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Neuadd y Cyngor
Y Rhadyr
Brynbuga
NP15 1GA

Dydd Gwener, 23 Awst 2019

Hysbysiad o gyfarfod

Pwyllgor Cynllunio

Dydd Mawrth, 3ydd Medi, 2019 at 2.00 pm,
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

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Paul Matthews

Prif Weithredwr

CYNGOR SIR FYNWY

MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:

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

Gwybodaeth Gyhoeddus

Bydd rhaid I unrhyw person sydd eisiau siarad yn Y Pwyllgor Cynllunio cofrestru gyda Gwasanaethau Democrataidd erbyn hanner dydd ar diwrnod cyn y cyfarfod. Mae manylion ynglŷn a siarad yn cyhoeddus ar gael tu fewn I'r agenda neu yma [Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio](#)

Mynediad i gopiâu papur o agendâu ac adroddiadau

Gellir darparu copi o'r agenda hwn ac adroddiadau perthnasol i aelodau'r cyhoedd sy'n mynychu cyfarfod drwy ofyn am gopi gan Gwasanaethau Democrataidd ar 01633 644219. Dylid nodi fod yn rhaid i ni dderbyn 24 awr o hysbysiad cyn y cyfarfod er mwyn darparu copi caled o'r agenda hwn i chi.

Edrych ar y cyfarfod ar-lein

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Y Gymraeg

Mae'r Cyngor yn croesawu cyfraniadau gan aelodau'r cyhoedd drwy gyfrwng y Gymraeg neu'r Saesneg. Gofynnwn gyda dyledus barch i chi roi 5 diwrnod o hysbysiad cyn y cyfarfod os dymunwch siarad yn Gymraeg fel y gallwn ddarparu ar gyfer eich anghenion.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

Diben

Diben yr adroddiadau a atodir a'r cyflwyniad cysylltiedig gan swyddogion i'r Pwyllgor yw galluogi'r Pwyllgor Cynllunio i wneud penderfyniad ar bob cais yn y rhestr a atodir, ar ôl pwysu a mesur y gwahanol ystyriaethau cynllunio perthnasol.

Dirprwywyd pwerau i'r Pwyllgor Cynllunio wneud penderfyniadau ar geisiadau cynllunio. Mae'r adroddiadau a gynhwysir yn yr atodlen yma'n asesu'r datblygiad arfaethedig yn erbyn polisi cynllunio perthnasol ac ystyriaethau cynllunio eraill perthnasol, a rhoi ystyriaeth i'r holl ymatebion ymgynghori a dderbyniwyd. Daw pob adroddiad i ben gydag argymhelliad swyddog i'r Pwyllgor Cynllunio ar p'un ai yw swyddogion yn ystyried y dylid rhoi caniatâd cynllunio (gydag awgrym am amodau cynllunio lle'n briodol) neu ei wrthod (gydag awgrymiadau am resymau dros wrthod).

Dan Adran 38(6) Deddf Cynllunio a Phrynu Gorfodol 2004, mae'n rhaid i bob cais cynllunio gael eu penderfynu yn unol â Chynllun Datblygu Lleol Sir Fynwy 2011-2021 (a fabwysiadwyd yn Chwefror 2014), os nad yw ystyriaethau cynllunio perthnasol yn awgrymu fel arall.

Disgwylir i'r holl benderfyniadau a wneir fod o fudd i'r Sir a'n cymunedau drwy ganiatáu datblygu ansawdd da yn y lleoliadau cywir, ac ymwrthod â datblygiad amhriodol, ansawdd gwael neu yn y lleoliad anghywir. Mae cysylltiad uniongyrchol i amcan y Cyngor o adeiladu cymunedau cryf a chynaliadwy.

Gwneud penderfyniadau

Gellir cytuno ar geisiadau yn rhwym ar amodau cynllunio. Mae'n rhaid i amodau gyflawni'r holl feini prawf dilynol:

- Angenrheidiol i wneud y datblygiad arfaethedig yn dderbyniol;
- Perthnasol i ddeddfwriaeth cynllunio (h.y. ystyriaeth cynllunio);
- Perthnasol i'r datblygiad arfaethedig dan sylw;
- Manwl;
- Gorfodadwy; a
- Rhesymol ym mhob cyswllt arall.

Gellir cytuno i geisiadau yn amodol ar gytundeb cyfreithiol dan Adran 106 Deddf Cynllunio Tref a Gwlad 1990 (fel y'i diwygiwyd). Mae hyn yn sicrhau goblygiadau cynllunio i wrthbwysu effeithiau'r datblygiad arfaethedig. Fodd bynnag, mae'n rhaid i'r goblygiadau cynllunio hyn gyflawni'r holl feini prawf dilynol er mwyn iddynt fod yn gyfreithlon:

- Angenrheidiol i wneud y datblygiad yn dderbyniol mewn termau cynllunio;
- Uniongyrchol gysylltiedig â'r datblygiad; ac
- Wedi cysylltu'n deg ac yn rhesymol mewn maint a math i'r datblygiad.

Mae gan yr ymgeisydd hawl apelio statudol yn erbyn gwrthod caniatâd yn y rhan fwyaf o achosion, neu yn erbyn gosod amodau cynllunio, neu yn erbyn methiant y Cyngor i benderfynu ar gais o fewn y cyfnod statudol. Nid oes unrhyw hawl apelio trydydd parti yn erbyn penderfyniad.

Gall y Pwyllgor Cynllunio wneud argymhellion sy'n groes i argymhelliad y swyddog. Fodd bynnag, mae'n rhaid rhoi rhesymau am benderfyniadau o'r fath ac mae'n rhaid i'r penderfyniad fod yn seiliedig ar y Cynllun Datblygu Lleol (LDP) a/neu ystyriaethau cynllunio perthnasol. Pe byddai penderfyniad o'r fath yn cael ei herio mewn apêl, bydd yn ofynnol i Aelodau Pwyllgor amddiffyn eu penderfyniad drwy'r broses apêl.

Prif gyd-destun polisi

Mae'r LDP yn cynnwys y prif bolisiâu datblygu a dylunio. Yn hytrach nag ail-adrodd y rhain ar gyfer pob cais, caiff y geiriad llawn ei osod islaw er cymorth Aelodau.

Polisi EP1 - Gwarchod Amwynderau a'r Amgylchedd

Dylai datblygiad, yn cynnwys cynigion ar gyfer adeiladau newydd, estyniadau i adeiladau presennol a hysbysebion roi ystyriaeth i breifatrwydd, amwynder ac iechyd defnyddwyr adeiladau cyfagos. Ni chaniateir cynigion datblygu a fyddai'n achosi neu'n arwain at risg/niwed annerbyniol i amwynder lleol, iechyd, cymeriad/ansawdd cefn gwlad neu fuddiannau cadwraeth natur, tirlun neu bwysigrwydd treftadaeth adeiledig oherwydd y dilynol, os na fedrir dangos y gellir cymryd mesurau i oresgyn unrhyw risg sylweddol:

- Llygredd aer;
- Llygredd golau neu sŵn;
- Llygredd dŵr;
- Halogiad;
- Ansefydlogrwydd tir; neu
- Unrhyw risg a ddynodwyd i iechyd neu ddiogelwch y cyhoedd.

Polisi DES1 – Ystyriaethau Dylunio Cyffredinol

Dylai pob datblygiad fod o ddyluniad cynaliadwy ansawdd uchel a pharchu cymeriad lleol a nodweddion neilltuoel amgylchedd adeiledig, hanesyddol a naturiol Sir Fynwy. Bydd yn ofynnol i gynigion datblygu:

- a) Sicrhau amgylchedd diogel, dymunol a chyfleus sy'n hygyrch i bob aelod o'r gymuned, yn cefnogi egwyddorion diogelwch y gymuned ac yn annog cerdded a seiclo;
- b) Cyfrannu tuag at naws o le wrth sicrhau fod maint y datblygiad a'i ddwyyster yn gydnaws gyda defnyddiau presennol;
- c) Parchu ffurf, maint, lleoliad, casglu, deunyddiau a gweddllun ei osodiad ac unrhyw adeiladau cyfagos o ansawdd;
- d) Cynnal lefelau rhesymol o breifatrwydd ac amwynder defnyddwyr adeiladau cyfagos, lle'n berthnasol;
- e) Parchu'r golygfeydd adeiledig a naturiol lle maent yn cynnwys nodweddion hanesyddol a/neu amgylchedd adeiledig neu dirlun deniadol neu neilltuoel;
- f) Defnyddio technegau adeiladu, addurniad, arddulliau a golau i wella ymddangosiad y cynnig gan roi ystyriaeth i wead, lliw, patrwm, cadernid a saerniaeth mewn defnyddio deunyddiau;
- g) Ymgorffori a, lle'n bosibl, wella nodweddion presennol sydd o werth hanesyddol, gweledol neu gadwraeth natur a defnyddio'r traddodiad brodorol lle'n briodol;
- h) Cynnwys cynigion tirlun ar gyfer adeiladau newydd a defnyddiau tir fel eu bod yn integreiddio i'w hamgylchiadau, gan roi ystyriaeth i ymddangosiad y tirlun presennol a'i gymeriad cynhenid, fel y'i diffinnir drwy broses LANDMAP. Dylai tirlunio roi ystyriaeth i, a lle'n briodol gadw, coed a gwrychoedd presennol;
- i) Gwneud y defnydd mwyaf effeithiol o dir sy'n gydnaws gyda'r meini prawf uchod, yn cynnwys y dylai isafswm dwysedd net datblygiad preswyl fod yn 30 annedd fesul hectar, yn amodol ar faen prawf I) islaw;
- j) Sicrhau dyluniad sy'n ymateb i'r hinsawdd ac effeithiol o ran adnoddau. Dylid rhoi ystyriaeth i leoliad, cyfeiriadu, dwysedd, gweddllun, ffurf adeiledig a thirlunio ac i effeithiolrwydd ynni a defnyddio ynni adnewyddadwy, yn cynnwys deunyddiau a thechnoleg;
- k) Meithrin dylunio cynhwysol;
- l) Sicrhau y caiff ardaloedd preswyl presennol a nodweddir gan safonau uchel o breifatrwydd ac ehangder eu gwarchod rhag gor-ddatblygu a mewnlenni ansensitif neu amhriodol.

Cyfeirir at bolisiâu perthnasol allweddol eraill yr LDP yn adroddiad y swyddog.

Canllawiau Cynllunio Atodol (SPG):

Gall y Canllawiau Cynllunio Atodol dilynol hefyd fod yn berthnasol i wneud penderfyniadau fel ystyriaeth cynllunio perthnasol:

- Seilwaith Gwyrdd (mabwysiadwyd Ebrill 2015)
- Canllawiau Dylunio Trosi Adeiladau Amaethyddol (mabwysiadwyd Ebrill 2015)
- Polisi H4(g) LDP Trosi/Adfer Adeiladau yng Nghefn Gwlad i Ddefnydd Preswyl - Asesu Ail-ddefnydd ar gyfer Dibenion Busnes (mabwysiadwyd Ebrill 2015)
- Polisiâu H5 a H6 LDP Anheddau yn Lle ac Ymestyn Anheddau Gwledig yng Nghefn Gwlad (mabwysiadwyd Ebrill 2015)

- Arfarniad Ardal Cadwraeth Trellech (Ebrill 2012)
- Garejys Domestig (mabwysiadwyd Ionawr 2013)
- Safonau Parcio Sir Fynwy (mabwysiadwyd Ionawr 2013)
- Ymagwedd at Oblygiadau Cynllunio (Mawrth 2013)
- Drafft Tai Fforddiadwy (Gorffennaf 2015)
- Drafft Ynni Adnewyddadwy ac Effeithiolrwydd Ynni (Rhagfyr 2014)
- Drafft Nodyn Cyngor Cynllunio ar Asesu Tirlun Datblygu ac Effaith Gweledol Tyrbinau Gwynt
- Drafft Prif Wynebau Siopau (Mehefin 2015)

Polisi Cynllunio Cyhoeddus

Gall y polisi cynllunio cenedlaethol dilynol hefyd fod yn berthnasol i wneud penderfyniadau fel ystyriaeth cynllunio berthnasol:

- Polisi Cynllunio Cymru (PPW) 11 2016
- Nodiadau Cyngor Technegol (TAN) PPW:
- TAN 1: Cydastudiaethau Argaeledd Tir Tai (2014)
- TAN 2: Cynllunio a Thai Fforddiadwy (2006)
- TAN 3: Symleiddio Parthau Cynllunio (1996)
- TAN 4: Manwerthu a Chanol Trefi (1996)
- TAN 5: Cadwraeth Natur a Chynllunio (2009)
- TAN 6: Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (2010)
- TAN 7: Rheoli Hysbysebion Awyr Agored (1996)
- TAN 8: Ynni Adnewyddadwy (2005)
- TAN 9: Gorfodaeth Rheoli Adeiladu (1997)
- TAN 10: Gorchmynion Cadwraeth Coed (1997)
- TAN 11: Sŵn (1997)
- TAN 12: Dylunio (2014)
- TAN 13: Twristiaeth (1997)
- TAN 14: Cynllunio Arfordirol (1998)
- TAN 15: Datblygu a Risg Llifogydd (2004)
- TAN 16: Chwaraeon, Hamdden a Gofodau Agored (2009)
- TAN 18: Trafnidiaeth (2007)
- TAN 19: Telathrebu (2002)
- TAN 20: Y Gymraeg (2013)
- TAN 21: Gwastraff (2014)
- TAN 23: Datblygu Economaidd (2014)
- TAN 24: Yr Amgylchedd Hanesyddol (2017)
- Nodyn Cyngor Technegol Mwynol (MTAN) Cymru 1: Agregau (30 Mawrth 2004)
- Nodyn Cyngor Technegol Mwynol (MTAN) Cymru 2: Glo (20 Ionawr 2009)
- Cylchlythyr Llywodraeth Cymru 016/2014 ar amodau cynllunio

Materion eraill

Gall y ddeddfwriaeth ddilynol arall fod yn berthnasol wrth wneud penderfyniadau
Deddf Cynllunio (Cymru) 2016

Daeth Adranau 11 a 31 y Ddeddf Cynllunio i rym yn Ionawr 2016 yn golygu fod y Gymraeg yn ystyriaeth cynllunio berthnasol. Mae Adran 11 yn ei gwneud yn ofynnol i'r gwerthusiad cynaliadwyedd, a gymerir wrth baratoi LDP, gynnwys asesiad o effeithiau tebygol y cynllun ar ddefnydd y Gymraeg yn y gymuned. Lle mae cynllun integredig sengl yr awdurdod wedi dynodi bod y Gymraeg yn flaenoriaeth, dylai'r asesiad fedru dangos y cysylltiad rhwng yr ystyriaeth ar gyfer y Gymraeg a'r prif arfarniad cynaliadwyedd ar gyfer yr LDP, fel y'i nodir yn TAN 20.

Mae Adran 31 y Ddeddf Cynllunio yn egluro y gall awdurdodau cynllunio gynnwys ystyriaethau yn ymwneud â'r defnydd o'r Gymraeg wrth wneud penderfyniadau ar geisiadau am ganiatâd cynllunio, cyn belled ag mae'n berthnasol i'r Gymraeg. Nid yw'r darpariaethau yn rhoi unrhyw bwysiad ychwanegol i'r Gymraeg o gymharu ag ystyriaethau perthnasol eraill. Mater i'r awdurdod cynllunio lleol yn llwyr yw p'un ai yw'r Gymraeg yn ystyriaeth berthnasol mewn unrhyw gais cynllunio, a

dylai'r penderfyniad p'un ai i roi ystyriaeth i faterion y Gymraeg gael ei seilio ar yr ystyriaeth a roddwyd i'r Gymraeg fel rhan o broses paratoi'r LDP.

Cynhaliwyd gwerthusiad cynaliadwyedd ar Gynllun Datblygu Lleol (LDP) Sir Fynwy a fabwysiadwyd yn 2014, gan roi ystyriaeth i'r ystod lawn o ystyriaethau cymdeithasol, amgylcheddol ac economaidd, yn cynnwys y Gymraeg. Cyfran cymharol fach o boblogaeth Sir Fynwy sy'n siarad, darllen neu ysgrifennu Cymraeg o gymharu gydag awdurdodau lleol eraill yng Nghymru ac ni ystyriwyd fod angen i'r LDP gynnwys polisi penodol ar y Gymraeg. Roedd casgliad yr asesiad am effeithiau tebygol y cynllun ar y defnydd o'r Gymraeg yn y gymuned yn fach iawn.

Rheoliadau Asesiad Effaith ar yr Amgylchedd 1999

Mae Rheoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Lloegr a Chymru) 1999 fel y'i diwygiwyd gan Reoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Diwygiad) 2008 yn berthnasol i'r argymhellion a wnaed. Bydd y swyddog yn tynnu sylw at hynny pan gyflwynwyd Datganiad Amgylcheddol gyda chais.

Rheoliadau Cadwraeth Rhywogaethau a Chynefinoedd 2010

Lle aseswyd bod safe cais yn safle bridio neu glwydo ar gyfer rhywogaethau Ewropeaidd a warchodir, bydd angen fel arfer i'r datblygydd wneud cais am "randdirymiad" (trwydded datblygu) gan Cyfoeth Naturiol Cymrau. Mae pob rhywogaeth o ystlumod, pathwod a madfallod cribog mawr yn enghreifftiau o'r rhywogaethau gwarchodedig hyn. Wrth ystyried ceisiadau cynllunio mae'n ofynnol i Gyngor Sir Fynwy fel awdurdod cynllunio lleol roi ystyriaeth i Reoliadau Cadwraeth Rhywogaethau a Chynefinoedd 20120 (y Rheoliadau Cynefinoedd) ac i'r ffaith mai dim ond lle cyflawnir tri phrawf a nodir yn Erthygl 16 y Gyfarwydddeb Cynefinoedd y caniateir rhanddirymiaid. Caiff y tri phrawf eu nodi islaw.

(i) Mae'r rhanddirymiad er budd iechyd a diogelwch y cyhoedd, neu am resymau hanfodol eraill o ddiddordeb pennaf i'r cyhoedd, yn cynnwys rhai o natur economaidd a chanlyniadau buddiol o bwysigrwydd sylfaenol i'r amgylchedd.

(ii) Nad oes dewis arall boddhaol.

(iii) Nad yw'r rhanddirymiad yn niweidiol i gynnal y boblogaeth o'r rhywogaeth dan sylw drwy statws cadwraeth ffafriol yn eu hardal naturiol.

Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015

Nod y Ddeddf yw gwella llesiant cymdeithasol, economaidd, amgylcheddol a diwylliannol Cymru. Mae'r Ddeddf yn gosod nifer o amcanion llesiant

- **Cymru lewyrchus;** defnydd effeithiol o adnoddau, pobl fedrus ac addysgedig, cynhyrchu cyfoeth, darparu swyddi;
- **Cymru gref;** cynnal a chyfoethogi bioamrywiaeth ac ecosystemau sy'n cefnogi hynny ac a all addasu i newid (e.e. newid yn yr hinsawdd);
- **Cymru iachach;** cynyddu llesiant corfforol a meddyliol pobl i'r eithaf a deall effeithiau iechyd;
- **Cymru o gymunedau cydlynol:** cymunedau yn ddeniadol, hyfyw, diogel a gyda chysylltiadau da.
- **Cymru sy'n gyfrifol yn fyd-eang:** rhoi ystyriaeth i effaith ar lesiant byd-eang wrth ystyried llesiant cymdeithasol, economaidd ac amgylcheddol lleol;
- **Cymru gyda diwylliant egniol a'r iaith Gymraeg yn ffynnu:** caiff diwylliant, treftadaeth a'r Gymraeg eu hyrwyddo a'u diogelu. Caiff pobl eu hannog i gymryd rhan mewn chwaraeon, celf a hamdden;
- **Cymru fwy cyfartal:** gall pobl gyflawni eu potensial beth bynnag yw eu cefndir neu amgylchiadau.

Caiff nifer o egwyddorion datblygu cynaliadwy hefyd eu hamlinellu:

- **Hirdymor:** cydbwyso angen tymor byr gyda'r hirdymor a chynllunio ar gyfer y dyfodol;
- **Cydweithio:** cydweithio gyda phartneriaid eraill i gyflawni amcanion;
- **Ymgyfraniad:** cynnwys y rhai sydd â diddordeb a gofyn am eu barn;
- **Atal:** rhoi adnoddau i ateb problemau rhag digwydd neu waethygu;
- **Integreiddio:** cael effaith gadarnhaol ar bobl, yr economi a'r amgylchedd a cheisio bod o fudd i bob un o'r tri.

Mae'r gwaith a wneir gan awdurdod cynllunio lleol yn cysylltu'n uniongyrchol â hyrwyddo a sicrhau datblygu cynaliadwy ac yn anelu i sicrhau cydbwysedd rhwng y tri maes: amgylchedd, economi a chymdeithas.

Trefn Troseddu ac Anrhefn 1998

Mae Adran 17(1) Deddf Troseddu ac Anrhefn 1998 yn gosod dyletswydd ar awdurdod lleol i weithredu ei wahanol swyddogaethau gan roi ystyriaeth ddyledus i effaith debygol gweithredu'r swyddogaethau hynny ar, a'r angen i wneud popeth y gall ei wneud yn rhesymol i atal troseddu ac anrhefn yn ei ardal. Gall troseddu ac ofn troseddu fod yn ystyriaeth cynllunio berthnasol. Tynnir sylw at y pwnc hwn yn adroddiad y swyddog lle mae'n ffurfio ystyriaeth sylweddol ar gyfer cynnig.

Deddf Cydraddoldeb 2010

Mae Deddf Cydraddoldeb 2010 yn cynnwys dyletswydd cydraddoldeb sector cyhoeddus i integreiddio ystyriaeth cydraddoldeb a chysylltiadau da ym musnes rheolaidd awdurdodau cyhoeddus. Mae'r Ddeddf yn dynodi nifer o 'nodweddion gwarchoddedig': oedran, anabledd, aillbennu rhywedd; priodas a phartneriaeth sifil; hil; crefydd neu gredo; rhyw; a chyfeiriadedd rhywiol. Bwriedir i gydymffurfiaeth arwain at benderfyniadau a wnaed ar sail gwybodaeth well a datblygu polisi a gwasanaethau sy'n fwy effeithlon ar gyfer defnyddwyr. Wrth weithredu ei swyddogaethau, mae'n rhaid i'r Cyngor roi ystyriaeth ddyledus i'r angen i: ddileu gwahaniaethu anghyfreithlon, aflonyddu, erledigaeth ac ymddygiad arall a gaiff ei wahardd gan y Ddeddf; hybu cyfle cyfartal rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rhai nad ydynt; a meithrin cysylltiadau da rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rhai nad ydynt. Mae rhoi ystyriaeth ddyledus i hyrwyddo cydraddoldeb yn cynnwys: dileu neu leihau anfanteision a ddioddefir gan bobl oherwydd eu nodweddion gwarchoddedig; cymryd camau i ddiwallu anghenion o grwpiau gwarchoddedig lle mae'r rhain yn wahanol i anghenion pobl eraill; ac annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle mae eu cyfranogiad yn anghymesur o isel.

Mesur Plant a Theuluoedd (Cymru)

Mae ymgynghoriad ar geisiadau cynllunio yn agored i'n holl ddinasyddion faint bynnag eu hoed; ni chynhelir unrhyw ymgynghoriad wedi'i dargedu a anelwyd yn benodol at blant a phobl ifanc. Yn dibynnu ar faint y datblygiad arfaethedig, rhoddir cyhoeddusrwydd i geisiadau drwy lythyrau i feddianwyr cyfagos, hysbysiadau safle, hysbysiadau yn y wasg a/neu gyfryngau cymdeithasol. Nid yw'n rhaid i bobl sy'n ymateb i ymgynghoriadau roi eu hoedran nac unrhyw ddata personol arall, ac felly ni chaiff y data yma ei gadw na'i gofnodi mewn unrhyw ffordd, ac ni chaiff ymatebion eu gwahanu yn ôl oedran.

Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio

Dim ond yn llwyr yn unol â'r protocol hwn y caniateir cyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio. Ni allwch fynnu siarad mewn Pwyllgor fel hawl. Mae'r gwahoddiad i siarad a'r ffordd y cynhelir y cyfarfod ar ddisgresiwn Cadeirydd y Pwyllgor Cynllunio ac yn amodol ar y pwyntiau a nodir islaw.

Pwy all siarad

Cynghorau Cymuned a Thref

Gall cynghorau cymuned a thref annerch y Pwyllgor Cynllunio. Dim ond aelodau etholedig cynghorau cymuned a thref gaiff siarad. Disgwylir i gynrychiolwyr gydymffurfio â'r egwyddorion dilynol: -

(i) Cydymffurfio â Chod Cenedlaethol Ymddygiad Llywodraeth Leol. (ii) Peidio cyflwyno gwybodaeth nad yw'n:

- gyson gyda sylwadau ysgrifenedig eu cyngor, neu
 - yn rhan o gais, neu
 - wedi ei gynnwys yn yr adroddiad neu ffeil cynllunio.

Aelodau'r Cyhoedd

Cyfngir siarad i un aelod o'r cyhoedd yn gwrthwynebu datblygiad ac un aelod o'r cyhoedd yn cefnogi datblygiad. Lle mae mwy nag un person yn gwrthwynebu neu'n cefnogi, dylai'r unigolion neu grwpiau gydweithio i sefydlu llefarydd. Gall Cadeirydd y Pwyllgor weithredu disgresiwn i ganiatáu ail siaradwr ond dim ond mewn amgylchiadau eithriadol lle mae cais sylweddol yn ysgogi gwahanol safbwyntiau o fewn un 'ochr' y ddadl (e.e. cais archfarchnad lle mae un llefarydd yn cynrychioli preswylwyr ac un arall yn cynrychioli manwerthwyr lleol). Gall aelodau'r cyhoedd benodi cynrychiolwyr i siarad ar eu rhan.

Lle na ddeuir i gytundeb, bydd yr hawl i siarad yn mynd i'r person/sefydliad cyntaf i gofrestru eu cais. Lle mae'r gwrthwynebydd wedi cofrestru i siarad caiff yr ymgeisydd neu asiant yr hawl i ymateb.

Cyfngir siarad i geisiadau lle cyflwynwyd llythyrau gwrthwynebu/cefnogaeth neu lofnodion ar ddeiseb i'r Cyngor gan 5 neu fwy o aelwydydd/sefydliadau gwahanol. Gall y Cadeirydd weithredu disgresiwn i ganiatáu siarad gan aelodau o'r cyhoedd lle gallai cais effeithio'n sylweddol ar ardal wledig prin ei phoblogaeth ond y derbyniwyd llai na 5 o lythyr yn gwrthwynebu/cefnogi.

Ymgeiswyr

Bydd gan ymgeiswyr neu eu hasiantau a benodwyd hawl ymateb lle mae aelodau'r cyhoedd neu gyngor cymuned/tref yn annerch pwyllgor. Fel arfer dim ond ar un achlysur y caniateir i'r cyhoedd siarad pan gaiff ceisiadau eu hystyried gan Bwyllgor Cynllunio. Pan ohirir ceisiadau ac yn arbennig pan gânt eu hailgyflwyno yn dilyn penderfyniad pwyllgor i benderfynu ar gais yn groes i gyngor swyddog, ni chaniateir i'r cyhoedd siarad fel arfer. Fodd bynnag bydd yn rhaid ystyried amgylchiadau arbennig ar geisiadau a all gyfiawnhau eithriad.

Cofrestru Cais i Siarad

I gofrestru cais i siarad, mae'n rhaid i wrthwynebwyr/cefnogwyr yn gyntaf fod wedi gwneud sylwadau ysgrifenedig ar y cais. Mae'n rhaid iddynt gynnwys eu cais i siarad gyda'u sylwadau neu ei gofrestru wedyn gyda'r Cyngor.

