved the developer should contact Wales and West Utilities directly on any plant or enclosure apparatus to discuss details of their requirements before any works commence on site. Development will not be allowed on any plant or enclosure apparatus.

**CORRESPONDENCE RECEIVED SINCE CLOSING REPORT
PLANNING COMMITTEE – 6th November 2018**

Application DM/2018/00880 - Outline Application (With All Matters Other Than Access Reserved For Future Determination) For The Erection Of Up To 130 Dwellings (Use Class C3), Provision Of New Open Space Including A New Community Park And Other Amenity Space, Engineering And Landscaping Works Including Sustainable Urban Drainage System And Enabling Works. Land To East Of Church Road, Caldicot, Monmouthshire

Notes of site inspection 5th November 2018

Attending: R. Edwards, P. Clarke, P. Murphy, M. Powell D. Evans, A. Davies, M. Feakins, G. Howard, L. Brown and D. Dovey.

We noted the following:

1. We observed the point of access off Heol Sirhowy.
2. We walked along the public right of way in the more southerly part of the site and noted the location of the potential second access.
3. The location of the access to the proposed community park in the north of the site was observed.

Scale parameters provided for clarification by the applicant's agent:

	Minimum (m)	Maximum (m)
Ridge height	4.5	11
Building Width	4	14
Building Depth	4	14

Observations from the Council's Housing Officer:

"Monmouthshire County Council (MCC), Monmouthshire Housing Association (MHA), Melin Homes and Charter Housing (part of the Pobl group) have established a partnership called the Monmouthshire Housing Register Partnership (MHRP). The Register is held on behalf of MCC and administered on behalf of all partners by Monmouthshire Housing Association to create a single point of access for social housing in Monmouthshire. There are currently 3,068 applicants registered on the waiting list with housing need having been assessed in bands ranging from band 1 (Urgent Housing Need) to band 5 (No Housing Need).

Of the 3,068 households in bands 1 – 5, 986 households wish to live in the Caldicot area. There are 581 households in bands 1 – 4.

Type	General Needs	OAP
1 bed flat	387	117
2 bed house	313	15
3 bed house	126	10
4 bed house	14	
5 bed house	4	
	844	142

To reiterate there are currently 581 applicants (households), who, having been assessed as being in housing need (bands 1 – 4), are waiting for social housing in the Caldicot area. Unfortunately I can't interrogate the CHR to get the additional information supplied by MHA for Raglan."

32 no. further objections setting out the following:

- Not needed as site is not allocated on the LDP;
- Disapplication of par. 6.2 means this site is not necessary and should be refused;
- Development would not address shortfall in housing as buyers are most likely to be from Bristol area, not local residents, especially with bridge tolls being removed;
- Lack of social infrastructure to cope with increased housing;
- Adverse change to a scenic and much used footpath that currently runs through rural

area;

- Traffic congestion on Church Road outside Castle Park school plus during events at the Castle, and also on roads approaching and in Caerwent;
- Traffic issues as local people try to park to access the proposed community park;
- Loss of greenfields;
- Increased pressure on SSSI;
- Adverse impact on ecology;
- Site will rely on car borne traffic – residents will not walk to the town centre from this site;
- Local trains to major employment centres are full at peak times from local stations and this site will rely on such infrastructure;
- Increased air pollution;
- Potential flooding to properties downstream;
- Damage to setting of Castle that brings visitors to the area;
- Proposed improvements to the town centre would slow traffic on church Road leading to more congestion, so this scheme should not add to that;
- Impact of potential new housing on tree roots near pumping station.

Application Number: DM/2018/00894
Proposal: Conversion of existing outbuilding into two new 3-bedroom dwelling houses
Address: Hatcham Barn, Cwrt William Jones, Monmouth, NP25 3AE
Applicant: Mr & Mrs Jupp

Plans: Ecology Report Acer Ecology, Hatcham Barn, Monmouth, Bat and Nesting Bird Survey dated October 2018 - , All Existing Plans 17-1045-E2-2 - , Floor Plans - Proposed 17-1045-P3-1 REV A - , Floor Plans - Proposed 17-1045-P3-2 REV B - , Elevations - Proposed 17-1045-P3-3 REV B - , Cross Section 17-1045-P3-4 REV B - , Site Plan 17-1045-P3-5 REV B - , Elevations - Proposed 17-1045-P3-6 REV B - , Location Plan 17-1045-E2-1 - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Jo Draper
Date Valid: 09.10.2018

The application is presented to the Planning Committee as there are more than four objections to the proposals.

1.0 APPLICATION DETAILS

1.1 The application relates to a former agricultural barn to the rear of St James Square and St James House. The Barn forms part of the curtilage of St James House. St James House is Grade II listed due to its importance as a multiphase building with important fabric from the 17th, 18th and 19th centuries. There is concurrent Listed Building Application for this proposal - reference DM/2018/00895. The application site lies within Monmouth Conservation Area and within Monmouth's development boundary.

1.2 The application seeks planning consent for the conversion of the rectangular stone building to a residential use to create two units with associated garden and parking. There is a contemporary extension proposed serving both units. The building is within the Monmouth Conservation Area. The site comprises a redundant outbuilding known as Hatcham Barn. The building is arranged on a north-south orientation that extends to the rear of St. James House back to the recent Cwt William Jones development and the rear of terraced houses on The Burgage to the east. The building is a single storey stone building with a low pitch roof covered with iron sheets.

1.3 The barn has been subject to a number of applications for conversion in the past. It was originally part of a much larger application including the sub-division of St James House and adjacent properties back into individual homes following a long-term use of the building by Monmouth School. This building has approval for conversion into residential use for one four-bedroom dwelling as part of a larger scheme for the conversion of the school house building into three separate dwellings.

1.4 It is proposed to retain the vehicular access served from the private drive that leads to the gated vehicular entrance for the Cwrt William Jones site. This access funnels through past two car parking spaces that serve 11 St. James Square (Approved DC/2014/00552), which together with the permission for the four- bedroom unit approved for the barn results in two units being served off this access. This scheme serves to provide three units from this access point. There are two car parking spaces serving each proposed new unit.

1.5 The application has been subject to pre-application enquiry and further amendments have been sought during the course of the application. The previous application proposed to replace the roof with a steeper and equal pitched structure clad in slate and to rebuild the lost gables. The current application seeks, in line with the most recent permission (DC/2014/00552), to replace the roof structure. It was proposed to raise the heads of the walls and the steepness of the pitch of the new roof which would increase the height of the proposed building compared to the previously approved scheme by 2m. This was considered to have a significant impact upon the building's character and the setting of the Listed Building and given the close proximity of the gable wall of the barn, being approximately 9m from the rear of no 11, was considered to have an over-bearing impact. This has been reduced by 0.6m, following a reduction in eaves height and pitch. In addition, it is proposed to add glazing to the increased height covered by external timber louvres, together with sections of solid timber boarding. The roof treatment also proposed is a contemporary alternative to slate and proposes to use grey metal sheeting.

1.6 There is a contemporary single storey extension proposed to the rear of the building, the design of which is broken down into two sections; there is a glass link that connects the main barn to a timber-clad pavilion to the rear of the site, which extends to the rear boundary with a small lean-to timber structure that accommodates the pantry. There has been a change in the type and number of roof lights from the scheme originally submitted. The former consent approved four roof lights, with large sections of glazing proposed over the large doors. Initially the current application featured ten proposed roof lights, but following negotiation these have been reduced to six with the larger sections (as formerly proposed) omitted.

1.7 The section plans show that the first floor accommodation for both proposed units are served by the horizontal window that sits below the roof and on top of the stone wall; this is covered externally with horizontal timber louvres. The corner edges are infilled with timber louvres so the first floor aspect is to the front and rear through the timber louvres and minimises first floor viewpoints on the angle. There are roof lights proposed to the front and rear (3 per unit serving each bedroom). There are no first floor windows proposed on the gable. The extension to the rear is single storey with no first floor windows proposed. The boundary materials have not been specified on the drawings. The garden serving Unit 1 has the most restricted garden with a depth of approximately 10.5m. Unit 2 stretches out for a depth from approximately 12m to 19m in depth.

2.0 RELEVANT PLANNING HISTORY

Reference Number	Description	Decision / Date
DM/2018/00895	Conversion of existing outbuilding into two new 3 bedroom dwelling houses	Pending Consideration

DC/2017/003418 Change of use from boarding house to single family dwelling (revised design of approvals DC/2014/00552 and DC/2014/00553), demolition of fire escape, internal and external alterations to grade II listed building Approved June 2017

DC/2015/01517 Discharge of conditions 12 and 18, relating to planning application
DC/2014/00553. Approved February 2016

DC/2014/00552 Internal and external alterations to Grade II listed buildings, demolition of modern extensions, fire escape and garage, conversion of existing former boarding house and staff accommodation in to three separate dwellings and conversion of an outbuilding within the curtilage of the listed buildings to form a single dwelling (Revised scheme) Approved October 2014.
Associated Listed Building Consent application DC/2014/00553

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
EP1 LDP Amenity and Environmental Protection DES1 LDP General Design Considerations
NE1 LDP Nature Conservation and Development HE1 LDP Development in Conservation Areas
EP1 LDP Amenity
EP3 LDP Lighting

4.0 REPRESENTATIONS

4.1 Consultation Replies

Monmouth Town Council: Approve with Conditions
Complete Bat Survey
Complete Archaeological Survey
Adhere to Welsh Water Guidelines

Gwent Glamorgan Archaeological Trust (GGAT): In order to mitigate the impact of the development on the archaeological resource we recommend the attachment of two conditions. One will address the recording necessary to preserve the barn by record in its current form, and the second to mitigate the impact of the development on the buried archaeological resource.

MCC Heritage Officer: The consideration by the Heritage Officer is that the current condition of the building is an important consideration in the assessment of the application. The building has been subject to extensive alterations over many years. The roof has been completely replaced in the 20th Century and now has a shallow asymmetric roof covered with tin sheeting, which includes the loss of the two gable ends from wall plate level up. There are larger elements of block infill and a regimented form of openings have been added significantly compromising the buildings character and value as a barn.

Therefore the consideration rests with the proposed extension. In consideration, p 4.5 of Managing Change to Listed Buildings states that 'the quality of design and execution should enhance the aesthetic value of the building and its setting, and additions should not dominate'. The rear extension is of a lower scale and mass to the existing building and of a differing style. The form of which is broken down into two sections, a glass linking section adjacent to the existing barn, and a timber clad pavilion to the rear of the site. The rear pavilion is of a traditional pitch and ridge roof construction and is a contemporary interpretation of a former out building which may have been found on the site. The glass link is of a lower scale, with a shallow pitch roof providing a visual break between the out building and the back of the barn. The extension is not considered to be of a scale or mass that dominates the existing building. In addition the chosen palate of materials follows a sympathetic but contemporary design ethos showing a clear distinction between the old and the new. The design approach to the main barn follows a more contemporary approach to barn conversions, and whilst sympathetic, is a more striking design. The extensions, will however retain a

subservient character to the main barn and are not considered to be sufficiently harmful to warrant refusal.

The roof lights have also been reduced in size with the majority of the roof lights on the rear. The applicant also proposes a contemporary style of roof lights, this is a departure from many listed barn conversions, or listed houses where we have insisted on 'conservation style' roof lights. However, at present the building is a heavily modified barn, with modern and unsympathetic alterations. The proposals are to retain the core fabric of the building and adopt a modern interpretation for the new parts of the structure. Conservation style roof lights have a low profile and a central bar which make them more appropriate in a sensitive setting. In this case the applicant is proposing to omit the central bar, but retain the low profile appearance and so, given the more contemporary approach to the remaining modern additions in this instance the application is considered acceptable.

The new roof will have a significant impact on the form of the building when compared to the existing low asymmetric roof. It is considered that a pitched roof is far more appropriate for a building of this type and so the height of the building will be raised from its current position. Following negotiation the proposed increase in height from that previously approved is now considered to be an acceptable alteration and would no longer dominate the listed buildings facing onto the main square. In addition, as with the other alterations the approach adopted is to promote honest intervention, showing new work as new. Here it is proposed to add glazing to the increased height covered by external timber louvres, together with sections of solid timber boarding. The roof is also proposed to use grey metal sheeting, again promoting the use of a simple palate of sympathetic materials in a contemporary manner.

Internally the barn has permission for extensive changes that accommodate a residential use. It is not considered that the proposed changes are more or less harmful than the existing. In addition as the building is only afforded curtilage protection it is not considered that these changes would affect the special character of the primary listed building.

Overall, the building will be much altered, however the existing historic fabric will be maintained and respected. The building is in a poor condition having been subject to a series of inappropriate alterations, which this application seeks to rectify. The modern approach to the design is not considered harmful given the functional nature of the building and the ethos of new work being clearly new. This approach follows the conservation principles that now form the forefront of TAN 24 in Wales.

MCC Housing: It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is set out in the table below. An affordable housing contribution is calculated for the two units.

MCC Highways: The application is for the conversion of existing outbuilding into 2 no. 3 bedroom dwelling houses. The site is served by Cwrt William Jones which is a private access road. The Highway Authority have no comments in respect of the proposal as the nearest publicly maintainable highway (St James Square) will be unaffected.

Notwithstanding the aforementioned it is noted that the proposed car parking provision is below the standards contained in the Monmouthshire Car Parking Standards. The MCC Parking Standards specifies 1 car parking space to be provided per bedroom per dwelling with a maximum of 3 car parking spaces. Should the parking deficiency pose a problem then any displacement is likely to occur within Cwrt William Jones which is a private management issue. It is unlikely that any displacement will occur on the nearest publicly maintainable highway as there are traffic regulation orders in place to control on-street parking.

MCC Ecology: The application for the proposal is informed by a number of ecological assessments, the latest and most relevant of which being:

Acer Ecology, Hatcham Barn, Monmouth, Bat and Nesting Bird Survey dated October 2018. I am satisfied that if the report recommendations are implemented, then there should be no negative impacts on biodiversity as a result of the proposed development. It is recommended that suitable planning conditions are imposed.

Natural Resources Wales: We note that the bat report submitted in support of the above application (Bat and Nesting Bird Survey prepared by Acer Ecology dated October 2018) has identified that bats are present at the application site. We have no objection to the application as submitted but request

that an informative is attached to any planning permission granted. We do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Welsh Water: No objection recommend conditions to be imposed on planning consent 4.2

4.2 Neighbour Notification

To date five objections have been raising the following points (This includes the comments made in receipt of the initial proposals prior to the amended scheme now proposed):

The scale to the measurements on the plans when I put some timbers together to get the visual height of the ridge. It seems to be more in line with the ridge of the adjacent properties which means it is going to be nearly double in height to the existing barn roof line creating another full height floor level on top.

The windows are very much still over-bearing

The design is not within listed building requirement to which we had to adhere too for the vista of the area

The building materials are not in line with what is required to blend into this area

The upper louvered section is so out of character it distracts so much from the existing barn it looks hideous and an absolute carbuncle

The glass joining section is also unacceptable. The tin roof is not what one would expect to see on one of the oldest building in Monmouth. The new sections should be constructed with welsh slate roofs with no timber cladding, this should be stone or render

The windows are also not in keeping with this listed section of Monmouth either

The drawings also show timber feather edged fencing, we have been advised that the Council will only accept stone or Brick walls

Concerned that the archaeological work indicating that there are lower levels to the standing 'barn' has not been considered in the application for the proposed development. Consequently there may be reason for a second archaeological building survey.

The increased height of the proposed renovation when compared with the present standing structure, the new roofline would tend to dominate the surrounding area. The architect's drawing gives the impression that the top of the roof would be lower than it would be; this is most noticeable when comparing the drawings of the proposed structure with those of the William Jones Almshouses adjoining the site on the north.

The proposed extensions to the east of the barn appear to be the equivalent of a new dwelling.

We have no objections to the original application, which did not require building additional new extensions into the garden, this was a reasonable application for the size of the barn. There is also a secondary floor level under the barn which has not been mentioned in this application but is of great interest to listed building and of Archaeological interest with further investigations required.

The drawings and sketches are not representative to each other.

In order to meet the objection to the pre-application proposal the applicant has increased the height of the main barn building in the present proposal. This would have an adverse impact on the properties in The Burgage which look on to this rural setting of the Barn with the church and Rolls Building in the background. This would not comply with planning policy, in particular Policy HE1 criteria a, b and c.

The roof line will be changed significantly to that of the original building. This would not preserve the character and appearance of the area and its landscape setting. Policy HE1 a,b,c criteria would not be met.

We would like assurance that the development does not encroach on the footprint of the "New Dwelling" in previous application DC/2013/00392. This was refused due to its unacceptable impact on dwellings in The Burgage.

Also, we would like assurance that the large tree on the west side of the barn will not suffer damage or felling as a result of the development. Several large trees have already been cut down on this plot that was once a pretty garden.

-We would like assurance that any alterations to the boundary of the plot will require planning approval.

Neighbouring properties were not allowed roof lights for their development

The plans look to try and retain the general character of the building and give it a modern twist

The plans would indicate that the roof ridge line would make the southern gable 8m above the current ground level. This is a significant increase in the current height and would dominate the view from all the rear windows of neighbour's property (11 St. James Square) and the rear courtyard. This perhaps could compromise natural sunlight to the rear of property.

A fire escape would not be acceptable

The perceived height of the main barn has not changed from the original and proposed development.

Concern raised by neighbour regarding position of site notice, this does not constitute display at or near the site and failed to give correct notification of the application.

The proposal in my view is an attempt to reverse the refusal given to the application for redevelopment of the barn into one new residential unit and the construction of a second residential unit on the site which was applied for in 2013 and refused by Development Committee 07.01.14. The current application attempts to over develop the site again by removing the existing roof structure which will destroy what original timbers are in the existing roof in order to raise the overall roof height to allow for insertion of a second storey within the envelope of the building.

In the earlier application a second storey was created within the roof space but as the roof slope reduced the overall area this meant that to achieve two residential units in that application the second had to be a separate totally new build. By resorting to lifting the ridge height by approximately two metres, some of the additional area to create the two units has been achieved. The balance of the additional square area needed is provided by the single storey additions to the rear of the barn little different in terms of overall development the 2013 refused application.

Furthermore by attempting to squeeze two units on the site the following detriment to the listed building itself and the adjacent listed buildings has occurred. Firstly, the necessity to raise the ridge height has destroyed the ancient parts on the roof structure, altered the relationship of the roof to the existing structure of the building and imposed a considerable change to the setting of the barn and its nearby buildings. This has imposed considerable overlooking to the rear gardens of all three properties 10, 11 and 12 St James Square which have only recently been converted back into three residential units from their previous use as a boarding house for Haberdashers School. That permission was granted after considerable debate and attention to maintaining the Listed Building status of those buildings.

Finally I would draw the committee's attention to the provision of only two car parking spaces for each proposed unit which in view of the pressure of on street parking in St James Square is inadequate.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The application is within the development boundary for Monmouth and therefore the principle of adapting this existing building into two dwellings is acceptable in principle subject to detailed planning considerations in accordance with Policies S1 and H1 of the Local Development Plan (LDP).

5.2 Design

5.2.1 The design of the scheme has been subject to significant negotiations with the Heritage Officer and the Planning case officer. The new roof on the main barn will have a significant impact on the form of the building when compared to the existing low asymmetric roof. However, a pitched roof is far more appropriate for a building of this type and so the height of the building will be raised from its current position. Following negotiations, the proposed increase in height from that previously approved is now considered to be an acceptable alteration and would no longer dominate the listed buildings facing onto the main square. In addition, as with the other alterations the approach adopted is to promote honest intervention, showing new work as new. It is proposed to add glazing to the increased height covered by external timber louvres, together with sections of solid timber boarding; this serves to not only deliver the visual break between the original stone wall and the roof but enables the first floor to be served by light without the proliferation of additional windows that can domesticate the building. The roof material proposed to use grey metal sheeting, again promoting the use of a simple palate of sympathetic materials in a contemporary manner. It is imperative that the external materials are strictly controlled and a high quality natural material is applied to this development. Relevant conditions controlling these materials are proposed accordingly. The Heritage Officer is satisfied that the design approach provides a more contemporary approach to a building conversion, but remains sympathetic to the building's character. The contemporary approach enables the new additions to be clearly seen alongside the original section and this approach works well within this sensitive town centre location.

5.2.2 The rear extension will only be visible from neighbouring properties and will not be within the public realm. The proposed pavilion is of a traditional pitched roof construction and is a contemporary interpretation of a former out-building that may have been found on the site and works well within the rear space. The roof with a shallow pitch roof provides a visual break between the out building and the back of the barn. The extension is not considered to be of a scale or mass that dominates the existing building. In addition, the chosen palate of materials follows a sympathetic but contemporary design ethos showing a clear distinction between the old and the new. The proposed extensions, will however retain a subservient character to the main barn and are not considered harmful to the character and appearance of the heritage assets in accordance with Policy HE1 of the Local Development Plan (LDP).

5.2.3 The roof lights have also been reduced in size and the majority of them are on the rear. The applicant proposes a contemporary style of roof light (which is a departure from many listed building conversions or listed houses where we have insisted on 'conservation style' roof lights). The Heritage Officer has confirmed that at present the building is a heavily modified barn, with modern and unsympathetic alterations. The proposals are to retain the core fabric of the building and adopt a modern interpretation for the new parts of the structure. Conservation style roof lights have a low profile and a central bar that make them more appropriate in a sensitive setting. In this case the applicant is proposing to omit the central bar, but retain the low profile appearance that follows the more contemporary approach to the remaining modern additions. The design of the scheme, subject to appropriate conditions controlling external materials and boundary materials, is acceptable and in compliance with Policy DES1 and in particularly Policy HE1 (Development in Conservation Areas) of the LDP.

5.3 Neighbour Amenity

5.3.1 The application site is bounded on three sides by neighbouring properties and hence there is potential for the proposed development to have an impact upon these properties. The proposed design of the scheme through the treatment and position of first floor windows prevents any overlooking issues arising with a satisfactory separating distance from the barn and the neighbouring boundaries to prevent overlooking into neighbouring properties. There is scope for numbers 10 and 11 The Burgage to look into the garden of the two new proposed dwellings, but this is no more than what could have been viewed with the approved scheme and is acceptable in this urban setting.

5.3.2 The original scheme did raise concerns regarding the proposed development having an over-dominating impact upon the closest neighbouring property, 11 St. James Close, as the gable of this dwelling projects out towards the gable of the barn with a first floor habitable window in the neighbouring property. Previously the scheme sought to raise the roof above the ridge line of the

neighbouring property. The height of the proposed barn has now been lowered and this brings it back down level with the ridge height of the secondary, two-storey gable element to the rear of the neighbouring property. It is not considered in this case that the proposal will have an over-bearing impact upon the neighbouring dwellings and would be acceptable.

5.3.3 With regard to potential obstruction of sunlight, the barn is situated to the north of the neighbouring dwelling 11 St James Square and therefore the increase in height will not have a direct impact in this case.

5.3.4 The proposed development would not have an unacceptable impact on the residential amenity of the occupiers of neighbouring property to warrant refusing the application and the proposed development would be in accordance with the requirements of Policy EP1 of the LDP.

5.4 Highway Safety

5.4.1 The applicant was advised that during the pre-application enquiry the proposal should deliver three car parking spaces for a three-bedroom dwelling. This application delivers two spaces per unit. The applicant has supported the reduction with reference to Policy S16 that states that, "Where appropriate, all development proposals shall promote sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision. This will be facilitated by: reducing the need to travel, especially by car; favouring development close to public transport facilities; promoting public transport, walking and cycling; improving road safety; minimising the adverse effects of parking; improving public transport links between the County's main towns and other key settlements in the region, in line with the Wales Spatial Plan (WSP), and developing the role of the key settlements of Abergavenny and Chepstow, as identified in the WSP, and Monmouth, around which high capacity sustainable transport links can be developed."

5.4.2 The proposed scheme provides a total of four off-street car parking spaces (two per dwelling). The site is located in a town centre and is identified in the above policy as a key settlement. The agent has argued that given the general thrust of Policy S16, which seeks to reduce the need to travel by car, the site is considered appropriate to provide two car parking spaces per three-bedroom dwelling. The Council's Highways Officer has stated that three spaces is recommended, but given the position of the site served from a private highway, the provision of car parking on site becomes a private management issue and not one that warrants an objection from Highways that would substantiate refusing the planning application in this case. There is also the matter of a further unit served from the single access, again from this private lane. Whilst private this is an access that serves a number of properties at Cwrt Williams Jones and the provision of an additional unit served from this access has not resulted in a highway objection. Indeed, given the number of properties served from this highway the provision of an additional unit is acceptable in this case. On balance, given the central location of the site within Monmouth and the size of the dwellings the level of parking provision for this development is considered to be acceptable.

5.5 Ecology

5.5.1 A bat and bird survey has been submitted with this application. There are a number of conditions that are recommended to ensure the proposal meets with the requirements of Policy NE1. The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species

The Conservation of Habitats and Species Regulations 2010 (as amended)
European Protected Species - Three Tests. In consideration of this application, European Protected Species (bats / otters / dormice / great crested newts) will be affected by the development and it has been established that a derogation licence from Natural Resources Wales will be required to implement the consent. Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) 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 have been considered in consultation with NRW / Council Biodiversity and Ecology Officers as follows:

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.