Caiff ymgeiswyr, asiantau a gwrthwynebwyr eu cynghori i aros mewn cysylltiad gyda'r swyddog achos am ddatblygiadau ar y cais. Cyfrifoldeb y rhai sy'n dymuno siarad yw gwirio os yw'r cais i gael ei ystyried gan y Pwyllgor Cynllunio drwy gysylltu â'r Swyddog Cynllunio, a all roi manylion o'r dyddiad tebygol ar gyfer clywed y cais. Caiff y drefn ar gyfer cofrestru'r cais i siarad ei nodi islaw.

Mae'n rhaid i unrhyw un sy'n dymuno siarad hysbysu Swyddogion Gwasanaethau Democraidd y Cyngor drwy ffonio 01633 644219 neu drwy e-bost i registertospeak@monmouthshire.gov.uk. Caiff unrhyw geisiadau i siarad a gaiff eu e-bostio eu cydnabod cyn y dyddiad cau ar gyfer cofrestru i

siarad. Os nad ydych yn derbyn cydnabyddiaeth cyn y dyddiad cau, cysylltwch â Gwasanaethau Democrataidd ar 01633 644219 i wirio y cafodd eich cais ei dderbyn.

Mae'n rhaid i siaradwyr wneud hyn cyn gynted ag sydd modd, rhwng 12 canol dydd ar y dydd Mercher a 12 canol dydd ar y dydd Llun cyn y Pwyllgor. Gofynnir i chi adael rhif ffôn y gellir cysylltu â chi yn ystod y dydd.

Bydd y Cyngor yn cadw rhestr o bobl sy'n dymuno siarad yn y Pwyllgor Cynllunio.

Gweithdrefn yng Nghyfarfod y Pwyllgor Cynllunio

Dylai pobl sydd wedi cofrestru i siarad gyrraedd ddim hwyrach na 15 munud cyn dechrau'r cyfarfod. Bydd swyddog yn cynghori ar drefniadau seddi ac yn ateb ymholiadau. Caiff y weithdrefn ar gyfer delio gyda siarad gan y cyhoedd ei osod islaw:

- Bydd y Cadeirydd yn nodi'r cais i'w ystyried.
- Bydd swyddog yn cyflwyno crynodeb o'r cais a materion yn ymwneud â'r argymhelliad
- Os nad yw'r aelod lleol ar y Pwyllgor Cynllunio, bydd y Cadeirydd yn ei (g)wahodd i siarad am ddim mwy na 6 munud
- Yna bydd y Cadeirydd yn gwahodd cynrychiolydd y cyngor cymuned neu dref i siarad am ddim mwy na 4 munud.
- Bydd y Cadeirydd wedyn yn gwahodd yr ymgeisydd neu asiant a benodwyd (os yn berthnasol) i siarad am ddim mwy na 4 munud. Lle mae mwy na un person neu sefydliad yn siarad yn erbyn cais, ar ddisgresiwn y Cadeirydd bydd gan yr ymgeisydd neu'r asiant a benodwyd hawl i siarad am ddim mwy na 5 munud.
- Fel arfer cydymffurfir yn gaeth â chyfyngiadau amser, fodd bynnag bydd gan y Cadeirydd ddisgresiwn i addasu'r amser gan roi ystyriaeth i amgylchiadau'r cais neu'r rhai sy'n siarad.
- Dim ond unwaith y gall siaradwyr siarad.
- Bydd aelodau'r Pwyllgor Cynllunio wedyn yn trafod y cais, gan ddechrau gydag aelod lleol o'r Pwyllgor Cynllunio.
- Bydd y swyddogion yn ymateb i'r pwyntiau a godir os oes angen.
- Yn union cyn i'r mater gael ei roi i'r bleidlais, gwahoddir yr aelod lleol i grynhoi, gan siarad am ddim mwy na 2 funud.
- Ni all cynrychiolydd y cyngor cymuned neu dref neu wrthwynebydd/cefnogwyr neu'r ymgeisydd/asiant gymryd rhan yn ystyriaeth aelodau o'r cais ac ni allant ofyn cwestiynau os nad yw'r cadeirydd yn eu gwahodd i wneud hynny.
- Lle mae gwrthwynebydd/cefnogwr, ymgeisydd/asiant neu gyngor cymuned/tref wedi siarad ar gais, ni chaniateir unrhyw siarad pellach gan neu ar ran y grŵp hwnnw pe byddai'r cais yn cael ei ystyried eto mewn cyfarfod o'r pwyllgor yn y dyfodol heblaw y bu newid sylweddol yn y cais.
- Ar ddisgresiwn y Cadeirydd, gall y Cadeirydd neu aelod o'r Pwyllgor yn achlysurol geisio eglurhad ar bwynt a wnaed.
- Mae penderfyniad y Cadeirydd yn derfynol.
- Wrth gynnig p'un ai i dderbyn argymhelliad y swyddog neu i wneud diwygiad, bydd yr aelod sy'n gwneud y cynnig yn nodi'r cynnig yn glir.
- Pan gafodd y cynnig ei eilio, bydd y Cadeirydd yn dweud pa aelodau a gynigiodd ac a eiliodd y cynnig ac yn ailadrodd y cynnig a gynigwyd. Caiff enwau'r cynigydd a'r eilydd eu cofnodi.
- Bydd aelod yn peidio pleidleisio yng nghyswllt unrhyw gais cynllunio os na fu'n bresennol drwy gydol cyfarfod y Pwyllgor Cynllunio, y cyflwyniad llawn ac ystyriaeth y cais neilltuol hwnnw.
- Bydd unrhyw aelod sy'n ymatal rhag pleidleisio yn ystyried p'un ai i roi rheswm dros ei (h)ymatal.
- Bydd swyddog yn cyfrif y pleidleisiau ac yn cyhoeddi'r penderfyniad.

Cynnwys yr Arweithiau

Dylai sylwadau gan gynrychiolydd y cyngor tref/cymuned neu wrthwynebydd, cefnogwr neu ymgeisydd/asiant gael eu cyfyngu i faterion a godwyd yn eu sylwadau gwreiddiol a bod yn faterion cynllunio perthnasol. Mae hyn yn cynnwys:

- Polisiâu cynllunio cenedlaethol a lleol perthnasol
- Ymddangosiad a chymeriad y datblygiad, gweddllun a dwysedd

- Cynhyrchu traffig, diogelwch priffordd a pharcio/gwasanaethu;
- Cysgodi, edrych dros, ymyriad sŵn, aroglau neu golled arall amwynder.

Dylai siaradwyr osgoi cyfeirio at faterion y tu allan i gylch gorchwyl y Pwyllgor Cynllunio, megis:

- Anghydfod ffiniau, cyfamodau a hawliau eraill eiddo
- Sylwadau personol (e.e. cymhellion neu gamau gweithredu'r ymgeisydd hyd yma neu am aelodau neu swyddogion)
- Hawliau i olygfeydd neu ddibrisiant eiddo.

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, 6th
August, 2019 at 2.00 pm**

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

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

County Councillor A. Easson attended the meeting by invitation of
the Chair.

County Councillor A. Webb left the meeting following determination of application
DM/2019/00564 and did not return.

County Councillor D. Dovey left the meeting during consideration of application
DM/2019/00548.

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
Joanne Chase	Solicitor
Denzil – John Turbervill	Commercial Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors: L. Brown and G. Howard

1. Declarations of Interest

County Councillor A. Davies declared a personal and prejudicial interest pursuant to the
Members' Code of Conduct in respect of application DM/2019/00595 as he is a friend of
an objector to the application. He therefore left the meeting taking no part in the
discussion or voting thereon.

County Councillor D. Dovey declared a personal and prejudicial interest pursuant to the
Members' Code of Conduct in respect of application DC/2013/01071 as he had been
involved with the plot in a previous career. He therefore left the meeting taking no part in
the discussion or voting thereon.

County Councillor R. Edwards declared a personal and prejudicial interest pursuant to
the Members' Code of Conduct in respect of application DM/2019/00593 as she is in
partnership with the applicant. She therefore left the meeting taking no part in the
discussion or voting thereon.

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County Councillor D. Evans declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2019/00595 as he is a member of Monmouthshire Housing Association Committee and also a Monmouthshire Housing Association tenant. He therefore left the meeting taking no part in the discussion or voting thereon.

County Councillor P. Murphy declared a personal interest pursuant to the Members' Code of Conduct in respect of application DM/2019/00595 as he knows the family next door. He has also previously served on the Caerwent Community Council with the Monmouthshire Housing Association Board. He left the meeting taking no part in the discussion or voting thereon.

County Councillor A. Webb declared a personal interest pursuant to the Members' Code of Conduct in respect of application DM/2019/00595 as she is a Member of Monmouthshire Housing Association. She therefore left the meeting taking no part in the discussion or voting thereon.

2. DM/2019/00595 - Change of use from a C3 dwelling house to C4 house in multiple occupation at 62 Chepstow Road, Caldicot

Application DM/2019/00595 could not be considered at today's meeting due to the Planning Committee being inquorate for this application.

The application will be considered at a future meeting of the Planning Committee.

3. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 2nd July 2019 were confirmed and signed by the Chair.

4. DC-2013-01071 - Proposed commercial development comprising two A1 retail units (Retail Unit 1 (668.90 sq. m gross) Retail Unit 2 (594.58 sq. m gross) both to be occupied by a bulky goods retailer A1 retail) and a Class A3 public house/restaurant with ancillary accommodation, associated car parking, servicing, access and landscaping at Dixton Road, Monmouth

We considered the report of the application which was presented for refusal for the three reasons as outlined in the report.

Councillor R. Roden, representing Monmouth Town Council, attended the meeting by invitation of the Chair and outlined the following points in objection to the application:

- The 2017 – 2020 Monmouthshire Destination Management Plan sets out the County's objectives. One of these objectives is to make a great first impression for visitors to Wales.
- Visitors should be encouraged to visit Monmouth to experience the unique blend of shopping, historical sites, restaurants and public houses that the town offers.

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- The construction of a prominent public house and retail park at the entrance to the town would be detrimental to the area, taking visitors away from the town and reducing footfall there.
- The proposed development would bring no benefit to the Town.
- The site is an unsuitable location for a development as outlined in the application.
- The second objective in the 2017 – 2020 Monmouthshire Destination Management Plan is to promote our inspirational landscapes and border country heritage that gives the County a special character.
- The proposed development is not in keeping with the area which is nearly surrounded by green fields and viewed from the Wye Valley Area of Outstanding Natural Beauty (AONB).
- On the English side of the border, the AONB extends further either side of the River Wye offering significantly more protection against damage to the area.
- The proposed development would be damaging to the scenic attractiveness of the area.
- Monmouth Town Council considers that the proposed development would damage the town and the surrounding area having a detrimental impact on tourism, the local economy, the environment and local residents.
- Stakeholder groups within the town are opposed to the proposed development. Monmouth Town Council asked that the Planning Committee considers refusing the application without reservation.

Mr. D. Cummings, representing Monmouth Chamber of Commerce, attended the meeting by invitation of the Chair and outlined the following points in objection to the application:

- The proposed development would adversely affect Monmouth as a market town and the Gateway to Wales.
- Confidence in the retail sector is fragile and there are currently 20 empty retail premises located within the Town.
- Small businesses not only face Brexit uncertainty but also a loss of business rate relief next year. The application adds to the local uncertainty.
- The proposal suggests that the lack of bulk goods retailers in Monmouth means that people are travelling to shop in Newport and beyond. It is considered that if residents cannot find goods in Monmouth then residents tend to buy goods online.

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- The objections to the application from Natural Resources Wales (NRW) is damning in its comments about the developer's failure to address fundamental issues about the flood consequence assessment and providing an escape route in the event of extreme flooding.
- Expert advice taken indicated that these objections are insurmountable.
- NRW is able to influence Welsh Government with a view to calling in any application it objects to.
- The Dixton site flooded extensively in 2014 and has flooded on occasions before 2014.
- Concern was expressed whether the operators of the site will be able to secure insurance if the land floods and if it does so repeatedly, concern was expressed that the site might be abandoned.
- The town's public house sector is already under threat with two closures occurring since the retail impact assessment was undertaken.
- The proposed site is located on the edge of the Wye Valley AONB and is at the entrance to the lower Wye Valley.
- Monmouth is the centre for education and retains many features from its historical past. It has a long musical heritage creating its uniqueness. No town has ever had its uniqueness improved by an out of town retail development.
- Monmouth Town Council fully supports the recommendation outlined in the report that the application be refused.
Having considered the report of the application and the views expressed, it was proposed by County Councillor M. Feakins and seconded by County Councillor P. Murphy that application DC/2013/01071 be refused for the three reasons, as outlined in the report.

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

For refusal	-	10
Against refusal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2013/01071 be refused for the three reasons, as outlined in the report.

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5. DM/2019/00280 - Demolition of existing house, detached garage and outbuilding and construction of two detached houses, Thorneycroft, Narth Road, The Narth, Monmouth

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

Ms. S. Goodlass, representing objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

- The proposal contains aspect that objectors believe are contrary to the following planning policies: Sustainable drainage (LDP Policy SD4 and TAN 15), affordable Housing and the development in minor villages' policies, Place making and design and the Policy LC4 Area of Outstanding Natural Beauty. There are also a number of paragraphs outlined in the Local Development Plan (LDP) that are affected.
- There is no sustainable drainage system plan. Though not in a flood zone, Planning Committee is able to consider areas where third parties may adversely be affected by any increased risk of flood or runoff.
- There are a number of objections to the application indicating that residents have concerns about the drainage levels in that area. The report does not contain any conditions regarding SuDS preparation before a decision is made in respect of the appropriateness of the development in the location.
- Paragraph 1.4 of the report refers to car parking for a further two dwellings. Residents do not understand this.
- There are a number of plans that are listed in the report with some inconsistencies. Therefore, there should be a clear, accurate and consistent set of plans available before a decision is made in respect of the application.
- It had been identified that the frontages of the properties are similar to those in the local area. The frontages of three nearby properties include integral garages. However, the proposed properties do not.
- The footprint, rather than the width of the properties, was originally mentioned in the design and access statement. However, local residents consider that the proposed dwelling footprints are double those of their immediate neighbours.
- The landscaping, as outlined in the report, is significant mitigation to all of the villagers concerns about size, scale and visual impact of the development. Residents are concerned that although condition 8 might be placed on the planning conditions, there is very little residents are able to do regarding enforcing the planning conditions.

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- TAN 10 states that the Planning Committee is able to propose Tree Preservation Orders (TPOs) to protect and secure any trees or vegetation that is planted to fulfil conditions.
- Concern was raised regarding an access road through the development leading to a potential future development in a nearby field, which is a candidate site in the LDP.
- Residents requested that a condition be added preventing access through the development to the candidate site or that the decision should be deferred until the new LDP is published.

Mr. E. Pardington, the applicant's agent, attended the meeting by invitation of the Chair and outlined the following points:

- With regard to drainage, there is no evidence to suggest that the development will flood.
- A comprehensive sustainable urban drainage scheme has been prepared and submitted to the Authority.
- The SuDS scheme is based on site and the site will be suitable for soakaway surface drainage.
- Treated effluent from septic tanks would be via conventional drainage field.
- All paved areas within the development are proposed to be permeable and will be self draining.
- With regard to conditions suggested by objectors in connection with drainage, no condition is required as SuDS approval is a separate application process and no development is possible on the site until that has been approved.
- With regard to the size of the dwellings and the frontages, the Narth is made up of and derives its character from having a mixture of styles and sizes some of which are larger than the proposed development.
- The existing buildings at the site have a footprint of approximately 180 sq. metres. The replacement of a single dwelling with two houses will usually result in a significant increase in footprint.
- The applicant is developing the site as a commercial venture. However, the commercial viability of the project is not yet certain. In order to maximise the potential market value of the proposed houses it has been necessary to maximise their size.
- The dwellings have a ridge height of 50mm lower than the adjacent property.

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- This is an area where sub-urban buildings should not be built. Integral garages are indicative of sub urban development.
- The applicant values the trees and feels that they are an integral part of the value of the site. The applicant would not object to a condition being added that the existing trees be retained. The trees that are proposed will be conditioned as part of the landscaping proposal.
- With regard to Highways access and visibility, the road is within a 60 mph speed limit. However, coming from the village, the alignment of the road restricts the speed of traffic and has been taken into account by the Highways Department. The Highways Department supports approval of the application.
- The applicant has no interest in the land to the rear of the site.

Having considered the report of the application and the views expressed, the following points were noted:

- The southern boundary is closed off with planting terminating at the end of the site.
- There are no specific tree preservation orders on site. However, those that have been identified for removal have been considered by the Authority's Tree Officer who is satisfied with the net gain of planting of a variety of trees on the site.
- The site is a substantial plot that will comfortably accommodate two additional properties which will remain in keeping with the surrounding area.
- Ensure a detail of the eaves is submitted and included as approved drawing with a minimum of 150mm eaves over hangs.

It was proposed by County Councillor P Murphy and seconded by County Councillor M. Powell that application DM/2019/00280 be approved subject to the five conditions, as outlined in the report.

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/2019/00280 be approved subject to the five conditions, as outlined in the report.

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6. DM/2019/00564 The erection of a new two storey detached dwelling, with associated parking and landscaping on land adjacent to Treff Garne, Chapel Lane, Pwllmeyric, Chepstow

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

Councillor G. Down, representing Mathern Community Council, attended the meeting by invitation of the Chair and outlined the following points:

- This is a very narrow lane and there would be additional traffic generated should the application be approved. Pedestrians have to be mindful of the narrowness when sharing the lane with vehicles.
- Any additional traffic would conflict with any active travel plan for this location.
- The proposed property will be closer to the lane than any other property in this location.
- Since the proposed development will be positioned at a higher level than the lane, it will be a dominating feature.
- Access to the proposed property will require a tight turn through the entrance. Larger vehicles might not be able to gain access in a forward gear.
- Diagrams shown dealt with the street scene to the north. However, nothing was shown referring to properties in the south in Orchid Meadow. This is sloping ground, therefore, the proposed property will be on a higher level than those in Orchid Meadow creating an overbearing presence.
- This is a very large site. The site plan does not show the extent of the land within the property. There is further land which is excluded from the plan to the north west. Therefore, the proposed development could be located elsewhere within the site.
- Mathern Community Council asked that the Planning Committee considers refusing the application.

Dr. R. Collins, representing objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

- Objectors refute the claims in paragraph 6.4.1 of the report that most of the comments made by the community council and local residents have been addressed. Objectors stand by their objections to the application.
- The history of the development at Treff Garne is important. The house was erected with no planning permission and the building height exceeded the

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building height of the house it replaced. Planning permission had been granted retrospectively. However, neighbours had not been given the opportunity to object to the raised roofline and the overlooking windows. It is an unwelcome precedent to be using this height and this building to set the height of the new proposed building.

- Paragraph 6.1.2 of the report states that there is sufficient space to accommodate a detached dwelling and associated amenity space on the site. However, the objectors disagree. The report acknowledges that the plot is smaller than those around it.
- 30% of the site will be needed for vehicular circulation.
- The proposed development will be close to the original house, site frontage and neighbouring boundaries.
- The congested development will not be in keeping with the established context of Orchid Meadow and Chapel Lane.
- The proposed development will not add to a sense of place as indicated in the report. The proposal does not comply with planning policy DES 1 of the LDP.
- Paragraph 6.1.3 of the report states that properties to the south of the development are at a slightly lower level than the new plot. The difference in level is significant which will result in a significant loss of privacy for existing dwellings. The proposed development will have a negative impact on existing local residents' privacy and amenity, contrary to planning policy.
- An earlier planning application for a development at Broadwinds in 2009 had been refused on the ground that the building would dominate adjacent buildings and would set a precedent. The same reasons apply to application DM/2019/00564 and therefore this application should be refused.

The local Member for Shirenewton, also a Planning Committee Member, was unable to attend the meeting but had emailed the Planning Department outlining her views on the application. The email had been presented to the Planning Committee in late correspondence. However, the Chair allowed a member of the Committee to read out the email, as follows:

'The application has generated both neighbourhood and community council strong objections due to it being an overdevelopment of the site, loss of the character of Chapel Lane with neighbourhood privacy concerns.

The character of Chapel Lane neighbouring properties in this area are distinctive in terms of being based on single dwellings in good size plots adjoining a narrow one way country lane, opposite the Mathern conservation area. The additional 2 storey dwelling set forward and close to the road in the front garden of the existing property will totally change and be detrimental to the character of the area and neighbouring properties,

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and also will be detrimental to the visual amenity and the character of the existing dwelling.

It is important to note that the land slopes upwards so that the proposed new dwelling even though only 2 storeys will have a much greater impact on the privacy, visual and residential amenity of the properties lower down in Orchid Meadow due to the land being much higher. It means that quoting heights of the proposed dwelling and distances from neighbouring properties is irrelevant to the overbearing nature of the proposed dwelling due to the height of land differentials.

The planning report states that there is not a common building line but it is clear from the layout plan, that there is a common building line on the neighbouring properties of Chapel Lane, each with their own frontage.

In terms of planning policies, the proposed development is contrary to both planning policies EP1 and DES1 which can be found at the front ,on page 6 of this electronic version of this agenda. The major importance of these particular planning policy is illustrated by the fact that they are headed as the main policy context.

EP1 on Amenity states that: *Development including proposals for new buildings and advertisements, should have regard to the privacy, amenity and health of occupiers of neighbouring properties.*

In this case, this application does not have regard to the privacy of occupiers of neighbouring properties lower down in Orchid Meadow.

DES1 on General Design Considerations says as follows

All development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's historic and natural environment.

Development proposals will be required to:

b) contribute to sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;

c) respect the existing form, scale and siting , massing, materials and layout of its setting and neighbouring quality buildings;

d) maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties where applicable;

l) ensure that existing residential areas characterised by high levels of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

<https://www.monmouthshire.gov.uk/app/uploads/2017/05/Adopted-Local-Development-Plan-with-PDF-tags.pdf>

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The layout of the properties on the neighbouring Chapel Lane are characterised by high levels of privacy and spaciousness in relation to their layout, setting and neighbouring building on Chapel Lane and privacy levels, all being single dwelling plots with frontages. Whereas, in contrast, the proposed dwelling will result in 2 dwellings on one plot, with the additional dwelling in the front garden of the existing property. It would result in overdevelopment of the plot, impact on privacy and be completely out of character and detrimental to its neighbourhood and setting.

The planning report agrees in paragraph 6.1.2 that whilst there is a mixture of house types along Chapel Lane the prevailing character is one of modern dwellings occupying substantial plots. It is also the neighbouring properties prevailing character that these substantial plots are for one dwelling only.

In summary, in view of the strong objections from occupiers of neighbouring properties and it being contrary to the main planning policy context, particularly, but not only, ensuring that existing residential areas characterised by high levels of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling. I would be grateful if the committee would support refusing this application on the grounds of policy EP1 and DES1 (paragraphs, B, C, D and L).'

In response to the local Member's comments, the Development Management Area Manager stated that the proposed development was in accordance with Policy DES1, EP1 and the site was sufficient to incorporate this development.

It was agreed that future statements in respect of a planning application made by Planning Committee Members and local Members who are unable to attend a Planning Committee meeting should be forwarded to the Planning Department to be placed in late correspondence. The letters would not be read out to the Committee, going forward.

Having considered the report of the application and the views expressed, the following points were noted:

- Concern was expressed that the proposed development would be dominant in the area.
- If the application is approved, it was requested that 5 metres of tarmac be incorporated where the driveway joins the highway.
- Concern was expressed that overdevelopment of the site could occur along the lines of the development near to the chapel where overdevelopment of this site has occurred.
- The proposed development complied with planning policy and there were no reasons to refuse the application.

The Development Management Area Manager stated that the Paddock is not a part of this application being considered today. With regard to reference made in respect of the five metres of tarmac to be incorporated where the driveway joins

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the highway, it was noted that applicants are notified that this is a requirement via Section 184 of the Highways Act. However, with regard to this development it could be conditioned that the five metres of tarmac be incorporated. Planning policies DES1 and EP1 indicates that the plot is sufficient to accommodate this development.

It was proposed by County Councillor A. Davies and seconded by County Councillor D. Evans that application DM/2019/00564 be approved subject to the five conditions, as outlined in the report and also subject to a Section 106 legal agreement. Also, that an additional condition be added that the five metres of tarmac to be incorporated where the driveway joins the highway.

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

For approval	-	6
Against approval	-	3
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2019/00564 be approved subject to the five conditions, as outlined in the report and also subject to a Section 106 legal agreement. Also, that an additional condition be added that the five metres of tarmac be incorporated where the driveway joins the highway.

7. DM/2018/01064 - Conversion of existing steel framed workshop to a multi-purpose venue for filming kitchen and small residential cookery school with additional use as a holiday accommodation. Workshop, Weir House, Llantilio Crossenny

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.

In noting the detail of the application the proposed development would fit well within the site and will be an asset to the area.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DM/2018/01064 be approved subject to the nine conditions, as outlined in the report.

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

For approval	-	10
Against approval	-	0
Abstentions	-	0

The proposition was carried.

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We resolved that application DM/2018/01064 be approved subject to the nine conditions, as outlined in the report.

8. DM/2019/00413 - Retrospective planning application for existing garden play equipment. The Coach And Horses Inn, Caerwent

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

In noting the detail of the retrospective application, any noise generated would only be sporadic and would not be problematic. The business was focusing on providing for families and considered that the play equipment would enhance this provision. The conservation area is being preserved as part of this development.

It was proposed by County Councillor P. Murphy and seconded by County Councillor J. Higginson that application DM/2019/00413 be approved subject to the three conditions, as outlined in the report.

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

For approval	-	10
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00413 be approved subject to the three conditions, as outlined in the report.

9. DM/2019/00548 - Extension to existing agricultural building. Change of use to equestrian centre for maximum of 16 horses with external manege. Latimer Farm, Earlswood Road, Earlswood

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

The local Member for Shirenewton, also a Planning Committee Member, was unable to attend the meeting but had emailed the Planning Department outlining her views on the application. The email had been presented to the Planning Committee in late correspondence. However, the Chair asked the Head of Planning, Housing and Place Shaping to summarise the email, as the Committee had already had site of the email in late correspondence.

The email is as follows:

'The relevance of the following comments read out at committee today may well be dependent on the site visit.

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The application is for change of use to an Equestrian centre for a maximum of 16 horses and the change of use and extension of an existing agricultural building.

1. Siting of the Manure Heap

In this application the siting of a manure heap is a relevant factor for planning policy EP1 of the LDP, concerned with the residential amenity of any nearby residential property. I note that the manure heap for the equestrian establishment is well over 100m from the nearest residential property and pleased to see its location is conditioned. (See the end of the report and paragraph 6.1.3 of the committee report). However, the report does not mention which nearby residential property it is referring to or its actual distance. If it is the owner occupier's residence this is of course less of an issue as they can control its piling and spreading, provided the residence is not used in future by persons who are not also in charge of the Equestrian centre.

The condition at the end of this report refers to the location of the manure heap being based on drawing BP 2693/00 (July 2019). The dimensions of the manure heap are given as 3.6 x 4.5. However the drawing notes state that – *All dimensions must be checked on site and not scaled from this drawing.* The lack of measurements on the unscaled drawing itself for the location of the manure heap with reference to other points such as the building makes its actual location uncertain.

Members may recall a previous appeal application for another Equestrian centre (decision 3187660) which had a history of difficulty in enforcement due to its condition terms not being legally certain.

I would be grateful if on site and in committee members could also consider whether or not the manure heap is located as far away as possible from any residential property in the site. In an appeal application 124 metres was considered sufficient but this appears to be less than that distance, with the figure of well over 100 metres mentioned but no actual measurement.

The distance proposed here may be less than 124 metres to the nearest residential property, so should it be sited and conditioned to be further away and does it impact primary elevations and is there substantial screening to the nearest residential property? Questions which may have already been considered at the site meeting or remain outstanding.

Whilst NRW states that there is no legislation in relation to the manure heap not being located close to a soakaway, it does not seem to be a good idea. The general specifications are based on a manure heap being 10m from a watercourse and 50m from a well.