The development has an existing permission that can be implemented, significant changes can therefore be undertaken at the site under this planning consent. This proposal delivers two smaller units in the place of a single large residential unit. This proposal therefore goes a small way to meeting the strategic housing objectives of the Local Development Plan.

There is no satisfactory alternative

The site has the benefit of planning consent and significant works to be undertaken on the building have already been approved with a previous planning consent.

The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Satisfactory mitigation has been put in place with the relevant use of conditions relating to the bat survey that was submitted in support of the planning application to ensure that the development would not be detrimental to the maintenance of the population of the species.

In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard for the advice of Natural Resources Wales and the Council's own Biodiversity Officers, the development is acceptable subject to the suggested conditions and would be in accordance with Policy NE1 of the LDP.

5.6 Tree Protection

5.6.1 The previous approval secured the retention and protection of the large tree to the front of the site with a condition requiring the submission of a tree protection plan. This has been lifted and adapted for the purposes of this application and is recommended to be imposed as a condition of the planning approval to ensure this tree which is a very important feature within the street scene is protected during the course of the works.

5.7 Affordable Housing

5.7.1 MCC's Housing Officer has provided comments that seek a financial contribution for both dwellings. However, the approved scheme for the single unit can be implemented as other developments that form part of the planning approval (DC/2014/00552) have been undertaken. This was approved before the requirement to make an affordable housing contribution was adopted. Thus, it is reasonable that only the one additional dwelling is subject to an affordable housing contribution. It is recommended that a Section 106 Agreement be secured with this application for a financial contribution of £25,813 for the one net additional dwelling unless the development is for self-build development in which case the development would be exempt from a payment.

5.8 Archaeology

5.8.1 Concern has been raised by a neighbour that the archaeological work indicating that there are lower levels to the standing 'barn' has not been considered in the application for the proposed development. Consequently there may be reason for a second archaeological building survey.

5.8.2 GGAT have addressed this directly in stating that they have responded to this in their consultation response. This has taken into account the lower level to the barn and included a recommendation for a historic building recording as a separate condition as well as other archaeological work, both of which require a detailed written scheme as part of the mitigation prior to the building recording and fieldwork being undertaken. A Programme of archaeological work in accordance with a written scheme of investigation is recommended as a planning condition. In addition, GGAT requested a condition requiring a programme of historic building recording and analysis - proposed level 2 survey based on the reason that the building is of architectural and cultural significance and the specified records are required to mitigate impact. Suitably worded conditions are suggested to ensure that archelogy at the site is protected in accordance with GGAT

guidance.

5.9 Notification Procedure

5.9.1 There have been concerns raised by a neighbour regarding the notification procedure. All of the adjoining neighbours have been notified of both the original scheme and the revised scheme and given the full statutory period to consider the proposal and make comments. Furthermore, a site notice was posted on the public highway on the corner of St. James House at the junction with St. James Square and Cwrt William Jones. In addition to this, an advertisement was posted in a local newspaper. The requirements for notifying neighbouring properties have been fully satisfied.

5.10 Response to the Representations of Third Parties and Town Council

The objections are considered individually below.

The scale to the measurements on the plans when I put some timbers together to get the visual height of the ridge. It seems to be more in line with the ridge of the adjacent properties which means it is going to be nearly double in height to the existing barn roof line creating another full height floor level on top.

- The drawings and sketches are not representative to each other

Response: The scale and measurements on the plans are correct and represent clearly what is proposed within this application. The issue with the height of the proposal has been addressed within sections 5.2 and 5.3. The revised scheme reduces the ridge and eaves height and is considered to be acceptable.

- The windows are very much still over-bearing

Response: The rooflights have been reduced from ten to six in this scheme, the original windows that are on the approved scheme have been retained on the front (west) elevation with one window opening being used as doorway. The rear (east) elevation has reduced the new openings from the approved scheme with the provision of the horizontal glazing breaking up the wall to roof, this is treated externally with horizontal louvres. There are no windows proposed on either gable. The contemporary extension does have areas of glazing, but this is at ground floor, is secondary to the main barn and it reads as a modern addition.

The design is not within listed building requirement to which we had to adhere too for the vista of the area

The building materials are not in line with what is required to blend into this area

The upper louvered section is so out of character it distracts so much from the existing barn it looks hideous and an absolute carbuncle

The glass joining section is also unacceptable. The tin roof is not what one would expect to see on one of the oldest building in Monmouth. The new sections should be constructed with welsh slate roofs with no timber cladding, this should be stone or render

The windows are also not in keeping with this listed section of Monmouth either

The proposed extensions to the east of the barn appear to be the equivalent of a new dwelling

Response: These issues raised are directly addressed under Paragraph 5.2. This is considered as part of the concurrent Listed Building Application DM/2018/00895. The proposed design of the resultant dwellings is considered to be acceptable and would not harm the character and appearance of the area or the listed building or neighbouring heritage assets.

The drawings also show timber feather edged fencing; we have been advised that the Council will only accept stone or Brick walls

We would like assurance that any alterations to the boundary of the plot will require planning approval.

Response: There have been no boundary treatments agreed as part of this application and a condition has been imposed ensuring that this information is submitted to the Council; permitted development rights are proposed to be removed preventing any further/different boundaries from being erected.

Concerned that the archaeological work indicating that there are lower levels to the standing 'barn' has not been considered in the application for the proposed development. Consequently there may be reason for a second archaeological building survey.

Response: This is addressed in section 5.8 above.

The increased height of the proposed renovation when compared with the present standing structure, the new roofline would tend to dominate the surrounding area. The architect's drawing gives the impression that the top of the roof would be lower than it would be; this is most noticeable when comparing the drawings of the proposed structure with those of the William Jones Almshouses adjoining the site on the north.

Response: This has been addressed as part of sections 5.2 and 5.3.

We have no objections to the original application, which did not require building additional new extensions into the garden, this was a reasonable application for the size of the barn. There is also a secondary floor level under the barn which has not been mentioned in this application but is of great interest to listed building and of Archaeological interest with further investigations required.

Response: This is addressed under section 5.2 and section 5.8.

In order to meet the objection to the pre-app proposal the applicant has increased the height of the main barn building in the present proposal. This would have an adverse impact on the properties in The Burgage which look on to this rural setting of the Barn with the church and Rolls Building in the background. This would not comply with planning policy, in particular Policy HE1 criteria a, b and c.

The roof line will be changed significantly to that of the original building. This would not preserve the character and appearance of the area and its landscape setting. Policy HE1 a,b,c criteria would not be met.

Response: The visual impact of the proposed alterations to the main building are addressed in section 5.2.

We would like assurance that the development does not encroach on the footprint of the "New Dwelling" in previous application DC/2013/00392 this was refused due to its unacceptable impact on dwellings in The Burgage.

Response: The proposal relates to the conversion of the main barn with secondary extensions projecting into the garden, these development do not reflect the independent standalone independent dwelling in the rear garden of the barn that was previously refused planning consent.

We would like assurance that the large tree on the west side of the barn will not suffer damage or felling as a result of the development. Several large trees have already been cut down on this plot that was once a pretty garden.

Response: This is addressed in section 5.6.

Neighbouring properties were not allowed roof lights for their development

Response: This application has been considered on its own merits with a view to what has been approved and can be implemented. The assessment of the design is addressed in section 5.2.

The plans would indicate that the roof ridge line would make the southern gable 8m above the current ground level. This is a significant increase in the current height and would dominate the view from all the rear windows of neighbour's property (11 St. James Square) and the rear courtyard. This perhaps could compromise natural sunlight to the rear of property.

Response: This is addressed in section 5.3.

A fire escape would not be acceptable.

Response: This is not proposed.

The perceived height of the main barn has not changed from the original and proposed development.

Response: This is addressed in section 5.2 and section 5.3. It is notable however that the height of the roof has been lowered both in the eaves height and ridge height, this does help to reduce the overall mass of the roof in comparison with the original scheme. Furthermore, it has been brought back into line with the gable of the neighbouring property (namely 11 St James Square) and reads as a less dominant building than it did in the original scheme.

Concern raised by neighbour regarding position of site notice, this does not constitute display at or near the site and failed to give correct notification of the application.

Response: This is addressed in section 5.9, officers are satisfied that the application has been correctly advertised.

The proposal is an attempt to reverse the refusal given to the application for redevelopment of the barn into one new residential unit and the construction of a second residential unit on the site which was applied for in 2013 and refused by Development Committee 07.01.14

Response: This is an application for two residential units, but this has been delivered by sub-dividing and extending the existing barn, not by creating a standalone building in the rear garden which was what was proposed and refused previously. The two schemes are different.

The current application attempts to overdevelop the site again by removing the existing roof structure which will destroy what original timbers are in the existing roof in order to raise the overall roof height to allow for insertion of a second storey within the envelope of the building.

Response: The merits of the roof as proposed are addressed in section 5.2.

In the earlier application a second storey was created within the roof space but as the roof slope reduced the overall square metreage this meant that to achieve two residential unit in that application the second had to be a separate totally new build. By resorting to lifting the ridge height by approximately two metres some of the additional square metreage to create the two units has been achieved. The balance of the additional square metreage needed is provided by the single storey additions to the rear of the barn little different in terms of overall development the 2013 refused application.

Response: The principle of an additional new dwelling in this location is acceptable subject to detailed considerations. The detailed considerations have been addressed above.

Furthermore by attempting to squeeze two units on the site the following detriment to the listed building itself and the adjacent listed buildings has occurred. Firstly, the necessity to raise the ridge height has destroyed the ancient parts on the roof structure, altered the relationship of the roof to the existing structure of the building and imposed a considerable change to the setting of the barn and its nearby buildings. This has imposed considerable overlooking to the rear gardens of all three properties 10, 11 and 12 St James Square which have only recently been converted back into three residential units from their previous use as a boarding house for Haberdashers School. That permission was granted after considerable debate and attention to maintaining the Listed Building status of those buildings.

Response: This is addressed above in section 5.2 and 5.3.

Committee's attention needs to be drawn to the provision of only two car parking spaces for each proposed unit which in view of the pressure of on street parking in St James Square is inadequate.

Response: This is addressed in section 5.4. On balance, the proposed parking provision is considered to be acceptable.

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

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

5.12 Conclusion

5.12.1 The proposed development would not have an adverse impact on the character or appearance of the Listed Buildings or the Conservation Area. The design of the resultant barn is acceptable and the dwellings would be constructed with sympathetic materials that are appropriate for the site. The development would not have an unacceptable impact on the amenity of the neighbouring parties and the proposed parking provision is considered to be acceptable in this context. The development would be in accordance with the relevant policies in the LDP and is therefore recommended for approval.

6.0 RECOMMENDATION: APPROVE Subject to a 106 Legal Agreement securing an affordable housing contribution of £25,813.00. If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Conditions:

1. This development shall be begun within 5 years from the date of this permission. REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.

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

3. No removal of hedgerows, trees or shrubs brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and in accordance with Policy NE1 of the Local Development Plan

4. The development shall be carried out in accordance with Section 6. Required Actions of the submitted Acer Ecology, Hatcham Barn, Monmouth, Bat and Nesting Bird Survey dated October 2018. This shall include mitigation and compensation measures for bats, nesting birds and hedgehog.

REASON: To safeguard protected and priority species in accordance with LDP policy NE1 and Environment Wales Act 2016

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

(A detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork)

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

6. No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority

REASON: As the building is of architectural and cultural significance the specified records are required to mitigate impact.

7. No lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:
lighting type, positioning and specification
drawings setting out light spillage in key areas for bats based on technical specifications
The strategy must demonstrate that the roost and key flight lines and foraging areas are not illuminated. The scheme shall be agreed in writing with the LPA and implemented in full.

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

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

REASON: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy EP1 of the Local Development Plan.

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

REASON: If substantial extensions or alterations were necessary this development would not normally be favourably considered and would be contrary to LDP Policy H4.

10. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy H4.

11. Prior to the commencement of development details of the means of enclosure shall be submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the dwellings and shall remain as such in perpetuity.

REASON: To protect the visual amenity of the surrounding area and to protect the amenity of the neighbouring properties and future occupiers of the site in accordance with policy DES1 and EP1 respectively of the Local Development Plan

12. Prior to development commencing on site a Tree Protection Plan shall be submitted identifying how the retained tree shown to east of the site shall be protected during the course of the development. The retained trees shall be protected in accordance with the approved reports and BS5837 Trees in relation to Design, Demolition and Construction Recommendations 2012. This report shall include details of the final positioning of the protective fencing. Where it may become necessary to install temporary access routes within the Root Protection Area (RPA), porous ground protection measures in accordance with BS 5837 must be installed, and again agreed in writing with the Local Planning Authority. The removal of the hard surfacing within the RPA of T1 must be removed using hand tools to avoid damage to surface roots. Any roots thus exposed are to be covered with fresh topsoil.

REASON: In order to protect a landscape feature in accordance with Policy GE1 of the LDP.

INFORMATIVES

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a

development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. the development works to be authorised are for the purpose of preserving public health or safety, or those of a social or economic nature and beneficial consequences of primary importance for the environment. ii. There is no satisfactory alternative and iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Please note that close-boarded fencing will not be acceptable in this setting.

Application Number: DM/2018/01339

Proposal: The implementation of consent DC/2014/00161 after storm damage, all details are to be reconstructed as original approved design

Address: Old Manor Cwrt B4233, Trothy Bridge to Pen-y-Parc, Llantilio Crossenny, NP7 8SU

Applicant: Mr. David Jones

Plans: All Drawings/Plans DA 02/01

RECOMMENDATION: Refuse

Case Officer: Ms Kate Bingham
Date Valid: 23.08.2018

This application is presented to Planning Committee as the agent acting on behalf of the applicant is a close relation to an officer working in the planning team at the Council.

1.1 APPLICATION DETAILS

1.2 The site has been used for agricultural storage as part of the former Llantilio Crossenny Estate for over 100 years. In the last 30 years it has been used for the storage of agricultural machinery. In 1989 planning permission was granted (application number T2342) to change the use from agricultural use to a petrol station, repair shop, M.O.T garage and car sales. We understand that permission was only implemented in part, namely the storage of vehicles, repairs and car sales from the yard. The site is within the Llantilio Crossenny Conservation Area.

1.3 The building was granted planning consent for conversion to visitor accommodation in 2014. Works commenced in December 2016. However, it was found that the condition of the building had deteriorated since the Structural Survey was undertaken in 2013 and after a period of poor weather, it was eventually decided to take the remaining structure down, primarily due to concerns for the safety of staff working on site. In February 2017, the Council was made aware that the building had been demolished and having visited the site, it was agreed that works should cease. It is considered that the consent has been lost as there is no building remaining to convert.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2017/00147	Discharge of conditions 3 and 10 of planning permission DC/2014/00161		02.03.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S10 LDP Rural Enterprise
S11 LDP Visitor Economy
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use
T2 LDP Visitor Accommodation Outside Settlements
NE1 LDP Nature Conservation and Development
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
HE1 LDP Development in Conservation Areas
SD3 LDP Flood Risk

4.0 REPRESENTATIONS

4.1 Consultation Replies

Llantilio Crossenny Community Council - No comments received to date.

Glamorgan Gwent Archaeological Trust (GGAT) - The proposal will require archaeological mitigation:

Refer to response of May 2014 to DC/2014/00161, in which GGAT noted that information in the Historic Environment Record shows that the development area is less than 30m from a Scheduled Ancient Monument, Cadw reference MM094 Hen Gwrt Moated Site. This is a Medieval moated homestead site associated with the earlier settlement in the area, relating to use by the Bishops of Llandaff; with the church of St Teilo which has 6th century origins located east of the site. The scheduling description notes the likelihood of areas around the scheduled boundary within which related evidence may be expected to have survived.

The impact of the proposed work on the setting of the SAM is a consideration, however, visually there will be little difference in shape and mass although there will be cosmetic improvement. We note that originally the application was for the conversion of the existing building, however, we note that this has undergone damage and been demolished. It remains the case that any ground disturbance work for the development, including the installation of services, and any hard landscaping may encounter a buried archaeological resource relating to the Medieval activity in the immediate area, and this will need to be mitigated by investigation and recorded.

There has been no change to our understanding of the archaeological resource since our letter and therefore our advice remains the same. Consequently, we do not object to the positive determination of the current application, but recommend the attachment of a condition, requiring an archaeological watching brief to be undertaken, to any planning consent granted in respect to the current application, ensuring that the archaeological resource is properly investigated and a report containing the results of the work produced. This should include all ground breaking activities including works for foundations and for the provision of services.

Natural Resources Wales (NRW) - We do not object to the application as submitted and provide you with our advice below:

We have previously provided comments to an application on this site under reference DC/2014/00161 (our reference SE/2014/117449/01) where we provided advice regarding Flood Risk at this site. We understand this application is for the implementation of this consent. We have reviewed the submitted Flood Consequences Assessment 'JBA Consulting Technical Report which was previously submitted under application DC/2014/00161. This FCA represents the most up to date guidance at this site. Therefore, our previous response remains, and we do not object to the application.

MCC Planning Policy - The Welsh Government produced their latest Development Advice Maps on 21 January 2019, the site is wholly located in Zone C2 floodplain, as the proposal relates to a form of highly vulnerable development the development of the area within the Zone C2 floodplain for a residential use would be contrary to Policies S12 and SD3 as well as National Planning Policy Guidance set out by Welsh Government within TAN15.

In addition to this the proposal cannot be considered as a conversion as it relates to reconstruction, as such it is considered tantamount to new development in the open countryside. Policy LC1 states there is a presumption against new built development in the open countryside unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural/agricultural diversification schemes or recreation, leisure or tourism. Policy LC1 also provides a number of criteria that must be met in the exceptional circumstances listed. The proposed development would not be considered as any of these exceptional circumstances. The proposal would not meet the requirements of Policy T2 which relates to visitor accommodation outside settlements, as it is located outside a town/village development boundary and is not linked to a medium or large hotel.

4.2 Neighbour Notification

Two representations received. Object on the following grounds:

1. We are the property downstream from the site marked on the flood risk maps. I believe any development on this plot will most certainly aggravate the flood risk and the banks of the brook have been breached at least four times in the last 10 years that we've lived here, so the 1 in 100 year risk is definitely inaccurate.
2. Environmental concerns about building so inappropriately close to the brook. There are otters, kingfishers, dippers, grey wagtails etc., which will be affected.
3. How can appropriate private drainage / sewerage be arranged for so many people on such a small site? Surely standard cesspits can't cope with high visitor numbers? I would be very scared about leakages/ overflows of waste material so close to the brook.
4. Believe the applicant rightly lost planning application for this site because the building was completely demolished and was very surprised to see this current application so long after planning was withdrawn. The building was demolished by the applicant many months before January 2017 and to claim otherwise is completely untrue. Demolition was haphazard and disorganised with debris including stone and sheets of corrugated iron ending up down the bank and in the stream itself.
5. There was no "catastrophic event" as claimed in the report by the applicant. I think living so close to the site we would have been subject to this too! The only wind damage on the site was to some scaffolding covered in plastic sheeting which had been erected after block laying began and long abandoned.
6. Has the Council seen the advice given by a Construction Health and Safety Specialist as quoted in the Report?
7. The claim that the applicant has "suffered considerable financial impact" as a result of the Council's stance and the figures quoted to support this is at best a gross exaggeration. I firmly believe that the report is a complete fabrication.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The location of the site alongside Offa's Dyke path provides an opportunity to attract some of the many walkers who use the path on a daily basis and therefore provide the site with a long term sustainable economic use. The new building has been designed to accommodate large family groups or friends in walking parties.

5.1.2 Monmouthshire Destination Development Plan (2012 -2015) specifically mentions the need to develop visitor accommodation. This development also supports the Brecon Beacons National Park - Abergavenny Sustainable Tourism Action Plan (draft 2014). It is also consistent with other local and national tourism strategies that state that there is a shortage of such accommodation. The proposal is also broadly supported by Strategic Local Development Plan (LDP) Policies S10 and S11. However, in terms of the more detailed Development Management Policies of the LDP, Policy T2 applies, relating to visitor accommodation outside settlements, where self-catering visitor accommodation will only be permitted if it consists of the re-use and adaptation of existing buildings. Since the building that was to be converted is no longer present, then the application fails to meet the criteria of Policy T2 of the LDP.

5.1.2 Whilst it is not contested that the demolition of the building was inadvertent and led to no financial gain for the applicant, the fact remains that the building no longer exists and there is nothing remaining to convert. As such any application to implement the previous scheme would effectively be for a new building in the open countryside which would be contrary to Policies LC1 and T2 of the Local Development Plan.

5.1.3 Attention has been drawn by the applicant to some court cases where similar issues have arisen. However, it is considered that none of these were directly comparable with the circumstances of the application site and therefore officers maintain their stance that to re-build the structure would be contrary to national, regional and local policy and should therefore be resisted.

5.1.4 It is noted that in the report submitted by the applicant they state that if consent for new build tourist accommodation is not forthcoming then the applicant intends to reinstate the use of the site as a garage. However, it is considered that this fallback position does not exist, because the garage building use had ceased and the building itself no longer exists. Rebuilding it would require planning permission.

5.2 Design

5.2.1 The original proposal that was approved involved conversion of the original building to holiday accommodation. In all respects the end use and external appearance of the current proposal would be exactly as agreed with MCC under the previous consent. The previously approved scheme involved the replacement of substandard external materials and the introduction of large glazed areas, both of which would have improved the appearance of the original building.

5.2.2 The application is now effectively for a new building in the open countryside and would therefore also fall to be considered under Policy LC1 of the LDP. This states that there is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism. In this case it is not considered that the proposal to reconstruct the building would fall into any of these categories and therefore should also be refused on the grounds that it is contrary to Policy LC1.

5.3 Flood Risk

5.4.1 A Flood Risk and Modelling Survey has been undertaken by JBA consulting in support of the application although no flooding has taken place on this site in living memory and the stream is positioned some 1.5 – 2m below the developable part of the site and there is a manmade bund that runs along part of the site. The full flood modelling survey shows there will be no flooding of

the site even in the most extreme conditions. The Council's statutory consultee on flooding matters is NRW who has reviewed the information supplied by the applicant in support of the application and has offered no objections.

5.4.2 The application site, however, lies entirely within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the White Castle Brook. The proposed tourist accommodation is considered as a form of 'highly vulnerable development' and therefore must meet the requirements of TAN15. This includes an appendix that provides that the following criteria should be met for highly vulnerable development (houses) to be considered acceptable:

1) Should be located only in an area of flood risk which is developed and served by significant infrastructure, including flood defences (Zone C1 of the DAM) AND

2) Its location is necessary to assist a local authority regeneration initiative or strategy¹, or contribute to key employment objectives, necessary to sustain an existing settlement or region AND

3) The site meets the definition of previously developed land (i.e. it is not a Greenfield site) and concurs with the aims of Planning Policy Wales (i.e. the presumption in favour of sustainable development). AND

4) A Flood Consequence Assessment has been produced to demonstrate that the potential consequences of a flood event up to the extreme flood event (1 in 1000 chance of occurring in any year) have been considered and meet the criteria below in order to be considered acceptable.

The guidance is clear that all criteria must be met. As the application site is within Zone C2 flood plain then the proposal would not be compliant in this case and the application should be refused because it does not comply with the requirements of TAN15.

5.4.3 The proposed development would result in residential development being located in a high flood risk area which would be contrary to national and local planning policies relating to flood risk. The planning history of the site would not override national planning guidance within TAN15 and current adopted Planning Policies S12 and SD3 of the LDP.

5.5 Residential Amenity

5.5.1 There are no residential properties within close proximity of the application site that are likely to be affected by the proposed development. The application site is at least 120m from the nearest dwelling and also separated by a group of protected trees.

5.6 Ecology

5.6.1 A full bat survey was completed in August 2013 and indicated the existence of six Pipistrelle bats. A licence from NRW would therefore have been required from NRW. Mitigation and enhancement was proposed to be put in place both during construction and also as a permanent feature within the proposal in line with para 10.17 of the report. Bat boxes would be placed in the nearby trees during construction, but would remain in situ in perpetuity. In addition a small area is proposed to be used within the holiday let to accommodate the bats permanently in accordance with the Bat licence consent.

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.

6.1 RECOMMENDATION: REFUSE

Reasons for refusal:

1 Since the original building has been demolished, the implementation of the previous scheme would be a new building for tourist accommodation in the open countryside which would therefore be contrary to Policy LC1 and T2 of the Monmouthshire Local Development Plan (LDP).

2 The development would result in the location of highly vulnerable development in Flood Zone C2 as identified by development advice maps referred to under Technical Advice Note 15 - Development and Flood Risk. The proposal, therefore, would increase the risk of adverse flooding consequences and would be contrary to advice contained in Technical Advice Note 15 and policies S12 and SD3 of the LDP.