A government advice note states that *you must provide adequate storage for manure away from stable area:*

<https://www.gov.uk/guidance/keeping-horses-on-farms>

It is not clear what storage is here or what should be recommended as it is just shown as a square drawing on the plan?

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Presumably the government advice may be due to the fact that large heaps of manure produce both a strong odour and flies which may be of concern to health for both horses so that it is stored away from the stable area and for any occupiers of nearby residential properties, particularly during the summer months if the prevailing wind is in the wrong direction.

It is surprising how much manure the average horse produces, estimated at 45lbs per horse per day, 51 stone per day for 16 horses or 9 tons per horse per year, resulting in an estimated 144 tons of horse manure per year for 16 horses.

<https://www.horseandhound.co.uk/news/defra-to-impose-muck-heap-fees-63473>
https://www.surreycc.gov.uk/_data/assets/pdf_file/0020/35336/ManureAdviceNote007.pdf

2. Landscaping

Please check on the siting of suitable landscaping in relation to removing the visibility of the manure heap/store from the landscape and from residential properties.

3. Operation hours

I would be grateful if the committee could also consider whether or not they feel the operation hours are suitable.

In terms of operation hours, they are said to be from 6am to 21hours, which will generate extra traffic in a quiet country area with up to 16 vehicles accessing and exiting the site at different times of the day and night due to the 16 horses Please could the committee consider whether or not the opening hours from 7am to 21hours may be more reasonable and consideration being given to whether or not times should be adjusted to shorter hours in the winter months when it gets darker.

In summary, please could the committee give time and full consideration to the siting of the manure heap, landscaping and the opening hours of the equestrian centre for visual and residential amenity EP1 policy reasons and if this is not possible to deal with in time, to consider a deferral of this application even if just to ensure that the drawing location measurements are precisely defined to avoid any future condition wording and siting enforcement problems, in view of the history of enforcement problems in relation to a similar issue in decision 3187660.

I have also copied in members of the planning committee in view of the relevance to check on the site visit these issues, as well as for consideration at the committee.'

In noting the detail of the application and the views expressed by the local Member, it was proposed by County Councillor M. Feakins and seconded by County Councillor P. Clarke that application DM/2019/00548 be approved subject to the five conditions, as outlined in the report.

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

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For approval	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00548 be approved subject to the five conditions, as outlined in the report.

10. DM/2019/00879 - Provision of pedestrian access to public car park and erection of fence and gate and associated works: The Inn Between, 53 Bridge Street, Usk

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

In noting the detail of the application, Monmouthshire County Council's Asset Management Team had been served notice of the application. Also, the fencing would be two metres high and the site was located within the Usk Conservation Area which would preserve the character of this area.

It was proposed by County Councillor M. Feakins and seconded by County Councillor D. Evans that application DM/2019/00879 be approved subject to the three conditions, as outlined in the report.

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

For approval	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00879 be approved subject to the three conditions, as outlined in the report.

11. DM/2019/00929 - Development proposal is for change of use from day centre to residential use at Boverton House Day Centre, Bulwark Road, Chepstow

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 also subject to a Section 106 legal agreement.

In noting the detail of the application, it was proposed by County Councillor P. Clarke and seconded by County Councillor M. Feakins that application DM/2019/00929 be approved subject to the two conditions, as outlined in the report and also subject to a Section 106 legal agreement.

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

For approval	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00929 be approved subject to the two conditions, as outlined in the report and also subject to a Section 106 legal agreement.

12. DM/2019/01049 - Conversion of rear of existing MCC store and welfare building into a public toilet with disabled access at MCC Store and Welfare Building, Mill Street Close, Usk

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

In noting the detail of the application, it was proposed by County Councillor M. Feakins and seconded by County Councillor P. Clarke that application DM/2019/01049 be approved subject to the three conditions, as outlined in the report.

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

For approval	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/01049 be approved subject to the three conditions, as outlined in the report.

13. DM/2019/00593 - Storage barn for hay and straw. Whitehall Farm, Rockfield, Monmouth

We considered the report of the application which was recommended for approval subject to the two conditions, as outlined in the report.

In noting the detail of the application, it was proposed by County Councillor M. Feakins and seconded by County Councillor J. Higginson that application DM/2019/00593 be approved subject to the two conditions, as outlined in the report.

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

For approval	-	8
Against approval	-	0
Abstentions	-	0

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The proposition was carried.

We resolved that application DM/2019/00593 be approved subject to the two conditions, as outlined in the report.

The meeting ended at 4.20 pm.

Application Number: DC/2016/01342

Proposal: Proposed conversion, extension and mansard roof extension of the property to form 21 residential units with onsite cycle and vehicular parking, refuse and amenity facilities.

Address: Newbridge House Tudor Street Abergavenny Monmouthshire NP7 5DH

Applicant: Mr S Karim

Plans: Floor Plans - Proposed AL(00)10 - E, Floor Plans - Proposed AL(00)13 - C, Floor Plans - Proposed AL(00)11 - D, Floor Plans - Proposed AL(00)12 - D, Elevations - Proposed AL(00)14 - E, Site Plan AL(90)10 - C, Location Plan AL(00)01 - , Site Plan AL(00)02 - , Floor Plans - Existing AL(00)03 - , Floor Plans - Existing AL(00)04 - , Floor Plans - Existing AL(00)05 - , Elevations - Existing AL(00)06 - ,

RECOMMENDATION: APPROVE

Case Officer: Mr Andrew Jones
Date Valid: 05.12.2016

This application is presented to Planning Committee due objections having been received from at least five separate households as well as an objection from a statutory consultee, MCC Highways

1.0 APPLICATION DETAILS

1.1 The application relates to the former Jobcentre Plus building, known as Newbridge House, which is a three storey building located at the junction of Tudor Street and Baker Street in the centre of the town of Abergavenny. The building has been vacant for several years, it is unlisted although it does sit within the Abergavenny Conservation Area (CA) as designated by Policy HE1 of the adopted Local Development Plan (LDP). The building is set in an elevated position above Tudor Street which is accessed via steps across a small grassed area along the frontage. An existing car parking area is located to the rear which is accessed via the site's sole vehicular entrance off Baker Street. The building itself is flat roofed and is finished with red brick; it features three bands of windows along its southern and eastern elevations.

1.2 Full planning permission is sought for the conversion of the building into residential use comprising 15 two bed flats and 6 single bed flats. It is proposed to add an additional storey to the building that would be recessed from the edge. The proposal has been subject to re-design following negotiation between the applicant and the Local Planning Authority (LPA), which included consideration by the Design Commission for Wales (DCfW) Review Panel. The amended plans have sought to introduce a clear vertical emphasis to the proposal and would include sections of coloured render, hung slate and metal cladding. Additional soft landscaping, including trees and hedgerow, would be provided across the site.

2.0 RELEVANT PLANNING HISTORY (if any)

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S8 LDP Enterprise and Economy
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design
S9 LDP Employment Sites Provision

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
E1 LDP Protection of Existing Employment
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
HE1 LDP Development in Conservation Areas

4.0 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 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.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Abergavenny Town Council - (Original Plan) Recommend the application is rejected, citing concerns with height of proposal and overdevelopment.

(Final Plan) - Provided the following further observations:

- Support criticism made by DCfW.
- Suggest need for imaginative and comprehensive plans and zones for the town.
- Rushed or careless decision could set bad precedent.

MCC Highways - Object to the application raising the following areas of concern:

- No Transport Statement has been submitted in support of the application.

- Adopted Parking Standards would require total of 36 parking spaces, the proposed 21 spaces (plus 4 visitor spaces) are 15 spaces below standard.
- No evidence to justify sustainable location and reduced parking provision.

MCC Heritage - (Original Plan) Provided the following observations:

- Protecting and enhancing historic townscape character are the topic areas that we consider need to be addressed appropriately.
- The scale, massing and external appearance of the proposed renovation is inappropriate.
- The DAS does not present an evidence based design rationale for the proposal.
- The scale and massing of the proposed renovation should reflect the height of the existing built form along Tudor Street.
- The siting, size and form of the building should complement the existing settlement and townscape fabric.
- Proposals should be sympathetic in scale and character, but should also be contemporary in design.
- Their proposal should consider green roofs, solar water heating and solar electricity on roof space.
- The design of external area(s) need to complement the building and public realm; and landscape planting should be used to reduce rainwater runoff.
- Their appraisal needs to address how the site, proposal and the wider area work together (before scale, style and materials are considered). Re-assessment will provide an opportunity to test what is feasible and appropriate on the site.

(Final Plan) - Provide the following observations:

- Extensive negotiation undertaken with the applicant to address the concerns and advice set out in the initial comments.
- These are welcomed as this has addressed concerns over design and form, breaking up the elevations and creating a stronger vertical emphasis of the built form.
- Elevations now proposed are considered to be acceptable and preserve the special character of the conservation area.
- With additional landscaping and softening the resulting building will complement the development opposite and together enhance this part of the conservation area.

MCC Senior Housing Strategy & Policy Officer - Provided the following comments:

- Policy compliant percentage of affordable housing is 35%, which equates to 7 units.
- In lieu of units provided would request a sum of £112,092 be provided towards local affordable housing to be secured via Section 106 Agreement.

MCC Education - Owing to the type of accommodation provided would not project that this would generate any additional pupils.

MCC Community Infrastructure - Provided the following comments:

- Due to the restricted nature of the site and the need to provide sufficient on-site parking there is no room left to provide any play or recreation provision on the development site.
- We are seeking a combined contribution of £3,942 per unit towards off-site play and adult recreation facilities.
- For 21 units this would result in a contribution of £82,782.
- We would seek to spend this on improvements at Linda Vista Gardens which is the closest recreation space to this development, sitting directly opposite Newbridge House on the opposite side of Tudor Street.

MCC Planning Policy - Provided the following observations:

- Redevelopment of this site for a residential use meets the requirements of Strategic Policy S1 and Policy H1 in principle, subject to detailed planning considerations.
- A total of 7 affordable units would subsequently be required.
- It is noted the proposal relates to a former office building, all of the criteria of Policy E1 relating to the protection of existing employment land must therefore be taken into consideration.
- 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.

- Policies S17, DES1, HE1, HE2 and EP1 should also be taken into consideration.
- The need for S106 contributions towards play and adult recreation facilities and education should also be considered.

Glamorgan Gwent Archaeological Trust (GGAT) - Archaeological mitigation will be required. Recommend that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent.

Dwr Cymru Welsh Water - No objection with regard to sewerage, sewage treatment or water supply. A condition is requested requiring submission of a drainage scheme prior to commencement of development.

5.2 Neighbour Notification

(Original Plan) Objections from 6 properties were received raising the following areas of concern:

- Increase in height would impact on privacy.
- Impact on sunlight in neighbouring gardens.
- Impact on property resale value.
- Increased levels of noise and light pollution.
- Proposed facade is too urban for its surroundings.
- No four storey buildings in area.
- Siting of refuse collection area is unwelcome.
- Should development go ahead would wish to see planting of evergreen trees and re-siting of bin collection area.
- Concern with lack of parking facilities.
- Cannot be taken as a serious application of passive design principles.
- The randomness and garish whiteness of the strips needs first an explanation for its logic, and more sensibility in its material application.
- Is untrue that there are no trees on site.
- The existing building was designed in a manner which took no account of its corner setting.
- Concern over loss of sound employment building.
- Would be suitable for starter units.
- Concern of accommodation size provided by flats.
- Lack of garden/amenity space.
- Lack of affordable housing.
- Changes to elevational treatment an improvement, but is still frenetic.
- Concern of size of units.
- Poor outlook to North and onto car park.

(Second Plan) Objections from 3 properties were received raising the following areas of concern:

- Confirmation original objections still stand.
- Only parking issues appear to have been resolved.

(Final Plan) Objections from 2 properties were received raising the following areas of concern:

- Confirmation original objections still stand.
- Impact on amenity.
- Unacceptable location of bin storage areas.
- Under provision of car parking spaces.

5.3 Other Representations

Abergavenny Civic Society - (Original Plan) Provided the following observations:

- Questioned validity of PAC.
- No attempt to justify change of use in respect of Policy E1.
- 35% of accommodation to be affordable.
- Redevelopment would be preferable.
- Use of white panels is stark.
- Hope to see revisions that make more of the extension's prominent corner location.

- Additional floor is questionable.
- Main entrance is unimpressive.
- Design makes no use of space around the building.
- Air source and ground source heating pumps normally require a noise assessment.

(Second Plan) - Provided the following observations:

- Maintain objection, only marginal improvement.

(Final Plan) - Provided the following observations:

- Some criticisms have been addressed.
- Too many (unspecified materials).
- Would anticipate conditions requiring approval of materials and landscaping.
- Still disappointing but may do enough to satisfy Policy HE1.
- Redevelopment of site could have produced a much more satisfactory result.

Abergavenny Transition Town - (Second Plan) Provided the following observations:

- If really the local economy has truly no evidenced requirement for starter business units (doubtful) then a re-classification of the site as residential might be acceptable, but then why keep the existing building?
- This scheme clearly evidences the fact that dressing up a poorly resolved series of floor plans just doesn't work externally.
- Lack of other four storey properties in Abergavenny.
- Better to demolish and start again with a scheme that properly does justice to its site and location.
- Should not avoid providing 35% affordable apartments.

6.1 EVALUATION

6.2 Strategic & Spatial Choices

6.2.1 Principle of Development

Strategic Policy S1 of the LDP sets out that *the main focus for new housing development is within or adjoining the Main Towns*, this would include the town of Abergavenny. Policy H1 details that within Main Towns the "conversion to residential, or subdivision of large dwellings or re-use 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".

In this instance the building's lawful use is that of B1 (offices not within use Class A2) and as such the loss of an existing employment premises requires consideration of Policy E1.

Policy E1 of the LDP seeks that proposals that will result in the loss of existing or allocated industrial and business sites or premises (classes B1, B2 and B8 of the Town and Country Planning Use Class Order 1987) to other uses will only be permitted in the event of a proposal meeting detailed criteria.

A number of employment allocations are located in Abergavenny, the majority of which are well established and designated as Protected Employment Sites in Policy SAE2, it is noted that the premises in this instance is an existing employment site and not designated. For the sake of clarity each criterion in Policy E1 shall be addressed below:

a) the site or premises is no longer suitable or well-located for employment use;

The site provides approximately 1000 square metres of B1 office use; owing to its location within the town and being surrounded by residential properties it would not be a suitable location for either B2 or B8 employment uses. The Job Centre have had a long term lease for the whole building but have gradually downsized and have only used the ground floor for the past 13 years. During this time the vacant upper floors have been marketed for letting with little interest and no uptake. The Job Centre will now seek to relocate to much smaller, more appropriate premises. Given the length of time that the upper two floors have remained vacant and unsuccessfully let it can be concluded that the particular site is now of limited suitability for B1 employment use.

b) a sufficient quantity and variety of industrial sites or premises is available and can be brought

forward to meet the employment needs of the County and the local area;

As noted in response to criterion a) above the site does not have an industrial use and would not, given its location, be suitable for either B2 or B8 use. Further consideration of available employment land is provided in the response to criterion e) below.

c) there is no viable industrial or business employment use for the site or premises;

As detailed above the site is not compatible with surrounding residential uses for either B2 or B8 employment/industry and marketing for a lengthy period has not led to any floorspace being let other than for the Job Centre which proposes to relocate. The building itself is dated and would require renovation works to bring the building back into full use. As detailed elsewhere in this report, the conversion of the building to a residential use provides viability challenges and this would also extend to renovating the building to make it fit for purpose as a modern B1 office space. The proposed residential use is considered entirely compatible with the prevalence of dwellings in the immediate vicinity.

d) there would be substantial amenity benefits in allowing alternative forms of development at the site or premises;

As discussed elsewhere within this report the conversion and extension of the building to residential use when considered in conjunction with the redevelopment of the former Magistrates Court site opposite (which has commenced) can enhance the character and appearance of the Abergavenny Conservation Area. Tudor Street provides an important route into the town centre, the completion of both developments is therefore considered positive. In addition the provision of 21 small (1 and 2 bed) units also provide important housing stock, whilst these unfortunately would not be secured as Affordable Housing, they provide accommodation options for smaller households who are not seeking larger detached dwellings.

e) the loss of the site would not be prejudicial to the aim of creating a balanced local economy, especially the provision of manufacturing jobs.

As stated the location of the site would not be suitable for manufacturing jobs (use class B2). Having regard to the employment opportunities within the wider Abergavenny area, the Employment Land Background Paper (October 2018) provides information on employment land supply across designated employment sites in Monmouthshire, excluding parts within the Brecon Beacons National Park area.

A number of employment allocations are located in Abergavenny, the majority of which are well established and designated as Protected Employment Sites in Policy SAE2. The Ross Road (junction yard) SAE2e designation provides an opportunity for further development to the south of its boundary. As a consequence, SAE1e is allocated adjacent to the SAE2 site as an Identified Industrial and Business Site for a B1/B2 use.

During the plan period a total of 0.92 hectares of land has been taken up at the Westgate SAE1d site in Llanfoist.

A substantial proportion of the SAE1d site is also well established and there is consequently 1.3ha remaining available, accounting for the completion of the Costa coffee shop and the care home. There is a further 1.5ha available at Ross Road.

Whilst the paper does not take account of existing sites such as the application site, it is considered that the loss of B1 office space at Newbridge house would not be so prejudicial to the aim of creating a balanced local economy that it would warrant refusal of the planning application. The other benefits, including the enhancement of the Conservation Area, are mentioned above,.

Affordable Housing Contribution

Policy S4 of the LDP sets out that in Main Towns, as identified in Policy S1, development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 35% of the total number of dwellings on the site to be affordable. In this instance this would equate to 7 (7.35) units on site, however given the type of accommodation provided and associated management issues for Registered Social Landlords (RSLs) for units within a single building the Council's Affordable Housing Officer requested a commuted sum of £112,092 be provided that would be secured via Section 106 Agreement.

However, the requirement is subject to appropriate viability assessment and in this instance the applicant has provided a detailed Planning Viability Appraisal. This has been referred to the District Valuer (DV) for independent critical assessment of the viability of the project of making this contribution as well as £82,782 towards recreation.

The DV has considered the proposal and ran an appraisal on two scenarios, namely a) paying the full S106 obligations and b) excluding any payment of S106 obligations. Based on a benchmark land value (BLV) of £620k and developer profit of 20% the former would produce a deficit of £713,010 with a profit equating to -1.34%. Under scenario b) using the same BLV and developer profit margin this would produce a deficit of £509,480 and a profit equating to just 4.54%.

Consequently the DV has concluded the proposed scheme would not achieve a competitive return that falls within an acceptable profit range if any S106 obligations were to be secured. As such, based on the independent assessment of the detailed viability appraisal no S106 obligations are to be sought.

6.2.2 Good Design/ Place making

As detailed above the scheme has been subject to considerable amendment - the original scheme was referred to the DCfW, given concerns raised by the LPA regarding the design philosophy and the important, prominent location with the town.

The original scheme proposed to introduce random vertical elements by way of white rendered panels, and whilst the introduction of a vertical ethos was welcomed the execution would have resulted in an incongruous form of development. Little contextual analysis was provided to justify the original design solution and as such the LPA endorsed the view of DCfW that "the randomness of the applied panels...is at odds with the horizontal emphasis of the existing building and the more ordered architectural 'language' of the CA".

Accordingly the scheme has been amended and it now proposes to introduce clean vertical sections; whilst the building would read as one the means by which it is broken up would acknowledge the prevailing terraced character in the vicinity. The use of pastel coloured render would respond to the older buildings as well as the redevelopment of the former Magistrates Court site. The use of metal cladding and hanging slate are also considered appropriate to the contemporary approach now adopted and again echo the language of the adjoining redeveloped site. A condition to agree samples of the materials is considered necessary given the sensitive location within the CA.

A number of concerns have been raised with the addition of the mansard roof and it is acknowledged that Abergavenny is not characterised by four storey properties. However, this mirrors the height and form of the adjoining site, albeit the footprint of the building subject to this application is notably smaller.

Indicative tree and hedge planting is shown on the revised layout drawings but it is considered important, as noted by the Civic Society, to condition that a detailed soft landscaping strategy be agreed by way of planning condition. This will help to soften the edges of the building and facilitate its integration into the street scene.

In light of the above it is considered that the development now provides an appropriate design solution and therefore accords with Policy DES1 and HE1 of the LDP.

6.2.3 Impact on Amenity

Owing to its central location with the town, the site is bound to the North and West by residential properties. With regard to the properties to the West, Tudor Street, no upper floor habitable windows would be provided in the West elevation facing towards No 53. A condition is to be attached requiring that all bathroom windows in the West elevation are to be obscure glazed to a level no less than Pilkington 3. The only other window to be featured on this elevation would be the retention of an opening on the stairwell that is already featured in the existing building fabric.

Objections have been received from the properties to the North with regard to privacy as well as loss of natural sunlight, by virtue of the additional floor. The corner of the existing building that would be closest to the boundary with these properties is approximately 16.5m to the boundary with No 12 Trinity Street. Moreover, the window to window distance would be approximately 41m to this property. Also to the North boundary the building would be approximately 16m to the boundary with Nos 6, 8 & 10 Trinity Street and also 40m building to building.

Owing to the distances involved it is not considered that the proposed conversion to residential use and the provision of the additional storey would give rise to such levels of overlooking and privacy so as to warrant refusal. This is on the basis of having regard to conventional standards of 10.5m window to boundary and 21m window to window distances.

The building is located due South of the properties along Trinity Street and in part Baker Street, and as such objections have been received with regards to the potential loss of sunlight.

The addition of the mansard roof would increase the height of the building by approximately 2.8m. However, given the distances detailed previously between the building and the neighbouring properties to the North, it is not considered that an increase in height of 2.8m would result in an unacceptable loss of light or a building that is unacceptably overbearing or dominant.

It is considered that the conversion and extension would maintain reasonable levels of privacy and amenity of occupiers of the neighbouring properties and therefore compliant with Policies EP1 and DES1 (d) of the LDP.

6.2 Active and Social Places

6.2.1 (Sustainable Transport Hierarchy)

PPW (Edition 10, 2018) sets out a clear objective of the Welsh Government (WG) to reduce reliance on the private car and supporting a modal shift to walking, cycling and public transport. Paragraph 4.1.9 of PPW10 recognises that "the planning system has a key role to play in reducing the need to travel and supporting sustainable transport".

PPW10 also establishes a Sustainable Transport Hierarchy should be used to reduce the need to travel, prevent car-dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport. It promotes walking and cycling as the priority mode of transport, and in this instance the site is located in very close short walking distance to the town centre of Abergavenny with all of its associated amenities and facilities. On site provision is also made for cycle storage which would promote the use of cycling as an alternative to the private motor vehicle. With regard to public transport, Abergavenny is one of the more sustainable towns within the County and features both a bus and railway station. Whilst the train station is further away, approximately 0.85 miles, it is still within reasonable distance to provide a genuine alternative to the motor vehicle.

Whilst PPW10 does encourage the use of Ultra Low Emission Vehicles (ULEVs), the provision of ULEV charging points is not a mandatory requirement at this time and therefore their absence from the proposal is not considered unacceptable.

Concerns have been raised by the Council's Highways Engineer with regard to resident on-site parking, having regard to the adopted 2013 Parking Standards. Based on the total number of bedrooms provided between the one and two bed flats, a fully compliant scheme with the 2013 standards would need to feature 36 parking spaces. The proposed layout details one parking space per flat with four additional visitor spaces. Therefore whilst the scheme fails to meet these standards having regard to its sustainable location within the town as well as the availability of bus and train services, a reduced on site number of spaces is considered acceptable. It is considered counterproductive to provide further parking spaces on site that would in effect encourage continued reliance on motor vehicles. This would fail to meet the aforementioned WG aspirations of reducing car usage as a mode of transport.

6.2.2 Access / Highway Safety

It is proposed to continue to employ the existing single vehicular entrance point onto Baker Street as part of the conversion to residential use. Whilst it is accepted that the former Job Centre building had not in its latter days operated at full capacity, as a lawful use the offices would have the potential to generate a reasonable number of vehicular trips (notwithstanding the sustainable location detailed in paragraph 6.2.1). Whilst it is anticipated that the change of use to residential would mean that some residents would not rely upon the private motor vehicle, the proposal would still allow for one car per flat.

However, it is not considered that any increase in movements to and from the site would be harmful to the highway safety of both pedestrians and other motorists. The site would continue to provide the ability for cars to turn within the site and therefore enter Baker Street in a forward gear, whilst the visibility splays already in situ are also considered to be appropriate to accommodate the proposed development. Although the Council's Highways Engineer has raised concerns regarding the number of parking spaces provided, no objections have been received in respect of the adequacy of the site entrance.

Therefore in light of the above the proposed development is considered to accord with Policy MV1 of the adopted LDP.

6.3 **Distinctive & Natural Places**

6.3.1 Historic Environment

As noted in paragraph 1.1 of this report the application site is located within the Abergavenny CA. Criterion (a) of Policy HE1 sets out that development proposals will be permitted where they "preserve or enhance the character or appearance of the area and its landscape setting". The Policy also seeks proposals should have regard to the Conservation Area Appraisal for that area. The site lies within Character Area 3 19th Century Suburbs / Grofield as set out in the Abergavenny CA Appraisal. However, the building itself is not identified as a building that makes a particular or special positive contribution. The building is prominently located but is of limited architectural merit, its appearance is functional and of its time, typical of office buildings of its era. The LPA would therefore have been supportive of its demolition and the erection of a new structure, although the application has cited commercial reasons for its retention and conversion.

Accordingly it is on that basis that the proposal is to be considered.

Detailed assessment of the design merits of the building are provided in paragraph 6.1.2, however consideration must be given to the wider context. Criteria (b) and (c) set out the importance of no adverse impacts on important views and vistas in and out of the CA. In this instance the streetscape along Tudor Street is in the process of significant alteration, works have commenced to redevelop the former Police Station and Magistrates Court into 47 residential apartments (Ref: DC/2018/00007). In assessing the aforementioned application, the LPA gave consideration to both schemes together and have sought significant amendments to ensure a sense of continuity between the proposals. As set out in paragraph 6.1.2 above the introduction of a clear vertical emphasis was paramount which will help to also provide recognition of the site context which features terracing particularly along Baker Street. The use of pastel colours on the rendered sections are also a positive response to the local environment. The random sections of white render originally proposed would have jarred with the prevailing local character.

For these reasons it is considered on balance that the design solution that has been achieved would preserve the character and appearance of the CA, and when taken in conjunction with the approved scheme which has commenced on the site opposite would actually enhance the CA on what is an important route into town. The proposal is therefore considered to meet the criteria set out in Policy HE1.

Biodiversity

Policy NE1 of the LDP sets out that "proposals which may have an adverse effect on designated sites, protected or priority species and habitats must be accompanied by sufficient information to enable a full assessment of the proposal to be undertaken". In this instance the existing building features a large flat felt roof with no roof void or attic space. Accordingly it is considered to be an unsuitable building for use by bats. Whilst substantial works are proposed to the existing roof, including the provision of an additional storey, it is not considered that formal survey work is required to inform the planning decision.

6.3.2 Flooding

The application site in its entirety is located outside of both Zones C1 and C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Therefore whilst the proposal is to introduce a highly vulnerable use (as defined by TAN15) to the site it is considered that the proposal fully accords with both TAN15 and Policy SD3 of the adopted LDP.

6.4 Response to the Representations of Third Parties and Town Council

A number of the concerns raised by third parties have already been addressed in the preceding sections of this report. However, other issues raised include the loss of property value which is not a material planning consideration.

With regard to issues of noise and light pollution, whilst the DAS submitted sets out a number of renewable energy technologies that could be explored, the submitted plans do not detail or seek permission for air or ground source heat pumps. With regard to lighting, no additional external lighting is proposed within the grounds of the site.

Whilst the proposed use would inherently involve evening/night use the number of window openings of the building has been reduced. As such it is not considered that it would have a harmful impact in respect of lighting on adjoining properties.

The siting of the refuse collection point has been raised as a concern given its position along the northern boundary to neighbouring dwellings. However, given the nature of Monmouthshire's household waste and recycling service the bags to be collected will only be left outside of the building for a short period of time.

The lack of garden/amenity space for future residents is noted however the site is constrained in terms of opportunities to provide additional provision, however given the nature of the accommodation provided (1 and 2 bed flats) that these do not typically provide personal garden space. The site is located in short walking distance to open green space to the south and therefore future residents would have access to this to the benefit of their health and wellbeing. With regard to the size of the units to be provided the smallest single flat would be 41.5m² and the smallest two bed flat would be 58m². Whilst these are modest, it is considered on balance that they are of acceptable size and would be suitable for the needs of different demographics including younger persons and couples.

With regard to the outlook of units to the north, whilst these will inevitably not benefit from the same passive solar gain as those with an outlook to the south, this is an accepted constraint of the conversion and it is not considered that the standard of accommodation provided would be acceptable and adequately served by natural light. The application was submitted with a Pre-Application Consultation (PAC) report, there is no evidence to suggest that this has not been carried out in accordance with the Welsh Government guidance for these.

Finally it is noted that a number of third parties have advised that demolition and redevelopment of a new building would be preferable. Whilst the LPA do not disagree with this view the applicant has sought permission for the conversion and extension of the existing building, and the proposal must be considered on this basis.

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

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

6.6 Conclusion

6.6.1 The proposed conversion and extension of the former Job Centre Plus office building to residential use has required particularly careful consideration and a balance of relevant planning policy. The implications of the loss of an existing office (B1) building have been considered and it is concluded that the policy aspirations to protect existing employment sites / premises over the plan period in order to ensure there is an appropriate portfolio of employment land and premises would not be compromised.

Tudor Street is currently experiencing considerable change within the context of the CA given the redevelopment of the former police station and magistrate's court. It is considered that the amended scheme provides an appropriate design solution that would complement the adjoining redevelopment and lead to an enhancement of the CA.

Therefore in conclusion it is considered that the development is acceptable subject to the conditions detailed in section 7 below.

7.0 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 commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

REASON: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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

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

5 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.

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

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

7 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 GI1.

8 All bathroom windows in the side (western) elevation facing towards No 53 Tudor Street shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

INFORMATIVES

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

2 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Agenda Item 4b

Application Number: DM/2019/00346

Proposal: Application for the approval of reserved matters (appearance, scale, layout and landscaping) for the development of 106 residential dwellings pursuant to outline permission DC/2016/00880

Address: Orchard Lea, Gypsy Lane, Llanfoist

Applicant: Candlestone Homes Limited

Plans: Drainage 162202-H-004 - , Elevations - Proposed 2247_(04)_301_02 - , Elevations - Proposed 2247_(04)_302_01 - Rev A, Elevations - Proposed 2247_(04)_302_02 - , Elevations - Proposed 2247_(04)_300_02 - Rev D, Elevations - Proposed 2247_(04)_300_01 - Rev D, Elevations - Proposed 2247_(04)_303_01 - Rev A, Elevations - Proposed 2247_(04)_304_01 - Rev A, Elevations - Proposed 2247_(04)_305_01 - Rev A, Elevations - Proposed 2247_(04)_306_01 - Rev A, Elevations - Proposed 2247_(04)_307_01 - Rev A, Elevations - Proposed 2247_(04)_308_01 - Rev A, Elevations - Proposed 2247_(04)_309_01 - Rev A, Elevations - Proposed 2247_(04)_310_01 - Rev B, Elevations - Proposed 2247_(04)_311_01 - Rev A, Floor Plans - Proposed 2247_(04)_200_03 - Rev A, Floor Plans - Proposed 2247_(04)_200_02 - Rev B, Floor Plans - Proposed 2247_(04)_200_01 - Rev B, Technical Details 194565_A01_1 - Rev E, Technical Details 194565_A01_2 - Rev E, Technical Details 194565_AT_A01_1 - Rev E, Technical Details 194565_AT_A01_2 - Rev E, Technical Details 194565_AT_A02_1 - Rev E, Technical Details 194565_AT_A02_2 - Rev E, Technical Details 194565_AT_A03_1 - Rev E, Technical Details 194565_AT_A03_2 - Rev E, Drainage 162202-DR-001 - , Technical Details 162202-GA-001 - Rev A, Technical Details 162202-DR-003 - , Location Plan 2247_100 - Rev A, Floor Plans - Proposed 2247_04_201 - Rev A, Floor Plans - Proposed 2247_04_202 - , Floor Plans - Proposed 2247_04_203 - , Floor Plans - Proposed 2247_04_204 - , Floor Plans - Proposed 2247_04_205 - , Floor Plans - Proposed 2247_04_206 - , Floor Plans - Proposed 2247_04_207 - Rev A, Floor Plans - Proposed 2247_04_208 - , Floor Plans - Proposed 2247_04_209 - Rev A, Floor Plans - Proposed 2247_04_210 - Rev A, Floor Plans - Proposed 2247_04_211 - Rev A, Floor Plans - Proposed 2247_04_212 - , Floor Plans - Proposed 2247_04_213 - , Floor Plans - Proposed 2247_04_215 - Rev A, Floor Plans - Proposed 2247_04_216 - Rev B, Floor Plans - Proposed 2247_(04)_217 - , Floor Plans - Proposed 2247_(04)_218 - Rev A, Floor Plans - Proposed 2247_(04)_219 - , Elevations - Proposed 2247_04_304_02 - , Elevations - Proposed 2247_04_306_02 - , Street Elevation 2247_107-01 - Rev H, Green Infrastructure Appraisal 2247_103 - Rev E, Other 2247_104 - Rev E, GI Masterplan edp4404_r001b - , Landscaping Plan Edp4404_d002_d - Rev A, Site Layout 2247_105 - Rev E, Site Layout 2247-106 - Rev D, Site Layout 2247_108 - Rev F, Elevations - Proposed 2247_04_308_02 - , Elevations - Proposed 2247_04_309_02 - , Elevations - Proposed 2247_04_310_02 - , Elevations - Proposed 2247_04_311_02 - , Elevations - Proposed 2247_04_312_01 - Rev A, Elevations - Proposed 2247_04_312-02 - , Elevations - Proposed 2247_04_313_01 - Rev A, Elevations - Proposed 2247_04_313-02 - , Elevations - Proposed 2247_04_315_01 - Rev A, Elevations - Proposed 2247_04_315_02 - , Elevations - Proposed 2247_04_316_01 - Rev B, Elevations - Proposed 2247_04_316_02 - Rev A, Elevations - Proposed 2247_04_317_01 - , Elevations - Proposed 2247_04_317_02 - , Elevations - Proposed 2247_04_318_01 - , Elevations - Proposed 2247_04_319_02 - , External Works Plan 2247_04_400 - , Garage Plans 2247_04_251 - Rev A, Garage Plans 2247_04_254 - Rev A, Garage Plans 2247_04_255 - Rev B,

Garage Plans 2247_04_256 - Rev A, Garage Plans 2247_04_257 - Rev A, Garage Plans 2247_04_258 - Rev A, Site Sections 2247_630 - Rev B, Technical Details 162202-LA-001 - Rev A, Street Scene 2247-107-02 - Rev A, Technical Details 2247-110 - , External Works Plan 2247-526-1 - Rev B, External Works Plan 2247-526-2 - Rev B, Ecology Report Addendum to Preliminary Ecological Appraisal - 25/3/19, 3D Views 2247_04_501 - , 3D Views 2247_04_502 - , 3D Views 2247_04_503 - , 3D Views 2247_04_504 - , 3D Views 2247_04_505 - , 3D Views 2247_04_506 - , 3D Views 2247_04_507 - , 3D Views 2247_04_508 - , Other 1_30319_v2 - Drainage Statement,

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham
Date Valid: 03.04.2019

This application is presented to Planning Committee due to the development being a Departure from the Local Development Plan

1.0 APPLICATION DETAILS

1.1 This application relates to a site situated adjacent to but outside the Settlement Development Boundary of Llanfoist as defined by the adopted Monmouthshire Local Development Plan (LDP) and is therefore considered to be in the open countryside. The site benefits from an outline consent for residential development of up to 115 dwellings. This consent was granted prior to the Ministerial decision to disapply paragraph 6.2 of TAN1 which had attached "considerable" weight to the lack of a 5-year housing land supply as a material consideration in determining planning applications for housing. The outline application was therefore determined on this basis rather than in accordance the paper "Addressing our lack of 5 year land supply: Monmouthshire's Approach to Unallocated Sites" and its associated 'ground rules' adopted by MCC in February of this year.

1.2 The outline consent approved details of the access only with all other matters being reserved. Therefore this application now seeks approval for the appearance, landscaping, layout, and scale of the development. The outline consent benefited from a masterplan which divided the proposed development into character areas as well as agreed parameters of scale and heights. These areas are not intended to divide the development but to provide a subtle change in style, appearance, layout and density as the development goes from the more urban north to the more rural south. The agreed character areas and parameters have been brought through to this reserved matters application which now proposes 106 dwellings.

1.3 To the north, the site is bound by dwellings and Llanfoist Fawr Primary School. The highest part of the site is located adjacent to this school and dwellings to the north of the site. To the west, the site is bound by the B4269 (Gypsy Lane) and beyond this residential dwellings and agricultural fields. To the east the site is bound by a pond, beyond which is Grove Farmhouse and farm buildings (which are also in the ownership of the applicant). Grove Farmhouse is a Grade II* listed building. All of the surrounding farm buildings have extant planning permission for conversion to residential use. The south of the site is bound by a single track lane which leads to Grove Farmhouse and buildings. Beyond this lane lies further agricultural fields and Monmouthshire Golf Club. The site is segregated from the Blaenavon Industrial Landscape World Heritage Site by the B4269 (Gypsy Lane). The site is approximately 200m to the east of the Brecon Beacons National Park boundary. A locally designated Site of Interest for Nature Conservation (SINC) is located to the south of the site's boundary, beyond the existing lane access to Grove Farmhouse.

1.4 The application has also been publicised as a departure from the Development Plan.

1.5 The application has been amended following discussions with the Development Management Team to include:

- The addition of two affordable bungalows
- Additional tree planting along the street leading from the south to the green avenue;
- Re-orientation of double garage and large single garage roofs;
- Change in surface of footpath leading to open space from tarmac to bark mulch to soften its appearance and create a better transition from the built up area to the informal open space;
- Change in external materials of the apartment block to break up the massing;
- Additional openings in the apartment block to provide natural surveillance of the parking courtyard and added interest to the gable end;
- Bay window added to Plot 101;
- Line of path alongside parking bays of plots 37-39 moved to create space for planting strip between the path and the parking spaces;
- Improvement to the Green Avenue alongside plots 37 and 40 by rearranging the parking to plot 40, gardens of plots 37-39 and the line of the adoptable path to provide a wider and continuous green ribbon through the site;
- Plot 1 has been moved back by 1m and additional planting added at an important gateway to the site.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2016/00880	The development of up to 115 residential dwellings (C3), open space, landscaping, vehicular access off Gypsy Lane, pedestrian accesses and related infrastructure and engineering works.	Approved	29.03.2018

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S2 LDP Housing Provision
 S4 LDP Affordable Housing Provision
 S1 LDP The Spatial Distribution of New Housing Provision
 S12 LDP Efficient Resource Use and Flood Risk
 S13 LDP Landscape, Green Infrastructure and the Natural Environment
 S16 LDP Transport
 S17 LDP Place Making and Design

Development Management Policies

LC1 LDP New Built Development in the Open Countryside
 LC3 LDP Brecon Beacons National Park
 LC5 LDP Protection and Enhancement of Landscape Character
 GI1 LDP Green Infrastructure
 NE1 LDP Nature Conservation and Development
 DES1 LDP General Design Considerations
 EP1 LDP Amenity and Environmental Protection
 -MV1 LDP Proposed Developments and Highway Considerations
 MV2 LDP Sustainable Transport Access
 MV3 LDP Public Rights of Way
 LC2 LDP Blaenavon Industrial Landscape World Heritage Site
 EP3 LDP Lighting
 SD4 LDP Sustainable Drainage

4.0 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 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.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llanfoist Fawr Community Council - Object on the following grounds.

The site is unsuitable due to its open countryside aspect.

Llanfoist Village has been overdeveloped to a disproportionate degree in recent years.

This has had a considerable impact on the village environment.

The proposed site adjoins existing housing but this location is within the open countryside and access to the development will be from a country lane. This lane already receives a lot of traffic from Llanellen coming to Llanfoist.

When Llanellen Bridge is closed the lane is used as a route to divert traffic.

The safety of pedestrians walking along this lane will be compromised.

Llanfoist Village has been greatly developed in recent years with the addition of a number of large housing developments. This has led to an increase in traffic on local roads.

There has also been an increase in the use of the Medieval bridge.

The infrastructure of Llanfoist cannot sustain all of these houses.

The local school is already full. Therefore, any children living on the proposed development will not be able to attend the local school.

The impact on the village environment has been and continues to be immense with the village being turned into a town.

Llanfoist has doubled its size creating an unattractive urban sprawl.

Llanfoist doesn't have the infrastructure to cope with the additional housing.

There are more suitable locations for development identified in the LDP.

Cadw - The proposed development will have a very slight adverse impact on the setting of the World Heritage Site and therefore it will have a very slight impact on its identified Outstanding Universal Values.

Glamorgan Gwent Archaeological Trust (GGAT) - No objections.

A field evaluation has already been conducted and reported on (Report no. BA1632GFLA, dated July 2016) without the benefit of the geophysical survey taking place. Nevertheless, none of the eleven trenches encountered any archaeologically significant remains. In particular, no features or structures relating to the medieval origins of Grove Farm or the adjacent fishpond were revealed. As such it is unlikely to be an archaeological restraint to this proposed development.

Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

MCC Highways - No objection to the Reserved Matters.

The proposed means of access approved pursuant to Outline Application DC/2016/00880 will be subject to the landowner entering into a section 278 agreement of the Highways Act 1980 with the Council. The highway works including access and junction works, associated footways along the

site frontage and within the public highway shall be subject to technical approval and implementation in accordance with details to be submitted and approved pursuant to the S278 Agreement.

Internal Estate Road Layout

The internal estate roads as detailed in the supporting information submitted in support of the application particularly Drawing No. 162202-GA-001 Engineering Layout for Planning, the numerous swept path analysis drawings, internal junction visibility splay drawings and highways Design Technical Note are acceptable, namely; The internal estate road design speed of 20mph or less is accepted, the corresponding horizontal and vertical alignment, turning provision, footway provision promotes and encourages the design speed. The introduction of shared spaces with a reduced speed of 15mph or less is further welcomed.

Parking Provision

The levels of parking spaces and detached garages indicated are considered acceptable and in accordance with Monmouthshire adopted parking standards and garage standards.

Accessibility

The general arrangement of prospectively adoptable footways is considered acceptable and will provide adequate pedestrian connectivity though the site and to existing pedestrian facilities located on or close to the B4269. The proposal generally accords with the design standards established in the Active Travel Wales Act.

MCC Green Infrastructure Team - The response has been provided based on the information provided and additional desk top research. The team have considered the current application, the submitted documentations and cross referenced to the original outline comments.

Summary:

1. The reserved matters submissions in general are well considered and generally respond well to the approved GI framework plan.
2. The GI management plan is welcome and comprehensive. Detailed observations made and provided to the applicant. Suggest amendments to this document as a condition if not received prior to determination.
3. The design compliance statement is welcome has been reviewed with general comments provided to the applicant.
4. The provision of extensive albeit undulating in places Public Open Space with biodiversity benefits is welcome.
5. All areas of strategic GI to sit outside of private ownership.
6. Provision of streetscape views to provide visualisations of placemaking showing change in development density, street planting, relationship of house types, active frontages, brick to render and colours and changes in level as described inclusive of G/L and ridge heights
7. Provision of assurances in connection with PROW and proposed footpaths
8. An updated GI Masterplan and GI management plan to inform a development plan in light of any layout changes. This also needs to show any strategic GI proposed to sit outside of private ownership
9. Updated GI opportunities in light of any changes for connectivity to localised facilities and footways including from the local village and existing PROW network to reflect comments raised
10. A revised scaled landscape plan for the site that also links with the Masterplan and Management plan. To include the various elements of footpath, furniture, planting and street furniture details and specification (conditioned)
11. All areas of new planting should allow access for management and maintenance and should be appropriately protected to ensure establishment
12. The provision of an updated lighting strategy. Light spill will be an important consideration for both the landscape and biodiversity as well as the setting close to the nearby residential areas and open countryside setting.
13. A new plan indicating all proposed charging points for each dwelling.

MCC Heritage - Generally welcome the design of the properties and traditional vernacular approach to this site given its proximity to the listed buildings and their setting. Overall this is considered to be a positive development.

During pre-application discussions it was requested that the densities of the housing be much less to this edge of the site. These have been reduced to 26 dwellings per ha which is considered to be more acceptable. Attempts have been made to separate the dwellings along this edge of the site which provides linkages to the estate beyond rather than a harsh edge of housing facing onto the fields. Turning buildings on their side helps to create visual space between them and improves the openness of this part of the site. The Woodland lane and Green lane avenues are welcomed as integrating the buildings into the landscape.

It is requested that the properties facing the southern boundaries (plots 49-51, 61-64 and 77-79) have natural slate roofs. This is a regular request where new development fronts a listed building and its setting, requesting only the buildings on the main frontage to have better quality materials is considered reasonable and justified. **NB. Subsequently amended to this effect.**

We welcome the use of brick walls for boundary treatments where they are fronting highways and will be visible in the main street scene.

It is welcomed that the flats have been designed to appear as connected units rather than a large block. However, it is requested that this goes further. To the rear elevation to the boundary, request that the central section be pronounced on the rear roof as well as the front so that this breaks up the long expanse of roof. This could be done by stepping this section out on the rear as well as the front. Also request ground floor windows in the gable elevations, to the car park and fronting the road. The different sections of the buildings could have different coloured render to help break up the mass. Also preferable to have a door into the street from the access road elevation. **NB. Subsequently amended to this effect.**

Appreciate that outline height parameter is 9.5m, request that plots 50, 62 and 63 are re-designed to be a two storey house type, not three.

MCC Tree Officer – Requires conditions.

Trees at the site were subject to a Tree Survey and Arboricultural Constraints Report authored by Jerry Ross, Arboricultural Consultant, dated January 2015 and submitted as part of the application for outline planning permission in DC/2016/00880. This report plots the trees by species, condition, location and details the constraints they may pose to development and future use of the land.

We now require a full tree survey in accordance with British Standard 5837:2012 – Trees in relation to Design, Demolition and Construction Recommendations. The survey is to include the following information:

- A Tree Retention/Removal Plan
- Plan of retained trees and their root protection areas (RPAs) shown on the proposed layout.
- An arboricultural impact assessment.
- An Arboricultural Method Statement where construction activity within the RPA of any retained tree is unavoidable.
- A scheme of arboricultural monitoring

5.2 Neighbour Notification

Three representations received. Object/comment on the following grounds:

1. The house design seems much lower standard than the Outline Planning Design and access statement which stated 'utilising high quality local materials where appropriate' and showed images of contrasting designs with stone facades etc. This looks like a very bland house design with only render colour changes as any contrast. Unless Abergavenny has started making Dulux Weathershield, I see nothing local about this and just the standard UK mock Georgian look.

2. As ever in Llanfoist, if there had been a responsible planning and development approach, and not trying to cut out the community council and residents, we would not have this dreadful lack of urban planning that has created a car based settlement with very poor amenities and walking/cycling infrastructure. A truly appalling lost opportunity to create a sustainable community.
3. Features of the proposed layout and design of individual houses will make it extremely difficult for these buildings to meet zero carbon standards. In particular the use of dormers, fake chimneys and roof lights will prevent the fitting of solar harvesting technologies without substantial ugly compromises having to be made during the build out. The general layout of the roofs also make no reference to solar orientation, which should be a basic starting point for any housing development proposed today.
4. In general this is very low quality design proposal that has been substantially downgraded and cheapened since the documentation included in the outline application.
5. The house designs are generic and can be seen in low quality volume housing estates all over the UK. As such, the designs are out of keeping with the character of the area.
6. The design team should be asked to reconsider to both address the design quality and the sustainability standards the development will have to be built to.
7. I would ask that the Planning Officer and Committee review in detail the changes that have been made, in particular revisiting Nathaniel Lichfield and Partners Supplementary Design Statement from December 2016. This document showed detailed Cross Sections and showed 'character areas' including illustrations showing dwellings in stone and brick in addition to render. The new dwellings appear to all be render (the cheapest option).
8. The original proposal also showed a green corridor, visually opening up from the entrance in the West to the green open space in the East (see IL30699/02-006 revF). This is blocked by buildings in the new proposal (compare 2247-101 F and 2247-(04)103 A). The scheme should be rejected for omitting this green infrastructure link in visual terms. Access is maintained, but the visual link has been omitted.
9. The layout is also reduced in quality, with a totally unacceptable flat unit above a garage in the middle of a carpark (type 693FOG). This unit should be rejected on grounds of pollution and total lack of amenity.

5.3 Other Representations

Abergavenny and District Civic Society - We note that no pre-application community consultation or DAS is required as part of this reserved matters application.

The proposals appear to be broadly in accord with the layout conditions of the outline approval. They are certainly more interesting than Candleston's Coed Glas development.

The highway gradient to the upper part of the site seems questionable and the detailing of retaining walls will need careful attention, especially where impacting on the street view.

The plans suggest a wide range of house types, including a welcome 39% 'affordable' (c24% social rented housing). The elevations show a near uniformity of simple 'traditional' variously colour-washed styles, with slate roofs and, for authenticity (albeit false), welcome chimney stacks. This will all give the estate a distinctive character and some sense of place (though not as much as might have been possible with alternative layouts) but we suggest that it needs relief with a few key buildings in stone or brick (cf. Maes y Llarwydd). The absence of any street scene visuals makes it difficult to assess such matters. The plans show extensive 2.1m screen walls and if these are in stone or a suitable brick they will introduce some variety.

Off-road parking provision presumably complies with Council requirements, but on-road parking is inevitable and could be a problem in places. We note that the 25 homes for rent have only 13 parking spaces; there is most likely to be a problem in this area. A more imaginative design using more traffic-calming build-outs with trees, etc. could improve street scenes. All or much of the road loop in the southern part of the site could be given a less formal shared space treatment with footways demarcated by a paving change rather than a kerb (cf. Croesonen Gardens). Such a treatment would also suit plots 9-24.

A footpath link appears to connect with the junior school; no doubt you will ensure that the school will enable this. The path inside the Gypsy Lane hedge should be built for shared use (see the 2018 Integrated Network Map) with a width of at least 2.5m. It appears that footpath 363/74/1 is to be retained or slightly diverted. The path from the site entrance to and across the open space, which connects with other public paths, might usefully form part of a future shared use path through any future development to connect with Merthyr Road, and also should be at least 2.5m wide.

This latter path is associated with a line of green infrastructure that would benefit from strengthening with hedge/shrub planting as well as trees. Unfortunately it seems that only the eastern part of the landscape scheme is accessible online.

The open space will need appropriate long-term management arrangements.

I know little about drainage engineering, but the foul drainage of the lower part of the site appears to be expected to flow uphill without assistance.

5.4 Local Member Representations

Cllr Howard – Reserved comments so as not to prejudice vote at planning committee. Requested street scenes (now submitted).

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

The principle of the development has been established through the granting of the outline consent as referred to above in Section 1.0 (application details). The reserved matters to be considered at this time are the appearance, landscaping, layout, and scale of the proposed residential development.

Policy S4 relating to the provision of affordable housing applies and the development proposes 35% of the units to be tenure neutral affordable dwellings that meet DQR and there are to be clusters of no more than 14 affordable units across the site. The mix proposed is;

1 bedroom walk up flat - 6.
1 bedroom apartment - 11.
2 bedroom bungalow - 2.
2 bedroom house - 11.
3 bedroom house - 6.
4 bedroom house - 1.
Total affordable dwellings - 37 units.

It is known that there is a particular need in the area for bungalows and therefore their inclusion as part of the housing mix is welcomed. On the basis of the number of units proposed, the mix of housing and their locations across the site, Policy S4 is complied with.

All other material considerations are considered in the ensuing sections and also in line with PPW10 which has become policy since the outline permission was granted.

6.1.2 Good Design/ Place making

PPW10 informs that good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is

used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.

Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people. PPW10 advises that place making should draw upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness, and well-being in the widest sense. It considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.

In this case place making has been considered by delivering the proposed dwellings within an overall Character and Green Infrastructure framework that reflects the approved Green Infrastructure Framework Plan approved at outline application stage, being divided into four main Character Areas.

The northern section of the site is the highest part of the site and has a proposed density of 42 dpha. The houses have been arranged in a linear pattern that follows the site contours with the smallest plot sizes and a similar layout to the adjacent existing housing. This area includes mainly two storey dwellings but also includes two affordable bungalows that have been added in response to a request from MCC's Housing Officer who noted that there is a local need for single storey properties. A shared space 'mews' is also proposed at the western end of this area with groups of 2 and 3 unit links. Parking and planting of small trees will also be within the shared space. At the eastern end, the proposed layout becomes less formal. This area adjoins a mature tree belt. A pedestrian link to the north that will link the site to the existing footpath network is also proposed. Design improvements have been made at the request of officers to ensure that the footpath link benefits from natural surveillance and is clearly legible to users.

The central area includes the only vehicular access into the site is and is proposed to be of a lower density (26 dpha) with larger plot sizes than the northern part of the site. The area is characterised by the corridor of landscaping and tree planting along the main access route. This road is the strategic visual and biodiversity green link as well as footpath route across the site from west to east. All of the strategic planting will be outside private ownership and will be maintained instead by a private resident's management association in accordance with the agreed Green Infrastructure Management Plan. A fixed east-west sewer easement to the south which was not considered by the approved outline proposals, together with the fixed access point into the site, results in insufficient depth for a rear parking arrangement for the plots facing the main road through the site as was proposed on the Illustrative Masterplan within the approved outline consent. This means that the road has to be punctuated by driveways. However, the area available for planting alongside the footpath is typically 5.5 metres wide and therefore the character of this area overall will remain as originally proposed.

To area to the south of the main access route and planting corridor is proposed as medium density (50 dpha) with a mix of plot sizes and will include the communal entrance flats and linked, semi-detached and detached houses. The communal entrance flats building has been significantly amended since the application was first submitted to ensure that it did not have the appearance of a typical block of affordable apartments. This has been achieved by breaking the building up visually with the use of different roof heights and materials together with additional doors and fenestration.

This area that is closest to the Grade II listed farmhouse is in the southern part of the site and if approved, will form the southern boundary of Llanfoist. As such it is proposed to be more rural in character with lower density (26 dpha) and larger plot sizes. This area will feature detached houses and cottages. Officers have negotiated that these dwellings will all have natural slate roofs. The building line on the southern boundary has been pulled back from the edge of the application site to allow space for enhanced landscaping. This planting is intended to provide both visual screening from the south and an east-west ecological corridor. The road along this edge will be a shared surface rather than tarmac, again to soften the edge.

The proposed materials over the whole site are similar to those of the more traditional existing houses in the area:

Roofs: Natural slate to the southern boundary. Fibre cement slates elsewhere (exact type to be agreed).

External Walls: Render in a selection of colours to add variety and two types of red clay facing bricks.

Windows and doors: UPVC with coloured frames to be selected in agreement with the local authority.

It should be noted that, in addition to using the differing materials to create interest, bricks have been selected for the majority of properties at the perimeter of the site, closest to the existing and proposed tree belts, as render can become stained in such areas over a relatively short time period.

The detailing of the houses and the materials are to be applied across the site including the affordable housing.

Overall, the detailed design of the development is considered to be appropriate to its setting and has taken into consideration PPW10 in terms of the importance of Green Infrastructure and place making. It includes a variety of house sizes and ridge heights across the site. It also proposes clustering small groups of houses together to enhance legibility and orientating buildings and designing house types so that they provide active frontage at key locations such as street corners, nodal points and pedestrian routes. It also provides additional transitional landscaping areas on the western boundary and views into and within the streetscape using houses of appropriate scale to terminate key vistas along routes within the site. The proposed development is therefore considered to comply with PPW10 and LDP Policy DES1.