Application Number: DM/2018/01635

Proposal: Full planning application for the development of four affordable dwellings and associated works

Address: Land At Llantillio Crossenny

Applicant: Monmouthshire Housing Association

Plans: Site Plan 5718/p/01a - , Site Plan 5718/p/05a - , Floor Plans - Proposed 5718/0p/20c - , Floor Plans - Proposed 5718/p/21d - , Elevations - Proposed 5718/p/67c - , Elevations - Proposed 5718/p/66d - , All Drawings/Plans 5718/p/70d - , Other 180828 llc aia nb - , Other 180828 llc tcp nb - , All Proposed Plans 5718_P_10P_Proposed_Site_Plan - ,

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham
Date Valid: 11.10.2018

1.0 APPLICATION DETAILS

1.0 This is a full application for four affordable dwellings in Llantillio Crossenny. The site is to be considered as an Affordable Housing Rural Exception under Policy H7 of the Local Development Plan (LDP).

1.1 The site is broadly rectangular in shape, measuring 0.16ha, and made up of arable land. The site is bound to the east by the Vicarage associated with the local church and to the south and west by arable land. The northern boundary is an unnamed road which links onto the B4233 to the west. The site is within the Llantillio Crossenny Conservation Area.

1.2 Four dwellings and associated works are proposed. These will be a mix of three two-bedroom dwellings and one three-bedroom dwelling. The dwellings are sited facing the road to the north of the site. In front of the dwellings would be the parking areas, which includes the bin store area. Gardens to the rear of the dwellings will be located away from the road for added privacy. The edge of the plots will be bounded by 1800mm high close boarded timber fence followed by a 4-6m planting buffer and 1.2m stock proof fence.

1.3 The proposed dwellings are formed by two blocks of semi-detached houses. The dwellings will be to two storeys in height with pitched roofs.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
None.			

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP Spatial Distribution of New Housing Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
H3 LDP Residential Development in Minor Villages
H7 LDP Affordable Housing Rural Exceptions

4.0 REPRESENTATIONS

4.1 Consultation Replies

Llantilio Crossenny Community Council - No objections. Members would prefer to see the houses located further from the Vicarage.

MCC Housing Officer - Housing and Communities fully support this rural exception site for affordable housing. We have worked with the RHE, the Church in Wales and Monmouthshire Housing to bring this site forward. There is a high need for affordable housing in all rural areas of Monmouthshire and there are 43 households on our housing register with a local connection to Llantilio United.

MCC Highways - No objection in principle. However, note the following:

- * No on site provision for visitors has been provided. The highway authority consider this requirement is essential and its absence will only encourage inappropriate parking on the adjacent highway and verge, such parking will cause an obstruction and damage the highway verge. It is recommended that each access and parking forecourt have the benefit of an additional parking space to accommodate visitors.
- * The drawing makes reference to a layby, the highway authority do not endorse or promote the construction of a layby at this location.
- * It is noted that the applicant proposes a central bin store, the applicant should be advised that Monmouthshire CC do not operate bin collection and refuse is collected from the kerbside/road edge.
- * The proposed shared drives are onto a classified road subject to the national speed limit, however, due to the width, general alignment and local environmental constraints vehicle speeds are expected to be well below the maximum permitted speed and the number of vehicles will be minimal therefore visibility splays of 2.4m x 45m are deemed acceptable. However visibility splays are required in both directions, the drawing only indicates visibility splays to the right, details of visibility splays to the left are required to be indicated.
- * The indicated 4 metre wide shared drives are acceptable.
- * 45 degree ease of access splays are preferred to junction radii
- * Inadequate turning provision for both domestic and service vehicles within the curtilage of each shared forecourt has been provided, vehicle particularly service vehicles will be unable to access and egress the forecourts in a forward gear

The proposed shared private drives will be required to traverse the highway verge and the applicants attention is drawn to the note at the foot of this response and:
Drop kerbs shall be provided at the edge of the carriageway and back of highway verge.
The ease of access splays shall be kerbed to prevent vehicle over run of the highway verge
The access drives shall be constructed in hard, preferably bituminous material where they traverse the public highway.

MCC Biodiversity - No objection subject to conditions.

- * MCC Tree Officer – Initially objected:
Loss of Tree No. 1 an Ash tree.

There seems to be little justification for the removal of the whole of hedge.

No scheme of landscaping to mitigate losses.

NB. Tree no.1 now proposed to be retained, section of hedge not required to be removed for access retained and landscaping scheme with new planting proposed.

MCC Heritage - No objections. The plot is within Llantilio Crossenny Conservation Area, and within the setting of Llantilio Court registered park and garden Grade II. Several listed buildings are within the radius of the proposed site. It is considered that the proposal will not harm the above heritage designations. The development of the village is accounted in the (Conservation Area) appraisal, the ad hoc pattern of development indicates such an addition to the village would not have a detrimental impact on the character of the conservation area. On consideration of the proposed design, it is noted comments made at pre-application advice stage have been carried out.

4.2 Neighbour Notification

One representation received. Object on the following grounds:

1. Note the minor adjustments to the PEA that add acknowledgement to ecological constraints that were not picked up initially. There seems to be a reluctance on behalf of the applicant to commit to the necessary Phase II ecological surveys that should be required to properly assess the site. I hope that because this is a public sector application that the standards that would be required of any private developer are not to be side-stepped. No doubt the County Ecologist will advise accordingly.

2. When I extended 2 Trothy Way my intention to smooth render the extension was rejected because of the conflict with the heritage features in the village. It therefore seems inconsistent of your heritage team to be finding no conflict with the addition of 4 new properties.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 Policy H7 of the Local Development Plan (LDP) gives favourable consideration to the siting of small affordable housing sites in rural areas adjoining the Rural Secondary Settlements, Main Villages and Minor Villages identified in Policy S1 that would not otherwise be released for residential development provided that all the following criteria are met:

- a) The scheme would meet a genuine local need (evidenced by a properly conducted survey or by reference to alternative housing need data) which could not otherwise be met in the locality (housing needs sub-area);
- b) Where a registered social landlord is not involved, there are clear and adequate arrangements to ensure that the benefits of affordable housing will be secured for initial and subsequent occupiers;
- c) The proposal would have no significant adverse impact on village form and character and surrounding landscape or create additional traffic or access problems.

5.1.2 In this case it is accepted that criteria (a) and (b) will be met. The proposed development is being brought forward by Monmouthshire Housing Association who are a Registered Social Landlord and there are 43 households on the Monmouthshire County Council housing register with a local connection to Llantilio United who are in need of housing.

5.1.3 The requirements of criterion (c) are evaluated below in Section 5.2.

5.2 Design and Impact on the Conservation Area

5.2.1. The Llantilio Crossenny Conservation Area Appraisal (which is adopted Supplementary Planning Guidance) describes the village as a rural, dispersed settlement dominated by its landmark church. The Conservation Area comprises a handful of roadside cottages interspersed with grander historic houses and 20th century infill.

5.2.2 The four proposed residential units have been designed to appear as two larger detached dwellings as this is considered to be more in keeping with the settlement pattern in this part of the village. Buildings in the area of the application site are generally of a modest scale; two-storey detached houses but also occasional larger houses orientated facing the roadside, either directly on the road or set back in generous grounds.

5.2.3 Materials are varied; most historic buildings are coursed local sandstone rubble, the estate cottages with ashlar dressings and Hostry House rendered and painted white with natural slate or stone slate roofs. The Vicarage is distinctive for its use of red brick in an otherwise stone dominated settlement except for the more modern houses on Trothy Way. These houses are constructed of mixed stock buff brick with concrete tiled roofs and uPVC windows and as such are completely out of character with the rest of the Conservation Area. Therefore brick would not have been a suitable material for the proposed new dwellings at this location. However, later 20th century introductions are all of a similar style, with stone-faced facades and rendered gables, decorative barge-boards and casement windows.

5.2.4 The materials for the proposed new dwellings are cream through-rendered walls and fibre-cement roof tiles and reconstituted slate headers and cills. No details of the window materials have been provided. As the site is within a conservation area, traditional materials will be required so natural slate roofs and timber/aluminium windows would be the norm. Details of the materials and samples have been conditioned. Features such as the pitched roofs; rendered walling; and multi-panelled windows are considered to be in keeping with the local vernacular.

5.3 Ecology, GI and Landscaping

5.3.1 There is a portion of intact species rich hedge at the northern boundary to the site, and further to discussion with the applicant the majority of the hedgerow is now to be retained. The requirement for gated access to the overhead line will result in the loss of a 6m section of hedgerow at the development site. As part of discussions with the Council's Biodiversity and Tree Officers, the landscaping scheme has been amended. The amended plan details the retention of the hedgerow and provides planting details for new native hedgerow and native shrub planting around the western and southern perimeter of the site, which will compensate for the habitat loss. Works will need to be carried out under an agreed construction environmental management plan and the long term management should be secured via conditions.

5.3.2 Further to the revised submission, communication with the site ecologist and a site visit it is accepted that the development site area itself is semi improved grassland. The revised landscape proposal includes pollinator friendly plant mixes to be used around the perimeter of the site. This will enhance the strategic green infrastructure planting described above.

5.3.3 White Castle Brook is approximately 100m to the south of the development site, the brook is a tributary of the River Trothy which is designated as a Site of Importance for Nature Conservation (SINC). The river is designated primarily for its migratory (anadromous species) and resident populations of fish including brown trout, bullhead, salmon and White clawed crayfish (S6 Invertebrates) - including into tributaries. Supporting reasons for designation include probable breeding Otter, plus areas for foraging, laying up and territorial use (S1) Mammals). In addition sections of the River Trothy supports breeding dipper (S2 Birds).

5.3.4 The development works have the potential to adversely affect the water quality of White Castle Brook and in turn the River Trothy SINC. In order to safeguard the watercourses an appropriate construction environmental management plan in line with the guidance Works and maintenance in or near water: GPP 5 January 2017 will need to be secured by condition. In addition to the construction based impacts, it will be necessary to secure an appropriate sensitive lighting plan to ensure the brook corridor is not illuminated.

5.3.5 Otter: No evidence of holts or natal dens were found during the field survey but it is accepted that the watercourse is likely to be used by commuting otters. As such the measures to protect the watercourse detailed above will be imperative to ensure adequate protection for Otter, furthermore

the CEMP will need to include safeguards for this species and other mammals that may use the site.

5.3.6 Dormice: The ecological appraisal provides that there will be loss of potential habitat for dormice and reduced connectivity as a result of the proposals. Considering the extent of hedgerow to be lost and location of the hedgerow, with its termination point just within the site boundary and the presence of continued connectivity to the west, the potential impact is reduced. It is considered that impacts can be mitigated subject to the planting of hedgerow to form a new boundary to the west and south. Sensitive lighting of this green corridor will need to be secured through provision of a lighting plan. The removal of the 6m section shall be under a construction environmental management plan which should be secured by condition.

5.3.7 Reptiles: There is some potential for reptiles to use parts of the site, hedgerow margins, and potentially the grassland, should current management cease. Given the scale of development, the extent of hedgerow loss and availability of more favourable habitat connected to the site it is accepted that no further survey work is required. The revised landscape proposals offer compensatory habitat for reptiles and potential impacts during construction will need to be safeguarded through condition.

5.3.8 Nesting Birds: There is potential for impacts during construction, which will need to be addressed in the construction method statement. We would expect to see provision for nesting birds incorporated into the scheme. Given the findings of the assessment provision for House Sparrow, and Swallows is appropriate and should be secured on plan.

5.3.9 Great Crested Newt: It is considered that the site is sufficiently disconnected from the nearest ponds and records, a precautionary approach to construction would be acceptable, this should be secured via a condition.

5.3.10 The green infrastructure (GI) for the development has incorporated a green buffer zone to the south and west boundaries of the development. This buffer zone allows an area of green space for grass areas, and planting to reinforce the boundaries. The GI will be managed by Monmouthshire Housing Association. This is welcomed as planting within private gardens can often be removed by individuals and therefore the overall GI is eroded over time.

5.3.11 Provided that the conditions requested by the Biodiversity Officer are applied, then it is considered that the proposed development will not harm nature conservation and will comply with LDP Policy NE1.

5.4 Highway Safety

5.4.1 The application is for the construction of four affordable dwellings and associated works with access directly off the local classified unnumbered highway, R43 subject to the national speed limit. The principle of providing access from the public highway in this location is considered to be acceptable to the Highway Authority and the introduction of four additional properties and the associated vehicle trip generation is not deemed detrimental to highway safety or capacity. Although the location is not deemed to be sustainable in terms of local public transport, the local need for affordable housing in the village outweighs this.

5.4.2 Car parking will comply with the Authority's standards of one space per bedroom per property up to a maximum of three per dwelling. Therefore, each two-bedroom dwelling is provided with two spaces, and the three bedroom unit has three spaces. Visitor parking has been provided in the form of a layby adjacent to the highway and although this type of arrangement is not endorsed by the Highway Authority, in the context of the age and layout of the settlement, and the lightly trafficked roads, this arrangement is considered to be preferable to more formal hardstandings for parking in this case.

5.4.3 The vehicles will be able to manoeuvre within the parking areas and leave in a forward gear. The proposed shared drives are onto a classified road subject to the national speed limit, however, due to the width, general alignment and local environmental constraints, vehicle speeds are

expected to be well below the maximum permitted speed and the number of vehicles will be minimal therefore visibility splays of 2.4m x 45m are deemed acceptable.

5.4.4 Although it is noted that the Council operates a system whereby refuse is collected from the kerbside, a central bin store is proposed which will be screened by tree planting. Tenants will be made aware that bins have to be taken to the kerbside for collection but the location of the bin store, hidden from wider view, rather than adjacent to the highway is considered to be acceptable in this location.

5.4.5 The Highway Authority are concerned that service vehicles will not be able to turn around and exit the site in a forward gear. However, they also acknowledge that due to the width, general alignment and local environmental constraints, vehicle speeds on the lane are expected to be well below the maximum permitted speed and the number of vehicles will be minimal. On this basis it is considered that vehicles occasionally having to reverse out of the shared driveways will not seriously affect highway safety and the benefit of the soft landscaping proposed to the visual appearance, historic environment and wildlife outweighs the need for larger turning areas.

5.4.5 On balance therefore it is considered that the application accords with LDP Policies S16 and MV1.

5.5 Residential Amenity

5.5.1 The nearest neighbouring dwelling to the application site is the house known as The Vicarage. The main garden belonging to The Vicarage is located to the east of the dwelling and so is away from the application site, divided by the property's approximately 18m wide parking area. The closest proposed dwelling to The Vicarage will be Plot 1. This unit has been designed with no windows on the eastern elevation that faces the private parking area and side elevation of The Vicarage. The rear window on the first floor of the proposed gable of plot 1 will be sited 11m from the boundary with The Vicarage with only oblique views towards this property. On this basis it is considered that there will be no loss of local residential amenity as a result of the proposed development and the application therefore complies with LDP Policy EP1.

5.6 Response to Community Council/Neighbour Objections

5.6.1 Whilst the Community Council did not raise an objection to the proposed development, they noted that Members would prefer to see the proposed new dwellings further away from The Vicarage. In order to accommodate this and enable the retention of a group of trees on the boundary, Plots 1 and 2 have been shifted to the west resulting in an additional 2 to 3m gap between the side elevation of Plot 1 and the boundary with The Vicarage.

5.6.2 The occupier of no.2 Trothy Way noted that when applying for his application for an extension, the use of smooth render was rejected by officers because of the conflict with the heritage features in the village and the use of render now proposed and accepted in this application seems inconsistent. As covered in Section 5.2.3 above, materials in the local area are varied; most historic buildings are coursed local sandstone rubble, the estate cottages with ashlar dressings and Hostry House rendered and painted white with natural slate or stone slate roofs. The Vicarage is distinctive for its use of red brick in an otherwise stone dominated settlement except for the more modern houses on Trothy Way. These houses are constructed of mixed stock buff brick with concrete tiled roofs and uPVC windows and as such are completely out of character with the rest of the Conservation Area. Therefore render would not have been in keeping with those dwellings, but is a much more suitable material for the new dwellings proposed on this application site.

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

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

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

6.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

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

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

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

NOTE See BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.

REASON: Safeguarding of protected and priority species during construction works LDP policy

4 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

5 Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats, otter and dormice] and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- b) and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory

or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To safeguard foraging and commuting routes in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2010.

6 Mitigation for bats and birds shall be provided in line with the measures described in Section 6 Required Actions of the submitted report "Preliminary Ecological Appraisal at Land at Llantilio Crossenny dated February 2019 produced by Acer Ecology"

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

7 Soft Landscaping shall be provided and maintained in perpetuity in accordance with the submitted plan "Detailed Soft Landscape Plan, Drawing reference: edp5480_d001a dated 5th February 2019 produced by EDP"

REASON: To safeguard all Green Infrastructure Assets at the site in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4.

7 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- ii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON: To comply with Policies S4 and H7 of the Local Development Plan.

INFORMATIVES

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

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

3 It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to

Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

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Application Number: DM/2018/01641

Proposal: Erection of fuel storage building to replace existing open storage compound and relocation of 2 no. portacabin office buildings together with parking provision.

Address: Trostrey Court Farm Barns Clytha Road Trostrey Common Gwehelog
Monmouthshire

Applicant: Mr David Morgan

Plans: Block Plan 0088/18/06 - , Site Plan 0088/18/06 - , Landscaping Plan - , All Proposed Plans 0088/18/04 - , Elevations - Proposed 0088/18/03 - , Elevations - Proposed 0088/18/06 Oct 2018 - ,

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham
Date Valid: 13.12.2018

This application is presented to Planning Committee due to the number of objections, including the local Community Council.

1.0 APPLICATION DETAILS

1.0 The site of the proposed development lies immediately adjacent to the existing generator building, which is located to the south of the large farm complex and poultry buildings that form part of Trostrey Court Farm. The site of the proposal is at present a large concrete apron between the generator building and the public highway and is used for the open storage of biomass material (wood chip).

1.1 The original generator building was granted planning permission in 2007 and 2009 with subsequent permissions for alteration, extension and ancillary requirements. Initially the fuel used was a type of vegetable oil, but the machinery has since been adapted to run on a gaseous fuel produced from zero carbon wood chip/biomass material.

1.2 The existing generator building produces electricity and heat and is classed as a Combined Heat and Power (CHP) technology. The heat is used to heat the existing adjacent poultry houses as well as drying manure from the dairy buildings. The electricity produced is used on the farm and its enterprises, with the surplus being sold to the National Grid.

1.3 The site which has been in its current configuration since 2013, operates as a Combined Heat and Power Plant, capable of producing electricity 24 hrs a day - 365 days a year, and gained Government ROC (Renewable Obligation Certificate) accreditation in 2013 to export up to 6MWe per hour of electricity to the National Grid. It has operated successfully but intermittently over recent years.

1.4 This current application relates to the construction of a new storage building measuring approx. 42.5m. x 30m. for the storage for the biomass fuel which will be used to power the generators. At present the biomass material is stored in the open at the front of the generator building and is often wet and not of the standard/size required for optimum fuel use. Consequently it requires drying and adaptation before it is ready for use. This arrangement has led to in some part to the recent intermittent operation of the plant.

1.5 The generating capacity (7.2MW gross max. - 6 MW net exportable) and operating equipment of the generator building will remain as it is and will not change as a result of this proposal.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01641	Erection of fuel storage building to replace existing open storage compound and relocation of 2 no. portacabin office buildings together with parking provision.	Pending Determination	
DC/2008/00833	Proposed construction of weighbridge and ancillary building.	Approved	26.09.2008
DC/2017/01125	Dairy cow housing.	Approved	24.11.2017
DC/2008/01424	Retention of variations and amendments to previously approved scheme (LB Application No: M/10606) for conversion to three dwelling units.	Approved	24.04.2009
DC/2009/00208	Conversion of former stables and cider mill to three dwelling units (retention of changes from approved scheme M/10599, including alterations to fenestration).	Approved	22.04.2009
DC/2012/00882	Proposed straw storage barn	Approved	18.02.2013
DC/2008/00835	Retention of agricultural building to house electrical generating unit, fuel tanks, switch gear and ancillary accommodation, concrete apron, gas tanks and access.	Approved	17.07.2009
DC/2009/00665	Proposed Construction of Roof over part of existing silage bay	Approved	11.08.2009
DC/2006/00947	Alterations and conversion, including rebuilding of collapsed/unsafe areas and re-roofing	Approved	11.07.2007
DC/2008/00834	Retention of siting of portable building to provide staff facilities for poultry farm.	Approved	09.09.2008

DC/2008/00570	Proposed change of use and alterations to former workshop building to provide office/workshop units (class B1).	Approved	09.07.2008
DC/2008/00229	New private drive with parking areas to serve Trostrey Court and Trostrey Court Cottages.	Approved	05.08.2008
DC/2016/01465	Alterations, efficiency and safety improvements and extensions to existing wood powered electrical generating plant (a Combine Heat and Power Plant - 7.2MWe/hr. wood fuel powered) to better screen and improve existing biomass fuel storage compound, provide a feedstock (wood) fuel storage area, chipping building, char storage building, 3 no. feedstock (woodchip) storage silos, dryer plant with flue, emergency by-pass flare stack, and associated plant and works.	Approved	01.03.2017
DC/2016/01480	Proposed construction of a weighbridge and ancillary building (renewal of previous permission DC/2008/00833 approved 26/9/2008).	Approved	01.03.2017
DM/2018/01641	Erection of fuel storage building to replace existing open storage compound and relocation of 2 no. portacabin office buildings together with parking provision.	Pending Determination	
DC/2010/00437	Proposed extensions to agricultural generator building	Approved	22.07.2010
DC/2011/00373	Proposed extension to agricultural generator building - for storage and processing/drying of straw, etc.	Acceptable	17.05.2011
DC/2007/01200	Erection of agricultural building for storage and standby electrical generation with new access way.	Approved	01.11.2007
DC/2017/01078	Alterations and extensions of existing combined heat and power plant.		03.09.2018

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

SD1 LDP Renewable Energy
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character

4.0 REPRESENTATIONS

4.1 Consultation Replies

Gwehelog Fawr Community Council - Observe that the contentious issue is the flue, this is no higher than the existing flue and therefore, there are no objections.

Llanarth Fawr Community Council wish to make the following comments:-

We note that the concrete apron around the proposed biomass storage facility is to be replaced with a hardcore stone surfaced area, and that the proposed extended area on the SE side of the site will revert to the originally approved boundary, which is welcomed.

We also welcome clarification that deliveries (and presumably any residue removed from the site) will be via the farm road; we would also request confirmation that all deliveries during construction phase (if approval is given) will be similarly routed via the farm road.

However, the Community Council still has a number of significant concerns with the application:

1. Landscape and visual impact

The amended plans do not clearly show the elevations of the main generator building, with the proposed biomass storage facility, proposed gas cleaning building, the proposed 17m flue stack and approved 17m flare stack, and relocated portakabins, as they would appear in situ. As the land rises to the rear of the area in consideration, we are particularly concerned that the 17m stacks and large storage facility, 9.5m high at the apex, will have a detrimental impact on the landscape, and would not comply with LDP policies LC1, LC5.

Taken as a whole, with existing, approved and proposed elements, the plant is too big for the rural location in a Special Landscape Area, and sited close by the River Usk SSSI. The footprint of the proposed building is approx two thirds that of the existing generator building; please clarify the amount of open countryside that would be taken by the proposals (in light of the amended concrete apron, above).

The proposed landscaping does not extend to the full length of the proposed biomass storage facility, down Clytha Road, as there is currently a gap next to the delivery area. We would like to see the landscaping alongside the delivery area.

Has a Tree Survey been undertaken?

There do not appear to be any reports on the portal on the impact of the plant buildings and operations on biodiversity, local amenity, traffic issues (especially during construction phase), safety (especially in relation to fire risk), or air quality (see below). We consider these are legitimate concerns of local residents and should be addressed by the Council.

We re-iterate our request for a full landscape and visual impact report on these cumulative developments.

2. Emissions

The environmental consultant's report confirms that the plant will need an operating permit from Natural Resources Wales, presumably on the basis that it will be burning waste wood. We note the extensive list of areas that NRW will review regarding the suitability, safety and impacts of proposed operations, and would welcome this rigorous assessment given the incremental nature of the development over the past 10 years. Because of the cumulative impacts, we feel that an Environmental Impact Assessment should now be undertaken and would welcome sight of the Council's screening report.

The environmental consultant's report refers to existing NRW permits - "the extant scheme would have also been regulated by the NRW under the Environmental Permitting Regulations, so these changes are not material". It would be very much appreciated if copies of existing permits could be made available on the portal, or a link provided to their location on NRW's website. Otherwise, we presume that these changes are indeed material.

We are aware of conditions imposed by other local authorities in relation to such plants, including for example 24/7 stack monitoring. Given that planning documents submitted by the developer refer to the plant having used waste wood in the past, please provide information on any earlier conditions imposed by the Council, which we would expect given that prevailing wind direction (south to westerly) and strength will focus emissions towards habitation and farmland in the direction of Bettws Newydd.

3. Community consultation

Llanarthfawr Community Council has only become aware of local residents' concerns with this plant in recent months, which may be due, at least in part, to the very intermittent nature of its operation to date, which is why we consider the proposed development represents an intensification of use. As the proposed new development, if approved, would trigger a very significantly increased level of activity, and associated impacts, we feel MCC should ask the developer to undertake a pre-application consultation, in accordance with the Wales Planning Act 2015, so that factual information may be shared with all concerned about existing and proposed development and nature of the activity.

Local Member -Cllr V Smith. Read the application, walked the site, no objections.

4.2 Neighbour Notification

Representations from five households received. Object on the following grounds:

General

- * Despite revised drawing and an emissions statement there is still insufficient information on important issues so there is still a failure to address previous concerns.
- * The plant may meet the criteria for consideration as Schedule 1 development of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Schedule 1, point 10: "Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day".

Emissions

- * The air quality is likely to be impacted, especially to the Usk area from prevailing westerly weather systems, but also to Bettws Newydd from weather systems approaching from the east.
- * In the environmental emissions statement from the applicant they suggest that this CHP has an existing permit as an active site. No permit number or details have been attached to support these statements.
- * No evidence on either the renewals obligation and Ofgen websites that any electricity has been generated since 2009.

* The last registered fuel type was bio oil used 2009 and there is no clarity as to the recent fuel change the applications over time have stated biomass, vegetable oil, virgin wood, recycled wood, wood waste there has been no clarification.

* Object to the continued suggestions that this is an approved, functioning and currently active site. I also object that the supplied information seems to have been accepted by the Planning Department over a series of applications without ever demanding evidence in support. Duty of care in decision making on planning applications must surely depend on consideration of facts and not opinions. I cannot see that the Planning Department has requested further information on permit number, details of emission controls, generation of power, specific number of deliveries of fuel, and fuel type despite several objections addressing all these points.

* The use of waste wood products will necessitate the requirement of a NRW permit, therefore reference to the history of previously permitted activities by NRW, and results from regular testing regimes in place from MCC or NRW are required to enable transparency in this matter.

* The Local Authority should have access to 5 years of records monitoring air quality levels of Nitrogen Dioxide and Sulphur Dioxide and Fine Particles under the Environment Act 1995 and the Air Quality Strategy 2007.

* How much electricity has been exported to the grid since 2009? There should now be 9 years of Feed-in Tariff records.

* Request there should clarification on what fuel is actually used by this CHP.

* Can the Planning Committee request the applicant to provide a copy, or access to, the CHP operational permits and their monitoring records, these should be available as a matter of public record.

* If the applicant does not hold an operational permit that relates accurately to the projected activities on site then surely any decision on this application should be delayed.

* If NRW did not object to the local authority's assessment (not publicly available) of the plant's impact on local air quality, (planning application DC/2016/01465) it would presumably have been because NRW relied on the local authority to assess and regulate impacts, and in particular because it assumed the plant would use virgin wood, and not waste wood, as the fuel stock. There is therefore a material and significant difference between approved application (DC/2016/01465) and the proposed application (DM/2018/01641) regarding the fuel stock.

Design

* This is an application to further industrialise an area of rural Monmouthshire to a level which can only be detrimental to the enjoyment of the area to residents and visitors alike.

The visual impact will be far reaching, with both storage buildings and flue stacks being unacceptable in this location.

* We consider a comprehensive Landscape and Visual Impact report which reviews the cumulative impact of the approved and proposed developments is necessary.

* The size and bulk of the proposed building, together with the proposed flue stack and approved flare stack, proposed gas cleaning building, relocated portakabin offices, and existing generator building, will damage key characteristics in this landscape, causing a significant and adverse impact on landscape character; it would also cause unacceptable visual intrusion (at key receptor points). The precise height of the apex of the proposed storage facility is still not shown on the amended elevation.

* A Zone of Theoretical Visibility document with the proposed structures clearly marked on site photographs, should be prepared. The location of the proposed flue stack and approved flare stack at the rear of the site where the land rises, means their height and impact may be especially obtrusive.

* The size or height of the extensive storage building, (occupying greenfield land and about two thirds the footprint of the generator building) is an inappropriate and insensitive extension of industrial buildings into the open countryside. It fails to meet criteria a, c and d of MCC policy LC1 and represents a 'creeping industrialisation' of this scenic, tranquil, and culturally and historically important landscape.

* The storage facility would not be satisfactorily assimilated into the landscape and does not comply with LC5; and is

* of a form, bulk, size and scale that does not respect the character of the landscape; and the facility, plus flues (and consequent emissions) and the gas cleaning building will have an unacceptable adverse impact on landscape, historic/cultural heritage and local amenity, especially air quality.

* The amended plans do not change our view that this is fundamentally the wrong location for development of this type, size and scale.

* This proposal would most certainly spoil this beautiful countryside that I feel privileged to be able to live in.

Ecology

* The entrance to the farm road is adjacent to the River Usk SSSI, and the plant itself is within 500m of the SSSI. The proposed 24/7 operation of this plant suggests that the impact of the arrival and departure of heavy articulated lorries on such species should be further considered as part of an Environmental Impact Assessment.

Highways

* Request clarity in this application so the Planning Committee can then provide local residents with an independent traffic report on the impact on the local community of the delivery vehicles.

* Clarification could be provided on whether the weighbridge is intended to include the HGVs delivering biomass material 24/7, and whether there will be any restriction on their use of Clytha Road.

* The effects on transportation logistics can only be detrimental to residents and visitors as the road network, bridges, carriageway sizes and conditions would see increased traffic, leading to rapid deterioration in the surrounding areas.

In response to comments from Shaun Yemm-James, Public Health Officer (21 Feb 2019):

Suggest that he hasn't 'carefully appraised this application' well enough.

In relation to his comments on noise ('this section has not received any complaints in recent years from the premises in relation to noise'), this may well be because the plant has not operated regularly, if at all, in recent years.

Absence of any comment on emissions from the 17 metre flue stack, drawings for which are included in this planning application, and without which the plant can not operate.

'Flue' stack was not approved in earlier application (01465), however a 'flare' stack (which has a different function) was approved.

The flue stack could, unless carefully controlled, emit noxious fumes as described by the developer's environmental consultant. It is therefore very concerning that MCC's Environmental Health Section offer no comment on the above, which virtually every objector has raised as a major concern, especially as the top of the 17 metre flue stack will be at approximately the same level as many residential properties in Bettws Newydd. This is a significant concern for many residents and should provide a very good reason for Environmental Health to raise concerns about the proposed development, which includes not just a storage facility but a potentially polluting flue stack.

4.3 Other Responses

Campaign for the Protection of Rural Wales - The site is in the open countryside and possibly visible from the main road. In addition to possible air pollution there could be noise concerns relating to the chipping of the stored wood. Also there is the question as to whether the use of virgin wood is sustainable. A timber place near Abergavenny has experienced problems with sourcing timber because of competition from biomass burning. It is not clear from the application what sort of wood they will be burning. It is likely that it may be easier to source and process virgin wood. This wood is normally imported in the form of pellets from Canada. Is this sustainable? Is burning biomass actually carbon neutral given that the fuel is transported from abroad. Britain already has several large scale power stations using biomass, is there a need for facilities like this which are located away from industrial areas and have limited capacity? In considering applications such as this it is important to be aware of the wider issues such as sustainability of forest resources and the effect of wood burning on levels of carbon dioxide in the atmosphere.

Biofuelwatch - Object:

Serious concerns about the application being presented as an application for a new fuel storage building etc.

previously approved flare stack which is now omitted is a vital safety feature for all gasification plants.

Previous consents are for bioliquid combustion for energy not biomass gasification.

No explanation for the proposed 17m flue stack.

Fails to include any Environmental Impact Assessments.

No planning conditions or control in relation to air emissions, health and safety or traffic.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 Planning Policy Wales (PPW) edition 10 (December 2018) outlines Welsh Government's commitment to optimise renewable and low carbon energy. It also makes clear its commitment to using the planning system to optimise renewable and low carbon energy, whilst taking into account other issues such as statutory obligations towards protecting designated areas. Monmouthshire County Council also has policies in its Local Development Plan and in particular its Supplementary Planning Guidance - Renewable Energy and Efficiency (March 2016). However it should be borne in mind that the proposal relates to an improvement and extension for fuel storage purposes, of an existing zero carbon electrical generating unit.

5.1.2 Strategic Policy S10 relating to Rural Enterprise and S12 relating to Efficient Resource Use provide support in principle for the proposal. Policy SD1 relates to Renewable Energy providing additional support in principle for the proposal, subject to compliance with criteria. Criterion (1) is of particular importance in relation to the assessment of impact on the surrounding landscape. Policy LC5 relating to the protection and enhancement of landscape character must also be considered and is referred to in criterion (1), and a landscape assessment has been submitted with the application. Policy LC1 states there is a presumption against new built development in the open countryside unless justified under national planning policy and/or other LDP policies. In this case the proposal relates to a form of agricultural diversification and is therefore considered to comply with Policy LC1 in principle subject to compliance with RE3 and other policies within the LDP.

5.1.3 Policy RE3 relates to development proposals which make a positive contribution to agriculture or its diversification, noting these will be permitted where the new use or building meet the criteria listed within the Policy. In this case the application relates to a number of alterations and extensions, it is noted the proposal is an extension of an existing diversification use at the farm. It is complementary to the existing agricultural activities of the enterprise and the energy generated will be used to heat the adjacent poultry unit as well as elsewhere on the farm, with any surplus energy being sold to the national grid.

5.1.4 The original generator building was granted planning permission in 2007 and 2009 with subsequent permissions for alteration, extension and ancillary requirements. Generation fuel was originally rapeseed/vegetable oil, then hay/straw but has now evolved with advances in technology, to waste wood chip. The nature and process of generating heat and power however, remains unchanged. Generation of electricity/heat using all type of fuel fall to be considered under the same planning Use Class (B2). The change from liquid fuel to solid/gas fuel does not therefore require the benefit of planning permission but may be covered by different environmental permits which are dealt with by NRW and covered under separate legislation to planning.

5.1.5 A previous application approved in 2016 allowed alterations and extensions. These alterations and extensions included the erection of fuel storage silos, flue and chimney stacks, additional buildings, and storage areas for bio mass fuel. The previous proposals also included the construction of additional retaining walls around the open frontage of the bio-mass fuel storage area/compound, the provision of a new timber fuel storage area with a chipping building, with the provision of a new dryer plant with flue stack and three storage silos. A new char storage building, together with a flare stack was also approved. Since this approval, technology has again moved on and it is now possible to achieve the improvements to the efficiency of the plant without the need for most of the extensions, new structures and alterations previously approved under DC/2016/01465 with only the 17m chimney flue now being required from the previous approval.

5.1.6 The generating capacity (7.2MW gross max. - 6 MW net exportable) and operating equipment of the generator building will remain as existing and will not change as a result of this proposal. The volume of biomass material delivered and stored within the area will essentially also remain unchanged, as will the amount and frequency of the delivered material. Although the plant has not been operating at full capacity in the recent past, the site has the necessary planning permission in place to do so. On this basis, it is considered that there will be no intensification of use and the principle of the development is therefore established through the earlier consents.

5.2 Design and Landscape Impact

5.2.1 The existing portacabin buildings will be relocated on the south west elevation of the existing generator building and stacked one upon the other with steel access stairways. Disabled parking will be provided adjacent to the portacabins, with staff parking to the south west of the proposed fuel storage building.

5.2.2 The proposed biomass storage building will have a floor area of approx. 42.5m x 30m with a shallow pitched roof and apex height of approx.9.5m. The building will be steel frame construction with dark green colour coated steel sheet walls and grey steel sheet roof. Roller doors are also to be dark green. The design and scale of the storage building is similar to that which would be expected as a modern agricultural storage building and is significantly smaller in scale than the existing poultry sheds on the site. As such it is considered that the proposed new building is not out of keeping in terms of design and scale with the surrounding rural area.

5.2.3 The existing main building on the site that houses the electricity generating equipment has a ridge height of 6m rising to 11m at the rear of the site. It is also worth noting that the previous 2016 application allowed a 17m flue stack as well as a 6.5m high char building, three silos, two water tanks and a chipping building at the front of the site by the road. This application now proposed only a biomass storage building, a gas cleaning building and coolers to the rear of the site and the 17m flue. The site boundary will also remain as existing rather than having to be extended as previously approved. The amount of development currently proposed is therefore considerably reduced compared to the previous approval and is considered to be acceptable in terms of scale and form subject to the landscaping proposed on the submitted drawings.

5.2.4 It is considered that the proposed new building will be seen as a low structure viewed against the form of the existing buildings and the whole complex will be screen by roadside hedges and trees from nearby vantage points, whilst from distant viewpoints it will be seen against the rising backdrop of Trostrey Wood and Trostrey Hill to the rear. A landscaping scheme has been prepared to ensure the proposed development will assimilate into its rural setting, the implementation of which can be conditioned. The application is therefore considered to comply with LDP Policies LC1, LC5 and DES1.

5.4 Highway Safety

5.4.1 A private farm access road provides the main access to the site from the nearby Usk - Abergavenny road crossing the county lane at the site entrance. Access into the site is as existing from the access road and existing farm yard. From Usk there is easy access to the main A449/A40 Trunk Road and the M4 Motorway, and from Abergavenny the A40 and A465 Trunk Roads.

5.4.2 The number of employees, the delivery routes, access to the site and frequency of deliveries will remain unchanged to that already approved.

5.5 Residential Amenity

5.5.1 There are no neighbouring dwellings immediately adjacent to the proposed building. However, as with the original application for the generator there is a potential noise impact on dwellings further away from the site as a result of the new dryer plant. At the time of the previous application Environmental Health undertook a noise survey at the site whilst in operation. At that time (Sept. 2008) it was agreed that sound insulation and generator silencers be installed to ensure that very little noise was transmitted beyond the boundaries of the site - a target figure of

79db at 7m being anticipated, much less than the standard 85db. That figure was agreed with Environmental Health and the plant has operated in the intervening period without complaint. The applicant has further confirmed that the proposed dryer has been specifically selected and designed so as not to exceed the previously agreed target acoustic limit. On this basis it is not considered that the proposed development will cause additional noise nuisance to any neighbouring residential properties.

5.5.2 The issue of air pollution from emissions is covered below in section 5.7.1.

5.6 Ecology

5.6.1 The area around the application site is heavily farmed and there will be no loss of any existing trees or hedges as a result of the proposed development. The change from a concrete apron around the existing building to a more permeable hard core surface will benefit the area in terms of drainage and the proposed landscape planting of a new hedgerow as well as five new groups of native trees will provide new habitat for local biodiversity.

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

5.7.1 Emissions

5.7.1.1 The proposed activity will be regulated by the NRW as a Part A(1) Installation as required by the Environmental Permitting Regulations and Industrial Emissions Directive. Under planning advice in situations where a planning authority is required to consider emissions from an activity that is being regulated under the Environmental Permitting Regulations, there needs to be an assumption that the competent authority and regulatory framework are both capable and effective in ensuring that the emissions are appropriately controlled.

5.7.1.2 The level of assessment required to meet the requirements of the Environmental Permitting Regulations are in excess of what is required to meet planning requirements and beyond the remit of the planning application process. Notwithstanding this, it may be useful to know that in determining the permit application for the site, NRW (the competent authority for regulation of Industrial Processes), will require that all impacts associated with the site are deemed acceptable. Under the requirements of the Environmental Permitting Regulations, the regulator cannot grant a permit for any site where it is deemed to have significant impact on the environment. Therefore, even if planning consent is granted, the operation of the site will still be reliant on the necessary permits from NRW.

5.7.1.3 Under the existing (extant) permission, the potential impacts of the proposed development on local air quality during both construction and operational phases have been assessed and deemed acceptable by and reviewed (and not objected to) by NRW. The applicant has also advised that he has held pre-application meetings with the NRW as part of this application, who have a) confirmed that the site will be subject to Part A(1) Environmental Permitting and b) confirmed the requirements of the permit application documentation.

5.7.1.4 Under the permit application requirements the Applicant has stated that they will be required to provide and submit the following:

i) Detailed Air Quality Impact Assessment providing the predicted ground level concentrations of these pollutants are compared with relevant air quality standards and guidelines for the protection of human health and sensitive habitats for:

- * total dust (as PM10 and PM2.5)
- * Nitrous Oxides (NOx)
- * Carbon Monoxide (CO)
- * gaseous and vaporous organic substances, expressed as total organic carbon;
- * sulphur dioxide;
- * hydrogen chloride;
- * hydrogen fluoride;
- * twelve trace metals; and
- * dioxins and furans.

- ii) Ecology and Habitats Impacts Assessment
- iii) Noise Impacts assessment
- iv) Detailed Environmental Risk Assessment
- v) Accident and Fire Management Plans

5.7.1.5 As stated above, if any of the above assessments indicate that there will be an unacceptable impact to the environment (or human health), then NRW will not be able to grant the permit and the site will not be operational. In addition, the requirements to demonstrate technical competence and emergency response are also key aspects of a permit application, which unless satisfied, will result in a permit refusal.

5.7.1.6 In conclusion therefore, it is considered that planning consent can be granted for the proposed biomass storage building without the need for the applicant to provide evidence of an Environmental Permit at this stage as this application relates to a new building and not the operation of the CHP generator.

5.7.3 Design

5.7.3.1 The Llanarth Community Council have also questioned why the proposed landscaping does not extend to the full length of the proposed biomass storage facility, down Clytha Road, as there is currently a gap next to the delivery area. This gap is where the existing retaining wall of the concrete compound runs which will have to be retained.

5.7.3.2 Other objections regarding design and landscape impact are evaluated above in Section 5.2.

5.7.4 Highways

5.7.4.1 Clarification was requested on whether the condition restricting use of a previously approved (but not yet implemented) weighbridge is intended to include the HGVs delivering biomass material and whether there will be any restriction on their use of Clytha Road. There is no restriction on any vehicles associated with Trostrey Court Farm using the weighbridge. This could therefore include those delivering wood chip. Normal highway weight restrictions will apply to all vehicles using the local highway network.

5.7.5 General

5.7.5.1 Llanarth Community Council have requested that MCC should ask the developer to undertake a pre-application consultation, in accordance with the Wales Planning Act 2015, so that factual information may be shared with all concerned about existing and proposed development and nature of the activity. Whilst this may have been useful, the development proposed in this application does not meet the requirements for pre-application consultation and this cannot therefore be insisted upon. Similarly, the application falls below the threshold requiring an Environmental Impact Assessment Screening Opinion to be undertaken and is not considered to fall under Schedule 1 development of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Schedule 1, point 10: "Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day".

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

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

6.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

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

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

4 Noise from fixed plant and equipment shall not exceed 79db when measured at 7 metres.
~ To protect the amenities of the nearby residential properties from noise and general disturbance.

REASON: In the interests of local residential amenity and to comply with LDP Policy EP1.

Application Number: DM/2018/01784
Proposal: Erection of two, two bedroom semi-detached houses
Address: 72 The Close, Portskewett, NP26 5SN
Applicant: Ms. Emma Reid
Plans: All Proposed Plans

RECOMMENDATION: APPROVE

Case Officer: Helen Hinton
Date Valid: 23.11.2018

The application is presented to the Planning Committee as it has been deferred by the Delegation Panel.

1.0 APPLICATION DETAILS

1.1.1 Full planning permission is sought for the development of two dwellings on land forming part of the residential curtilage of 71 and 72 The Close, Portskewett.

1.1.2 The plans submitted in support of the application, detail the development of a pair of semi-detached, two and half storey dwellings, each measuring 4.75m wide, 10m deep at ground floor level and 7.1m deep at first floor level with a maximum height of 8.1m falling to 4.6m at eaves level. The dwellings would be positioned 1m to the south-east of 72 The Close and would be positioned 4m behind the established building line of 70-72 The Close. An area of off street parking for four vehicles, accessed from The Close would be provided to the front (north-east) of the properties. Internally the accommodation would comprise a kitchen-diner; living room and WC at ground floor level with a bedroom an ensuite bathroom at first floor and within the loft space. Externally the dwelling would be finished with rendered elevations, uPVC windows and doors and composite slate tiled roofs.

1.2 Site Appraisal

1.2.1 The application site comprises a wedge shaped parcel of land with a road frontage of 14.4m and a maximum depth of 30m. As specified above, the land forms part of the residential curtilage of 71 and 72 The Close.

1.2.2 The application site and area as a whole are positioned on a slope falling gently from north-west to south-east and north-east to south-west. As a result the plot is set below the level of 1 The Close to the north, is slightly below the internal floor level of 72 to the north-west and is raised in relation to 21 Manor Way to the south-east and Portskewett and Sudbook Recreation Centre to the south. The boundaries of the application site are currently defined by close boarded fences. Access to the Recreation Centre is gained via a lane immediately adjacent to the south-eastern boundary of the site.

1.2.3 The dwellings surrounding the site are of a mix of architectural styles, design and external finishes. A variety of plot sizes are also evident.

1.2.4 The site is unallocated and located within the settlement development boundary of Portskewett as defined by the proposals map of the Monmouthshire Local Development Plan (LDP). The site is outside of but immediately adjacent to the C1 Flood zone as defined by the Development Advice Maps (DAM) of Technical Advice Note (TAN) 15: Development and Flood Risk (2004).

1.2.5 The application is before Members having been referred to Committee by the Council's Delegation Panel, which considered the application on 13th February 2019.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision Date
DM/2018/00958	Building two new four bed semi-detached houses in the garden of 72, The Close, Portskewett.	03.08.2018 Withdrawn
DC/2002/00517	uPVC Conservatory to Side Elevation	19.06.2002 Approved

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

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

4.0 REPRESENTATIONS

4.1 Consultation Replies

Portskewett Community Council - Recommends refusal on the grounds of highway safety

MCC Highways - No objections but additional information requested with regards to the relation of the telegraph pole and street lamp and the constructional make up of the parking area.

MCC Affordable Housing - A commuted sum of £19,964 toward the provision of affordable housing within the County is requested.

Glamorgan Gwent Archaeological Trust - The proposal will require archaeological mitigation

Natural Resources Wales - As no development is going to take place within the recognised flood plain area, we have no objection to the application as submitted.

4.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. One letter of representation has been received and is summarised as follows:

The site is positioned on a corner, on a gradient.

The parking in the area is out of control i.e. parking on pavement, no free movement for mothers with small children and pushchairs able to pass in safety, having to use the road. This would be exacerbated by more vehicles accessing this corner, where in the past there has been a number of accidents causing injuries and property damage.

5.0 **EVALUATION**

5.1 Principle of the proposed development

5.1.1 The application seeks full planning permission for the development of a pair of semi-detached dwellings to the side of 72 The Close, Portskewett. The application site forms part of the garden of two existing dwellings (71 and 72) within an established residential area. It is unallocated and within the settlement boundary of Portskewett as identified by the Local Development Plan (LDP). Policies S1 and H1 presume in favour of new residential developments in such locations. As a result the principle of developing the site for residential purposes is considered appropriate relative to the context and subject to the application satisfying a number of material considerations. The key considerations with regards to the proposal are: design; highway safety; residential amenity; affordable housing and archaeology.

5.2 Design

5.2.1 The proposed properties would comprise two, two-bedroom, two and half storey dwellings. Although the plot is smaller than some in the area, it is considered large enough to accommodate the properties with adequate off street parking and a modest amount of amenity space. The dwellings have been designed to have a width, depth and ridge height comparable to number 72. Although the positioning of the dwellings, 4m back into the site does break the building line established by 70-72, such a position is necessary to accommodate the required number of off street parking spaces.

5.2.2 It is considered that proposal would not result in over development of the plot. Being mindful of the mix of architectural styles and external finishes in the immediate vicinity, it is considered that the development would not be significantly detrimental to the overall character, appearance or pattern of development in the area. The siting of two new dwellings on this site is considered to be an efficient use of land in this predominantly residential area and as a result, the proposal accords with the objectives of Policy DES1 of the LDP.

5.3 Highway Safety

5.3.1 The MCC adopted parking standards requires two off street parking spaces to be provided for each dwelling. These can be accommodated on the area to the front of the dwellings with access gained from The Close.

5.3.2 As part of the consultation process a resident and the local Community Council have raised an objection to the development on the grounds of highway safety. The resident advises that parking in the area is already a significant issue with high levels of on street parking evident. They also allege that the junction to the north-east of the site has also been the subject to a number of traffic collisions. The Community Council have provided the following response:

"The access to the properties would be located near a corner where poor visibility is already an issue. Parking on Manor Way and The Close in the vicinity of the development is an ongoing issue which has already led to vehicular accidents and personal injury. The proximity of the development

to the junction of Manor Way and Portskewett and Sudbrook Recreation Hall access road is of concern as visibility is poor on this junction and is further exacerbated by parked cars."

5.3.3 In response the Council's Highways Team have provided the following information:

"The current submission demonstrates that the proposed development has been scaled down to address highway concerns made in respect of car parking provision. Each dwelling now consists of 2 bedrooms and in accordance with the Monmouthshire Parking Standards each dwelling has the provision for 2 off-street car parking spaces with sufficient depth (5.5m) to prevent any vehicle overhang on the adjacent footway. Based on these revisions, the access and parking provision is acceptable.

The Highway Authority is aware that concerns have been raised over the principle of creating vehicular access at this location. It should be noted that there are no highway grounds to sustain an objection to the creation of a vehicular access at this location. The Close is a typical 'no through' residential estate road with vehicular access points throughout the estate serving existing residential dwellings. As such the design criteria for a vehicular access and off-street car parking provision at this location can be achieved in the same vein as existing residential dwellings."

5.3.4 Notwithstanding the above, the Highway Officer has identified that insufficient detail has been submitted with regards to the relocation of a telegraph pole which has a street lighting bracket arm and lantern attached to it and the construction make-up of the proposed parking area. It is considered, however, that these details could be adequately secured by condition.