6.1.3 Impact on Amenity/ Promoting Healthier Places

The existing neighbouring dwellings to the site are those located on the adjacent estate which was constructed by Barratts. There is a strong boundary between the two sites demarcated by the existing hedge and tree line and the footpath. The elevations of the proposed new dwellings on the closest part of the site to the existing dwellings have been sited so as not to harm the privacy or amenity of these existing occupiers.

Within the site, the houses have been sited and orientated so as to afford privacy to rear gardens where possible and also between habitable windows. Front entrances to all properties are clearly legible and the external areas leading to them are clearly defined. In addition to defining the distinction between public and private realms, these features are intended to promote a sense of place, ownership and security. The proposed orientation of the dwellings and the provision of feature bay windows at key locations should ensure that parking areas and public routes within and bordering the site benefit from natural surveillance.

6.2 Active and Social Places

6.2.2 Access / Highway Safety

It is noted that the Highway Authority have no objections to the application. The levels of parking spaces and detached garages indicated are considered acceptable and in accordance with Monmouthshire adopted parking standards and garage standards. Furthermore, the general arrangement of prospectively adoptable footways is considered acceptable and will provide adequate pedestrian connectivity though the site and to existing pedestrian facilities located on or close to the B4269. The proposal therefore generally accords with the design standards established in the Active Travel Wales Act. The applicant has confirmed that all PROW's connections are deliverable, including a new and extended public footpath in the south west area of the site.

The planning system also has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:

are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;

are designed in a way which integrates them with existing land uses and neighbourhoods;
and

make it possible for all short journeys within and beyond the development to be easily made by walking and cycling

In this regard Llanfoist is a sustainable settlement in terms of its own public transport links, including relatively easy access to Abergavenny's railway and bus stations. The development also presents an opportunity to improve footpath links in the area, including a new footpath to the primary school. As such the application meets the requirements of PPW10 in relation to the sustainable transport hierarchy.

The proposed development is therefore considered to accord with LDP Policies S16, MV1, MV2 and MV3.

6.2.5 Recreational Spaces

The development includes the provision of extensive Public Open Space (POS) with biodiversity benefits. It has been confirmed that the Public Open Space will be for public amenity use and inclusive and not for private use for residents of the development only. The s106 schedule 2 indicates that a LAP would consist of 5-6 items of equipment for ages 0-5 ideally linked to the POS. The LAP will take the form of a natural play area and be located adjacent to the east-west footpath link through the site. A 20 year period for green infrastructure management is proposed, including an annual meeting with officers at the Council in the first five years.

6.3 Distinctive & Natural Places

6.3.1 Landscape

The strategic landscape features proposed reflect the Framework Plan approved at outline stage and will include the retention and strengthening of all existing trees and hedgerows on the northern and southern boundaries, a 7.5m wide east-west public realm landscape corridor and pedestrian route along the site access road and a 3.5m wide east-west landscape zone along an existing ditch. Furthermore, additional planting to strengthen the boundary north of existing woodland and extending along the eastern boundary is also proposed together with a 3 metre wide green buffer zone to the eastern boundary with the existing woodland.

The proposed dwellings along the boundaries have been orientated facing into the site, with their rear gardens adjoining the buffer zone and adjacent woodland allows the buildings to be further away from the edge of the site. Typically, the distance from the face of houses to the edge of the existing woodland is between 6m and 12m which results in an increased level of visual separation between the listed Grove Farm curtilage and the proposed new housing.

The existing high bank on the western boundary with Gypsy Lane will be retained together with a 4m buffer to accommodate existing trees and hedgerows north of the approved access position. There will be a 12 metre landscape buffer along western boundary with Gypsy Lane from the approved access position south.

All planting will be outside private ownership to ensure that it is retained and maintained in perpetuity.

In terms of the species of the planting, pollinator and foraging friendly species, fruiting species and herbs have been included as requested by officers and the diversity of hedge species proposed across the site has been increased. There will also be the provision of signage and interpretation boards across the site to improve resident/visitor understanding of the planting.

6.4.3 Historic Environment

The site and the surrounding countryside should be considered to be the immediate setting of the Blaenavon Industrial Landscape World Heritage Site (BILWHS). The nearest formal component of the BILWHS is the Monmouth and Brecon canal which at this point is around 200m from the development site. Although screened to large extent by trees, the open views across the Usk Valley should still be considered to be key views from this asset and part of its wider setting. The proposed extension of urban development may therefore be considered to be a minor adverse impact upon a moderately important element of the BILWHS.

The development would also be seen from near the summit of the Bloreng Mountain, where it would appear as a further extension of the Llanfoist settlement. Although the actual impact would be very minor, this should be regarded as a key view from the BILWHS. This may therefore be considered to be a minor adverse impact upon an important element of the BILWHS. Consequently it is considered that this application would have a minor adverse impact upon the setting and outstanding universal value (OUV) of the BILWHS.

In terms of the listed building, the significance of the farmhouse is derived not only from its architectural value but also from its context and surroundings. It had, and still retains, a rural setting being an important group of agricultural buildings and substantial farmhouse surrounded by open rolling countryside having an immediate and direct working relationship with the land around it. This important setting emphasises the relationship of the building and its use with the immediate and surrounding landscape an essential component to its significant historical and architectural value - a farmhouse without farm land is inappropriate. On this basis the southern field was omitted at outline stage to protect as much as possible this important setting. This allowed the application to be considered acceptable by Heritage Officers on the basis that the site should have a very high standard of design and follow a graded approach where building density decreases from the existing residential boundary towards the new southern boundary. This is considered to have been followed up in this reserved matters application.

In conclusion therefore, it is considered that the proposal is unlikely to have a significant adverse effect on the Registered Historic Landscape of World Heritage Site, on the setting of or views from the National Park or the Grade II listed building. It is important that the landscape parameters plan, green infrastructure proposals and masterplan are fully implemented to ensure adverse effects on these areas are kept to a minimum.

6.4.4 Green Infrastructure

The Addendum Ecology report informed the green infrastructure at the site. The proposed layout provides additional opportunities for improved connectivity within and beyond the site. This is achieved by an additional pedestrian link to the north-south footpath along the western boundary, halfway along its length to the south of the access road, and another leading from the southern edge to the footpath linking with the existing pedestrian route to the east. In addition to facilitating a feasible drainage route to the retention pond to the south and ensuring feasible access for refuse and emergency vehicles to all plots, the road pattern in the central and southern areas also creates the opportunity for an additional change in road hierarchy through additional planting along the road leading south from the centre of the site off the main access road. The proposal also includes large areas of public open space to the north east and south that will include a Local Area of Play as well as the new footpath link to Llanfoist Primary School.

It is considered that the proposed scheme has fully considered and incorporated Green Infrastructure in the design of the site layout and therefore complies with the requirements of LDP Policy G11.

6.4.5 Biodiversity

The development site includes priority habitat (hedgerows) and lines of trees that together with semi-improved grassland provide ecological connectivity in a landscape known to be important for

bats including lesser horseshoes and herpetiles (reptiles and amphibians). This connectivity is to be maintained and enhanced as part of the scheme. Additional tree planting and better choice of species (i.e. less fastigiated varieties and more species that are valuable for insects including pollinating species) will improve the site in terms of biodiversity. This element is also considered to be acceptable having regard to LDP Policy NE1.

6.4.7 Water (including foul drainage/SuDS), Air, Soundscape & Light

The reserved matters application has been supported by a full drainage plan as required by DCWW. The surface water will be collected via a system of rain water pipes and road gully's which will discharge through suitable connections in network of manholes and pipes. This network of pipes and manholes will be of an adoptable nature and will be a network which will be solely reliant on gravity. The system is to only serve surface water. The surface water system will be attenuated and will discharge in an open watercourse via a headwall.

The foul water system will be a gravity fed piped sewer. The sewer will cross adjacent land and will connect to an already adopted DCWW asset. This connection point was dictated by DCWW at the outline planning stage.

The surface water system and the foul drainage will be maintained by DCWW. This includes the adoptable mains, inspection chambers and lateral pipe work and manholes. There will be a small element of private inspection chambers, private pipes and private yard gully's where by the maintenance will fall under the property ownership. The road gullies and connections to the adoptable main drainage will be the maintained by the local authority and fall under their responsibility. All attenuation assets including the hydro-brake flow control will be in the ownership of DCWW and therefore fully maintained by them.

The application will not be subject to SAB approval as the outline consent was considered prior to the new regulations being implemented. Notwithstanding this, the southern edge POS includes the SuDS attenuation and augmentative landscape planting to the southern boundary and will be an important element of the green infrastructure for the site. This component of the design is also policy compliant..

A lighting strategy is to be submitted as required by a condition on the outline consent.

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

6.5.1 The local Community Council have raised an objection to the proposed development in principle. The principle of residential development in this location has already been established through the granting of the outline consent. This included consideration of education, transport infrastructure and increase in size of settlement. The subsequent paper "Addressing our lack of 5 year land supply: Monmouthshire's Approach to Unallocated Sites" and its associated 'ground rules' adopted by MCC in February of this year states in its ground rules, Llanfoist is listed as not being suitable for any further development due to this outline consent already having approval.

6.5.2 No statutory pre-application community consultation was required to be undertaken at this stage as this is an application for reserved matters only.

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

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

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

2 An amended Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority with the prior to the commencement of the development. The content of the Management Plan shall include the following;

a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan.

a. Woodland buffer

b. Hedgerows

c. Green corridors

b) Opportunities for enhancement to be incorporated

a. Management of Grassland for botanical species diversity and / or protected species including reptiles

b. Management of woodland buffer strips to increase and maintain diversity and screening

c. Management of woodland edge for good arboricultural practice

d. Maintain habitat connectivity through the site for species

c) Trends and constraints on site that might influence management of above features.

d) Aims and objectives of management.

e) Appropriate management options for achieving aims and objectives.

f) Prescriptions for management actions.

g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).

h) Details of the body or organization responsible for implementation of the plan.

i) Ongoing monitoring and remedial measures.

J) Agreed dates and trigger points for annual review of inspection and monitoring including an onsite visit for the first 5 years after development completion

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery as appropriate. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016).

3 Before any works commence on site, details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure LC5, DES 1 S13, and GI 1 and NE1

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 No development should take place until full details of hard landscape works have been submitted to and approved in writing by the local planning authority.

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure LC5, DES1, S13, and GI1 and NE1 .

6 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. 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 and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1 .

7 A schedule of landscape maintenance for a minimum period of five years 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.

8. Prior to the commencement of development a full tree survey in accordance with British Standard 5837:2012 – Trees in relation to Design, Demolition and Construction Recommendations shall be submitted to and approved in writing by the Local Planning Authority. The survey shall include the following information:

- A Tree Retention/Removal Plan
- of retained trees and their root protection areas (RPAs) shown on the proposed layout.
- An arboricultural impact assessment.
- An Arboricultural Method Statement where construction activity within the RPA of any retained tree is unavoidable.
- A scheme of arboricultural monitoring

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Application Number: DM/2019/00603

Proposal: Erection of a two-storey dwelling house.

Address: Land between Chapel Cottage and Gower Cottage, Glyn View, Tintern

Applicant: Mr G Birkett

Plans: Location Plan 170101 - Rev. 3, Site Levels 170103 - Rev. 2, Site Plan 170104 - Rev. 5, Elevations - Proposed 170105 - Rev. 3, Site Sections 170106 - ,

RECOMMENDATION: APPROVE

Case Officer: Mr David Wong
Date Valid: 05.06.2019

This application is presented to Planning Committee as requested by the Delegation Panel

1.0 APPLICATION DETAILS

1.1 This full application relates to the erection of a detached dwelling on land between Chapel Cottage and Gower Cottage at Glyn View, Tintern. This application site was part of the residential curtilage of Chapel Cottage but is now under different ownership. Planning permission was granted previously for a two storey detached dwellinghouse at this site (under applications DC/2010/0004 & DC/2012/01096). However, that permission has lapsed, hence the submission of this current application.

1.2 The proposed two storey detached dwellinghouse is measured some 8.5m wide, 7.2m deep and 7.4m high (to the ridge). There will be an open-ended porch at the front and a single storey lean-to utility room at the rear of the dwellinghouse.

1.3 Tintern is identified in the LDP as a 'Minor Village' that is potentially suitable for minor infill residential development, subject to detailed considerations. The site is also located within the Wye Valley Area of Outstanding Natural Beauty and in an archaeologically sensitive area.

1.4 It is useful to note that the public footpath 107 runs along the eastern boundary of the site and the alignment of this path is shown on the site plan. In terms of publicity, as well as neighbour consultation letters, this application was advertised in a local newspaper and a site notice was posted on site.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2008/01096	Extension to ground and first floors.	Approved	23.12.2008
DC/2015/01464	Minor amendments to design of approved dwelling under DC/2012/01096	Approved	16.12.2015

DC/2007/01638	Outline application for the erection of a detached dwelling with ancillary works.		15.05.2008
DC/2006/00537	Renovation of cottage, including rear conservatory and porch	Approved	02.10.2006
DC/2015/01464	Minor amendments to design of approved dwelling under DC/2012/01096	Approved	16.12.2015
DC/2012/01096	New dwelling following outline approval DC/2010/00024	Approved	12.09.2014
DC/2010/00024	Outline application for the erection of a detached dwelling with ancillary works	Approved	03.06.2010

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

SD4 LDP Sustainable Drainage
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
H3 LDP Residential Development in Minor Villages
H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use
LC1 LDP New Built Development in the Open Countryside
LC4 LDP Wye Valley AONB
MV1 LDP Proposed Developments and Highway Considerations
MV3 LDP Public Rights of Way

4.0 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 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.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Tintern Community Council - The site was granted planning permission for a two storey residential dwellings with conditions. The site is within the Wye Valley ANOB and is within a Minor Village suitable for infill development.

The site is archaeologically sensitive and there does not appear to be any reference in the current application to the foundation construction with this application and that further archaeological conditions were imposed upon the previous permission.

The previous scheme comprised some environmentally sustainable features and it is disappointing that the new application is for a building with materials less in keeping with the ANOB i.e. concrete roof tiles and with no green credentials. This may be contrary to Policies LC4 & SD2.

The access of the site and the public right of ways issued have previously been dealt with through planning conditions. If this application is granted, the TCC requests that all previous planning conditions should be re-imposed. If these conditions are complied with TCC would have no objection to this application being granted.

MCC SuDs (Drainage) - No objection. This proposed scheme will require a sustainable drainage system. The scheme will require approval by the SuDS Approving Body prior to any construction work commencing. The requirement to obtain SAB Consent sits outside of the Planning process but is enforceable in a similar manner to Planning Law. It is a requirement to obtain SAB Consent in addition to Planning Consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

MCC Rights of Ways - No objection; an informative is suggested. Further to initial comments compliant with Welsh Office Circular 32/92 Footpath 107 is now marked on the application plans. Additionally, although initial suggestions were that there may be availability issues with the alignment of Path 107 at the site but further research has failed to substantiate this. The following previous comments however still stand. Public Path no.107 must be kept open and free for use by the public at all times. No barriers, structures or any other obstructions should be placed across the legal alignment of the path and any damage to its surface as a result of works or private vehicular use must be made good by the applicant. If the path needs to be temporarily closed to allow works the applicant should apply for a temporary traffic prohibition order.

MCC Housing (Affordable) - 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 £8,486.14. The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken.

MCC Highways - No objection subject to conditions. By scaling off the supported drawings, the proposed turning area and vehicle parking appears reasonable and accords with the Supplementary Planning Guidance, Monmouthshire Parking Standards 2012. In principle the Highway Authority do not object to the proposed dwelling and creation of the new access, Glyn View is a lightly trafficked road and due to its alignment and environment existing vehicle speeds are considered to be very low and the increase in traffic movements along the road and into and out of the site are not considered to be detrimental to capacity and highway safety. Given the above, there is no objection to this application subject to relevant highway related conditions, including a Construction Traffic Management Plan to minimise damage, congestion and disruption to Glyn View and the adjacent highway network.

MCC Biodiversity & Ecology - No objection; condition and informative are suggested. It is noted that piles of material are present on the site; these have the potential to be used as hibernacula by reptile species. It is recommended that these stone piles be removed in accordance with the attached reptile information note, which should be added to any consent granted.

GGAT - There is no objection; condition and informative suggested. The further information submitted with the current application includes a foundations design. This however differs from the previous in that some elements of the foundations will be deeper, reaching 0.9m below ground level (bgl) (previously 0.75m bgl). These are likely to encounter the remains of the multi-phase mill and associated features and deposits. We also note that the current proposal includes the description "actual sizes & depth of foundations to be agreed with building control surveyor on examination of ground conditions during excavation." We note that the location of the property is as that previously agreed. As there has been archaeological evaluation, and archaeological deposits identified, a detailed foundation design submitted, we do not recommend any pre-determination mitigation. As in our response of April 2010, in order to mitigate the impact of the development, we therefore recommend that a condition should be attached to any consent granted to ensure appropriate mitigation. This condition will require the applicant to submit and implement a programme of archaeological work in accordance with a detailed written scheme of investigation.

Dwr Cymru-Welsh Water - No comment to make on the revised scheme following approval under reference DC/2010/00024.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

There are a total of four neighbour objections received. These objections are summarised below:

- Development too high
- Close to adjoining properties
- Loss of light
- Loss of privacy
- Inadequate access
- Increase in traffic
- Traffic or Highways
- Negative impact upon the archaeological resources
- Not enough information given on application
- Negative impact upon the ecology of the site
- Strain on existing community facilities

6.0 EVALUATION

6.1 Principle of Development

6.1.1 Tintern is a Minor Village as designated within the adopted MLDP. Policy H3 of the MLDP allows for minor infill residential development subject to detailed planning considerations. The proposed site is considered to meet the definition of infill in that it would fill an existing gap in the built environment between Chapel Cottage and Gower Cottage and the development in this location would not have an adverse impact on the form of the village. The proposal to construct a dwelling in this location is considered to be acceptable and would be in accordance with Policy H3 of the MLDP subject to material planning considerations.

6.2 Landscape/Visual Impact

6.2.1 The site is within the Wye Valley Area of Outstanding Natural Beauty (AONB, Policy LC4 of the MLDP). Therefore, all proposed development must be subservient to the primary purpose to conserve and enhance the natural beauty of the area. This application site was part of the garden curtilage of Chapel Cottage. It is noted that Chapel Cottage is now under separate ownership.

6.2.2 The prevailing form of development in this part of Tintern features a staggered arrangement of houses with diverse scale and with a variation in levels against the steep slope of the hillside. Also, due to the topography of the area, it is considered that the visual impact of this proposal is a localised one as the site is not readily visible from the wider landscape. Therefore, the likelihood that this proposal will have a significant impact upon the natural beauty of this part of the ANOB is limited. The proposed scale and design of the dwelling is such that it would not harm the natural beauty of the AONB and the development would conserve the natural beauty of the Wye Valley in accordance with Policy LC4 of the MLDP.

6.3 Design

6.3.1 It is considered that a two storey dwelling in this location would be visually acceptable having regard to the varied pattern of development set across the hillside. The proposed traditional design is considered appropriate for the site and the setting. The dwelling would have a stone façade that would match the properties to the west. The proposed dwelling would harmonise with the area and would be appropriate for this rural setting. The scale and design of the dwelling respects the character and appearance of the area in accordance with policies S17 and DES1 of the MLDP.

6.3.2 It is considered that the size of the proposed dwelling is modest and it would sit comfortably within the plot, and would be served by a reasonable amount of amenity space. The proposed house would be set back from the frontage of the site and the bulk of the proposal is visually comparable to some of the neighbouring properties. Therefore, the proposal would not be out of place when viewed along the highway.

6.4 Impact on Neighbour Amenities

6.4.1 Due to the topography of this part of Tintern, the level of the application site is higher than Chapel Cottage. However, the siting of the proposed dwelling is some 11m south-east of Chapel Cottage and is set some 5.8m away from Glyn View. It is considered that the proposed dwelling would have some minor impact in relation to Chapel Cottage (the casting of a shadow) but this impact will lessen as the sun moves. In terms of a potential overbearing impact, due to the prevailing form of development in this part of Tintern i.e. a staggered arrangement of houses with diverse scale and with a variation of distances between dwellings, the proposed gap (approximately 11m) is considered acceptable in this context.

6.4.2 There are no windows proposed on the side elevations of the proposed dwelling (the eastern and western elevations). Gower Cottage is situated well away from the proposal and this, coupled with the topography and the fact there is heavy screening by existing vegetation, means the impact on Gower Cottage would not be significant. There are windows on the properties opposite the site i.e. Rushbrook and Springfield. The proposal is set back from site frontage and the distance from these neighbours is some 21m and 20m respectively. Also, the orientation of the proposed dwelling does not align directly towards Springfield. Given these factors, no significant, adverse neighbour impact is anticipated. The development would not have an unacceptable overbearing impact and neither would it harm the privacy of any other party to warrant refusing the application. The development would be in accordance with Policy EP1 of the LDP.

6.5 Public Rights of Way

6.5.1 Policy MV3 of the LDP relates to the protection of public rights of way. It has been identified that there is an existing public footpath (No.107) running along the site's eastern boundary. The site plan of the proposal shows that no new building or outbuilding is proposed near the alignment of that footpath. Therefore, no obstruction will be caused as a result of this application. The Council's Public Rights of Way Officer was consulted and he has offered no objection to this application. However, an informative is suggested that that the path must be kept open and free for use by the public at all times.

6.6 Archaeology

6.6.1 Initially, the Glamorgan Gwent Archaeological Trust (GGAT) objected to this application because the site is archaeologically sensitive and no foundation design had been submitted to demonstrate how the development's impact on the significant archaeological resource would be mitigated. In addition, there was no recognition of the need to submit a written scheme of investigation for the programme of archaeological work. As a result a further archaeological statement included a foundation design regarding which GGAT is now satisfied. GGAT has also recommended the imposition of a condition to secure a written scheme of historic environment mitigation and an informative. In order to protect the known archaeological resource which is a material consideration, it is considered reasonable to remove Parts 1 and 2 of the permitted development rights normally granted to householders.

6.7 Highways Impact

6.7.1 The application is for the creation of a two-storey, three-bedroom dwelling house with a new access directly off Glyn View. Highways consider the proposed access, turning area and parking arrangement for the proposal to be reasonable and accords with the supplementary planning guidance, Monmouthshire Parking Standards 2012.

6.7.2 In addition, Highways advised that Glyn View is lightly trafficked and due to its alignment and environment existing vehicle speeds are very low. Furthermore, the increase in traffic movements along the road associated with the proposed dwelling is not considered to be detrimental to capacity and highway safety. Given the above, there is no highway objection to this proposal.

6.8 Impact on Existing Community Facilities

6.8.1 Some neighbours have concerns that the creation of this residential unit will have a negative impact upon the existing community facilities in the area. It is considered that the creation of one additional residential unit in this area will not adversely affect existing facilities to a significant level. In addition, there is no evidence submitted to substantiate this objection.

6.9 Biodiversity

6.9.1 The Council's Biodiversity and Ecology Officer was consulted and the inclusion of a new native hedgerow which will provide connectivity to the woodland was welcomed. The piles of material on the site have the potential to be used as hibernacula by reptile species. Therefore, it is recommended that these stone piles are removed in accordance with the reptile information note which should be added to any consent granted. In addition, a sensitive lighting plan should be secured, which can be required via condition.

6.10 Sustainable Drainage

6.10.1 This proposed scheme will require a sustainable drainage system. The scheme will require approval by the SuDS Approving Body prior to any construction work commencing. The requirement to obtain SAB Consent sits outside of the Planning process. The planning agent has been informed and is aware that it is a requirement to obtain SAB Consent in addition to planning consent and that the failure to engage with compliant SuDS design at an early stage may lead to significant redesign costs.

6.11 Promote Carbon Reduction

6.11.1 Comments have been received regarding the lack of green credentials of the proposal i.e. no domestic microgeneration systems proposed. We encourage developers to use sustainable building materials, energy efficient construction techniques and where feasible, the installation of renewable energy generation equipment as part of their proposals. However, at the current time there is no policy requirement to impose these features. There are now obligations under the Building Regulations requiring prior to the start of works an analysis which considers the feasibility

of decentralised energy supply systems, cogeneration, district or block heating or cooling, and heat pumps. Therefore, this element can be formally explored under the Building Regulations.

6.12 Affordable Housing Financial Contribution

6.12.1 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. According to the current Affordable Housing Financial Contribution SPG, the calculation of the financial contribution that will be required is £8486.14. A viability assessment was submitted by the planning agent for further consideration and it is confirmed that the scheme is not financially viable. Therefore, no Affordable Housing Financial Contribution will be requested in this instance.

6.13 Response to the Representations of Third Parties and/or Community

6.13.1 The issues raised by the neighbours are summarised in paragraph 5.2 have been considered. Please refer to paragraph 6.1 to 6.12 for more information.

6.13.2 Comments have been made that all of the conditions from the previous planning permission should be re-imposed. These conditions have been reviewed as part of the consideration of this application and relevant conditions are outlined below.

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

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

6.7 Conclusion

6.7.1 The prevailing form of development in this part of Tintern is characterised by diverse scale and a variation in levels against the steep slope of the hillside. In the light of this, it is considered that the proposed design, scale and form is acceptable. There will be some impact upon the existing neighbour amenity but it is considered that the impact is unacceptable and the proposal would be in accordance with policies DES1 and EP1 of the LDP. There is no highway objection and GGAT is satisfied with the proposals. The proposed development would not harm the character and appearance of the village or the rural landscape that is located within the Wye Valley Area of Outstanding Natural Beauty and it is in accordance with the relevant policies in the LDP. The application is therefore recommended for approval.

7.0 RECOMMENDATION: APPROVE

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

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

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

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

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

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

4 No development may commence until details of the means of access, including the driveway have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be brought into use until the means of access has been constructed in accordance with the approved details and maintained thus thereafter in perpetuity.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

5 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of Glyn View and the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP. NOTE - it is recommended that the size and weight of all delivery vehicles shall be considered so as to minimise damage, congestion and disruption to Glyn View and the adjacent highway network.

REASON: To minimise damage, congestion and disruption to Glyn View and the adjacent highway network.

6 The proposed access shall have a hard surface for a minimum distance of 5m from the highway boundary and maintained thus thereafter in perpetuity.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

7 The gradient of the access shall not exceed 1 in 8 for the first 5m measured from the edge of the adjoining carriageway along the centre line of the access.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

8 Any entrance gates shall be set back at least 5 m distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and maintained thus thereafter in perpetuity.

REASON: In the interests of highway safety.

9 No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.

REASON: To ensure no surface water drains onto the highway and to ensure compliance with LDP Policy MV1.

10 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building until an appropriate lighting plan which includes

low level PIR lighting and allows dark corridors for bats has been agreed in writing with the Local Planning Authority.

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

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

REASON: To mitigate the impact of the works on the archaeological resource.

12 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: To mitigate the impact of the works on the archaeological resource.

13 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.

14 Construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.

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

15 Before the hereby approved dwellinghouse is first occupied the turning and parking space as shown on the Proposed Site Plan (170104 Rev.5) shall be provided within the site to enable vehicles to enter and leave the site in a forward direction and maintained thus thereafter in perpetuity.

REASON: It is dangerous for vehicles to reverse onto this public highway and to ensure on-site parking is available before occupation, in compliance with LDP Policy MV1.

INFORMATIVES

1 Due to the minor nature of the proposed development 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 It is noted that piles of material are present on the site; these have the potential to be used as hibernacula by reptile species. It is recommended that these stone piles are removed in accordance with the attached reptile information note, which is attached to this permission.

3 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

The archaeological work must be undertaken to the appropriate Standard and Guidance set by the Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/cifa) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited MCIfA Member.