5.3.5 Whilst concerns regarding highway safety as a result of the proximity of the proposed parking area to the junction is acknowledged, in this instance it is considered that the provision of an open boundary adjacent to The Close in order to allow vehicular access to the site, would discourage on-street parking across the width of the plot, which in turn could improve visibility for vehicles exiting the recreational ground junction and those climbing the hill past the site towards the bend. Being mindful that The Close and Manor Way are no-through cul-de-sacs, it is considered that the highway has sufficient capacity to accommodate the vehicle movements generated by the proposal and relative to the existing arrangement, the proposal would not be so detrimental to the highway safety and flow of traffic in the area to warrant refusal of the application on such grounds. Subject to conditions requiring the parking spaces to be provided prior to beneficial occupation; details of the relocation of the telegraph pole and lamp; and the construction of the parking area being submitted, it is considered that the development proposed is compliant with requirements of Policy MV1 of the LDP.

5.4 Residential Amenity

5.4.1 Concerns were initially raised with regards to the impact of the development on the residential amenity of 72 the Close as a result of increased overshadowing and loss of light. Such concerns have been alleviated by reducing the depth of the dwellings at first floor level and above. Although the development would cross the 25 and 45 degree light angles for the windows in number 72 closest to the site, being mindful of the south facing orientation of the existing rear elevation, it is considered that the increased level of overshadowing and loss of light experienced would not so significant or detrimental to warrant refusal of the application on such grounds.

5.4.2 The windows provided in the front elevation of the dwellings would overlook the gable elevation of number 1 The Close to the north, which is set at a slightly higher internal ground floor level relative to the application site. Although there are ground floor windows provided in that southern elevation of 1 The Close, these serve an integral garage. With regards to the impact on 21 Manor Way, it is considered that the position of the proposed rear elevation relative to the front elevation of the 21 Manor Chase would be of an obscure enough angle to prevent a level of direct overlooking or loss of privacy, detrimental to amenity

5.4.3 Following direct neighbour notification, no objections or representations have been received with regards to design or impacts on amenity. On the basis of the above, the application is considered compliant with the requirements of policies DES1 and EP1 of the LDP.

5.5 Affordable Housing

5.5.1 Policy S4 of the LDP identifies that in the Severnside area development sites with a capacity for 5 or more dwellings will make provision for at least 25% of the total number of dwellings on the site to be affordable. In this instance it is considered that the site is only capable of providing two additional dwellings. As the site has a capacity below the thresholds set out, the developer will be required to make a financial contribution towards the provision of affordable housing in the local planning authority area. Following consultation the Affordable Housing Officer has requested a commuted sum contribution of £19,964. The applicant has confirmed that they are willing to enter into a Section 106 legal agreement to make such a contribution. The application is therefore considered compliant with the requirements of policies S4 of the LDP.

5.6 Archaeology

5.6.1 The application site falls within an Archaeologically Sensitive Area (ASA). Following consultation, Glamorgan Gwent Archaeological Trust has provided the following response:

"The site is located within the Archaeologically Sensitive area of the Gwent Levels and is less than 50m from the Scheduled Monument of Harold's House (Site of) Cadw reference MM029. The scheduling description notes the likely 11th century foundation of the site as a hunting lodge and later manorial complex. The description also notes likely survival of related features outside the Scheduled Monument boundary, as well as the Medieval church to the immediate east there would have been other elements to the focus of the settlement. Access to the area may also partly have been via a tidal inlet. Archaeological work outside the boundary has identified remains of structures and finds of post medieval and medieval date; the proposed development has the potential to encounter archaeological remains.

Having considered the nature of the proposed development, we note that the area has undergone some disturbance associated with the existing extension and by services. Therefore we do not consider an evaluation to be appropriate and in order to mitigate the impact of the development on the archaeological remains we recommend that a condition, for a programme of archaeological work, taking the form of an archaeological watching brief during the ground works required for the development, including below ground works associated with the demolition of the extension, should be attached to any consent granted."

5.6.2 Based on the above information a condition requiring such a watching brief to be undertaken is considered necessary and compliant with the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017).

5.7 Response to the Representations of Third Parties and the local Community Council

5.7.1 A member of the public and the Community Council have both raised objections to the development on the ground of highway safety. In this instance, being mindful that The Close is a no through road with numerous vehicular access points throughout the estate, it is considered that there are no highway grounds to sustain an objection to the proposal. Furthermore it is considered that opening the northern boundary of the site adjacent to the highway may inhibit on street parking outside the site which in turn would enhance visibility for those leaving the recreation road junction and those approaching the bend further up the hill to the north-west of the site.

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

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

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

5.9 Conclusion

5.9.1 In light of the above, it is considered that the principle of residential development of this site is acceptable and that its development for residential purposes would be compatible with surrounding land uses. It is also considered that the proposed dwellings, relative to the context, would not be significantly detrimental to the character, appearance and pattern of development of the area or the residential amenity of those living closest to the site. Furthermore, subject to conditions it is considered that the proposal would not be so detrimental to the highway safety and free flow of traffic in the area, to warrant refusal of the application.

5.9.2 On the basis of the above the application is considered compliant with the relevant policies of the LDP and is recommended for approval subject to conditions and the applicant entering into a Section 106 Legal Agreement.

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

1. A commuted sum of £19,964 towards affordable housing provision within the County.

S106 Heads of Terms

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

Conditions:

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

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

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

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

3 No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the dwellings are first occupied.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy EP5.

4 Prior to the commencement of development, details of the constructional make-up of the proposed parking area to include surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be retained as such thereafter in perpetuity.

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

5 Prior to the commencement of development, details of the relocation of the existing telegraph pole and lamp, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the relocation of the telegraph pole and lamp has been carried out in accordance with the approved plans and the revised position shall be maintained as such thereafter.

Reason: In the interests of visibility, highway safety and free flow of traffic using The Close in accordance with the requirements of Policy MV1 of the LDP.

6 No occupation of the proposed dwellings shall take place until the car parking areas have been provided in accordance with the approved plan. The area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure adequate provision is made for the parking of vehicles and to ensure compliance with LDP Policy MV1.

7 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

8 Notwithstanding the details of the approved plans, no development shall commence until details of the design, height and materials of all boundary treatments have been submitted to and approved in writing by, the Local Planning Authority. The approved means of boundary treatment shall be implemented before the respective dwelling is completed or occupied whichever is the earlier, and retained in perpetuity.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

9 No development shall take place until the developer has secured agreement for a written scheme of historic environmental mitigation which has been submitted to and approved in writing by the Local Planning Authority, Thereafter the programme of works shall be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource. In accordance with the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017)

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Application Number: DM/2018/02068

Proposal: Conversion of barn to holiday accommodation (2 dwellings)

Address: Barn 1, Penterry Farm, Chapel Hill Road, Penterry, St Arvans

Applicant: Mr & Mrs Parry

Plans: Block Plan - , Site Layout 1331 PL 04 - , All Existing Plans 1331 PL 01 - , All Proposed Plans 1331 PL 02 - , Block Plan 1331 PL 03 - ,

RECOMMENDATION: Refuse

Case Officer: Ms Kate Young
Date Valid: 21.12.2018

This application is presented to Planning Committee at the request of the Local Member Cllr A Webb and also because the applicant is related to a Member of the Committee.

1.0 APPLICATION DETAILS

1.1 The application relates to a modern agricultural barn constructed of block work and corrugated sheeting, on a steel portal frame. It has been used for agricultural storage. The building measures 18 metres by 19.5 metres and is 6.7 metres high to the ridge. It is located between an agricultural bungalow and a converted barn in the grounds of Penterry Farm. The site is located within the Wye Valley Area of Outstanding Natural Beauty and a designated Minerals Safeguarding Area. There is a public footpath running along the track adjacent to the building.

1.2 The proposal is to convert the building into 2 no. four-bedroom holiday lets. Windows would be inserted into the front, rear and side elevations. The walls of the building would be clad in Yorkshire Timber Boarding and a roof clad in standing seam metal cladding, goosewing grey in colour. The holiday let would share the existing vehicular access with Foresters Cottage, the barn conversion and the main farmhouse. Two parking spaces would be provided for each new holiday unit and a hedgerow of native species would be planted along the western side of the site.

2.0 RELEVANT PLANNING HISTORY

Reference Number	Description	Decision
DM/2018/02068	Conversion of barn to holiday accommodation (2 dwellings)	Pending Determination

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S11 LDP Visitor Economy

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

Development Management Policies

H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use
T2 LDP Visitor Accommodation Outside Settlements
LC4 LDP Wye Valley AONB
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
DES1 LDP General Design Considerations
MV1 LDP Proposed Developments and Highway Considerations
RE3 LDP Agricultural Diversification
LC1 LDP New Built Development in the Open Countryside

4.0 REPRESENTATIONS

4.1 Consultation Replies

Tintern Community Council - Approve

MCC Biodiversity Officer - I am satisfied with the findings, considering the site location in a high quality habitat for bats with current dark conditions we would expect the lighting at the development to be sensitively designed so as not to illuminate the surrounding habitats. We note the current use of the building by bird species, in particular house sparrows the report does not identify any historic or current nests, however there is potential for nesting in the intermediate period, as such works will need to be conducted at an appropriate time of year to safeguard breeding birds please use condition.

Local Member - Requested that this application be presented to Members of the planning committee

4.2 Neighbour Notification

None received to date

5.0 EVALUATION

5.1 Strategic and Spatial Choices

5.1.1 For the purposes of the adopted Monmouthshire Local Development Plan 2014 (LDP), the site is defined as being within the open countryside where changes of use of buildings to residential use are subject to strict control. The building is located in open countryside outside any defined development boundaries. The proposal, to provide self-catering visitor accommodation falls to be considered under Policy T2 of the LDP. This policy allows for such facilities provided that it consists of the re-use and adaption of existing buildings and that the conversion complies with the criteria set out in LDP Policy H4.

5.1.2 Policy H4 allows for the conversion or rehabilitation of buildings in the open countryside for residential use subject to various criteria all of which should be met if the proposal is to be allowed. Criterion (e) states that 'buildings of modern and/or utilitarian construction such as concrete block work, portal framed buildings clad in metal sheeting or buildings of substandard quality and/or incongruous appearance will not be considered favourably for residential conversion'. In this case the building which is the subject of the proposal, is constructed of blockwork and corrugated metal sheeting constructed around a metal frame. This is considered to be of modern construction and the building is not therefore considered to be suitable for conversion to residential use under Policy H4. The proposal is contrary to the objectives of the policy as it relates to a modern building of utilitarian construction. The Council has an adopted Supplementary Planning Guidance

'Conversion of Agricultural Buildings Design Guide' April 2015 (SPG). This SPG sets out the overarching aim of retaining and preserving traditional agricultural and rural buildings, thereby safeguarding the character and appearance of the countryside. The building which is the subject of this application has no such architectural merit and does not positively contribute to the character of the area. The building cannot be considered a traditional agricultural or rural building for which a re-use for residential purposes in order to protect its historic or architectural merit would be desirable. In this instance, the proposal would be contrary to criterion (e) of LDP Policy H4 and the thrust of the SPG.

5.1.3 Criteria c) of Policy H4 states that rebuilding works, necessitated by poor structural conditions and/ or the need for new openings in walls, should not involve substantial reconstruction, with structural surveys being required for marginal cases. A structural survey was submitted as part of the application. Which described the building as

"Single storey with a Floor Area of 358m². The building is steel portal frame structure with timber Yorkshire Boarding and concrete block panels. The timber boarding has been replaced to the East Elevation with concrete blockwork. The roof over is duo pitched with timber purlins spanning between steel frames. The roof is clad with concrete fibre profiled sheeting, incorporating profiled corrugated rooflights. The internal floors are a mixture of concrete and compacted hardcore and it is unlikely that the floors benefit from a damp proof membrane. The structure is in good condition with general maintenance required to guttering and boarding. The building is detached and has the benefit of a concrete apron to the perimeter."

5.1.4 In order to convert the building into holiday accommodation, all of the profiled sheeting on the roof of the building would be removed and the roof would be replaced in Kingspan standing seam insulated roof panels. The concrete block on the east elevation and a small length on the south and north elevation would have to be over-clad with Marine plywood and over-boarded with softwood boards. The existing Yorkshire boarding would be removed from the majority of the building and replaced with vertical sawn timber. The timber purlins would be strengthened and in some instances replaced. The internal floors are generally concrete and of differing levels. The floor would be taken up and replaced with new concrete floors laid incorporating a damp proof membrane and insulation. New window and door openings would be added. Only the steel framework would remain unaltered. The majority of the walls and all of the roof covering would constitute new build. The proposal will involve substantial reconstruction and this is contrary to criterion c) of Policy H4. The proposal is not a conversion of an existing building; it is tantamount to a new building in the open countryside contrary to Policy LC1 of the LDP and national planning policy.

5.1.5 The proposal is contrary to Policy T2 of the LDP as it is proposing the provision of visitor accommodation outside a development boundary but is contrary to the criteria c) and e) of policy H4. It would then fall to be considered as an exception. Policy T2 of the LDP outlines a number of exceptions where visitor accommodation may be permitted which include the following:

a) the substantial rebuild of a building within the curtilage of an existing and occupied farm property where it assists in an agricultural diversification scheme in accordance with Policy RE3.

b) the conversion of buildings of modern construction and materials provided the buildings are appropriate for residential use (e.g. not modern agricultural or factory buildings); not of substandard quality and /or incongruous appearance; and have been used for their intended purpose for a significant period of time. Particularly close scrutiny will be given to proposals relating to those buildings less than 10 years old, especially where there has been no change in activity on the unit.

c) the conversion of buildings that are too small or are inappropriately located to provide appropriate standards of space and amenity for conversions to permanent residential accommodation but are suitable for tourist accommodation.

Where conversions to tourism accommodation are allowed in the exceptional circumstances set out in criteria a) to c) above then the occupancy of the building will be restricted in perpetuity to

short stay tourist accommodation. All proposals will be considered against other plan policies and should integrate with their surroundings, in terms of design and layout and how the proposal will function.

5.1.6 Criteria b) and c) of the exception element of Policy T2 are not met given that the proposals do not represent a conversion. The resultant development would result in the substantial reconstruction of the building. The proposal is not a conversion of an existing building and is tantamount to a new building in the open countryside. Criterion b) also explicitly states that the conversion of modern buildings would only be acceptable if the building is suitable for residential use. The existing modern agricultural building is not suitable for residential use and the proposal is therefore contrary to criterion b) of Policy T2 of the LDP.

5.1.7 Criterion a) of the exceptions to Policy T2 states that as an exception to provide visitor accommodation on an occupied farm property substantial rebuild may be permitted where it assists in agricultural diversification in accordance with LDP Policy RE3.

5.1.8 A Design and Access Statement was submitted as part of the application. It says that Penterry Farm, 133ha, was brought by the applicant in 2000 and that it underwent substantial renovation and that it now produces organic beef and lamb. In order to diversify five of the barns on the farm have already been converted into residential properties that are rented out on long-term tenancies. The applicants maintain that as the modern agricultural building, the subject of this application, is situated between two residential properties (a bungalow which is the subject of an agricultural workers occupancy condition and a recently converted barn) that the building is of no use for agricultural purposes. Due to uncertainties over Brexit, the applicants want to diversify further and to provide two high-end holiday lets and to boost tourism within the Wye Valley. The applicants would work with the local Tourist Information Centre and hope to rent out the two four-bed properties for 100% of the time. It is proposed that the two holiday lets would be run as a "Farm Stay" business.

5.1.9 Policy RE3 of the LDP states the following: -

Development proposals which make a positive contribution to agriculture or its diversification will be permitted where the new use or building meets the following criteria:

- a) the proposed non-agricultural development is run in conjunction with, and is complementary to, the agricultural activities of the enterprise;
- b) the proposal is supported by an appropriate business case which demonstrates the link to existing business activity and the benefits of the scheme in terms of sustaining employment / the rural economy;
- c) in relation to new build, the applicant must demonstrate that there are no existing buildings suitable for conversion / re-use in preference to new build;
- d) with regard to diversification proposals for visitor accommodation, new build will only be permitted where it consists of the substantial rebuild of a building within the curtilage of an existing and occupied farm property, as specified in Policy T2;
- e) where rebuild is permitted under criteria c) and d) any rebuilding work should respect or be in sympathy with the local and traditional characteristics of the building;
- f) proposals for new built development meet the detailed criteria set out in Policy LC1;
- g) proposals for renewable energy schemes meet the criteria set out in Policy SD1.

5.1.10 The applicants have put forward their business case in the form of a Design and Access Statement, a summary of which is outlined below.:

"The site is close to Tintern Abbey and is popular with people walking along the Wye Valley; the applicants are aware that visitors would like to stay in the area but there is a lack of tourist accommodation in the locality. Many people use the footpaths that cross the farm but that their accommodation needs are not being met. The Farm enjoys panoramic views across the Wye Valley so is perfectly suited for holiday accommodation. The building is not suitable for agricultural needs as it is located between two residential properties. Uncertainty over the lamb export market as a result of Brexit means that they have to diversify in order to sustain the agricultural enterprise. Monmouthshire is known as a gastronomic hub within the Gourmet Triangle with many excellent

restaurants locally. There are many other tourist attractions in Monmouthshire and the surrounding counties. They are expecting a 100% occupancy rate. The location is good being so close to population centres. The holiday lets will be equipped to a high modern standard and will meet the 5 Star accreditation with Visit Wales. The proposal conforms with the objectives of PPW edition 10 with regards to supporting tourism and boosting the rural economy. The LPA should adopt a positive approach to diversification projects in rural areas as additional small business activities can often be sustainably located on farms and provide additional income streams additional employment opportunities and prosperity to rural communities. The site is reasonable walking distance to the bus route on the A466 from where you can gain access to Monmouth and Chepstow. There is also potential for walking and cycling in the area.”

5.1.11 The proposal needs to be evaluated against Policy RE3 of the LDP in order to be in accordance with the exception element of Policy T2 criterion a). Policy RE3 outlines that the proposal must make a positive contribution to the farm and its diversification and it must be run in conjunction with and complement the existing farm. In this case the holiday lets, although being located within the working farm, are not considered to be run in conjunction with the working of the farm and not enough evidence has been submitted to suggest how this proposal complements the existing farm. The applicant has submitted a business case but this does not adequately link the proposed holiday accommodation to the existing farm activity. The applicant has failed to demonstrate the benefits of the scheme in terms of sustaining employment on the farm its self. It is accepted that tourist accommodation does benefit the local economy but it has not been demonstrated why the tourist accommodation has to be in this specific location. The conversion of this modern agricultural building for residential use is not acceptable. There are other forms of sustainable visitor accommodation that could be accommodated at the farm that could complement the existing enterprise and provide supplementary income. Sustainable forms of visitor accommodation are supported by planning policy and could be utilised at this farm. Support for this type of visitor accommodation is outlined in the Sustainable Tourism Accommodation Supplementary Planning Guidance adopted November 2017.

5.1.12 The proposal is considered to be new build development rather than conversion as the roof and a large parts of the walls will be new while only the portal frame and some of the blockwork will be re-used and the blockwork will be total re-clad. Any buildings that were suitable for conversion to holiday let have recently been converted into residential accommodation. The site is located within the farm holding but it is not within the curtilage of an existing and occupied farm property, contrary to criterion d) of Policy RE3. The building is not considered suitable for visitor accommodation due to its modern agricultural style. The application fails to demonstrate that this specific form of development is required for agricultural diversification. The scheme is contrary to the criteria a), b) and d) of Policy RE3 of the LDP and therefore the proposal does not meet criterion a) of the exceptions element of Policy T2 of the LDP.

5.1.13 The principle of converting the existing modern agricultural building into residential use in the form of holiday lets is unacceptable and the development would be contrary to Policies RE3, T2 and LC1 of the LDP.

5.2 Design

5.2.1 The conversion proposed would be contained wholly within the existing building with no extensions or outbuildings being proposed. The site is elevated with substantial views over the Wye Valley. There is a public footpath running along the track at the front of the building and another footpath to the rear of the building. As such, the building is prominently located within the landscape which has been designated as an AONB. The proposal would inevitably alter the appearance of the building and the introduction of so many new window openings on all elevations would give the building a domestic appearance which would be damaging to the rural character of the landscape. The resultant building would give the appearance of a modern agricultural building barn with domestic style windows, out of keeping with other buildings in the area, and would introduce an alien style that did not integrate into its surroundings. As such, the proposal is contrary to the objectives of Policy DES1 of the LDP which requires development to respect the local character and distinctiveness of Monmouthshire. The proposal is also contrary to the objectives of Policy EP1 of the LDP which seeks to protect the character and quality of the countryside. Development within the open countryside will only be permitted where it would not have an unacceptable adverse effect on the special character or quality of the Monmouthshire Landscape. The resultant building would be in the form of an agricultural building, but would have a domestic appearance. This combination would be alien to the area and the resultant building

would not assimilate with the surrounding landscape. The resultant building would cause visual intrusion harming the appearance of the rural landscape contrary to the objectives of Policies DES1 and EP1 of the LDP.

5.3 Impact on the Wye Valley Area of Outstanding Natural Beauty (AONB)

5.3.1 Policy LC4 of the LDP requires that within the Wye Valley AONB any development must be subservient to the primary purpose to conserve and enhance the natural beauty of the area. In the Wye Valley the predominant character is one of rural farmland on the outer areas and intensive woodlands on the valley sides. The introduction of two large holiday lets so prominently located within the open farmland is not compatible with the character, purpose and long-term management of the AONB. A building finished with modern materials, especially the Kingspan standing seam roof and the domestic style windows and doors, is not appropriate in this rural location and the building will not harmonise with the surrounding landscape and built heritage. The introduction of hedgerow planting along the boundary of the curtilage and the formal laying out of four car parking spaces will add to the domestic appearance of the proposal. The site is adjacent to a public footpath and therefore it would be highly viewable to people walking in the area. The proposal to convert this building into two large holiday units with their proposed domestic features will damage the rural character of the area, it would not conserve the natural beauty of the area and as such the development is contrary to the objectives of Policy LC4 of the LDP.

5.4 Economic Development Implications

5.4.1 It is one of the fundamental aims of MCC to encourage tourism throughout the county. This self-catering holiday let would allow tourists to visit the area and spend in the local economy. Tourism development, however, also needs to comply with other planning considerations. Policy S11 of the LDP supports the visitor economy and states that development proposals that provide sustainable forms of tourism will be permitted subject to detailed planning considerations. The conversion of a modern agricultural building into a residential use is not supported within the LDP and the resultant built development would be harmful to the character and appearance of the rural landscape. The conversion of this modern agricultural building is not in accordance with policies T2, H4, RE3, LC1, LC4, DES1 and EP1 of the LDP and therefore this form of tourism development cannot be supported.

5.5 Highway Safety

5.5.1 The existing vehicular access would be utilised and this is of sufficient standard to accommodate traffic likely to be generated by these two proposed holiday lets as well as the existing dwelling and the farm. There is adequate land available on the site to provide parking provision for both holiday lets but this would have an adverse impact on the visual appearance and rural character of the area. The proposal does accord with the objectives of Policy MV1 of the LDP.

5.6 Residential amenity

5.6.1 There are only two properties close enough to be affected by the proposal. One is a bungalow that is the subject of an agricultural occupancy tie, approximately 16 metres from the proposed holiday let, and a barn that has been converted into a residential property which is approximately 18 metres from the proposal site. Both of these properties are in the applicants' ownership and are rented out to tenants. The ground and first floor windows on the side elevation of the proposal would look directly towards the existing properties but they are both a sufficient distance away so as not to cause a significant loss of privacy. Therefore the proposed development would not have a harmful impact on any other party's residential amenity.

5.7 Ecology

5.7.1 MCC Ecologists reviewed the ecology report submitted with the application and were satisfied with the findings. The site is located in a high quality habitat for bats with current dark conditions. Therefore, it is important that any lighting scheme be sensitively designed so as not to illuminate the surrounding habitats. If necessary this could be conditioned. The report did not identify any historic or current nests, however there is potential for nesting in the intermediate period, as such works will need to be conducted at an appropriate time of year to safeguard breeding birds again this could be controlled by condition. The development would have an

acceptable impact on wildlife interests and would be in accordance with Policy NE1 of the LDP.

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

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

5.9 Conclusion

5.9.1 The modern agricultural building is not appropriate for residential use and it requires substantial construction to accommodate the proposed tourism use contrary to Policies T2, H4 and RE3 of the LDP. The application has not justified that the agricultural diversification is acceptable in accordance with Policy RE3 of the LDP. The principle of converting this modern utilitarian structure for residential use is unacceptable. The proposed development would also have an adverse impact on the character and appearance of the area and the Wye Valley AONB. The proposals are contrary to policies T2, H4, RE3, LC1, LC4, EP1 and DES1 of the LDP.

6.0 RECOMMENDATION: REFUSE

Reasons for Refusal:

1 The modern agricultural building is not appropriate for residential use and it requires substantial construction to accommodate the proposed tourism use. The principle of converting this modern utilitarian structure for residential use is unacceptable and the development would result in unjustified new build development within the open countryside contrary to Policies T2, H4 e), RE3 and LC1 of the Monmouthshire Local Development Plan.