4 Public Path no.107 must be kept open and free for use by the public at all times. No barriers, structures or any other obstructions should be placed across the legal alignment of the path and any damage to its surface as a result of works or private vehicular use must be made good by the applicant. If the path needs to be temporarily closed to allow works the applicant should apply for a temporary traffic prohibition order.

5 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.

6 This proposed scheme will require a sustainable drainage system. The scheme will require approval by the SuDS Approving Body prior to any construction work commencing. The requirement to obtain SAB Consent sits outside of the Planning process but is enforceable in a similar manner to Planning Law. It is a requirement to obtain SAB Consent in addition to Planning Consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

Application Number: DM/2019/00796

Proposal: Retention of existing buildings and amendments to roof structure and external elevations

Address: Land At Bridge House, A48 Chepstow Garden Centre to Pwllmeyric Hill, Pwllmeyric

Applicant: Mr Robert Bailey

Plans: Site Plan AL.03 - REV G, Floor Plans - Proposed AL.10 - REV A, Elevations - Proposed AL.11 - REV A, Floor Plans - Proposed AL.12 - REV A, Elevations - Proposed AL.13 - REV A, Location Plan AL.01 - , Garage Plans AL.15 - , Other Lighting plan AL04 - Rev A, Other Down lights - , Ecology Report - , FCA - , Green Infrastructure Appraisal - ,

RECOMMENDATION: APPROVE

Case Officer: Mrs Helen Hinton
Date Valid: 11.07.2019

This application is presented to Planning Committee following a call in request from the Local Member

1.0 APPLICATION DETAILS

1.1 The application seeks full planning permission for the retention of existing buildings on site and amendments to the roof structure, external elevations of the dwellings and boundary features and access.

1.2 As Members will be aware the site has an extensive planning history. In 2017 permission was granted for redevelopment of site in a phased manner to provide two dwellings; one prior to and one post demolition of the existing dwelling (application DC/2016/01308 refers). During the course of construction it has become apparent that the development has not been carried out in accordance with the approved plans with variations to the design, position and size of the dwellings on site.

1.3 The current application now seeks consent to retain part of the existing structures in terms of the garages and the position, width and depth of the dwellings whilst also making alterations to the external appearance of the dwellings so they are more in line with the previous and extant consent.

1.4 The dwellings proposed as part of the current application measure 9.7m wide, 13.2m deep with a maximum ridge height of 8.2m falling to 5m at eaves level. Relative to the previous approval the dwellings are 0.3m narrower, 1.8m shallower and 1.3m lower to ridge and 0.1m lower to eaves level. As developed, the dwellings are 3m and 3.4m further south-east (into the site, away from the A48) than the extant permission. The current application indicates that the dwellings would be finished with a cross gable roof design, to provide a ridge parallel with the highway and a front facing projecting gable feature (adjoining the northern, front elevation). Principal access to the dwellings would be provided in the eastern elevation of unit 1 and the western elevation of unit 2 (facing each other). The number of openings in the eastern elevation of unit 2 (adjacent to the property 'Wenvoe') would be reduced from four to two to serve an ensuite bathroom and a stair well.

1.5 Vehicular access to the site would be gained via a 5m wide, single point of access in the northern boundary, leading from the A48. Details submitted as part of the application indicate the provision of a 2.4m by 40m visibility splay. Parking would be provided on a forecourt area to the front (north) of the dwellings. The area is sufficiently large enough to accommodate three parking spaces per dwelling and an on-site turning facility.

1.6 The application also seeks to retain the garages as built. The garage associated with plot number 1 is irregular in shape and measures 8.3m wide, 8.6m deep with a ridge height of 4.8m sitting parallel with the A48, falling to 2.4m at eaves level. The building is positioned 0.6m further into the site than the previous approval. Relative to the previous approval the garage is 0.8m wider; 1.1m deeper, 1.3m lower to ridge and 0.5m lower to eaves.

1.7 The garage associated with plot 2 measures 7.5m wide, 6.2m deep with a ridge height of 4.5m falling to 2m at eaves. Relative to the previous approval the building is 0.9m wider; 0.4m deeper 0.8m lower to ridge level and 0.65m lower to eaves level. The ridge line of the building has also been turned through 90 degrees.

1.8 Amended plans submitted indicate that the northern boundary wall, adjacent to the A48 would be reduced to 1m in height from its previously approved 2m height and that a new boundary would be provided along the eastern elevation, on top of the existing wall.

1.9 Externally the dwellings would be finished with a combination of natural stone and render, a slate tiled roof and upvc windows and doors. The boundaries would be a combination of stone walls and timber fencing. The parking forecourt would be finished with porous block paving. As part of the development, it has been confirmed that the geology of the site is not capable of accommodating surface water soakaways; as a result crates/ tanks to store storm and surface water have been installed beneath the rear gardens with an attenuated outflow to the adjacent stream.

1.10 The application site comprises a 28m wide, 48m deep parcel of land that formerly accommodated Bridge House, its garage and associated amenity space. The plot is positioned on the southern side of the A48, within the Village Development Boundary of Pwllmeyric, as identified by the Proposals Map of the Monmouthshire County Council Local Development Plan (LDP). Pwllmeyric is categorised as a Main Village within the LDP. Residential properties are positioned either side of the site - a large two storey dwelling known as Beckstone House to the west and a single storey bungalow known as Wenvoe. The dwellings further east of the site comprise single and two storey dwellings. The site is adjacent to Mouton Brook and is identified as being within the C2 Flood Zone as defined by the Development Advice Maps associated with Technical Advice Note (TAN) 15: Development and Flood Risk. The land to the south (rear) of the site is allocated as green wedge (LDP Policy LC6 refers).

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01883	Discharge of conditions 6, 7 and 9 from planning consent DC/2016/01308.		12.06.2019
DM/2018/02022	Variation of approved plans of planning consent DC/2016/01308:- Position and design alterations of all buildings		21.05.2019

DC/2016/00061	Redevelopment of site following demolition of existing house to provide one dwelling and engineering works to improve flood safety	Approved	30.09.2016
DC/2016/01308	Redevelopment of site in a phased manner to provide 2 dwellings; 1 prior to and one post demolition of the existing dwelling.	Approved	18.12.2017
DC/2015/00923	Redevelopment of site following demolition of existing house to provide 2 dwellings.	Withdrawn	31.05.2017
DC/2015/00128	Redevelopment of site following demolition of existing house to provide 3 dwellings.	Withdrawn	31.05.2017
DC/2016/00061	Redevelopment of site following demolition of existing house to provide one dwelling and engineering works to improve flood safety	Approved	30.09.2016

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H2 LDP Residential Development in Main Villages
SD2 LDP Sustainable Construction and Energy Efficiency
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

4.0 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 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.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Mathern Community Council - Concerns with regards to the front boundary wall, the position of the garage, adjacent to the A48 and the number on windows in the side elevations overlooking neighbouring dwellings.

Highways - Response awaited.

Environmental Health - Raise no objection

Natural Resources Wales Environment – Having considered the content of the FCA we have no objection to the retention of the dwellings on site.

Natural Resources Wales Ecology – We did not request the conditions with regards to Ecology and have no further comment to make

MCC Ecology and Biodiversity - Following the submission of additional reports, plans and information, no objections are offered subject to a condition requiring the development to be completed in accordance with the approved details.

5.2 Neighbour Notification

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

House 2 impacts on both me and my neighbour at Wenvoe. The latest drawings show only two windows on the east elevation of the house finished with frosted glass. However during construction 4 windows have been included in the eastern side elevation, the largest of which is double to that the size as shown on the plans - these have a significant impact on my privacy. If the building is altered so that they appear like that in the plans (dated 28/9/18) then I have no objection assuming that frosted glass is used.

There has been no effort to replace the fence between Greystones and Building 2. Whilst a wall has been erected this is not high enough to retain any privacy or my dog. My wooden fence has been badly damaged and will need to be replaced.

5.3 Local Member Representations

On the 2nd July the Ward Member, Councillor Brown requested the application be presented to Committee with concerns raised with regards to highway safety, sustainable drainage, external materials and impact on the residential amenity of those living closest to the site.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Principle of Development

The application site forms part of Pwllmeyric which is designated as a Main Village within the Monmouthshire LDP. Being within a Main Village the principle of further residential redevelopment is acceptable subject to the development satisfying detailed and material considerations. Furthermore the principle of providing two dwellings, garages and associated amenity space has

been positively established by the granting of application DC/2016/01308 on 18th December 2017. Although the works on site are not currently compliant with the approved plans, the consent does remain extant and in theory the development could be brought back into line with that approval should the current application fail to gain planning permission.

6.1.2 Good Design/ Place making

The buildings currently constructed on site are considered to be contrary to the requirements of policies S17 and DES1 of the LDP on the basis of their design being out of keeping with and detrimental to the overall character and appearance of the area and detrimental to the residential amenity of those living closest to the site as a result of the increased overlooking and loss of privacy that would be generated by the number of windows installed in the eastern elevation.

As part of the current application, negotiations have been held with the developer and their agents in an attempt to secure an amended design that overcomes the above concerns. It is considered that that application now proposes a design more in keeping with the original consent, with front facing gable features finished with natural stone cladding; a cross gable roof design that replicates the roofscape evident within the immediate context and a reduced number of openings in the elevations overlooking neighbouring properties. Access to unit 2, (adjacent to Wenvoe) would now be gained from the western (side) elevation adjacent to plot 1 rather than the eastern elevation (adjacent to Wenvoe) as previously approved thereby helping to reduce disruption and overlooking further. As a further benefit the dwellings now proposed are smaller than those previously approved. It is also proposed that the front boundary wall be reduced to a 1m in height, from its previously granted 2m height. It is felt that this alteration helps prevent the development being overly enclosed or austere in the street scene.

Although the site has been built up to make it compliant with requirements of the previously approved Flood Consequences Assessment, it is considered that on balance the revised scheme would make a positive contribution to the street scene and is compliant with the requirements of policies S17 and DES1 of the LDP.

6.1.3 Impact on Amenity/ Promoting Healthier Places

It is considered that the plot is capable of accommodating two dwellings of the size proposed with appropriate off street parking and on site turning facilities and sufficient amenity space.

Although the approved scheme indicates the provision of two windows and front door in the eastern elevation of dwelling unit 2 overlooking Wenvoe, four windows serving the living room, reception at ground floor level and the landing and ensuite at first floor level have been actually constructed. It is considered that the existing and potentially the approved arrangement would have a detrimental impact on the residential amenity of those living closest to the site as a result of increased and intensified levels of overlooking, loss of privacy and disruption.

As part of the current application, it is proposed that the window openings in the eastern elevation of dwelling 2 be reduced to two. One would serve an ensuite bathroom at first floor level the other would be a leaded/ stain glass design serving the stair and landing. The western elevation of plot 1 overlooking Beckstone House would remain as existing with two windows at ground floor level serving a reception and living room and an ensuite bathroom and landing at first floor level. Although it is highly likely that the ensuite bathroom would be obscure glazed details of the glazing for the first floor openings could be secured by condition.

Whilst raising the ground level to the bring the finished floor level in compliance with the requirements of the previously approved FCA has resulted in the development of large and prominent dwellings, this part of Pwllmeyric is characterised by a mix of housing types, differing in form and style with varied plot size.

In terms of the siting, the dwellings have been developed further back from the main road than previously approved. However the prevailing form of development features a staggered arrangement (in relation to the front building line and the overall height) of houses with a diverse

scale and design, together with a variation in levels along this part of the village. Thus, there is no distinctive development pattern to which any new dwelling proposals ought to have regard.

It is considered that the amended design and mass relative to that previously approved and to the scheme that has been developed, would not be so out of accord with the mix of the development pattern and urban grain along this part of the A48/ Chepstow Road to warrant refusal of the application. The application is considered to be in accordance with the requirements of policies S17, DES1, and EP1 of the LDP.

6.2 Active and Social Places

6.2.1 Transport - sustainable transport issues (Sustainable Transport Hierarchy)

It is highly likely that the development would be accessed via private car. However, there is a bus stop within 55m of the site and the development is within walking distance of the shops at the local petrol station and garden centre.

6.2.1.1 Affordable 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 contribute to the provision of affordable housing in the local planning area although this is subject to the viability of each individual scheme. As part of the 2016 application, following the submission of a financial challenge and consideration of that in relation to the Three Dragons Viability Tool Kit, the application was found unviable to provide the sum requested. In light of the additional cost implications associated with the current application this situation remains the same. Furthermore in light of the Council's recent adoption of the revised Affordable Housing Supplementary Planning Guidance the scale of development proposed would fall within one of the exemption categories.

On the basis of the above, the application is compliant with the requirements of policy S4 of the LDP.

6.2.2 Access / Highway Safety

The plans submitted that vehicular access to the site would be gained via a single 5m wide opening in the northern boundary leading from the A48. A 1m high boundary wall would be provided to the rear of the 40m wide visibility splay that would be provided either side of that access. It has been determined that the forecourt area to the front of the dwelling is capable of accommodating at least 3 off street parking spaces per dwelling (with additional parking provided within the garages) and an on-site turning facility to allow all vehicles to access and egress the site in a forward gear.

Relative to the previous and extant consent it is considered that the current proposal would not generate an increase in traffic movements or demand for parking, detrimental to the highway safety and free flow of traffic in the area and is compliant with the requirements of policies S16 and MV1 of the LDP.

6.3 Productive and Enterprising Places

6.3.1 Economic Development

It is considered that the provision of additional housing within relatively close proximity of one of the Council's main towns could have a beneficial impact on the economic development of the area.

6.4 Distinctive & Natural Places

6.4.1 Landscape/ Visual Impact

As part of the previous consent, the approved FCA detailed the site levels being increased to remove the dwellings out of the C2 flood plain. These works have been undertaken with current topographical studies confirming compliance. As a result, the dwellings previously approved and developed do appear tall in the street scene. However, following the submission of a street scene and ridge height analysis, the developments would be in accord with the ridge height of Beckstone House to the west.

Although the development is visible from the land to the rear which is allocated as Green Wedge, it is considered that the enclosure provided by Mounton Brook which wraps around the rear of the site would prevent any further intrusion of domestic features into this area.

Based on the above, and being mindful that the dwellings now proposed are smaller than those previously granted consent, it is considered that the development would not be so detrimental to the overall character and appearance of the area to warrant refusal of the application. The development is considered compliant with the requirements of policies S13, S17 DES1 and EP1 of the LDP.

6.4.5 Biodiversity

A number of ecological studies, plans and details have been submitted in support of the current application. The Council's Ecology and Biodiversity Team has raised no objection to the positive determination of the application subject to the key details forming part of the approved plan condition.

6.4.6 Flooding

The site is located within the C2 Flood Zone as defined by the Development Advice Maps of Technical Advice Note (TAN) 15: Development and Flood Risk. In light of recent planning appeals, if this were a new application for the development of additional dwellings the proposal would fail. However, it must be acknowledged that the applicant could in theory revert the development back to be compliant with the previous consent. As part of the previous application, Natural Resources Wales provided the following comments:

"Initial concerns over flooding have been addressed and we no longer object to the planning application. The FCA satisfactorily demonstrates that there is likely to be sufficient flood storage upstream of the proposed development site (as indicated on page 4 of the FCA) and, that flood waters are not predicted to overtop the existing riverbank (left bank looking downstream) with a blockage scenario on the existing A48 bridge. This removes the likelihood of the overland flood flow developing during an extreme 0.1% (1 in 1000 year) event which has previously been established in earlier FCAs to affect the site in question. The reason for this is there is sufficient and natural floodplain storage upstream of the A48 Bridge that will accommodate such extreme flows and will reduce the impacts of flooding at the bridge and the proposed development site. NRW consider that the development will not lead to an increase in flooding elsewhere post development. Since the engineering works in relation to flood mitigation have already been completed on site, NRW has no request for any additional conditions and there is no objection to the proposal on flooding grounds."

Engineering works in relation to flood mitigation were approved as part of application DC/2016/00061. Works to increase the level of the site, in accordance with the previously submitted and approved FCA have also been carried out.

Whilst a new independent standalone application for an increased number of dwellings on the site would now fail, in light of the previous consent and the works that have been undertaken in accordance with the previously approved details, it is considered that the development proposed would not be at risk of flooding. In addition it would not cause or exacerbate flooding matters further downstream. The application is therefore considered compliant with the requirements of policies S12 and SD3 of the LDP.

6.4.7 Water (including foul drainage / SuDS), Air, Soundscape & Light

As the current application was submitted and made valid after the 7th January 2019, there will be a requirement for the developer to accommodate sustainable urban drainage into the scheme. As part of the current application it has been confirmed that the geology of the site is not capable of accommodating a soakaway system to deal with surface water run-off. As a result, the developer has indicated that the forecourt area would be surfaces with permeable block pavings with a channel network beneath that would lead to water tanks and crates that have been installed in the rear garden with an approved attenuated outflow into the adjacent stream, the licence for which has been granted by NRW. An advisory note with regards to SuDS could be placed on any grant of consent.

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

6.5.1 Following consultation Mathern Community Council has raised an objection to the application on the basis of the height of the front boundary wall, the position of the garage, adjacent to the A48 and the number of windows in the side elevations overlooking neighbouring dwellings.

Following negotiations the application now indicates the development of a 1m high stone boundary wall on the northern boundary adjacent to the A48 (reduced from 2m) and a reduced number of windows in the eastern elevation of unit two overlooking the neighbours. Whilst concerns regarding the garage are noted, the plans submitted relative to those previously approved indicate that the garage has been developed 0.6m further into the site than the previous approval and although larger in its width and depth, it is lower to ridge and eaves height.

With regards to the concern raised by the neighbour, it is considered that the amended elevations help to overcome concerns with regards to increased overlooking, subject to a condition requiring the windows to be obscure glazed. Although the proposed site layout plan indicates the provision of a fence on top of the boundary wall along the south-eastern boundary of the plot, no details have been supplied, therefore a condition to secure the details will need to be imposed in the interests of protecting the amenity and privacy of those living adjacent to the site.

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

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

6.7 Conclusion

6.7.1 On the basis of the above report, it is considered that the amended plans submitted would create two dwellings on site that would not be significantly detrimental to the overall character and appearance of the area, the residential amenity of those living closest to the site or the highway safety and free flow of traffic along the A48. The application is therefore considered to be compliant with the relevant policies of the Local Development Plan and is recommended for approval subject to conditions.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

2 The windows serving all the bathrooms, en-suites, stairwells and landings shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

3 Before the approved development is first occupied the access shall be constructed in accordance with the approved plan.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

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4 Within 3 months of the date of this consent, details of the design, height and materials proposed of the fence to be installed along the south-eastern boundary, shown on the layout plan shall be submitted to and approved in writing by, the Local Planning Authority. All walls and fences shall be erected before the first beneficial occupation of the dwellings and retained in perpetuity.

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

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

REASON: To prevent over development of the plot in the interests of the visual amenity of the application site and wider area and in the interests of the residential amenity of those living closest to the site in accordance with the requirements of LDP policies DES1 and EP1.

6 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification) the garages hereby approved shall not be physically altered or converted to any other domestic purpose without prior approval of the Local Planning Authority. The garage shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.

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

7 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing prior to their installation. 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 No new vehicular entrance gates shall be allowed within 5m from the highway boundary.

REASON: To ensure that any vehicles serving the site can be removed from the highway when opening/closing the gates, in the interests of the highway safety and free flow of traffic along the A48 in accordance with LDP policy MV1.

Application Number: DM/2019/01032

Proposal: Domestic garage on previously approved site

Address: Hillcrest, 14 Lansdown Road ,Abergavenny, NP7 6AN

Applicant: Mr. Jan Milsom

Plans: Location Plan PL.02 - , Site Plan JMDEV.03/CON.14 - , Elevations - Proposed PL.102 - , Landscaping Plan 18/649/03 Rev. D - , Tree Protection Plan 18/649/02 Rev. D - , Tree Survey Rev. C - , Other Materials Sch Photographs V2 - , Other Discharge of Ecological Conditions April 2019 - , Other Materials Schedule V2 - ,

RECOMMENDATION: Approve

Case Officer: Ms. Lowri Hughson-Smith
Date Valid: 08.07.2019

This application is presented to planning committee following a request from the local member on the grounds that the proposed garage represents an overdevelopment.

1.0 APPLICATION DETAILS

1.1 The application site is a parcel of land adjacent to no.14 Lansdown Road, which was previously part of the garden of this property. The site was subject of an outline planning application submitted in January 2017 for the development of 2no. detached dwellings with all matters reserved except access (application reference number: DC/2016/01050). The application was approved 28th June 2017 subject to 6no. conditions.

1.2 A later full application was submitted for a similar development of 2no. dwellings, albeit at reduced in scale to those approved in the outline application (application reference: DM/2019/01283). The full application was approved at planning committee subject to conditions and the permission was issued in February 2019.

1.3 This application seeks permission for a detached garage to serve plot B of the approved scheme. Plot B is the approved dwelling located further away from Lansdown Road. The garage has the following dimensions:

- o Width: 4.2m
- o Depth: 6.6m
- o Height: 4.152m (to ridge) and 2.418m (to eaves)

1.4 The floor area of the garage would be approximately 27.72m².

1.5 The proposed materials will match the materials approved for the main house as agreed under Discharge of Condition application DM/2019/00438 including:

- o Natural slate roof, dark grey
- o Ridge tile, slate black
- o Render, sterling white
- o Windows, hardwood, painted cream
- o Garage door, hardwood, green/grey

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/00438	Discharge of condition 8 (external materials) relating to DM/2018/01283	Approved	25.06.2019
DM/2019/01030	Minor amendments to windows with reduction in sizes.	Pending Consideration	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S17 LDP Place Making and Design
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
MV1 LDP Proposed Developments and Highway Considerations
GI1 LDP Green Infrastructure

4.0 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 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.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Abergavenny Town Council

Recommended the application be refused on the basis that the application is considered to be overdevelopment and contrary to a condition agreed by Planning Committee that no further development should occur on site.

Tree Officer

No adverse comments subject to conditions.

Biodiversity Officer

The Biodiversity Officer raised a holding objected to the application due to the site plan submitted not reflecting the planting plan approved in respect of application DM/2019/01283. An updated planting plan was received which indicated the planting plan as approved could be implemented.

The Biodiversity Officer requested that the submitted information in respect to reptile mitigation is conditioned.

Environmental Health

No objection.

Abergavenny District Civic Society

The Society objects to the application on the basis it represents an intensification of the development on site. They consider the approved development is overdevelopment and that the proposal of the garage seeks to overcome the condition that was imposed which removed permitted development.

The Society also raised concerns in terms of the impact of the garage on a retained sycamore tree.

5.2 Neighbour Notification

2no. neighbours have raised objections to the application. The objections can be summarised as follows:

- o The garage represents over development of plot;
- o Additional enlargements or further development on site should not be considered by the Council following the imposition of the condition removing permitted development rights;
- o Had the garage been included on the original proposal it would not have been approved;
- o The scale of the build now proposed is out of all proportion to the existing properties in the road; and
- o The developer has not been open.

Local Councillor Representations

The local councillor objected to the proposal on the following grounds:

- o The garage represents over development of plot;
- o The garage will have an adverse impact on the character of Lansdown Road; and
- o A condition was included in the original permission to limit development. The inclusion of the garage is against this condition.

6.0 EVALUATION

Strategic & Spatial Choices

6.1 The site is located in Abergavenny whereby development is acceptable in principle, subject to material planning considerations. The pertinent material planning considerations in relation to this application are considered to be as follows and are discussed in detail below:

- o Impact on Amenity/ Promoting Healthier Places
- o Impact on Character of the Area:
- o Visual Impact;
- o Impact on Trees/Landscaping Considerations
- o Biodiversity Considerations; and
- o Highway Safety.

6.2 Prior to concluding the report, objections raised by the Local Councillor, consultees and local residents will be addressed.

Impact on Amenity/ Promoting Healthier Places

6.3 Policy EP1 requires new development to ensure the amenity of existing properties are protected. Given the location of the application site, bounded by existing properties on all sides, the protection of neighbouring amenity is an important consideration to the acceptability of the development. The existing properties which are likely to be most affected are:

- o No. 14 Lansdown
- o No. 10 Lansdown Road;
- o No. 11 Lansdown Road;
- o 49-53 Highfield Crescent; and
- o Future occupiers.

No. 10 Lansdown Road

6.4 No. 10 Lansdown Road is a detached property to the south east of the application site.

6.5 Plot B is located in the vicinity of the garden area of no. 10 and the proposed garage is located 2m from the common boundary and 25m from the property itself. Whilst the garage is located a minimal distance from the common boundary it has a restricted height and scale of approximately 2.4m to eaves and overall ridge height of 4.1m, with the ridge being approximately 5m away from the boundary. It will not, therefore, have an over bearing or dominating impact on the neighbouring property.

6.6 The garage does not provide habitable accommodation which would result in adverse overlooking. Notwithstanding this, the garage does not include any windows to the side elevations which directly overlook no. 10. Furthermore, no. 10 has a large garden and the proposed garage would have a minimal impact on a small proportion of the garden which is not harmful or would reduce its amenity.

6.7 The modest scale of the garage and its position offset from the boundary and property of no. 10 ensures no harmful impact on the amenity of no. 10 and its associated rear garden.

No. 14 Lansdown

6.8 No. 14 Lansdown Road is a detached property to the north west of the application site.

6.9 The proposed garage is located approximately 25m away from the common boundary and separated by the approved house (on plot B). There would be no perceivable impact on No. 14 over and above the approved scheme for 2no. dwellings.

6.10 The impact on no. 14 is acceptable.

Other Properties Lansdown Road

6.11 No. 11 Lansdown Road is the next closest property along Lansdown Road to the development site and is approximately 80m away from the proposed garage. There is no adverse impact likely on no. 11 or any other properties along Lansdown Road given the ample separation distance.

No. 49-53 Highfield Crescent

6.12 The proposed garage is located approximately 12.5m from the rear boundaries of no. 49-53 Highfield Crescent and at least a further 14.5m away from the properties, providing an overall separation distance of 27m. Given the ample separation distances proposed, the amenity of the dwellings along Highfield Crescent will not be adversely affected.

Amenity of Future Occupiers

6.13 The proposed garage is to be located approximately 7m from plot B, on an area that was approved to be garden area. The proposals will reduce the amenity space by only by a small amount and is located a sufficient distance from the property to ensure amenity is not negatively affected.

6.14 It can be concluded that the impact on existing neighbours and future occupiers is acceptable and in full accordance with Policy EP1 of the LDP.

Impact on Character of Lansdown Road

6.15 The character of Lansdown Road was an important consideration in respect of the already approved scheme for 2no. dwellings and continues to be a key consideration in assessing this application.

6.16 The section of Lansdown Road, where the site is located, is less dense with large dwellings set in generous plots and most have detached garages or outbuildings.

6.17 The development of two dwellings on the site was deemed to have an acceptable impact on the character of Lansdown Road under application DM/2019/01283. This application seeks to include a garage on plot B and it is relevant to consider whether the addition of the garage would have a harmful impact of the area's character on its own or in combination with the approved development.

6.18 The garage, as discussed above, is small scale, simple in design and located discreetly on site, set 80m from the public vantage points along Lansdown Road. The garage itself is a typical detached garage you would expect to see in an urban setting and is not unacceptable.

6.19 The proposed garage would be associated with Plot B (as approved) and, therefore, will increase the built form within that plot. Plot B has an overall area of approximately 800m² with a garden area of 308m²; which is extremely spacious for a detached dwelling within an urban area. The garage has a modest floor space of approximately 28m², which would take up a minimal amount of the overall plot (less than 5%) and reduce the garden area to around 280m². The retained garden space is ample to serve the proposed dwelling and the overall change to the plot is insignificant in terms of the overall character of the development.

6.20 The introduction of the garage does not increase the density of the development which remains at 11 dwellings per hectare.

6.21 Plot B will continue to be a spacious plot with a large dwelling and garage similar to the surrounding urban grain.

6.22 It is concluded that the inclusion of the garage would not have a perceivable impact on the character of Lansdown Road over and above that of the approved scheme. The proposed garage accords with Policy DES1 and maintains the distinctive character of Lansdown Road.