2 The proposal would substantially alter the appearance of the building and the resultant building would not be in keeping with other buildings in the area. The development would introduce an incongruous, hybrid building of agricultural form and domestic appearance that would have an adverse impact on the character and appearance of the rural landscape, which is sensitively located within the Wye Valley Area of Outstanding Natural Beauty (AONB). The development is contrary to the objectives of Policies DES1 c), EP1 and LC4 of the LDP which seeks to protect the special character and quality of this rural landscape.

Application Number: DM/2019/00142

Proposal: Development of 1no. shed and 2no. polytunnels, a foot path and associated works to supplement services offered at the Resource Centre

Address: Mardy Park Resource Centre, Hereford Road, Mardy, Llantilio Pertholey

Applicant: Monmouthshire County Council

Plans: Location Plan - , All Proposed Plans 001 - ,

RECOMMENDATION: APPROVE

Case Officer: Ms. Lowri Hughson-Smith
Date Valid: 01.02.2019

This application is presented to Planning Committee as it is submitted by Monmouthshire County Council.

1.1 APPLICATION DETAILS

1.1.1 This application relates to a residential care home which is owned and run by Monmouthshire County Council. It is located along Hereford Road in Mardy to the north of Abergavenny.

1.1.2 Planning permission is sought for the erection of two polytunnels and a single timber shed to the rear of the building. Pathways would also be installed to facilitate wheelchair access and users with mobility impairments. It is intended that the proposed facilities would assist residents to learn how to grow their own produce as well as provide storage for small gardening equipment.

1.1.3 With regard to dimensions, the polytunnels would measure 12.8m in length, 6.1m in width and stand 2.8m in height. The timber outbuilding would measure 5.1m in length, 4.2m in width and stand 2.3m in height. The timber outbuilding would also be used as a destination for residents to sit and discuss the garden area as part of their horticultural session.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2011/01034	Change of use of North Wing of building from Use Class C2 to D1 with associated internal alterations.	Approved	18.04.2012

DC/2014/01517 Construction of new car park to serve Mardy Park Resource Centre. Approved 15.07.2015

DC/2015/01368 Discharge of condition 7 from planning consent DC/2014/01517. Approved 09.12.2015

3.0 LOCAL DEVELOPMENT PLAN POLICIES Strategic

Policies

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

Development Management Policies

NE1 LDP Nature Conservation and Development DES1
LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character

3.1 National Planning Policy

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

4.0 REPRESENTATIONS

4.1 Consultation Replies

Llantilio Pertholey Community Council - have not responded to date.

MCC Environmental Health - I would be unlikely to object given nature of the development but it would be good to see where the shed / polytunnel intended to go within the outlined area. Even confirmation that within the hatched area will suffice from my viewpoint.

MCC Biodiversity - Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision.

Ecological Considerations

Loss of species rich grassland - The proposals include the loss of approx. 0.07ha of grassland under the footprint of the proposal. There will also inevitable be damage to the wider grassland through the construction of the hardstanding, paths and the storage of materials. To compensate

for this minor loss it is proposed that management of the remaining area of grassland between the proposals and the orchard is undertaken in a more sympathetic way with a reduced cutting regime and collection of the cut grass to improve biodiversity value.

In addition to this, any damage done to the wider sward during works should be restored to prevent invasive species like balsam invading. I will secure these measures by recommending a planning condition for a habitat restoration and management statement for the remaining grassland.

Protection of the River Gavenny Site of Importance for Nature Conservation (SINC)

The river and the surrounding habitat, in this case the woodland, is included in the local designation (SINC). We would like to see this important wildlife corridor protected. Therefore, I will be recommending that there should be no works or storage of material within 20m of the boundary of the SINC. If works need to be undertaken in this area, we would be looking for a construction method statement to be submitted and approved by the planning dept.

Lighting

This applies to both the SINC habitat and the wider landscape. We would like the hedgerow between the development area and the adjacent land to remain a dark corridor for wildlife including bats. The River Gavenny corridor should not be illuminated either. Therefore, we will suggest that there is no lighting in this area to be controlled via a planning condition.

4.2 Neighbour Notification

One objection received raising the following concerns:

- Close to adjoining properties.
- It would be beneficial to have a block plan indicating exactly where the works are on site.
- The information is lacking detail in this regard and therefore as an adjoining landowner I must raise an initial objection.

4.3 Other Representations

None received.

5.1 EVALUATION

5.2 Strategic and Spatial Choices

5.2.1 Principle of Development

Whilst the timber outbuilding would be sited within the development boundary for the settlement, therefore in principle of a new building is acceptable. The two polytunnels would be positioned outside of the development boundary and therefore are considered to be within open countryside. Policy LC1 sets out that "There is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism."

Although of a very small scale, the horticultural use proposed in this instance would fall within the definition of agriculture as set out in Section 336 of the Town and Country Planning Act 1990. Having regard to the criteria set out in Policy LC1 where a new building is justified, the polytunnels would be screened by a mature hedgerow to the north and mature vegetation to the east and would be sited in close proximity to the main building on site as well as the proposed timber outbuilding. All of the buildings proposed are of modest scale and appropriate design, and would not cause unacceptable harm to the wider amenity value of the adjoining countryside.

5.2.2 Good Design / Place making

As noted in section 5.1.1 above all of the buildings proposed are of modest scale, and typical of small scale horticultural use. All would be sited in close proximity to one another and to the main building to the west. The parcel of land enjoys natural screening to north and east boundaries, accordingly the proposal would not appear visually prominent or isolated within the wider landscape. Some additional paving would be required to provide level access to the polytunnels and new vegetable patch area. Given the benefits of providing an inclusive access to all users to

these facilities it is considered that this would outweigh the minor visual intrusion of additional hard landscaping.

5.2.3 Impact on Amenity / Promoting Healthier Places

Concerns have been raised from third parties at the residential cul-de-sac to the north-west of the site at The Pines. The concerns were centred around the level of detail initially submitted with the application with regard to the exact positioning of the new structures. A 1:500 block plan has therefore been provided subsequently confirming the location of the proposals directly behind the main building. The nearest structures to The Pines properties would be the most westerly polytunnel which would be approximately 25m from the rear boundary with No 19. However, given the intervening hedgerow, section of car park and modest scale of the tunnels (2.8m in height) it is not considered that they would cause harm to the residential amenity of the neighbouring dwellings at The Pines. Given the primary use of the site, residential care, it is not considered that the use of facilities proposed would be unacceptably intensive so that it would give rise to noise/nuisance complaints.

PPW10 is clear in that it recognises that promoting healthier places is key to achieving health and well-being goals. Section 3.19 of PPW notes that "the planning system has an important role in shaping the social, economic, environmental and cultural factors which determine health and which promote or impact on well-being in line with the Healthier Wales goal." It goes on to set out in Section 3.20, that planning should "identify proactive and preventative measures to reduce health inequalities. This will include enabling opportunities for outdoor activity and recreation..." In this instance the proposal seeks to facilitate practical horticultural learning sessions for residents to empower them to learn how to grow their own produce, including fruit and vegetables. As such, the proposed development is considered to actively assist with the goals set out in PPW10.

5.2 **Distinctive and Natural Places**

5.2.1 Landscape / Visual Impact

The site forms part of the eastern boundary of the settlement, however as stated previously the site does benefit from considerable natural screening when viewed from the east thanks to dense mature vegetation. As such wider public vantage points would have minimal view of the new structures. Whilst a public footpath exists approximately 160m to the north of the site, given the distance involved and presence of existing vegetation views would be limited. Therefore for these reasons and those detailed previously in this report, the development would not cause unacceptable harm to the wider rural landscape. Views from within the settlement, from Hereford Road, would also be limited and in the case of the timber outbuilding entirely obscured by the main building. The criteria therefore set out in Policy DES1 are considered to be satisfied.

5.2.2 Biodiversity

The Council's Biodiversity Officer has confirmed that enough ecological information is known to make a lawful planning decision. Appropriate planning conditions, set out in Section 6.0 below, are to be attached that would see to ensure protection of the River Gavenny SINC to the East as well as improvement of the grassland for biodiversity. It is therefore considered that the proposed development meets the criteria set out in Policy NE1 of the adopted LDP.

5.3 **Response to Third Party Representations**

5.3.1 Concerns raised with regard to the quality of the submitted plans were noted and accordingly an accurate block plan was requested and submitted by the applicant. For the reasons detailed in the preceding sections of this report, the siting and impact of the proposed development is considered to be acceptable.

5.4 **Well-Being of Future Generations (Wales) Act 2015**

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

being objectives set out in section 8 of the WBFG Act.

6.1 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 Within 6 months of the date of this approval, a habitat restoration and management statement to restore damaged areas and secure improved grassland management for biodiversity shall be submitted to the Local Planning Authority for approval. The statement shall thereafter be implemented in full.

REASON: To ensure that Monmouthshire County Council maintains and enhances biodiversity and ecosystem resilience in accordance with the Environment (Wales) Act 2016 and to meet the requirements of Policy EP1 of the LDP.

4 No works including earthworks, storage of materials, vehicles or plant are permitted within 20m of the River Gavenny SINC. Any works within 20m will only be permitted as part of an approved Construction Method Statement which includes measures to reduce negative effects on the SINC. Any such works shall be carried out strictly in accordance with the requirements of Construction Method Statement approved.

REASON: To ensure that Monmouthshire County Council maintains and enhances biodiversity and ecosystem resilience in accordance with the Environment (Wales) Act 2016 and to meet the requirements of Policy EP1 of the LDP.

5 No lighting or lighting fixtures shall be installed until an appropriate lighting plan which includes lighting type and specification, protecting foraging/commuting habitat for bats and the River Gavenny SINC has been agreed in writing with the Local Planning Authority. The lighting shall be installed strictly in accordance with the details agreed and remain as such in perpetuity.

REASON: To safeguard habitats of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP Policies EP3 and NE1.

INFORMATIVES

1 The proposed scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction works commencing. Details and application forms can be found at:

<https://www.monmouthshire.gov.uk/sustainable-drainage-approving-body-sab>

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Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 09/01/19

gan Hywel Wyn Jones BA (Hons) BTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07.02.19

Appeal Decision

Site visit made on 09/01/19

by Hywel Wyn Jones BA (Hons) BTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 07.02.19

Appeal Ref: APP/E6840/A/18/3215360

Site address: 6 Caestory Avenue, Raglan, Usk, NP15 2EH

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 Mrs Clare O’Keeffe against the decision of Monmouthshire County Council.
- The application (ref: DC/2018/00096), dated 19 January 2018, was refused by notice dated 5 September 2018.
- The development proposed is erection of a new detached dwelling house.

Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling house at 6 Caestory Avenue, Raglan, Usk, NP15 2EH in accordance with the terms of the application, ref: DC/2018/00096, dated 19 January 2018, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Mrs Clare O’Keeffe against Monmouthshire County Council. This application is the subject of a separate Decision.

Procedural and Preliminary Matters

3. During the course of the planning application amended drawings were submitted which revised the design of the dwelling and the route of the driveway. I have determined the appeal on the basis of these revised drawings as they were the plans considered by the Council in its determination of the planning application.
4. As pointed out in a letter from the Community Council, my visit confirmed that a high timber fence has recently been erected to the rear of No. 6 which encloses an area immediately behind the dwelling, separating it from the remainder of the property. A fence which has a more temporary appearance separates the rear portion of the property. A garage has been demolished and some vegetation cleared.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site encompasses the whole of No. 6 Caestory Avenue which has a particularly large back garden. At its rear, it adjoins the garden of No. 5 Ethley Drive and a public play area. The rear and side boundaries are mostly defined by high, dense hedgerows. The scheme proposes to subdivide the rear garden to retain an area to be used by No. 6 and to provide a shared access to the side of the dwelling with parking and turning facilities for No. 6. At the rear the proposed dwelling would be sited with amenity space and car parking and turning provision.
7. The houses closest to the site on Caestory Avenue are two-storey semi-detached dwellings with render painted walls and which, save for some minor alterations, have retained their original uniformity of appearance. However other dwellings along the street vary in terms of size, layout and materials. The variety of styles is also a feature of the dwellings to the rear of the site where there is a mix of single and two storey brick faced dwellings.
8. The proposed dwelling would be significantly set back from Caestory Avenue. Thus, whilst it would gain access onto this road, it would not be viewed as part of the street scene. Rather it would be seen in gaps between the street's houses, in a similar way to dwellings on other streets are viewed, notably the nearby dormer bungalows on The Willows.
9. The closest dwelling to the proposed house would be No. 5 Ethley Drive but its position and degree of separation, including the presence of mature boundary vegetation, means that the 2 properties would not appear as part of the same street scene. In this context the difference in the detailed design and materials of the proposal to its nearest neighbours would not appear out of place.
10. The proposed four-bedroomed dwelling would be sited in grounds that would be more spacious than is characteristic of the surroundings. It would include accommodation, of restricted headroom, within the roofspace but its overall height¹, at some 8.3m, would be no taller than would be expected of modern two-storey houses, and would not appear materially different to the nearby Ethley Drive houses. The use of a lower projection has sought to reduce the potential mass of the building. The overall size of the main element of the dwelling would appear as broadly comparable to that of the nearby blocks of semi-detached houses on Caestory Avenue and the detached houses on Ethley Drive. Whilst the position of the dwelling away from any streets would not follow the prevailing pattern such an arrangement would not appear incongruous.
11. Within the site, close to the corner of the site adjacent to No. 4 and the public play area, there are several birch trees that have been assessed as of moderate quality. In recognition of their positive contribution to their surroundings, the scheme has been revised to realign the proposed driveway to reduce the trees lost to this accessway to one. The scheme also shows that one of the birch trees located on the boundary with the open play area would be lost to the proposed dwelling. The birch trees that are identified as remaining would suffer some root severance but the harm could be mitigated through careful construction work as identified in a specialist report. The scheme proposes to replace the lost trees with 2 new trees although it is acknowledged that their compensatory affect will take time to be realised. In the meantime, whilst the visual contribution of this group trees will be somewhat diminished by the loss of 2 trees, I consider that it will continue to make a positive contribution.

¹ The revised drawings reduced the overall height of the dwelling by approximately 1.2m.

12. On the main issue I find that the proposed development would not harm the area's character or appearance. The scheme aligns with Policy S17 of the Monmouthshire Local Development Plan (LDP) in that it respects the character of the site and surroundings, and with the general design considerations set out in Policy DES1, including that the development is compatible with existing uses, respects its setting and does not lead to insensitive or inappropriate infilling. It does not conflict with Policy S13 which includes the aim of maintaining the character and quality of the landscape.

Other Matters

13. The openings on the upper storeys of the dwelling would give rise to a degree of overlooking of neighbouring rear gardens, notably the adjoining properties at Caestory Avenue and Ethley Drive. However, the siting of the dwelling and the orientation of the main windows, including the Juliette balcony², ensure that the windows are sufficiently distant from these properties such that the overlooking would not unacceptably affect neighbours' privacy, nor would the building create an overbearing or overshadowing effect. I am also satisfied that the use of the proposed access drive is sufficiently separated from the habitable rooms of neighbours to avoid causing disturbance.
14. Local residents express concerns over the proposed access, which is located on the outside of a sharp bend on a relatively narrow, residential estate road. Whilst I appreciate the difficulties that on street parking causes at particular times I am satisfied that one additional dwelling would not materially alter conditions. Motorists can be expected to travel along this road with particular caution when forward visibility is restricted by parked cars. I concur with the Council's highways officer that the scheme is acceptable in this respect. I am also satisfied that there is adequate space within the site to accommodate the parking and turning of cars associated with the proposed and existing dwellings.
15. The scheme will result in the loss of some vegetation and I have noted the suggestion from a local resident that the trees may be used by bats but there is no survey before me to confirm their presence. However, in the event that bats are present the developer will need to obtain the necessary licence to disturb a European Protected Species. Based on the available evidence I am satisfied that the scheme would not be materially harmful to nature conservation interests. Having regard to Policy NE1 and criterion 3 of S13 of the LDP I concur with the Council that the scheme is acceptable in this respect.
16. I have considered all the other matters raised in objection, including the foul and surface water drainage provision. Taking into account the specialist consultation responses and given the scope to address certain concerns through the imposition of conditions, I find that none justify withholding permission for the scheme.

Conditions

17. I have considered the conditions suggested by the Council in the light of Circular 16-2014: The Use of Planning Conditions in Development Management. In addition to the standard conditions to control the commencement of works and to ensure that they are undertaken in accordance with the submitted details, I agree that it is necessary to ensure that those trees that are to be retained are protected from potential harm during construction. The Council suggests a condition to prevent surface water from

² The balcony is shown to have a nominal projection too small to provide a useable platform.

being to the public sewerage system. To ensure that surface water is dealt with appropriately I have imposed a condition that aligns with the Circular.

18. I also consider that a condition is necessary to ensure that replacement trees for those to be lost are provided. I have considered the conditions suggested by the Community Council but, noting the comments of the officer in the planning committee report, I do not consider that they are necessary.

Conclusion

19. For reasons I have already set out I have found the scheme acceptable in relation to all the matters raised in objection. I am also mindful that the scheme would contribute to the local supply of housing in a location which has good access to day-to-day services. Accordingly, I shall allow the appeal.
20. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Hywel Wyn Jones

INSPECTOR

Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans, all prefixed P586: L_001, L_210 Rev C, L_211 Rev C, A_110 Rev C, L_201 Rev C, L_202 Rec C, A_100 Rev C, L_200 Rev B, A_101 Rev C, L_212 Rev C, L_003 Rev B.
- 3) No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development and retained in perpetuity.
- 4) The retained Birch trees shall be protected during construction in accordance with the recommendations in BS5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' by Cardiff Treescapes dated 19th March 2018 (Revised 8th May 2018).
- 5) No development shall take place until details of the supply size and position of 2 birch trees to replace those to be removed have been submitted to and approved in writing by the local planning authority. The approved planting shall be carried out during the first planting season immediately following occupation of the development. Any tree which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Penderfyniad ar gostau

Ymweliad safle a wnaed ar 09/01/19

gan Hywel Wyn Jones BA (Hons) BTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07.02.19

Costs Decision

Site visit made on 09/01/19

by Hywel Wyn Jones BA (Hons) BTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 07.02.19

Costs application in relation to Appeal Ref: APP/E6840/A/18/3215360

Site address: 6 Caestory Avenue, Raglan, Usk, NP15 2EH

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
- The application is made by Mrs Clare O'Keeffe for a full award of costs against Monmouthshire County Council.
- The site visit was in connection with an appeal against the refusal of planning permission for the erection of new detached dwelling house.

Decision

1. The application for an award of costs is allowed in the terms set out below.

The submissions for Mrs Clare O'Keeffe

2. For reasons set out in its written submission the application for an award of costs is based on the unreasonable actions of the Council in refusing permission against the advice of its professional advisers without any objective analysis to support its decision.

The response by the Council

3. No response has been received.

Reasons

4. The Section 12 Annex, Award of Costs, to the Development Management Manual advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
5. Paragraph 3.9 advises that local planning authorities are not bound to adopt the professional or technical advice given by their own officers. However, they are expected to show that they had reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision. If they fail to do so, costs may be awarded against the authority.

6. Contrary to the suggestion in the application for costs the separation distances between the windows of the proposed dwelling and neighbouring properties did not form part of the Council's decision to refuse the application.
7. Its decision was based on the effect on the character and appearance of the area and was contrary to the advice of its officers. I acknowledge that this is a matter that involves a degree of subjective judgement and that the Council's elected members are not bound to accept the advice of their officers. I also note that prior to making its decision the planning committee carried out a visit to the site.
8. However, the reason for refusal refers to 3 specific aspects of the proposed dwelling that is deemed to be out of keeping with the area: height, scale and massing. No additional information has been provided by the Council to support its decision. It has not shown how the proposal differs in these detailed aspects from existing buildings nor has it shown how any differences would be harmful to the area. As explained in my appeal decision I have found that the scheme is similar in terms of the identified aspects to many of the buildings nearby. Moreover, the Council's decision fails to acknowledge that there is already a mix of house types and sizes in the area, nor to recognise that the proposed dwelling would be positioned away from any street elevation.
9. For the above reasons I find that the Council has failed to substantiate its reason for refusing the application. Its actions were unreasonable as described in the Annex. It has caused the applicant to incur the unnecessary expense of pursuing an appeal. I conclude that a full award is justified.

Costs Order

10. In exercise of the powers under section 322C and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Monmouthshire County Council shall pay to Mrs Clare O'Keeffe the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. Mrs Clare O'Keeffe is now invited to submit to Monmouthshire County Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Hywel Wyn Jones

INSPECTOR

**SUBJECT: MONMOUTHSHIRE ADOPTED LOCAL DEVELOPMENT PLAN
DRAFT INFILL DEVELOPMENT SUPPLEMENTARY PLANNING
GUIDANCE**

MEETING: PLANNING COMMITTEE

DATE: 5 MARCH 2019

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

- 1.1 The purpose of this report is to seek Planning Committee's endorsement of the Draft Infill Development Supplementary Planning Guidance (SPG), with a view to issuing for consultation.

2. RECOMMENDATIONS:

- 2.1 To endorse the Draft Infill Development Supplementary Planning Guidance (SPG), with a view to issuing for consultation, and to recommend to the Cabinet Member for Innovation, Enterprise and Leisure accordingly.

3. KEY ISSUES:

Background

- 3.1 The Monmouthshire Local Development Plan (2011-2021) was adopted in February 2014 to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). This statutory development plan contains a number of policies relating to new housing development in the County's settlements which are set out in Appendix A of the Draft SPG (attached as Appendix 1). The Draft SPG provides guidance on proposals for small scale infill development (i.e. fewer than 10 dwellings) within the County's designated settlements as defined under Policies S1, H1, H2 and H3 of the Monmouthshire LDP, namely Main Towns, Severnside Settlements, Rural Secondary Settlements, Main Villages and Minor Villages.
- 3.2 The requirement for this Draft SPG has arisen from the suggestion by Planning Committee that it would be useful to have additional guidance in place to help shape proposals for small scale infill development in the County's settlements.
- 3.3 Selective use of SPG is a means of setting out more detailed thematic or site specific guidance in the way in which the policies of an LDP will be applied in particular circumstances or areas. The Draft Development Plans Manual Edition 3 (Welsh Government, November 2018) notes that:

'SPG does not form part of the development plan and is not subject to independent examination, but it must be consistent with the plan and with national planning policy. SPG cannot be linked to national policy alone; there must be an LDP policy or policy criterion that provides the development plan 'hook' whilst the reasoned justification provides clarification of the related national policy'.

- 3.4 The Manual further states that SPG can be a material consideration in the determination of planning applications, provided that it is consistent with the development plan and appropriate consultation has been undertaken:

'Only the policies in the development plan have special status under section 38(6) of the PCPA 2004 in deciding planning applications, but SPG can be taken into account as a material consideration. SPG that is derived from and is consistent with the development plan and has been the subject of consultation will carry more weight'.

Draft Infill Development SPG

- 3.5 The Draft Infill Development SPG is attached to this report as **Appendix 1**. The SPG is intended to provide certainty and clarity for applicants, officers and Members, and communities in the interpretation and implementation of the LDP policy framework in relation to small scale infill development proposals within the settlements identified in Policies S1, H1, H2 and H3 of the Monmouthshire LDP.
- 3.6 The Draft SPG sets out the detailed matters that need to be taken into account when considering proposals for small scale infill development in the County's settlements. Such matters include site context, design, privacy/amenity, access/parking, green infrastructure and drainage. Once adopted, the SPG will have a key role in shaping proposals for small scale infill development.

Next steps

- 3.5 As referred to in paragraph 3.4 above, for SPG to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process. Following a resolution to consult, targeted notifications will be sent to those considered to have an interest in the SPG topic such as local agents. All town and community councils will also be consulted. The consultation will be publicised via our Twitter account @MCCPlanning and the corporate Monmouthshire Twitter account. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution for the adoption of any SPG document.

4. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

- 4.1 Under the Planning Act (2004), the LDP was required to be subject to a Sustainability Appraisal (SA). The role of the SA was to address the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environmental Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. SPG is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

Equality

- 4.2 The LDP was also subjected to an Equality Challenge process and due consideration was given to the issues raised. As with the sustainable development implications considered above, SPG is expanding and providing guidance on these existing LDP policies, which were prepared within this framework.

- 4.3 In addition, a Future Generations Evaluation is attached. This includes Equalities and Sustainability Impact Assessments (attached as **Appendix 2**)

5. OPTIONS APPRAISAL

- 5.1 The options in relation to the Draft SPG are to:

- 1) Endorse the Draft SPG as attached for consultation.
- 2) Endorse the Draft SPG for consultation with amendments.
- 3) Do nothing in relation to the Draft SPG.

6. EVALUATION CRITERIA

- 6.1 Option 1: endorse the Draft SPG as attached for consultation. **This is the preferred option.** The Draft SPG sets out the key issues that need to be taken into account when considering proposals for small scale infill development in the County's settlements, including site context, design, amenity/privacy, access/parking, green infrastructure and drainage. It is considered that the SPG will provide guidance and clarity to help shape proposals for small scale infill development in the County, reflecting Planning Committee's requirement for such guidance.
- 6.2 Option 2: endorse the Draft SPG for consultation with amendments. As noted above, the Draft SPG sets out the key issues that need to be taken into account when considering proposals for small scale infill development in the County's settlements. It is not considered necessary to amend the Draft SPG prior to consultation. Any comments received in response to the consultation on the Draft SPG will be analysed and the document will be amended, as appropriate, prior to reporting back for Members' consideration to seek a resolution to adopt the SPG. This option should therefore be discounted.
- 6.3 Option 3: do nothing in relation to the Draft SPG. The SPG will provide further guidance and clarity to help shape proposals for small scale infill development in the County in accordance with Planning Committee's request for such guidance. The option of doing nothing would not address Planning Committee's request for this guidance and should, therefore, be discounted.

Recommendation:

- 6.4 Based on the reasons above, Option 1 (to endorse the Draft SPG as attached for consultation) is the preferred option.

7. REASONS

- 7.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are being taken in accordance with policies and proposals in the LDP. This Draft SPG provides guidance on proposals for small scale infill development within the designated settlements as defined under Policies S1, H1, H2 and H3 of the Monmouthshire LDP i.e. Main Towns, Severnside Settlements, Rural Secondary Settlements, Main Villages and Minor Villages.

8. RESOURCE IMPLICATIONS

- 8.1 Officer time and costs associated with the preparation of SPG documents and carrying out the required consultation exercises. Any costs will be met from the Planning Policy budget and carried out by existing staff.

9. CONSULTEES

- Development Management Officer Working Group
- Planning Committee
- SLT

10. BACKGROUND PAPERS

- Monmouthshire Adopted LDP (February 2014)

11. AUTHORS:

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**Monmouthshire County Council
Local Development Plan**

Draft Supplementary Planning Guidance

Infill Development

(Policies H1, H2 and H3)

March 2019

**Planning Policy Service
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1 Introduction: Purpose of this Supplementary Planning Guidance

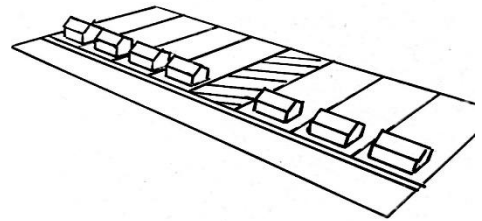
Introduction

- 1.1 This is one of a series of Supplementary Planning Guidance (SPG) documents that have been prepared to provide supporting information and advice on policies contained in the adopted Monmouthshire Local Development Plan (LDP). The SPGs are intended to offer further guidance on the main considerations that will be taken into account by the Council when reaching decisions on planning applications and in this case how planning policy on infill development will be implemented in practice.
- 1.2 This SPG provides guidance on small scale (fewer than 10 dwellings) infill development within the designated settlements as defined under Policies S1, H1, H2 and H3 of the Monmouthshire LDP i.e. the Main Towns, Severnside Settlements, Rural Secondary Settlements, Main Villages and Minor Villages (refer to Appendix 1 for details of the relevant policy framework).
- 1.3 The overarching objectives for infill development as set out in this SPG are to:
- Make efficient use of brownfield land.
 - Protect residential amenity, both of new and existing occupiers.
 - Make a positive contribution to the creation of distinctive communities, places and spaces.
 - Respond to the context and character of the area.
 - Be of a good design, which is sustainable.

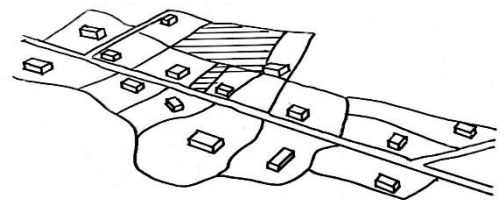
Box 1: Definition of Small Scale Infill Development

There are generally two main types of infill development:

- **Infill sites** - are normally regarded as small gaps between existing residential properties, usually with a street frontage



- **Backland sites** - can be a landlocked site, which may have a considerable number of 'inactive' frontages surrounding the site boundary (i.e. fences or walls). They may also be located behind existing buildings such as rear gardens and private open space, usually within predominantly residential areas.



The first step is to check if your proposal is acceptable in principle

- 2.1 In determining whether your infill site proposal is acceptable in principle, the first point to consider is whether your site is within a settlement boundary as defined in Strategic Policy S1 of the LDP. Development boundaries have been drawn around the Main Towns, Severnside Settlements, Rural Secondary Settlements and Main Villages. Minor Villages do not have development boundaries. You are able to check our interactive LDP maps to see if your land is within one of the settlements as designated in Policies S1, H1, H2 and H3 of the LDP: <https://www.monmouthshire.gov.uk/planning>
- 2.2 The Monmouthshire LDP aims to achieve an appropriate level of housing growth and choice to assist in building sustainable communities in Monmouthshire's most sustainable settlements while strictly controlling new development in the open countryside. These settlements are identified in Table 1. In accordance with

Policy H3, please note that in Minor Villages planning permission will only be granted for minor infill development of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings. Only in exceptional circumstances may an infill development of up to 4 dwellings be considered acceptable in Minor Villages.

- 2.2 For Minor Villages, we would normally define the settlement by looking at the existing physical features such as field boundaries, roads, trees, rivers, and railway lines; generally the edge closest to village.
- 2.3 Some Minor Villages comprise of two or more separate populated clusters. Infill development will not normally be appropriate in such areas. If in doubt, discuss your proposal with one of the planning officers via our Pre-application Enquiry Services (see section 5 of this SPG).

Box 2: C2 Floodplain

Please note, if your land is within Zone C2 Floodplain Welsh Government advice is that no highly vulnerable development should be considered. Housing falls into this category. For more information on this please refer to Technical Advice Note 15 (TAN15) which provides Welsh Government's guidance on development and flood risk: <https://gov.wales/topics/planning/policy/answers/tan15/?lang=en>

Table 1: Settlements Defined in Strategic Policy S1

Main Towns	Abergavenny	Chepstow	Monmouth
Severnside Settlements	Caerwent	Caldicot	Magor/Undy
	Portskewett	Rogiet	Sudbrook
Rural Secondary Settlements	Penperlleni	Llanfoist	Raglan
	Usk		
Main Villages	Cross Ash	Devauden	Dingestow
	Grosmont	Little Mill	Llanddewi Rhydderch
	Llandogo	Llanellen	Llangybi
	Llanishen	Llanvair Kilgeddin	Mathern
	Penallt	Pwllmeyric	Shirenewton /Mynyddbach
	St Arvans	Trellech	Werngifford /Pandy
Minor Villages	Bettws Newydd	Broadstone/Catbrook	Brynygwenin
	Coed-y-Paen	Crick	Cuckoo's Row
	Great Oak	Gwehelog	Llanarth
	Llandegveth	Llandenny	Llangwm
	Llanover	Llansoy	Llantilio Crossenny
	Llantrisant	Llanvair Discoed	Llanvapley
	Mitchel Troy	Penpergwm	The Narth
	The Bryn	Tintern	Tredunnoch

3 The Initial Stage – Site Appraisal

3.1 There are other matters that must be considered in determining whether a proposal for infill development would be acceptable. A Site Appraisal will allow you to understand how the proposal relates to its immediate context and wider area, as well as helping you to develop a scheme which uses your site's positive features and to identify features worthy of retention. Welsh Government Technical Advice Note (TAN) 12: Design (2016) provides detailed design advice and should be referred to accordingly.

3.2 A Site Appraisal should be undertaken before the details of a scheme is drawn up. The level of detail that will be necessary for a Site Appraisal will vary depending on the scale of the proposal and the characteristics of the site. Table 2 sets out some of the key considerations that you will need to consider in undertaking a Site Appraisal.

3.3 It is strongly recommended that specialist professional planning advice is sought where proposals depend on accurate information relating to issues such as flooding, site levels, ground conditions, ecology, transportation etc. **Getting the right advice at an early stages of your scheme is very important and will help steer you in the right direction from the start of the process.** This is where the Council's Pre-Application Advice service can help. We welcome and encourage discussions with homeowners or developers before they submit a planning application. This service gives you the opportunity to explore your scheme with us and find out what information you need to support your planning application. Please

refer to Section 10 of this Guidance for more information about this service.

3.4 The use of additional annotated diagrams and scaled plans (e.g. 1:100, 1:200) as part of the Site Appraisal can often help to demonstrate how the proposal will impact on the appearance and character of the area.

Table 2: Key Matters to be Considered When Undertaking a Site Appraisal.

-
- Flood risk assessment
 - Habitat and or protected species surveys
 - Tree surveys
 - Drainage
 - Archaeological surveys
 - Adjoining land uses
 - Settlement form and street patterns
 - Existing landscape features
 - Views into, from and across the site
 - Spaciousness and extent of open space
 - Topography, gradient and orientation
 - Plot and building sizes
 - Landmarks, historic buildings, historic parks and gardens, local vernacular architecture and/or landscape
 - Identify any public right of ways, parks and green spaces
 - Accessibility
 - Traffic surveys
 - Potential accesses and linkages
 - Noise assessment/proximity to nuisance causing operations
-

3.5 Please note that consideration of the matters in Table 2 will depend on the scale of the proposal. For example, flood risk assessments, species surveys and traffic surveys are unlikely to be necessary for all proposals. If in doubt, it is important to seek further advice from the Planning Team via the Pre-Application Advice Service.

4 Infill Development Proposals – Detailed Considerations

4.1 This section sets out the key considerations that the Council will consider when assessing proposals for small scale infill development.

Is your land large enough to accommodate additional development?

4.2 Once you have carried out a Site Appraisal, you then need to work out if your land is large enough to accommodate an additional house(s) whilst also providing sufficient on-site parking/turning provision and garden space that is similar to existing houses in the area.

Detailed Considerations

4.3 You then need to consider whether or not your scheme would meet the Detailed Considerations A – G as set out in this section of the SPG. Please note that every site is different. Therefore, it is not possible to cover every scenario in this SPG. However, as a starting point, this section of the SPG sets out the detailed considerations that you need to take into account when considering proposals for small scale infill development..

Table 3: Detailed Considerations for Small Scale Infill Development

	Detailed Considerations
A	Site Context
B	Design
C	Privacy/Amenity
D	Access/Parking
E	Planting/Trees
F	Drainage
G	Planning Contributions

Detailed Consideration A – Site Context

Plot Size

- 5.1 Plot size ratios should reflect those prevailing in adjacent properties i.e. where there is a regular plot size and width, you should reflect these into your proposal, so that the proposal fits well with the street scene and provides similar visual separation where appropriate.

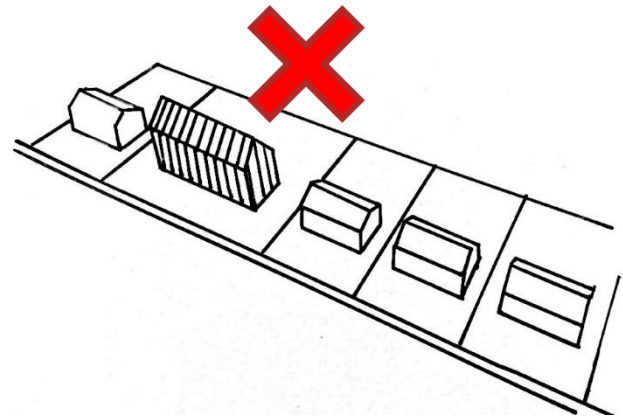
Garden

- 5.2 The garden has as much of an impact on the character of an area as the form and design of the buildings. For example, a house with a large garden could appear incongruous within a high density residential area, and vice versa. All new dwellings should benefit from private garden space, for drying clothes, accommodating pets, children's play, quiet enjoyment and so on. Therefore, all residential development should ensure that the garden space reflects the size and function of the proposed dwelling(s) and the prevailing character of the area; these standards also apply to the host dwelling. It should be noted that front gardens do not normally constitute private garden space but often make an important contribution to the character of the area.

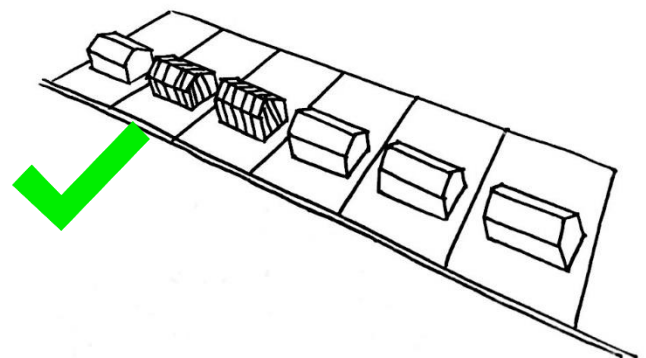
Orientation

- 5.3 All proposed houses and gardens should be laid out so as to maximize the penetration of sunlight i.e. by having the orientation of the garden and the windows of the main rooms facing the south.

Sketch 1 below shows an example where the plot size of the infill proposal does not reflect the prevailing character of the adjacent properties in terms of scale, mass and rhythm of the street scene. Such a proposal would not be acceptable.



Sketch 2 below shows a good example of how the land should be divided reflecting the prevailing character of the adjacent properties.



Detailed Consideration B – Design

Scale and Massing

- 6.1 The proposal must respect the scale, form and massing of existing development in the area. In most cases, there is an expectation that the massing of the proposal should be in proportion to the main property and the existing neighbouring buildings, as appropriate. However, in designated areas i.e. in the Wye Valley Area of Outstanding Natural Beauty, a Conservation Area or within the curtilage of a Listed Building, all proposals must be subservient and respect the setting of the site area.

Building Height

- 6.2 Development for infill sites should take account of and respond to existing building heights in the area (number of storeys and floor to ceiling heights), maintaining the visual character of the street scene. For backland sites, a less conspicuous building of a lower scale in building height is often more appropriate to avoid the development having an overbearing impact on neighbours and to reduce impact on residential amenity.

Topography of the Site

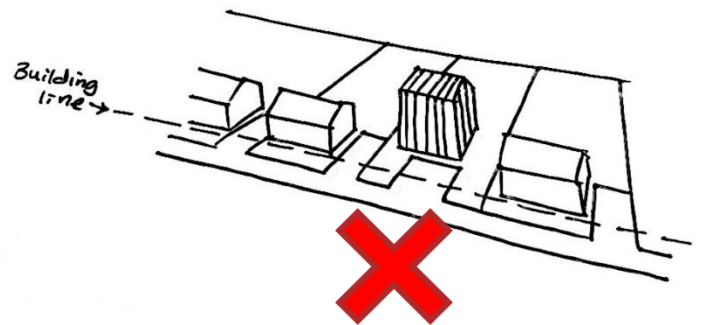
- 6.3 Account should also be taken of the topography of the site to maintain the building height hierarchy along the street scene.

Building Line

- 6.4 For infill sites, the development should seek to respond to the prevailing building line that is created by the main frontages of

neighbouring houses i.e. any development proposals need to take into account how the buildings are set back from the street and any rhythms or patterns of existing development, or projections. For Backland sites and sites where there is no prevailing building line, all proposals must demonstrate that there will be no adverse privacy and amenity impact upon the existing properties.

Sketch 3 below shows an unacceptable form of infill development (Building height, Scale and Massing and Building line).



Box 3: Heritage Assets

The Council will consider proposals for small scale infill development with special care, particularly those in or adjoining Conservation Areas and near Listed Buildings, Scheduled Ancient Monuments, in or adjoining the Wye Valley Area of Outstanding Natural Beauty and adjoining the Brecon Beacons National Park. All development proposals are required to either preserve or enhance the special character of these areas. Within these protected areas, you are normally required to submit a Full Planning Application to enable us to fully assess the implications of your proposals.

Architectural Detailing

- 6.5 All proposed new window and door openings should complement the size, proportions, design and rhythm of the detailing of the host dwelling and the neighbouring properties appropriately. The roofline should include appropriate design and pitch of roofs, ridge height and eaves level, and notice should be taken of any other relevant details in the street scene.

Building Materials

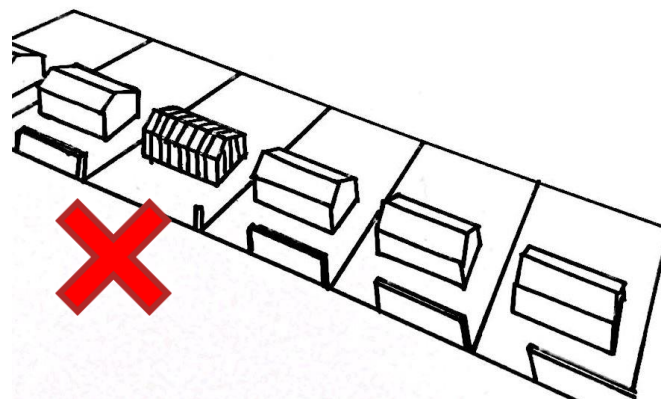
- 6.6 The predominant facing materials of the proposal should reflect the materials of the host dwelling and, where appropriate, the neighbouring dwellings. Additional materials for finer detailing should be carefully chosen. Materials used for roofing and walls should match or positively respond to the host dwelling and to the adjacent dwellings, as should materials and colours for doors and window frames. When the materials are chosen well, they will complement the building and the street scene.

Boundary Treatment

- 6.7 Where existing plot boundaries form a distinctive part of the street scene, these boundaries must be retained and replicated through appropriate building design and landscape treatment. In most cases it will be necessary to consider screening the boundaries of a new development for privacy reasons and to reduce noise and disturbance. Brick walls have better noise attenuation qualities than fences or hedges and will be most appropriate where possible sources of noise would be close to

an existing house, or the garden area immediately outside it.

Sketch 4 below shows an unacceptable boundary treatment for an infill development.



Corner Sites

- 6.8 Sometimes, it may be appropriate to design slightly taller buildings where they make a positive contribution to the street scene, on primary routes, and in higher density areas with variations in height and massing. Where a taller building is proposed, the end treatment should relate sensitively to the heights of the adjacent buildings so that the rhythm of the street is not interrupted; this will often result in an appropriate reduction of height, maintaining a visual hierarchy on the street scene.

Detailed Consideration C – Privacy/Amenity

Privacy/Amenity

7.1 The key considerations relating to privacy and amenity for small scale infill residential development are:

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

7.2 Hedges and fences usually protect privacy at ground floor level, so the issues tend to arise from upstairs windows either looking into neighbours' windows or into their neighbours' private garden space. Windows must be carefully positioned to avoid overlooking. Often this means putting obscured glazing in landing or bathroom windows on the side elevation of the house, with the main bedroom windows on the front and rear elevation. However, the positioning of the windows will also depend on the positioning of the neighbouring properties.

Site Topography

7.3 As well as maintaining the hierarchy of building heights along the streetscene, all proposals need to provide sufficient gaps to minimise any overbearing and overshadowing impact on the residential amenity of neighbouring properties.

Distances between Dwellings

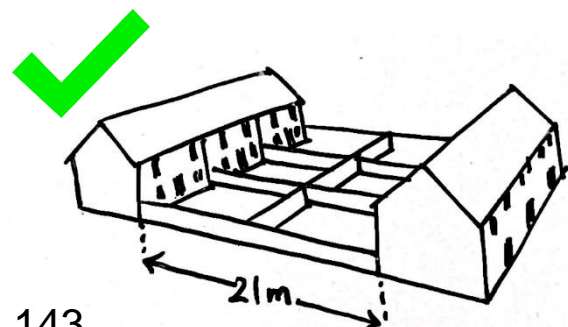
7.4 As far as the effect of the new dwelling is concerned, the Council's normal privacy standard for new development is that there

should be minimum of 21m between directly facing elevations containing main habitable windows (i.e. bedrooms and living rooms). This distance may be relaxed where windows are facing a public highway.

7.5 Back to back distances should have regard to the character of an area. In some cases, the requirement for minimum back to back distances may be relaxed where the impact on privacy can be reduced. This may be achieved, for example, through the use of obscure glazing and restricted openings, the siting of habitable rooms within an internal floor layout, directional windows, the positioning of ancillary outbuildings. However, it is not acceptable for a habitable room to only have windows which are obscure glazed. Provided that it could be demonstrated that there would be no material harm to amenity, then shorter distances than those stated above could be considered in those inner urban areas typified by higher densities.

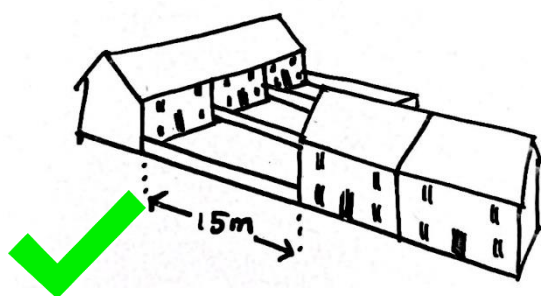
7.6 Similarly, greater distances may be required in some suburban and rural areas where the predominant character of the area exhibits greater separation distances. Distances may vary where this is necessary to protect the historic interest and setting of designated heritage assets such as listed buildings and conservation areas.

Sketch 5 below illustrates that the back to back separation distance should be at least 21m.



7.7 New buildings near to plot boundaries can be intrusive when viewed from existing gardens or from within dwellings. To avoid over-dominant development and overshadowing of neighbouring properties, there must be at least 15m between principal elevations with main habitable windows and side gable walls without windows (unless these are minor windows such as the landing, WC or utility room windows, or the gable wall in question is single storey). This is applicable to the new dwelling as well as the existing dwelling. This will ensure adequate amenity is provided for future occupiers as well as the existing residents. A reduced distance may be acceptable where the landform between the dwellings and boundary treatments provide acceptable screening.

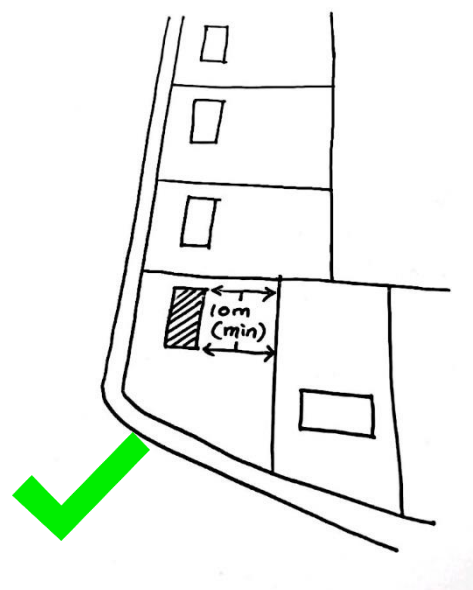
Sketch 6 below illustrates that the back to side separation distance should be at least 15m.



Distance from the rear and side boundary of the neighbours

7.8 Consideration should also be given to the impact a proposal will have on a neighbour's private garden. Unacceptable direct overlooking into these spaces can be avoided by ensuring a separation distance of at least 10m exists between a proposed first floor habitable room window and the opposite garden boundary of neighbouring properties.

Sketch 7 below illustrates the 10m (minimum) distance from the first floor rear windows of the proposal to the side boundary of the neighbour.



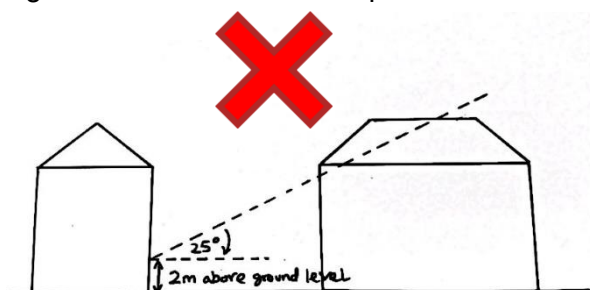
Carriageway Screening

7.9 Care will need to be taken to ensure that screening would prevent light intrusion from the movement vehicles as a result of the infill development.

Natural Light and Outlook

- 7.10 Direct sunlight makes a home more pleasant to live in. Dwellings should have access to sufficient daylight to allow the comfortable use of habitable rooms (living rooms, dining rooms and bedrooms), as well as kitchens and outside space such as patio areas in gardens.
- 7.11 Quantitative standards cannot be applied to every case to assess the amount of daylight and sunlight of individual properties and the impact on outlook. Nevertheless, there are several 'rules of thumb' which will inform the judgement to be made. One is the '25° rule' for windows facing other structures. A reference line is taken at 2m above ground level on the existing building. This is the assumed position of the top of ground floor windows in the existing building. A 25° line is then drawn towards the proposed building. If the proposed development falls beneath the line drawn at 25°, there is unlikely to be a detrimental effect to daylight on the existing property.

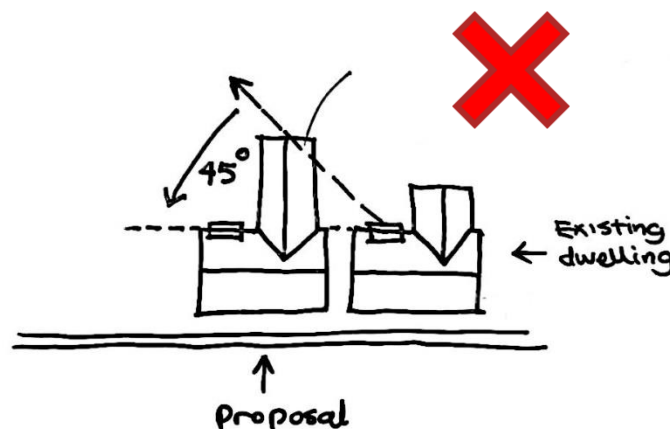
Sketch 8 below shows the proposed dwelling crosses the 25° rule for natural light and would not be acceptable.