Visual Impact

6.23 The proposed garage will be located adjacent to Plot B at the end of the driveway to the site.

6.24 It is acknowledged that the positioning of the garage would be more visible from Lansdown Road than Plot B, since Plot B is largely screened by plot A (as approved). Despite this, views of the garage would be limited by virtue of the modest scale of the garage, the gentle slope of the site downwards from Lansdown Road and the approved timber gates at the access of Plot B. Furthermore, the proposed garage is set back from the main streetscene by 80m resulting in it having an insignificant visual influence on the streetscene.

6.25 The introduction of a garage would have a negligible visible impact on Lansdown Road and deemed acceptable in accordance with Policy DES1 of the LDP.

Impact on Trees/Landscaping Considerations

6.26 The proposed garage will encroach on a small part of the root protection area (hereafter referred to as RPA) of a retained sycamore tree located in the south-eastern corner of the site.

6.27 The tree officer has assessed the proposals and raised no objection since the limited amount of RPA which is affected by the garage is unlikely to adversely affect the overall integrity of the tree. The Tree Officer has requested the arboricultural protection measures contained in the submitted tree report are conditioned, a condition to this effect is imposed. The proposed garage is not considered likely to result in harm to the retained tree.

6.28 It is acknowledged that the retained sycamore tree was indicated in the wrong position on the approved plans subject to application DM/2018/01283. This error has been corrected on the plans subject to this application and demonstrates that neither the approved scheme nor proposed garage will adversely affect the retained tree.

6.29 The landscaping scheme as approved in respect of application DM/2018/01283 will not be affected by the proposal, as discussed further below. The scheme landscaping scheme remains to be acceptable and is in accordance with Policy GI1. To ensure compliance with the planting plan a condition to secure it has been imposed.

Biodiversity

6.30 The approved application was supported by an ecology report which found potential for reptiles within areas of the garden due for development. Recommendations contained within the ecology report were conditioned to the permission. Following commencement of development the relevant biodiversity conditions were breached an amended Reptile Mitigation Strategy provided, the amended Reptile Mitigation Strategy accompanies this application.

6.31 The proposed garage is not considered to adversely impact on ecological features at the site and does not interfere with the developer's ability to meet the requirements of the submitted Reptile Mitigation Strategy.

6.32 The ecologist has reviewed the application and queried whether the approved landscaping plan could be implemented if the garage was approved. The applicant has provided a planting plan with the garage in situ and it can be confirmed the approved planting plan subject to application DM/2019/01283 will be unaffected by the proposals. This plan, along with the Reptile Mitigation Strategy, will be conditioned to ensure its implementation.

6.33 The proposed garage would not result in negative impacts on biodiversity and as such the proposal accords with LDP policy NE1.

Highway Safety

6.34 The proposed garage does not affect the access and the access arrangements as approved will be maintained.

6.35 The required parking provision, of 3no. spaces, will be maintained and accords with the Parking Standard Supplementary Planning Guidance.

6.36 The proposal will not have an adverse impact on highways or parking provision and is acceptable in accordance with Policy MV1.

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

6.37 For completeness, the objections raised by the Town Council, Civic Society, Local Councillor and neighbours have been dealt with below in turn. The concerns raised by the relevant interested parties were similar and can be summarised as follows:

- o The garage represents over development of plot;
- o Additional enlargements or further development would not be considered by the Council following the imposition of the condition removing permitted development rights/A condition was included in the permission to limited development/The inclusion of the garage is against this condition
- o Had the garage been included on the original proposal it would not have been approved;
- o The scale of the build now proposed is out of all proportion to the existing properties in the road;
- o Accuracy of plans and location of retained tree; and
- o The developer has not been open.

The garage represents over development of plot;

6.38 The proposed garage would take up approximately 5% of the whole plot, retaining an ample private garden of approximately 280m².

6.39 The introduction of a modestly sized detached garage on a large residential plot would not result in overdevelopment of the plot.

Additional enlargements or further development would not be considered by the Council following the imposition of the condition removing permitted development rights/A condition was included in the permission to limited development/The inclusion of the garage is against this condition.

6.40 A condition (condition 7) was imposed on planning permission DM/2019/01283 which removed permitted development rights. This condition was imposed by planning committee members to restrict uncontrolled development at the site which may be harmful to surrounding neighbours.

6.41 The removal of permitted development rights is not a blanket restriction preventing the applicant or future occupiers from extending or altering the dwelling at all. The restriction of permitted development rights requires all works proposed to the dwelling to gain express planning permission. As such, control in terms of any additional development site lies with the Local Planning Authority.

6.42 It is for the Local Planning Authority to consider each application on its own merits and whether there is an adverse impact in planning terms. The proposed garage subject to the application has been considered thoroughly in the context of material planning considerations and concluded the impact of the development is acceptable and in accordance with the Local Development Plan.

Had the garage been included on the original proposal it would not have been approved;

6.43 The garage was not included on the main application so was not considered at that stage. Given the garage is recommended for approval as part of this application it is likely that had the garage been included on the original application it would have been considered similarly.

The scale of the build now proposed is out of all proportion to the existing properties in the road

6.44 As discussed above in respect of 'Impact on Character', numerous properties along Lansdown Road are large detached dwellings set in large plots with detached garages. The proposal of a garage associated with plot B is not considered out of character or out of proportion with the existing urban grain. The introduction of the garage would not be perceivable from outside of the site limits.

Accuracy of plans and location of retained tree

6.45 The retained tree in the south-eastern corner of the site was indicated in the wrong position on the approved plans subject to application DM/2018/01283. This error has been corrected on the plans subject to this application and demonstrates that neither the approved scheme nor proposed garage will adversely affect the retained tree.

The developer has not been open

6.46 This is not a material planning consideration. Notwithstanding this, it is commonplace that further applications are submitted on development sites before, during and after the construction phase to add to or amend proposals.

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

6.51 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.

6.6 Conclusion

6.6.1 The proposed garage is an appropriate scale in the context of the wider approved development and deemed to be acceptable in accordance with the Local Development Plan, particularly policies DES1, EP1, NE1, GI1 and MV1.

7.0 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 Works shall be carried out in strict accordance with the mitigation measures described in Section 5 Recommendations of the submitted report "14 Lansdown Road, Abergavenny, Monmouthshire - Ecological Assessment" dated January 2017 produced by Pure Ecology.

REASON: To ensure the protection of ecological features at the site in accordance with Policy NE1

4 All landscaping proposals as approved in Proposed Planting Plan, drawing number: 18/649/03, Rev. D 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.

5 The development shall be carried out in full compliance with the Tree Survey, Arboricultural Impact Assessment and Method Statement, Rev. C.

REASON: To protect important landscape features within the site.

Application Number: DM/2019/01069

Proposal: Workshop extension to existing garage.

Address: 7 Graig View, Cross Ash, Abergavenny, NP7 8PG

Applicant: Mr. Lenny Lane

Plans: Site Plan 2636-BP01 - , Elevations - Existing 2636-01 - , Elevations - Proposed 2636-02 - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Lowri Hughson-Smith
Date Valid: 29.07.2019

This application is presented to Planning Committee because the applicant is employed by Monmouthshire County Council

1.0 APPLICATION DETAILS

1.0 The application site is a semi-detached dwelling located in the village of Cross Ash which has an associated garage and car port location to the west of the dwelling within the property curtilage.

1.2 This application seeks permission for an extension to the garage to provide a workshop and removal of the existing car port. The extension will project from the north of the garage and has the following dimensions:

- o Depth: 7m
- o Width: 5.6m
- o Height: 4.3m to ridge, 2.55m to eaves

1.3 The proposed materials include:

- o Concrete tiles to match existing roof;
- o Painted rendered walls;
- o White UPVC windows;
- o Black UPVC rainwater goods; and
- o Timber fascia and bargeboards.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2009/00837	Single storey garage	Approved	14.10.2009

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

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

4.1 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 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.

4.2 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.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llangattock-Vibon-Avel Community Council: No response received.

5.2 Neighbour Notification

No response received.

6.0 EVALUATION

Strategic Planning/ Development Plan context/ Principle of Development

6.1 The application site is located in the settlement boundary of Cross Ash and the proposed garage extension is acceptable in principle subject to material planning considerations. The relevant material planning considerations in this case are:

- o Good Design/ Place making
- o Impact on Amenity
- o Biodiversity

Good Design/ Place making

6.2 The proposed garage extension is simple in form following the design of the existing garage and the scale of garage/workshop extension would remain subservient to the main dwelling. The garage will not, therefore, look out of place within the curtilage of the main dwelling.

6.3 The finishing materials include concrete tiles to match existing roof, painted rendered walls, white UPVC windows, black UPVC rainwater goods and timber fascia and bargeboards. The appearance of the extension and proposed materials are in keeping with the main dwelling and surrounding dwellings

6.4 It is considered the design, form and appearance of the proposed garage is in keeping with the surrounding area and accords with the LDP, specifically Policy DES1.

Visual Impact

6.5 The proposed extension is located to the rear of the existing garage and will be partially built into the land form which slopes upwards from the site access. The extension will remain the same height as garage and will not be visible from outside of the site limits. Given the modest scale of garage and its discreet positioning, it would not be widely visible from outside of the site and any possible views would be limited and not harmful.

6.6 The visual impact of the proposals extension is acceptable and accords with Policy DES1.

Impact on Amenity/ Promoting Healthier Places

6.7 The application site is located on the edge of the settlement with existing neighbours to the east and south. The property to the east, no. 8 Graig View, is located approximately 19m away from the proposed garage extension and separated by the application property. The impact of the proposed extension on this property would be negligible. This conclusion is further supported by the limited scale of the extension which will partly be building in the ground having a further reduced impact.

6.8 The properties to the south (no. 3 to 6 Graig View) are located approximately 23m away and are at a significantly lower level. Given the ample separation distance and change in ground levels, there is no adverse impact anticipated on the amenity of these dwellings.

6.9 It is concluded the proposal will not have an impact on surrounding properties and accords with policies DES1 and EP1 of the LDP.

Biodiversity

6.10 A Bats in Building Form Part A was completed and submitted with the application. Following review of the submitted form, it was concluded that a bat survey was not required due to the well-maintained nature of the roof, age of building and high level of internal and external lighting of the building.

6.11 An informative relating to bats will be attached to the planning permission.

6.12 The proposal is considered acceptable in accordance with Policy NE1.

Well-Being of Future Generations (Wales) Act 2015

6.13 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.

Conclusion

6.14 The proposal has been assessed as acceptable in regard to the material planning considerations, namely, the relevant planning policy, appropriateness of the design and the impact on residential amenity. It is recommended the application is approved.

7.0 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.

INFORMATIVES

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

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SUBJECT: AMENDING AFFORDABLE HOUSING FINANCIAL CONTRIBUTIONS IN ACCORDANCE WITH THE ADOPTED REVISED AFFORDABLE HOUSING SUPPLEMENTARY PLANNING GUIDANCE (SPG) (JULY 2019).

MEETING: PLANNING COMMITTEE

DATE: 3 September 2019

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

The purpose of this report is to seek approval from the Planning Committee to approve amended affordable housing contribution figures within Appendix 1 in accordance with the adopted Affordable Housing SPG (July 2019)

2. RECOMMENDATIONS:

The Planning Committee Approve the amended affordable housing financial contributions as outlined within Appendix 1 in accordance with the adopted Affordable Housing SPG (July 2019)

3. KEY ISSUES:

- 3.1 As of the 31st July 2019 the Council has adopted a revised Affordable Housing Supplementary Planning Guidance (SPG). The adoption of this SPG has resulted in the amount of financial contribution that will be requested for planning applications changing to a reduced figure. The financial contributions now being sought has been reduced in line with our new approach in the adopted SPG. The revised SPG has been informed by evidence and experience gathered over the last 2 years since the previous SPG was adopted. Under the previous SPG, a number of developments were not considered to be viable following detailed viability appraisals which had significant time and resource implications for the Council. The benefit of reducing the financial contribution is that the Council should now receive a higher amount of payments and it will no longer seek to negotiate regarding the viability of schemes via the Three Dragon's viability toolkit. If the requested financial contributions are challenged by the applicant the procedure outlined within the adopted SPG is that the application would be reviewed by the District Valuer (DV) at the cost of the applicant.
- 3.2 There are a number of planning applications which have been resolved to be approved by Planning Committee subject to the signing of a S106 legal agreement to secure the affordable housing financial contribution. Legally these applications are not determined until the issuing of the final decision notice. Planning applications need to be determined in accordance with current planning policy *at the time of the issuing of the decision notice*. Therefore, these applications that are currently awaiting a legal agreement need to be determined in accordance with the revised Affordable Housing SPG (July 2019).
- 3.3 The new formula for calculating the financial contribution needs to be applied to applications awaiting the signing of the S106 legal agreement. The formula is outlined in Appendix 3 of

the adopted Affordable Housing SPG (July 2019) which is attached as an appendix to this report. The formula for calculating the new financial contribution is:

Formula: Financial Contribution = Internal Floor Area (m²) x CIL Rate x 58%

The newly adopted method of calculation takes the internal floor area (m²) multiplied by the Community Infrastructure Levy (CIL) rate for the area in which the development is situated and then multiplies that figure by 58%, which is the percentage that a developer should fund when no social housing grant is available. The method of calculating the financial contribution towards affordable housing was changed to make the contribution simpler to calculate for customers and results in a contribution that is appropriate for the scale of development.

- 3.4 This report seeks approval from Committee to alter the previously approved financial contribution to the amended figures in accordance with the new Affordable Housing SPG (July 2019). Appendix 1 provides a table outlining the applications that are affected by this change in the SPG. The table outlines the application reference number, the address of the site, the development description, the amount of the financial contribution previously sought under the previous SPG and the now amended contribution.
- 3.5 For delegated officer applications that have been resolved to be approved subject to the signing of a legal agreement these applications will be amended to be in accordance with the adopted SPG. If the application was considered by the Council's Delegation Panel it will be re-presented to the Panel via a report for endorsement.

Recommendation: Approve the amended affordable housing financial contributions as outlined within Appendix 1 in accordance with the adopted Affordable Housing SPG (July 2019)

Appendix 1

Application Number	Address	Description of Development	Previous Financial Contribution sought	Amended Financial Contribution in accordance with adopted Affordable Housing SPG (July 2019)
DC/2016/00921	Manor House Farm, Churchmead, Rogiet, Monmouthshire, NP26 3UQ	Construction of two single storey new dwellings within the grounds of Manor Farm. Re-forming part of the original farm setting including new access and parking area.	£25,067	£5,302.40 + 6,3104.40 Total : - £ 11,618.80
DC/2016/00953	Hill Farm, Pwllmeyric, Monmouthshire, NP16 6LA	Outline application for housing development - 17 houses.	£56,438	Nine dwellings to be onsite affordable housing. Plots 1 and 2 to provide financial contribution in accordance with formula: Financial Contribution : £120 x Floor space x 58%
DM/2018/00308	3 The Paddock Chepstow Monmouthshire NP16 5BW	Proposed new dwelling	£29,856	£8,931.77
DM/2018/01089	New Trecastle Farm Trecastle Road Llangovan Monmouthshire NP25 4BW	Conversion of two agricultural barns and associated outbuildings to residential use.	£54,321	Change of use contribution not required.
DM/2018/01496	Proposed Development Of Two New Builds Tump Lane Undy Monmouthshire	Demolition of existing bungalow and erection of 2no. two storey dwelling houses with associated works.	£13,230	£7,922.80
DM/2018/01801	12 Elm Avenue Undy Caldicot	Erection of one dwelling.	£13,230	Applicant has provided viability information that has been assessed. The viability assessment concludes that the development is not viable. No

	Monmouthshire NP26 3EX			financial contribution sought.
DM/2019/00118	Land Opposite Five Severn View Caldicot Monmouthshire	Renew outline approval DC/2012/00450 and DC/2016/00059	£15,085	Outline Planning application therefore use formula : - Financial Contribution : £80 x Floor space x 58%
DM/2018/01349	Plot Between 4 And 5 Ebbw Road Caldicot Monmouthshire	Construction of one bungalow. Change of use of land.	£9,982	£4282.72
DM/2018/02053	Green Acres Vinegar Hill Undy Caldicot Monmouthshire	Proposed detached dwelling	£15,015	£9360.27
DM/2019/00003	Former Llanfoist Primary School Llanellen Road Llanfoist Abergavenny Monmouthshire NP7 9NF	Conversion and extension of the former school building to create two residential units, new vehicular access on land to the East and the development of two, four bedroom detached dwelling on the land to the North with associated garages and parking.	£55,713 + £57,134	£10,172.36 + £10,172.36
DM/2018/01777	Proposed New Dwelling Adjacent To 6 Caestory Avenue Raglan Monmouthshire	Erection of detached dwelling house.	£27, 685	£12,110.40



**Monmouthshire Local Development Plan
Affordable Housing
Supplementary Planning Guidance
July 2019**

**Monmouthshire County Council
Adopted Local Development Plan 2011-2021**

**Affordable Housing
Supplementary Planning
Guidance**

July 2019

Planning Policy

Monmouthshire County Council

County Hall, Rhadyr, Usk, Monmouthshire NP15 1GA

Tel. 01633 644429

E-mail: planningpolicy@monmouthshire.gov.uk

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1. INTRODUCTION

- 1.1 This note is one of a series of Supplementary Planning Guidance (SPG) notes that have been prepared to provide supporting information and advice on the implementation of the Council's development plan policies. This SPG is intended to offer clear 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 affordable housing will be delivered in practice.
- 1.2 This SPG has been revised in order to update housing data in Sections 2 and 3 and to provide simplification and clarity with regard to a number of other areas, for example Sections 4A, 4B and 4C2. Section 4B1 has been revised following a change to the method for calculating financial contributions towards affordable housing. These changes are informed by experience and viability evidence.
- 1.3 Status
- 1.3.1 This SPG is prepared in the context of the Monmouthshire County Council Adopted Local Development Plan (LDP), February 2014.
- 1.3.2 SPG supplements the Council's development plan, with only the policies contained in the development plan having the special status afforded by Section 38 (6) of the Planning and Compulsory Purchase Act 2004. However, the Welsh Government (WG) advises that SPG may be taken into account as a material consideration in the determination of planning applications and appeals.
- 1.3.3 This SPG has been adopted following public consultation. It constitutes a material consideration to be given weight in planning decisions.

2 THE AFFORDABLE HOUSING ISSUE

- 2.1 A significant issue for Monmouthshire is the fact that house prices are high in relation to earnings so that there is a need for additional affordable housing in the County in both urban and rural areas, particularly for those that live and work here.
- 2.2 Affordability of housing is a concern throughout Wales. In October 2018 the average house price for Wales was £186,256 and the house price to earnings ratio was 6:1. By comparison, in Monmouthshire the average house price in September 2018 was £307,600 and the lower quartile house price to earnings ratio was 9:1 (Source: Hometrack 30/10/2018).
- 2.3 These figures illustrate how difficult it is for local people to purchase their first home or move into a larger home in the County when their family

circumstances change. In 2018, the full-time gross weekly pay for Monmouthshire residents was £638.50 (Males £690.90 and Females £567.50), compared to the Wales gross weekly pay of £518.60 (Males £551.90 and Females £474.10). However, the full-time gross weekly pay by workplace presents a different picture with people working in the County earning only £537.80 per week (Males £578.90 and Females £469.30), compared to the Wales figures of £509.00 per week (Males £541.60 and Females £469.50) (Source: NOMIS 30/10/18). In other words, Monmouthshire has a dual economy. The qualifications, skills and earnings of the residents are above the regional and national average, however, for those working in the area earnings are lower and employment is relatively less skilled.

- 2.4 Monmouthshire's net population growth has historically been due to inward migration: its population would otherwise decline due to there being more deaths than births. The County has a demographically imbalanced population, with an increasing proportion over 65 and over 85 year olds, and a low proportion of 20-40 year olds. With a median age of 48 and a small economically active population, the County's economic base is currently weak. The County's housing market continues to perform strongly, with house sales achieving a high percentage of the asking price, and sales being secured quickly. Properties in Monmouthshire take, on average, 4.6 weeks to sell compared to the Wales average of 10.2 weeks. Properties also achieve, on average, 95% of asking price. House prices, therefore, will remain at a level way above what local people can afford. (Source: Hometrack Housing Intelligence, September 2018)
- 2.5 The planning system is an increasingly important means of improving the supply of affordable housing for local people. Monmouthshire County Council recognises this and is keen to ensure that developers and local people have clear guidance on how its development plan policies and decisions on planning applications will operate and thereby contribute to one of the desired outcomes of the Council's Corporate Business Plan 2017 - 2022. One of the key issues within the Business Plan is 'the provision of quality housing, including affordable housing, to meet the needs of our communities and to address the needs of our changing demography'. The link between housing and health is well established and long standing. The quality of the home has a substantial impact on health; a warm, dry and secure home is associated with better health. In addition to basic housing requirements, other factors that help to improve well-being include the neighbourhood, security of tenure and modifications for those with disabilities. The benefits to health, learning and prosperity are also reflected in page 42 of Planning Policy Wales Edition 10, December 2018. Monmouthshire's Well-being Plan, April 2018 recognises the 'need to readdress the supply and mix of housing stock to ensure suitable and affordable housing is available to all demographic groups'.
- 2.6 This SPG has been prepared in the context of the most recent WG planning policy on affordable housing contained in *Planning Policy Wales Edition 10*, December 2018 and Technical Advice Note 2 *Planning and Affordable Housing*, June 2006.

2.7 Planning Policy Wales (PPW) Edition 10, December 2018

2.7.1 *PPW* provides the overarching national strategic guidance with regard to land use planning matters in Wales. Paragraph 4.2.1 states in part that ‘new housing development in both urban and rural areas should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities’.

2.7.2 Paragraph 4.2.2 of *PPW* 10 states that the planning system must:

- ‘identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures;
- ‘enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and
- ‘focus on the delivery of the identified housing requirement and the related land supply’.

2.7.3 With regard to need, paragraph 4.2.25 states: ‘A community’s need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications.’

2.8 Definitions of Affordable Housing

2.8.1 Affordable housing is defined in paragraph 4.2.25 of *PPW* 10:

‘Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers’.

2.8.2 Paragraph 4.2.26 extends this definition further noting:

‘Affordable housing includes social rented housing owned by local authorities and RSLs (registered social landlords) and intermediate housing where prices or rents are above those of social rent but below market housing rents and prices’.

These definitions of affordable housing contrast with the definition in paragraph 4.2.26 of general market housing:

‘All other types of housing are referred to as ‘market housing’, that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local authority’.

Paragraph 4.2.26 goes on to say:

'It is recognised that some schemes may provide for staircasing to full ownership and where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing'.

2.9 Affordability

2.9.1 There is a need to define 'affordability'. WG guidance defines this as:

'the ability of households or potential households to purchase or rent property that satisfies the needs of the household without subsidy' (WG TAN2, para 4.1).

The subsidy referred to in the quotation above is a subsidy on the property itself, which helps make it more affordable. There are different levels of subsidy depending on the different types of tenure, therefore creating a wide range of affordable options.

2.9.2 This should be determined in each local housing market area in an Authority's area and would be based on such factors as ratio of household income to the price of property.

3. AFFORDABLE HOUSING NEED IN MONMOUTHSHIRE

3.1 The **Local Housing Market Assessment (LHMA)** commissioned by the Council in June 2010 helped inform the target of 960 affordable homes over the LDP plan period of 2011 -2021 set out in Policy S4. The recent LHMA (September 2018) shows an annual shortfall of 468 affordable homes. However, this figure should not be taken as an annual target for delivery of affordable housing as new build homes are not the total solution to the supply of affordable homes in the County. The affordable housing target remains the LDP target of 960 over the 2011-2021 plan period.

4. MONMOUTHSHIRE'S PLANNING POLICIES ON AFFORDABLE HOUSING

4.1 Policy S4 of the Adopted Monmouthshire LDP is the primary means of achieving the affordable housing target referred to in the above paragraph. Policy S4 sets out the thresholds at which affordable housing has to be provided and the percentage of affordable housing that will be required in each case, depending on the location of the development site.

Policy S4 – Affordable Housing Provision

Provision will be made for around 960 affordable homes in the Local Development Plan Period 2011-2021. To meet this target it will be expected that:

- In Main Towns and Rural Secondary Settlements as identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 35% of the total number of dwellings on the site to be affordable.
- In the Severnside settlements identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 25% of the total number of dwellings on the site to be affordable.
- In the Main Villages identified in Policy S1:
 - Development sites with a capacity for 3 or more dwellings will make provision for at least 60% of the total number of dwellings on the site to be affordable.
- In the Minor Villages identified in Policy S1 where there is compliance with Policy H3:
 - Development sites with a capacity for 4 dwellings will make provision for 3 dwellings to be affordable.
 - Development sites with a capacity for 3 dwellings will make provision for 2 dwellings to be affordable.
- In the open countryside developments involving the conversion of existing buildings or sub-division of existing dwellings to provide 3 or more additional dwellings will make provision (subject to appropriate viability assessment) for 35% of the total number of dwellings to be affordable.
- Development sites with a capacity below the thresholds set out above will make a financial contribution towards the provision of affordable housing in the local planning authority area.

Other than in Main Villages, in determining how many affordable houses should be provided on a development site, the figure resulting from applying the proportion required to the total number of dwellings will be rounded to the nearest whole number (where half rounds up).

The capacity of a development site will be based on an assumed achievable density of 30 dwellings per hectare.

- 4.2 The settlement hierarchy referred to in Policy S4 is set out in LDP Policy S1, namely:

Main Towns: Abergavenny, Chepstow and Monmouth

Severnside Settlements: Caerwent, Caldicot, Magor, Portskewett, Rogiet, Sudbrook and Undy

Rural Secondary Settlements: Usk, Raglan, Penperlleni and Llanfoist

Main Villages: Cross Ash, Devauden, Dingestow, Grosmont, Little Mill, Llandewi 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, Tredunnock

Open Countryside

- 4.3 There are five types of residential development as set out in A-E that could arise in providing affordable housing under Policy S4 which need further consideration:
- A) Developments of 5 or more dwellings in Main Towns, Rural Secondary Settlements and Severnside Settlements.
 - B) Developments of 1 – 4 dwellings in Main Towns, Rural Secondary Settlements and Severnside Settlements.
 - C) Developments in Main Villages
 - D) Developments in Minor Villages.
 - E) Developments in the open countryside.
- 4.4 Specific guidance on these matters is provided on the following information sheets and the checklists in Appendix 4:

A. DEVELOPMENTS OF 5 OR MORE DWELLINGS IN MAIN TOWNS, RURAL SECONDARY SETTLEMENTS AND SEVERNSIDE SETTLEMENTS.

When an application for residential development is received in these settlements the first step in its assessment will be to:

A.1 Establish the net site area and calculate the capacity of the site based on an assumed achievable density of 30 dwellings per hectare.

- i. It is a requirement of LDP Policy DES1 criterion i) that in order to make the most efficient use of land the minimum net density of residential development should be 30 dwellings per hectare. The net developable area is defined as excluding areas taken out for other uses such as employment or which are undevelopable for one reason or another, including internal access roads and incidental open space between houses, play areas etc. Similar considerations should be taken into account when calculating the site capacity in relation to Policy S4.
- ii. The capacity of a site is calculated as a 'net' figure with the number of any existing dwellings on a site that are to be demolished, subdivided or retained subtracted from the overall capacity to give a final capacity figure for the purposes of Policy S4.

A.2 If the capacity of the site is 5 or more dwellings then the affordable housing requirement to be provided on site is calculated at 35% in Main Towns and Rural Secondary Settlements and 25% in Severnside settlements, subject to a) and b) below.

A.2.a) Should the development not be achieving 30 dwellings per hectare and it is considered that there is not a material non-compliance with Policy DES1 i) then the affordable housing requirement should be calculated on the **agreed** capacity of the site (rather than the 'theoretical' capacity of 30 dwellings per hectare).