- 7.12 Another assessment to protect daylight and outlook from main living area windows is by operating a 45° splayline (assessed in a plan) from the centre of the relevant window of the existing dwelling of the

adjacent infill development (as shown in Sketch 9). This assessment relates to any proposed two storey development from an existing building line, and windows affected by this proposed two storey development. Any part of the new two storey development which extends beyond the splayline may be considered to adversely affect the amenity of the neighbouring occupiers. The Council will not support any new development that would result in the significant loss of sunlight for existing properties, where it leads to overshadowing for the majority of the day.

Sketch 9 below shows that a proposed infill development along with its two storey extension crosses the 45° splayline rule and would not be acceptable.



- 7.13 Developments which do not meet these standards (the 25° rule and 45° splayline) will be resisted unless other reasonable measures being proposed to provide adequate light. It is also recognised that the changes to permitted development rights have allowed certain types of development which might exceed these standards. Where proposed development requires planning permission, we will apply this SPG's standards in a reasonable manner.

Sustainable Transport

- 8.1 One of the overarching objectives for infill development is to use land more efficiently and to enable development in areas that have easy access to existing amenities by sustainable transport options (i.e. walking, cycling and public transport), thus reducing the need to use private cars.
- 8.2 Reflecting sustainable transport considerations, the Council is keen to see secured cycle parking provision provided within infill plots to encourage/facilitate travel by non-car modes.

Access widths

- 8.3 An access drive serving one dwelling should be a minimum of 2.75m wide. If the access drive is longer than 45m, it should be a minimum of 3.7m wide over its whole length to allow for access for service vehicles such as fire engines. For sites of 2 to 5 dwellings minimum width of 4.25m is required, for at least the first 5m – then reducing to 3.7m. A minimum width of 4.8m is required for drives serving more than 5 dwellings.

Table 4: Minimum Access Widths

Proposal	Access width in Metres(Minimum)
1 house	2.75m
1 house if the access is greater than 45metres in length	3.7m
2—5 houses	4.25m
Greater than 5 houses	4.8m

- 8.4 In some circumstances, such as to allow trees or other important features to be retained, it may be acceptable to allow a narrowing of a 4.25m access to 3.7m, although such accesses need to be at their full width for the first 10m from the highway to allow vehicles to pull off the road and to pass. All drives should normally allow vehicles to turn and leave the site in a forward direction and drives in excess of 25m will need to make provision for the turning of service vehicles, in terms of both layout and construction. In most cases, and certainly where an access is bounded by solid walls fences, hedges or a line of trees, a 0.5m overhang strip either side of the drive surface should be provided to ease the flow of vehicles.

Footway

- 8.5 All accesses across a footway need to accommodate 2m x 2m pedestrian visibility splays for the safety of pedestrians. Vehicular visibility splays will depend on the speed of traffic on the highway. Please refer to Manual for Streets 2 for further information (Table 6 refers).

Parking Spaces and Turning Provision

- 8.6 On-site parking is normally required to be provided in the plot, in a similar manner to the host property or the adjacent houses. On-site parking should be positioned close to the dwelling and must not be located so as to interfere with any joint access road. Any proposed garage or parking provision must not be overly dominating in the street and matching materials should be used to respect the existing character of the area. Please note that the Council seeks the use of permeable materials for all hardstanding for parking and turning purposes. Please contact the Council's Highways Department for their parking requirements for your proposal.

Visibility Splays

- 8.7 Visibility Splays are an essential feature of an access or junction as they enable traffic a minor road to view cyclists, vehicles and pedestrians on the main road. Any visibility splay below the required standard would need to be justified via appropriate traffic survey. Development proposals should demonstrate the best achievable visibility splay. The splay should be entirely within the applicant's ownership and control and remain so in perpetuity.

Hard Surfaces

- 8.8 It will normally be necessary to provide a hard surface for the first 5m of a new access to prevent loose material being deposited on the highway, although other amenity considerations might require more of the access to be surfaced in a hard material to reduce noise, or in a softer material to respect the character of the site. New accesses will need to be constructed so as to prevent drainage onto the public highway. Where a new carriageway passes close to an existing dwelling it should be hard surfaced to reduce the noise of vehicles.

Distances between Access Drives

- 8.9 In most instances it is important to ensure that any new property or group of properties share a single access point to avoid multiple points of conflict for vehicular movements.

Distance to the Carriageway

- 8.10 The carriageway of a new access serving a Backland Site should be a minimum of 2m from any elevation of an existing property (including a garage to that property). Where any elevation of an existing dwelling with a window would face onto a new carriageway, a new screening should generally take the form of walls for the whole length of the elevation being protected and should include an additional length at the rear to protect any garden immediately outside any main living room, subject to the prevailing character of the site.

Planting/Trees

- 9.1 Planting is integral to achieving quality residential environments, and should be considered at the outset of the design process. Applicants will be encouraged to plant new native trees in their proposals, even where there is to be no loss of existing trees. The Council will resist any application for development which will result in the loss of trees protected by a Tree Preservation Order, mature trees, hedges and boundary walls which make a positive contribution to a site or the surrounding area. Trees in conservation areas are protected in a similar way to those covered by a Tree Preservation Order and special permission is needed to lop, prune or fell them and to carry out building or ground works within an area covered by the spread of the branches.
- 9.2 New development will not normally be allowed where a building would be situated within the spread of a tree that is worthy of retention. If in doubt, a qualified **arboriculturalist** will be able to carry out a tree survey to determine which trees are worthy of retention, and which trees could be removed due to poor health. Impermeable surfaces should be avoided below the canopy/crown spread of any tree.

Ecology

- 9.3 Certain species such as bats are legally protected by Law. Many species of bat make use of existing buildings, trees, hedgerows and overgrown sites. This is why it is advised that a **Preliminary Ecological Assessment (PEA)** is undertaken prior to the submission of a planning application so that any mitigation can be integrated into your scheme. The LPA is unable to register a planning application in the absence of adequate protected species information, where relevant. In addition, the LPA will refuse consent in situations where either it cannot be shown that an appropriate licence would be forthcoming from Natural Resources Wales, or where the adverse impacts to a protected species cannot be acceptably mitigated.

Detailed Consideration F – Drainage

Foul Drainage

- 10.1 All development should make satisfactory arrangements for foul drainage. A sequential approach should be taken to the consideration of foul drainage options. This should be based on the demonstrable feasibility or otherwise of alternative arrangements, taking into account their cost and/or practicability:
- as a first priority connection should be made to public sewerage infrastructure;
 - where this is not feasible, as a second priority the use of a package sewage treatment plant offering full treatment to recognised standards may be proposed. Proposals should include full details of means of operation and maintenance;
 - only where the above options are not feasible should the use of septic tank systems be proposed.
- 10.2 Any such proposals should include a full assessment of the scheme having regard to the effects on public health, amenity and the environment, and addressing any evidence in respect of Table 5. Where significant adverse environmental, amenity or public health effects are likely to arise through either permanent or temporary use of septic tank drainage, the development concerned will not be permitted. The latest Welsh Government advice is available here: <https://gov.wales/topics/planning/policy/circulars/welshgovcirculars/wgc-008-2018/?lang=en>
- 10.3 Development dependent upon cesspool drainage arrangements will rarely be

permitted and the use of a sustainable foul drainage system will be considered as an alternative to the provisions of this SPG, only where the particular treatment proposal has the approval of the Natural Resources Wales.

Sustainable Drainage Systems (SuDS)

- 10.4 Schedule 3 of the Flood and Water Management Act 2010 makes SuDS a mandatory requirement for all new developments. The legislation will ensure resilient drainage systems for new developments in both urban and rural areas. From the 7th January 2019, all new developments of more than 1 dwelling will require sustainable drainage systems (SuDS) for managing surface water. All drainage systems for all new developments must be designed and built in accordance with statutory SuDS standards. Please note that SuDS schemes must be approved by Monmouthshire County Council acting in its SuDS Approving Body (SAB) role before construction work begins. As such, this element should be an integral part of your scheme right from the start. For more information, please email sab@monmouthshire.gov.uk.

Table 5: Factors Forming a Full Assessment of the Use of a Septic Tank.

-
- contravention of recognised practices
 - adverse effect on water sources or resources
 - health hazard or nuisance likely to arise
 - damage to controlled waters
 - damage to the environment and amenity
 - overloading of the existing capacity of the area
 - absence of suitable outlets
 - unsuitable soakage characteristics
 - high water table
 - rising ground water levels
 - flooding
-

Planning Contributions

- 11.1 Depending of the size and nature of the proposal, planning permission is sometimes granted subject to the signing of a planning contributions agreement under Section 106 of the Planning Act. Where applicable, the Section 106 agreement must be signed before the planning permission will be issued.
- 11.2 The Section 106 is a legal charge on the land, so it will transfer automatically with any subsequent change in ownership. Some of the most frequently requested planning obligations include:
- Affordable housing contributions
 - Recreation contributions
 - Transport/highways contributions
 - Education contributions
- 11.3 You can find out via our Pre-Application Advice service if planning obligations are likely to be required in relation to your proposal. Seeking such advice will help you to determine whether your scheme is financially viable.

Affordable Housing

- 11.4 Policy S4 (Affordable Housing) of the adopted Monmouthshire Local Development Plan and the Council's Affordable Housing Supplementary Planning Guidance sets out the criteria for the provision of affordable housing as part of new residential development schemes. More information can be found using the following link:
<https://www.monmouthshire.gov.uk/app/uploads/2016/10/Adopted-Affordable-Housing-SPG-March-2016.pdf>.
- 11.5 The plot purchase/sale price should reflect this policy requirement. Viability debates will only be considered in exceptional circumstances, and the applicant will need to robustly demonstrate their case via independent consideration by the District Valuation Service at their own expense.

Can I get advice from a Planning Officer before drawing up the plans or applying for a planning permission for small scale infill development?

- 12.1 We welcome discussions with prospective applicants prior to planning applications being made. Obtaining the right advice in the early stages of your scheme is very important and will help steer your scheme in the right direction from the start. This service gives you the opportunity to explore your scheme with us and find out what kind of information you need to accompany your planning application. In addition, we can discuss possible planning issues that may affect you gaining planning permission. For further information, please refer to our pre-application advice guidance documents: <http://www.monmouthshire.gov.uk/planning/pre-application-advice-service>

Contact:

Development Management Service

Tel: 01633 644880

Email: planning@monmouthshire.gov.uk

Post: Development Management Service, County Hall, The Rhadyr, Usk, NP15 1GA

Table 6: Useful References

- **Monmouthshire Local Development Plan (LDP):**
<https://www.monmouthshire.gov.uk/app/uploads/2017/05/Adopted-Local-Development-Plan-with-PDF-tags.pdf>
- **Affordable Housing SPG:**
<https://www.monmouthshire.gov.uk/app/uploads/2016/10/Adopted-Affordable-Housing-SPG-March-2016.pdf>
- **Green Infrastructure SPG:**
<https://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf>
- **Monmouthshire Parking Standards SPG:**
<https://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>
- **Domestic Garage SPG:**
<https://www.monmouthshire.gov.uk/app/uploads/2015/07/Domestic-Garage-SPG-Jan-2013.pdf>
- **Conservation Areas Appraisals:**
<https://www.monmouthshire.gov.uk/planning-policy/conservation-area-appraisals>
- **Planning Policy Wales 10 (PPW10):**
<https://beta.gov.wales/planning-policy-wales>
- **Technical Advice Notes (TAN):**
<https://gov.wales/topics/planning/policy/tans/?lang=en>
- **Manual for Streets 2:**
<https://www.gov.uk/government/publications/manual-for-streets-2>
- **Planning (Listed Buildings and Conservation Areas) Act 1990:**
<https://www.legislation.gov.uk/ukpga/1990/9/contents>
- **Welsh Government Circular 008/2018 (Private Sewerage):**
<https://gov.wales/topics/planning/policy/circulars/welshgovcirculares/wgc-008-2018/?lang=en>
- **Sustainable drainage systems (SuDs):**
<https://www.monmouthshire.gov.uk/sustainable-drainage-approving-body-sab>

Appendix A

Monmouthshire LDP Policy Framework Policies S1, H1, H2 and H3

Policy S1 – The Spatial Distribution of New Housing Provision

The main focus for new housing development is within or adjoining the Main Towns of:

- Abergavenny, Chepstow and Monmouth.

The Severnside sub-region consists of the settlements of Caerwent, Caldicot, Magor, Portskewett, Rogiet, Sudbrook and Undy. A smaller amount of new housing development is provided in the Severnside sub-region, particularly at Magor/Undy, Caldicot/Portskewett and Sudbrook.

The Rural Secondary Settlements are Usk, Raglan, Penperlleni and Llanfoist. A small amount of new housing development is directed to the Rural Secondary Settlements of Usk, Raglan and Penperlleni

Some sites are allocated for small scale residential development (up to a maximum of 15 dwellings) in identified Main Villages with the primary aim of providing affordable housing to meet local needs. The identified Main Villages are:

Cross Ash	Llanishen
Devauden	Llanvair Kilgeddin
Dingestow	Mathern
Grosmont	Penallt
Little Mill	Pwllmeyric
Llanddewi Rhydderch	Shirenewton /Mynyddbach
Llandogo	St Arvans
Llanellen	Trellech
Llangybi	Werngifford /Pandy

Development Boundaries are drawn around the Main Towns, Severnside settlements, Rural Secondary Settlements and Main Villages listed above. Outside these development boundaries planning permission for new residential development will not be allowed in any other settlements except in or adjoining identified Minor Villages where small scale residential development will be allowed in the circumstances set out in Policy H3. The identified Minor Villages are:

Bettws Newydd	Llanover
Broadstone/Catbrook	Llansoy
Brynygwenin	Llantilio Crossenny
Coed-y-Paen	Llantrisant
Crick	Llanvair Discoed
Cuckoo's Row	Llanvapley

(S1 continued...)

Great Oak	Mitchel Troy
Gwehelog	Penpergwm
Llanarth	The Narth
Llandegveth	The Bryn
Llandenny	Tintern
Llangwm	Tredunnock

Outside the settlements listed above open countryside policies will apply where planning permission will only be allowed for the following types of new residential development:

- Acceptable conversions of rural buildings, in the circumstances set out in Policy H4.
- Sub-divisions of existing dwellings, subject to detailed planning criteria.
- Dwellings necessary for agricultural, forestry or other appropriate rural enterprises, in accordance with TAN6.

Policy H1 – Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements.

Development boundaries have been drawn for the Main Towns, Severnside Settlements and Rural Secondary Settlements identified in Policy S1, within which new build residential development / redevelopment or conversion to residential, or subdivision of large dwellings or reuse of accommodation such as upper vacant floors in town centres will be permitted subject to detailed planning considerations and other policies of the LDP that seek to protect existing retail, employment and community uses.

Policy H2 – Residential Development in Main Villages

Development boundaries have been drawn for the Main Villages identified in Policy S1. These development boundaries include sites identified for new rural housing that are listed in Allocations Policy SAH11.

Elsewhere within the Village Development Boundaries planning permission will be granted for new residential development/redevelopment, or conversion to residential, or sub-division of large dwellings, subject to detailed planning considerations, including no unacceptable adverse impact on village form and character and surrounding landscape, and other policies of the LDP that seek to protect existing retail, employment and community uses.

Policy H3 – Residential Development in Minor Villages

In Minor Villages planning permission will be granted for minor infill of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings, or residential redevelopment, or conversion to residential or sub-division of large dwellings, subject to detailed planning considerations, including no unacceptable adverse impact on village form and character and surrounding landscape, and other policies of the LDP that seek to protect existing retail, employment and community uses.

Exceptionally planning permission may be granted for up to 4 dwellings on an infill site that demonstrably fits in with village form (including not resulting in the loss of an open space that forms an important gap or open area) and is not prominent in the landscape.

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Appendix 2



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Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

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<p>Name of the Officer completing the evaluation Mark Hand</p> <p>Phone no: 01633 644803 E-mail: markhand@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>The Local Development Plan (LDP), adopted on 27 February 2014, sets out the Council's vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over the ten year period to 2021. Supplementary Planning Guidance (SPG) sets out detailed guidance on the way in which the policies of the LDP will be interpreted and implemented. The Draft Infill Development SPG is intended to provide certainty and clarity for applicants, officers and Members in the interpretation and implementation of the LDP policy framework in relation to small scale infill development proposals within the settlements identified in Policies S1, H1, H2 and H3 of the Monmouthshire LDP. The Draft SPG sets out the detailed considerations that need to be taken into account when considering proposals for small scale infill development in the County's settlements. Such considerations include site context, design, privacy/amenity, access/parking, green infrastructure and drainage. Once adopted, the SPG will have a key role in shaping proposals for small scale infill development.</p>
<p>Name of Service</p> <p>Planning (Planning Policy)</p>	<p>Date Future Generations Evaluation form completed</p> <p>22/02/2019</p>

1. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive: The Draft SPG seeks to support proposals for appropriate small scale infill development for new housing where they accord with the LDP policy framework, specifically policies H1, H2 and H3. This will enable housing provision in settlements in Monmouthshire where it is often otherwise restricted such as main and minor villages, small scale infill developments will increase the local housing stock for communities and residents.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that guidance, as set out in the SPG, is accurately interpreted and implemented.</p>
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>Positive: Potential for proposals to conserve and enhance existing ecological networks within Monmouthshire. Potential for proposals to protect /enhance landscape etc. in accordance with LDP policy framework.</p> <p>Negative: Infill development may be located in main and minor villages where there is limited public transport and likely reliance on the use of the private car. The car usage likely to result from small scale infill development is considered to be justified because it is likely to be minimal and the addition of new housing makes a contribution to meeting housing needs.</p>	<p>Mitigate Negative Impacts: Ensure that biodiversity, landscape interests etc. are appropriately considered in assessing any planning application and that good standards of design, landscaping etc. are achieved.</p>
<p>A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p>Positive: The provision of appropriate small scale infill development can assist in promoting good health, independence and well-being by opening up opportunities for housing where there are often limited sites for new residential development.</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the SPG, is accurately interpreted and implemented.</p>



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	Negative: None.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Positive: The provision of appropriate small scale infill development contributes to the sustainability and cohesiveness of settlements in Monmouthshire by opening up opportunities for housing in areas where it is otherwise restricted, particularly in main and minor villages, providing opportunities to support the local economy and build sustainable resilient communities. Negative: None.	Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the SPG, is accurately interpreted and implemented.
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Positive: The Draft SPG supports the implementation of housing related policies of the LDP, which has been subject to a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) to ensure that social, economic and environmental objectives are met, thereby contributing to sustainable development and global well-being. Negative: None.	Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the SPG, is accurately interpreted and implemented which will include consideration of 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	Positive: The Draft SPG has a positive general impact on culture, heritage and language, there is potential for proposals for small scale infill development to conserve the character and quality of Monmouthshire's countryside and natural heritage value. Negative: None.	Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the SPG, is accurately interpreted and implemented.
A more equal Wales People can fulfil their potential no matter what their background or circumstances	Positive: The Draft SPG should bring positive benefits to Monmouthshire's residents by opening up opportunities for appropriate small scale infill	Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the SPG, is accurately interpreted and implemented.


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Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>developments where they comply with the LDP policy framework, enabling housing provision in settlements in Monmouthshire where it is often otherwise restricted such as main and minor villages. Housing policies, as with all LDP policies, have been subject to a Sustainability Appraisal that measures their performance against sustainability objectives, including equality measures.</p> <p>Negative: None.</p>	

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Balancing short term need with long term and planning for the future</p>	<p><i>We are required to look beyond the usual short term timescales for financial planning and political cycles and instead plan with the longer term in mind (i.e. 20+ years)</i></p> <p>The LDP covers the period 2011-21. The Draft SPG supports the implementation of the LDP. By its nature, therefore, it cannot look beyond this period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations.</p> <p>The LDP housing policy framework seeks to balance the short term need for housing development and viability issues with the longer term need to create balanced and sustainable communities. The provision of appropriate small scale infill development, in areas where new residential development is generally strictly controlled such as main and minor villages, increases opportunities within the local housing stock for local communities and residents.</p>	<p>Ensure that the relevant guidance, as set out in the SPG, is accurately interpreted and implemented.</p> <p>The LDP and its policies have been subject to SA/SEA. The replacement LDP will be subject to SA/SEA.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance including housing policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will help inform the evidence base for the replacement LDP.</p>
 <p>Working together with other partners to deliver objectives</p>	<p>The Draft SPG has been produced in liaison with the Council's Development Management Officers following discussions regarding planning applications for small scale infill development. It will be subject to further internal consultation and external consultation. Public consultation will be targeted to those who are considered to have a specific interest in the topic but also including all town and community councils. The consultation will also be publicised via our Twitter account @MCCPlanning, as well as the corporate Monmouthshire Twitter account.</p>	<p>The Draft SPG supports LDP housing and other detailed policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance, including housing and design policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP. The replacement LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Involving those with an interest and seeking their views</p>	<p><i>Who are the stakeholders who will be affected by your proposal? Have they been involved?</i></p> <p>The Draft SPG has been produced in liaison with the Council's Development Management Officers following discussions regarding planning applications for small scale infill development. It will be subject to further internal consultation and external consultation. Public consultation will be targeted to those who are considered to have a specific interest in the topic but also including all town and community councils. The consultation will also be publicised via our Twitter account @MCCPlanning, as well as the corporate Monmouthshire Twitter account.</p> <p>.</p> <p>.</p>	<p>The Draft SPG supports LDP housing and other detailed policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance, including housing and design policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP. The replacement LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.</p>
 <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The requirement for this Draft SPG has arisen from some Members of Planning Committee who requested guidance on small scale infill development to help shape such proposals. The Council seeks to support and adopt a positive approach to appropriate small scale infill development where it accords with the LDP policy framework, specifically H1, H2 and H3, and is accordance with the guidance set out in in the Draft SPG.</p> <p>The Draft SPG therefore provides certainty and clarity for applicants, officers and Members in the interpretation and implementation of the existing LDP policy framework, specifically Policies H1, H2 and H3, in relation to infill development.</p>	<p>The future adoption and implementation of this Draft SPG will support appropriate small scale infill development where it accords with the LDP policy framework, specifically Policies H1, H2 and H3. New residential development is usually strictly controlled in main and minor villages, infill development assists in increasing the local housing stock for communities and residents in these settlements.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p data-bbox="331 276 517 475">Positively impacting on people, economy and environment and trying to benefit all three</p>	<p data-bbox="546 197 1332 292">The Draft SPG supports the implementation of the LDP which has been subject to a SA/SEA that balances the impacts on social, economic and environmental factors.</p>	<p data-bbox="1352 197 2116 427">The AMRs will examine the impacts of the LDP over the longer term and evidence the emergence of any trends at different spatial scales. Delivering sustainable development (social, economic and environmental) is central to the LDP. Continue to monitor indicators, including housing policy indicators and targets, to inform future AMRs.</p> <p data-bbox="1352 459 2116 553">The replacement LDP will be subject to a SA/SEA that balances the impacts on social, economic and environment factors.</p>

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	None	None	N/A
Disability	None	None	N/A
Gender reassignment	None	None	N/A
Marriage or civil partnership	None	None	N/A
Race	None	None	N/A
Religion or Belief	None	None	N/A
Sex	None	None	N/A
Sexual Orientation	None	None	N/A

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Welsh Language	None	None	N/A

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	None	None	N/A
Corporate Parenting	None	None	N/A

5. What evidence and data has informed the development of your proposal?

- Monmouthshire Local Development Plan (2011-2021).

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

This section should give the key issues arising from the evaluation which will be included in the Committee report template.

Positive: The Draft SPG seeks to support small scale infill development in Main Towns, Severnside Settlements, Rural Secondary Settlements, Main and Minor Villages, subject to compliance with the LDP policy framework, specifically policies H1, H2 and H3, providing this is not at the expense of the County's natural and built environment. This will assist in supporting the local housing stock in Monmouthshire providing positive impacts on the local economy. The positive impacts on the local economy is essential to the well-being of local communities and residents throughout Monmouthshire.

Future: Ensure that LDP housing and other relevant policies are accurately interpreted and implemented fully through use of this Draft SPG, measuring the effectiveness of the relevant policies on an annual basis in the LDP AMR.

Negative: Potential for some negative sustainability impacts where infill development is located in main and minor villages where there is limited public transport and subsequent reliance on the private car, resulting in increased car use in these areas, albeit that this is likely to be minimal given the nature of small scale infill development. Therefore, the scope for such negative impacts is limited and will be carefully considered against the LDP policy framework.

Future: LDP AMRs will provide both an annual evaluation of plan performance, including housing and design policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP.

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7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Public consultation on the draft SPG. Amendments will be made to the SPG, as appropriate, in response to the consultation, prior to reporting back to Planning Committee to seek endorsement to adopt.	For approximately 6 weeks following approval of the draft SPG.	Head of Planning, Housing & Place-shaping	

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	Impacts will be evaluated where relevant on a regular basis in the required LDP Annual Monitoring Report. This AMR will be reported for political decision prior to submitting to the Welsh Government by 31 October 2019 and will be available on the MCC website.
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