A.2.b) In determining how many affordable houses should be provided on a development site, the figure resulting from applying the proportion required to the total number of dwellings will be rounded to the nearest whole number (where half rounds up.)

A.3 If the capacity of the development site is below the threshold of 5 dwellings then a financial contribution towards affordable housing in the local planning authority area will be required (see B)

A.4 When the threshold for affordable housing is met the following considerations will be taken into account in the implementation of Policy S4:

- i. The mix of house types, sizes and tenure should reflect local needs. (This must be established from the Council's Housing Services section on a site-by-site basis in accordance with the particular needs of the community in which the site is located).

- ii. Provision for affordable housing will be secured through Section 106 Agreements.
- iii. **Affordable housing should be provided on-site** (unless there are exceptional circumstances that justify off-site provision, as considered in paragraph 5.10 of this SPG) and should reflect the characteristics of the locality or the rest of the site.
- iv. Householder permitted development rights may be withdrawn so that control may be exercised over the enlargement or alteration of dwellings in ways that would change their affordability for future occupiers.
- v. In seeking to negotiate an element of affordable housing on a site the Council will take into account: site size, suitability, and the economics of provision; whether there will be particular costs associated with development of the site; and whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in the development of the site.
- vi. Planning obligations and affordable housing will have an impact on land values and landowner expectations. Applicants are expected to have considered in full the overall cost of development, including the required policy-based planning obligations and any reasonably known abnormal costs, when negotiating the purchase of land. Viability assessments will be limited to sites where there are exceptional, **unforeseen** circumstances outside the scope of normal market risk, for example where a recession or similar significant economic changes have occurred since the plan was adopted or where there is an overriding regeneration benefit in developing the site.
- vii. Where a site is still under option by a developer, it will **always** be expected that the policy requirements can be met, provided that the scheme is not abnormally costly or abnormally under value for the area. These costs must be reflected in the price that the developer purchases the site for so ensuring that the proposed development site is economically viable to meet the Council's affordable housing requirements. If there is any doubt about viability on a particular site, it will be the responsibility of the developer to offer the landowner a lesser price for the site, or to maximise the mix of market units on site to achieve the affordable housing policy.
- viii. Where a viability assessment is deemed necessary, the Council will require applicants to provide detailed information and supporting evidence. The level of supporting evidence required will depend upon how far the viability inputs deviate from acceptable parameters based on industry norms. Any 'assumptions' must be clearly explained and justified. An 'open book' approach is required. Any evidence relating to the viability assessment will then be independently assessed by the District Valuer, the cost of which will be borne by the developer. All viability appraisals will be published in the public domain.
- ix. General requirements:

- The Council's policy requirements should be the starting point for applicants and viability appraisals should subsequently work backwards from this. The Council will expect land transactions to reflect policy, rather than the other way round.
- Evidence should be provided to show what consideration has been given to alternatives in order to improve viability. Such measures can include altering development densities, layout and mix of market dwellings.

A.6 Layout and Design

The Council requires the '**pepper-potting**' of affordable housing, rather than provision in enclaves. **Properties for affordable housing should be in clusters of no more than 6 - 15 units, depending on the overall size of the development.** The design and materials of dwellings built to comply with affordable housing policies should be similar to that of adjoining market housing.

B. DEVELOPMENTS OF 1 – 4 DWELLINGS IN MAIN TOWNS, RURAL SECONDARY SETTLEMENTS AND SEVERNSIDE SETTLEMENTS.

It is a basic principle of 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 authority area, irrespective of whether or not the size of the development falls below the threshold for on-site provision. However, the following exemptions apply in relation to residential conversions.

Residential Conversions

- Single Barn Conversions will be exempt from paying a financial contribution due to viability. However, where there is an increase of 2 - 4 dwellings resulting from the conversion of a barn or complex of barns, a financial contribution will be sought using the calculation below and in Appendix 3.
- Commercial conversions such as flats above shops or offices involving proposals for 1 – 4 dwellings will be exempt from making a financial contribution towards affordable housing.
- Conversions of Listed Buildings for 1 - 4 dwellings will also be exempt from paying a financial contribution.

B.1 If the capacity of the site falls below the threshold (1 - 4 units) at which affordable housing is required, prior to obtaining planning permission the applicant will need to enter into a S106 agreement to pay a financial contribution towards affordable housing in the housing market in which the site is located. A standard Section 106 agreement that will be used for this purpose is set out in Appendix 2. An affordable housing contribution will be liable to be paid on completion and prior to occupation of each dwelling to which the payment relates.

- i A financial contribution towards affordable housing will have an impact on land values and landowner expectations, therefore, the Council will expect that applicants have considered in full the overall cost of development, including the required financial contribution towards affordable housing, and any abnormal costs, when negotiating the purchase of land.
- ii The required financial contribution is calculated by using the Commuted Sum (CS) Rate for each area of Monmouthshire and the internal floor space of the dwelling(s) in m². It should be noted that integral garages, as part of any scheme, would be counted within the internal space. The figure of 58% is the proportion that the landowner/developer would fund were the units to be delivered on site.

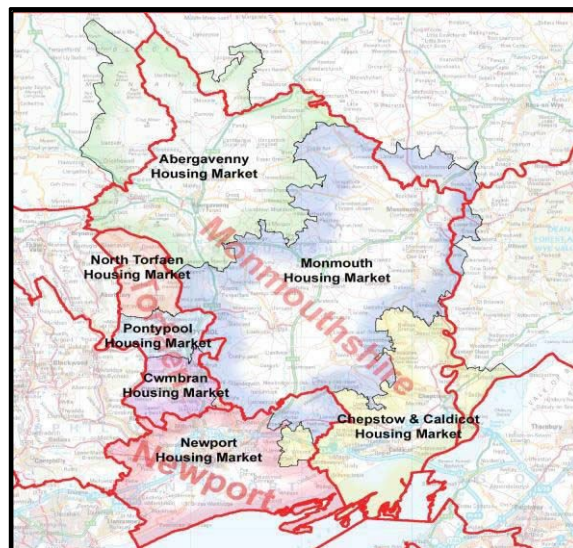
Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%

- iii The calculation can be obtained from the Council's Planning Officer. The contribution will be set at the equivalent of 35% of the agreed capacity of the site (25% in Severnside).

Commuted Sum Rates and example calculations are given in Appendix 3.

Financial contributions gathered by the Council will be used to deliver affordable housing in the Housing Market Area (HMA) from which they are collected. The Council may combine financial contribution from different sites if appropriate and will spend contributions in the way that best achieves the Council's priorities for affordable housing, which could include new build, purchasing an existing home, converting existing buildings or bringing an empty home back into use. The number of units resulting from expenditure may be more or less than the units used to calculate the contribution as dwelling types, tenure, specifications and other aspects will vary from scheme to scheme.

The map below shows the three Housing Market Areas in Monmouthshire. (Source: Monmouthshire Local Housing Market Assessment 2018)



- B.2** The Council does not wish to hinder the supply of dwellings from self-builders who could be building to meet their own needs. Therefore, **self-builders whose developments fall below the thresholds will not be required to make a financial contribution.** This is consistent with the approach set out in the Community Infrastructure Levy Regulations and the same definition of 'self-build' will be used as set out in the CIL Regulations 54A, 54B, 54C and 54D as inserted by the 2014 Regulations (see the standard Section 106 agreement in Appendix 2).

- i. If a developer wishes to make a claim for an exemption under the self-build provision then a form¹ must be submitted **prior to completion** of each dwelling to which the payment relates confirming that the dwelling is intended to be occupied by the owner of the land.
- ii. **Within 6 months of occupation** a further form must be submitted evidencing occupation by the owner. The Council will at this point agree to defer the payment for the duration of two-and-a-half years from that notification.
- iii. Any such exemption will be subject to a 'claw-back' mechanism so that **if the criteria for self-build status are not complied with within a period of three years from the occupation of the dwelling then the requirement for an affordable housing contribution will be reinstated**. Should there be compliance with the three year period, the Council will, through a variation of the Section 106 Agreement, confirm that no payment will be required on that specific dwelling.

¹ The exemption form is available in Annex C of the standard Section 106 agreement.

C. DEVELOPMENT IN MAIN VILLAGES.

C.1 Sites allocated in main villages under LDP Policy SAH11 with the specific purpose of providing 60% affordable housing.

There is a specific issue in the County relating to the provision of affordable housing in rural areas due to the limited ability of existing residents in the countryside, particularly young people, to afford housing, which restricts their ability to remain within their existing communities if they are in housing need. In order to secure the provision of essential affordable housing in rural areas, and acknowledging that 100% affordable housing rural exception sites rarely come forward, a number of housing sites have been allocated in Main Villages under LDP Policy SAH11 with the specific aim of providing affordable housing for local people.

These sites are required under Policy S4 to provide a **minimum of 60% affordable housing**:

- i. The mix and tenure of the 60% affordable housing will be based on local housing need and this information can be established from the Council's Housing Strategy Officer on a site-by-site basis in accordance with the particular needs of the community in which the site is located.
- ii. Unlike general housing sites, therefore, **when the figure resulting from applying the proportion of affordable housing required to the total number of dwellings is not a whole number, there is no rounding down, only rounding up.**
- iii. Policy SAH11 sets a maximum size of development at 15 dwellings in order to ensure that any development is of a 'village scale', in keeping with character of the settlements. This amount may be smaller in certain villages, as set out in Policy SAH11, which indicates the scale of development that is considered to be acceptable having regard to the characteristics of the village and the particular site. It is unlikely to be acceptable for these lower site capacities to be exceeded unless it can be clearly demonstrated that there is no adverse impact on village form and character and surrounding landscape.
- iv. The LDP *Affordable Housing Viability Study* confirmed that a requirement for 60% affordable housing on rural sites will enable developer contributions towards the cost of providing affordable housing as the high market values for housing in rural areas would still provide residual land values far in excess of existing agricultural land values that should be sufficient incentive to bring land forward for development. **It must be recognised that the sole purpose for allocating these sites is to provide affordable housing for local people in rural areas. Without the provision of 60% affordable housing there is no justification for releasing these sites and anticipated land values should reflect this accordingly.**

- v. It is intended that this affordable housing will be brought forward using the mechanisms set out in section 5 below. The Council recognises that there may sometimes be abnormal costs that restrict the ability of a development to provide the financial subsidy to achieve affordable housing requirement. Initially, however, there is no intention to use financial subsidy to support 60% affordable housing sites.
- vi. Given the particular circumstances of these 60% affordable housing sites, the Council will not apply its normal policy of requiring 'pepper-potting' of affordable housing throughout a development. It is recognised that the best way of developing these sites and enabling the market housing to achieve its full potential for achieving financial subsidy for the affordable housing element is to allow the market dwellings to be grouped together.
- vii. All affordable housing achieved on LDP sites in Main Villages will give priority to local residents through the Council's Rural Allocations Policy.

C.2 Other Sites in Main Villages

There is scope for infill development to take place within the Village Development Boundary as identified in the LDP, For other sites within the development boundaries of Main Villages (i.e. excluding the 60/40 allocated sites) provision of 35% affordable housing on site will be required for both new build development and conversions. However, the following exemptions apply in relation to residential conversions.

Residential Conversions

- Single Barn Conversions in Main Villages will be exempt from paying a financial contribution due to viability. However, where there is an increase of 2 - 4 dwellings resulting from the conversion of a barn or complex of barns, a financial contribution will be sought using the method set out in Section 4 B1 and Appendix 3.
- Commercial conversions such as flats above shops or offices involving proposals for 1 – 4 dwellings will be exempt from making a financial contribution towards affordable housing, although it is recognised that there will be few opportunities for such conversions within Main Villages.
- Conversions of Listed Buildings to 1 to 4 dwellings will also be exempt from paying a financial contribution.

D. DEVELOPMENT IN MINOR VILLAGES

- D.1** Policy S1 identifies Minor Villages where small scale development will be allowed in the circumstances set out in LDP Policy H3. Minor Villages are settlements that (subject to detail) are suitable for minor infill of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings. Applications relating to infill developments should also refer to the Infill Development Supplementary Planning Guidance.

Infill developments in Minor Villages, consisting of 1 or 2 dwellings, will make a financial contribution towards affordable housing in the local planning authority area. This will be set at the equivalent of 35% of the number of dwellings proposed in the development. However, the following exemptions apply in relation to residential conversions in Minor Villages.

Residential Conversions

- Single Barn Conversions in Minor Villages will be exempt from paying a financial contribution due to viability. However, where there is an increase of 2 - 4 dwellings resulting from the conversion of a barn or complex of barns, a financial contribution will be sought using the method set out Section 4 B1 and Appendix 3.
 - Commercial conversions such as flats above shops or offices involving proposals for 1 – 4 dwellings will be exempt from making a financial contribution towards affordable housing, although it is recognised that there will be few opportunities for such conversions within Minor Villages.
 - Conversions of Listed Buildings to 1 to 4 dwellings will also be exempt from paying a financial contribution.
- D.2** Policy H3 does contain an exception that allows for planning permission to 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. As such proposals are 'exceptional' in that they go beyond the normal definition of 'minor infill', it was considered appropriate to seek a higher proportion of affordable housing than would normally be required. Policy S4, therefore, requires that in the Minor Villages identified in Policy S1 where there is compliance with Policy H3:
- D.2.a) Development sites with a capacity for 4 dwellings will make provision for 3 dwellings to be affordable.**
- D.2.b) Development sites with a capacity for 3 dwellings will make provision for 2 dwellings to be affordable.**
- i. In such cases, it would be expected that the single open market dwelling will provide cross-subsidy towards the on-site provision of the affordable housing. Each site will be subject to a viability assessment which will determine the amount of cross-subsidy required.

E. DEVELOPMENT IN THE OPEN COUNTRYSIDE

E.1 Conversion and sub-divisions

Policy S4 requires that in the open countryside developments involving the conversion of existing buildings or sub-division of existing dwellings to provide 3 or more additional dwellings will make provision for 35% of the total number of dwellings to be affordable. It is considered that this should always be the aim in dealing with applications of this type. Nevertheless, it is recognised that provision of affordable housing on site is not always practicable in such situations. It is also more difficult to estimate the capacity of a development proposal involving existing buildings in comparison with a simple area calculation.

The Council, therefore, will adopt a more flexible approach in such situations, although generally **a financial contribution towards affordable housing in the local planning authority area will still be required. This will be set at the equivalent of 35% of the agreed capacity of the site** and utilise the Affordable Housing Financial Contribution Calculator (set out in Section 4 B and Appendix 3) but careful consideration will be given to the viability and practical implications of conversion and sub-division applications in assessing the level of financial contribution required. However, the following exemptions apply in relation to residential conversions.

Residential Conversions

- Single Barn Conversions will be exempt from paying a financial contribution due to viability. However, where there is an increase of 2 - 4 dwellings resulting from the conversion of a barn or complex of barns, a financial contribution will be sought using the method set out in Section 4 B1 and Appendix 3.
- Conversions of Listed Buildings to 1 to 4 dwellings will also be exempt from paying a financial contribution.

E.2 Departure applications beyond settlement boundaries

In accordance with the decision made by Full Council on 21 February 2019 departure applications on unallocated sites are required to deliver 35% affordable housing and no negotiation will be entertained.

E.3 Rural Exceptions Policy

Policy H7 of the Adopted LDP provides a further planning policy mechanism for the provision of affordable housing in rural areas of Monmouthshire. It makes provision for the siting of small affordable housing sites in or adjoining villages on land that would otherwise not be released for residential development. **In such circumstances affordable housing should be provided on site at a rate of 100%.** Policy H7 is set out below:

Policy H7 – Affordable Housing Rural Exceptions

Favourable consideration will be given 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.**

- i. In seeking to identify such sites it needs to be recognised that isolated sites in the open countryside or those within small, sporadic groups of dwellings are unlikely to be acceptable. Policy H7 specifically refers to sites adjoining Rural Secondary Settlements, Main Villages and Minor Villages. Any proposals for locations other than these would be treated as ‘Departure’ applications and will need special justification. Another important consideration is the balance of the pattern of settlements in the community.
- ii. It will also be necessary to demonstrate that the scheme would meet a genuine local need. This local need would normally relate to the rural parts of the community council area in which the site is located. Evidence of local need can be established by a number of different means, including local surveys, local consultation events, other forms of primary evidence and housing register data. As with the affordable housing sites in Main Villages, the Council’s Rural Allocations Policy will apply.

E.4 Build Your Own Affordable Home Policy

Monmouthshire County Council positively encourages local people to build their own affordable home to meet their own housing needs through the rural exceptions policy. Single plot exception sites are only permitted with restrictions and the ‘Build Your Own Affordable Home’ policy will be available on the website (Link will be included in final SPG).

5. OPTIONS FOR THE DELIVERY OF AFFORDABLE HOUSING

5.1 The Council requires that affordable housing is managed by a Registered Social Landlord (RSL) zoned for development in Monmouthshire by the Welsh Government, as procedures are already in place to ensure that dwellings remain affordable in perpetuity.

5.2 Types of affordable housing.

The Council will use the following definitions of affordable housing:

- **Social rented housing** is let by RSLs to households taken from the Council's Housing Register who are eligible for social rented housing. Rents will be set at Welsh Government benchmark levels.
- **Intermediate housing** is homes for sale and rent provided at a cost above social rent but below market levels. These can include shared equity, and intermediate rent. All of these will be provided through a Registered Social Landlord (RSL).
- **Neutral Tenure** is where tenure of housing is not predetermined but can vary according to needs, means and preferences of households to whom it is offered. This incorporates the tenures described above. This arrangement gives flexibility in that it allows the tenure type of a property to change between occupiers, or even with the same occupier. So, for example, on first occupation a house might be social rented, but when that occupier vacates the property the next occupier may choose the Homebuy option. In another instance, a property might initially be rented, but if the economic circumstances of the occupier improve, they may choose to convert to Homebuy. **Neutral tenure is the delivery option preferred by Monmouthshire County Council.**
- **Specialist affordable housing** may be sought for people with specific accommodation requirements that may not otherwise be met and where a need has been identified. These can include sheltered retirement housing, adapted housing for households with a physical disability and supported housing, for example for young homeless people or people with learning difficulties.

5.3 The Council's preferred method of achieving affordable housing through Section 106 Agreements is for developers to build houses for transfer to a Registered Social Landlord (RSL). This method will ensure mixed communities where the required pepper-potting of the affordable housing units will achieve a scheme where the affordable units are otherwise indistinguishable from the owner occupied homes.

5.4 Prior to submission of a planning application developers will be expected to liaise with the Council to agree the mix of units required to meet housing need.

5.5 All affordable housing units, except for intermediate housing delivered under Policy SAH11, must be constructed to the Welsh Government's Development

Quality Requirements (DQR), which includes Lifetime Homes, or successor Welsh Government scheme. Developers' DQR Compliant house types will be checked to ensure that they meet the required standards. (See Appendix 1 for guidance).

- 5.6 The Council has a long term commissioning partnership with RSLs to secure the strategic provision of all types of housing accommodation. This covers minimum standards of service in management terms, allocation of Social Housing Grant, specialisms of the Housing Associations and the long-term allocation of housing sites. The Council's preference is for developers to work with RSLs zoned by the Welsh Government for developing in Monmouthshire and it will normally allocate each site to its preferred RSL on the basis of the RSL's development capacity, other properties in the area, rental levels and other relevant issues. Should there be a need for specialist/purpose built disabled housing, for example, and an element of social housing grant was required the Council would only be able to allocate grant to a zoned RSL.
- 5.7 The financial arrangements for the transfer of completed affordable housing units from the developer to the RSL are to be calculated using the current Acceptable Cost Guidance rates published by the Welsh Government's Housing Directorate. The percentage that the RSL can afford to pay, based on the rental income they would receive for the properties, is 42% of ACG. This leaves the landowner/developer to fund the 58% which in the past would have been covered by Social Housing Grant. The developer will then be required to sell the properties to the RSL at this percentage rate. (This percentage rate does not apply to units delivered under Policy SAH11).
- 5.8 When negotiating option agreements to acquire land for residential development, developers should take account of affordable housing requirements. The amount of Social Housing Grant (SHG) that is available to the Council is very limited and is not normally made available for the delivery of Section 106 sites. The Council's preferred financial arrangements for the provision of affordable housing, as outlined in paragraph 5.7, have been agreed following consultation with the RSLs to ensure a consistent and equitable approach that also provides certainty for developers when they are preparing their proposals.
- 5.9 Affordable housing land or dwellings that are transferred to a RSL will be used to provide affordable housing on a neutral tenure basis to qualifying persons from the Council's Housing Register.
- 5.10 To achieve the aim of developing mixed and balanced communities the Council seeks to provide affordable housing on-site. Only in exceptional circumstances will off-site provision be considered. This might occur, for instance, in situations where the management of the affordable housing cannot be effectively secured (as in sheltered retirement housing schemes). In such cases it may be possible for off-site new build housing or refurbishment/conversion of existing properties to provide a satisfactory alternative that meets the needs of the local community. Such schemes would be subject to the financial arrangements outlined in paragraph 5.7. In the

exceptional circumstances where on-site provision is not considered appropriate and off-site units cannot be delivered as an alternative site is not available, the Council will consider accepting an affordable housing contribution payment in lieu of on-site affordable housing provision. See Section 4 B.1 for information on the methodology for calculating this financial contribution and Appendix 3 for example calculations.

5.11 It is recognised that some specialist housing schemes such as Sheltered Housing may be challenging to deliver and any affordable housing contribution would be subject to viability. Should it be necessary the Council will commission an independent viability assessment, the cost of which will be borne by the developer. All viability assessments will be published in the public domain.

5.12 There are a number of people living in the County Council area that have specific housing requirements as a result of learning/physical disabilities and/or medical conditions. In certain circumstances, where particular housing needs cannot be met through use of existing affordable housing stock, new purpose built special needs units may be required. Where there is evidence of need, and it is considered appropriate by the Council, special needs housing may be provided as part of the affordable housing contribution through the involvement of a RSL to ensure that these units remain affordable in perpetuity.

5.13 It is recognised that the development costs of providing specific needs affordable housing may be higher than general needs affordable housing and therefore it may be acceptable for a lower proportion of affordable units to be provided, subject to an assessment of viability, or the provision of grant to meet those additional costs.

5.14 Affordable housing delivered under Policy SAH11

5.14.1 Affordable housing delivered under Policy SAH11 will be a mix of social rented units and intermediate housing depending on the local need identified by the Council. All units for social rent will be constructed to Welsh Government Development Quality Requirements, which includes Lifetime Homes. Intermediate housing will be constructed to a standard agreed by the Council and their RSL partners.

5.14.2 Affordable housing delivered under Policy SAH11 will be transferred to the Council's preferred RSL at 38% of Welsh Government ACG for social rented units, 50% of ACG for low cost home ownership units and 60% of ACG for intermediate rent units.

5.15 Service Charge and Ground Rents

5.15.1 Rents or purchase price are usually seen as the main measures of affordability, but the whole cost of occupation could be significantly higher where service charges and/or ground rents are also payable, for example in a block of apartments. Where there are to be service charges and/or ground

rent then these should also be set at an affordable level if properties are to be classed as affordable. If at the time of determining a planning application the level of service charge or ground rent is not known, an appropriate condition or section 106 agreement clause will be applied.

5.15.2 Where a developer intends to appoint a management company who will be responsible for the maintenance of open spaces, landscaping and/or unadopted highways, which will be paid for through a charge collected from residents, this charge will not be payable in relation to any of the affordable housing units (irrespective of affordable tenure), either by the nominated RSL or the subsequent occupants of the affordable homes.

5.16 There are currently three Registered Social Landlords zoned by the Welsh Government to operate within Monmouthshire. These are:

Melin Homes
Monmouthshire Housing Association
The Pobl Group

It should be noted that whilst these are the current zoned RSL partners in Monmouthshire, changing circumstances might result in the Council fostering different partnership links in the future and seeking approval from Welsh Government.

6. THE PLANNING APPLICATION AND SECTION 106 PROCESS

6.1 Type of Planning Application

6.1.1 Where new or additional housing is to be provided as part of a planning application on sites where the policy threshold has been exceeded affordable housing will be sought in accord with Adopted LDP Policy S4. This would apply to the following types of planning applications:

- All outline or full applications (including change of use applications, other than those exceptions listed in Section 4 i.e. single barn conversions, commercial conversions for 1 to 4 dwellings and conversions of listed buildings to provide 1- 4 dwellings)
- All renewal applications, including where there has been no previous affordable housing obligation

6.1.2 Affordable housing will be required on sites falling below the threshold if the Council considers that there has been a deliberate attempt to subdivide the site or phase the total development in an attempt to avoid the threshold. This includes conversions in barn complexes.

6.2 Negotiation and Application Process

6.2.1 The provision of affordable housing is just one of a number of issues that need to be taken into account in applications for residential development. Discussion and detailed negotiations will also need to cover such matters as design, layout, density, landscape, open space and recreation provision, education, access and other financial contributions that may be needed. Developers should refer to other LDP policies and SPG in this respect.

6.2.2 In implementing the affordable housing policies of the adopted development plan, the Council will seek to ensure that there is close consultation between planning, housing and legal officers concerned with the operation of these policies, as well as other external agencies, including developers and RSLs. In order to ensure that negotiations on affordable housing provision are conducted as effectively as possible, the Council will expect all parties involved to follow the procedures outlined:

Pre Application Discussions

With Planning and Housing Officers to establish the element of affordable housing required. There is a formal pre-application service which is available at a cost and which can include other Council officers from sections such as Highways and Biodiversity, dependent on the level of service required. More information is available on the Council's website using the following link: <https://www.monmouthshire.gov.uk/planning/pre-application-advice-service/>



Submission of Planning Application

The proposal should contain an element of affordable housing which meets the housing needs identified by Housing Officers, clearly identifying how the affordable housing requirements are proposed to be met, including the appropriate mix, number, type and locations of dwellings. *(It is recognised that this information might not be readily available if the application is in outline.)*



Further Detailed Negotiations where necessary

Planning Department in consultation with the Housing Department consider the local need for affordable housing (quantity and type).
Effective and early partnership between developer, RSL and the Council is critical. The Officer report will require information on the mechanisms for providing affordable housing. This should include that the developer build and transfer to a RSL, which is the Council's preference. In order to transfer to a RSL detailed plans of dwellings would need to be confirmed as meeting their requirements.



Consideration by Council's Delegation Panel/Planning Committee as appropriate



If recommendation to approve is accepted, the Council resolve to grant planning permission subject to planning conditions and the signing of a Section 106 Agreement, including an agreed Affordable Housing Scheme.

Council's Solicitor prepares Section 106 Agreement with Developer, in consultation with RSL where necessary. Legal agreement signed by all parties.



Council issues decision on planning application.

6.3 Section 106 Agreements

6.3.1 The precise form of Section 106 Agreement will depend on the circumstances of individual cases including the ownership of the site and the terms of any obligation or agreement between the owner and a RSL. However, Section 106 legal agreements will normally include clauses setting out requirements with regard to the following issues:

- The mix of affordable housing types, sizes sought as part of the development
- The location and distribution of affordable housing within the development site
- The minimum design standards required for the affordable housing units
- The timing of the construction and occupation of the affordable housing in relation to the development of the whole site, including appropriate restrictions on general market housing occupation
- The price, timing and conditions for the transfer of the land or affordable housing to a RSL
- The arrangements regarding the future affordability, management and ownership of the affordable housing
- With outline applications (where the proposed number of dwellings is not known, but where there is a likelihood that the site threshold will be exceeded) the Agreement will ensure that the appropriate proportion of new housing will be affordable.

6.3.2 It will be necessary for the Section 106 Agreement to include appropriate long-term occupancy arrangements. The Council will require full nomination rights, which will be exercised according to the Council's allocations policy as current at the time. The key requirement is that any housing that is provided as affordable should remain in the affordable housing stock each time there is a change of occupant.

6.3.3 The flowchart set out above is unlikely to be applicable to small scale developments that fall below the affordable housing thresholds set out in Policy S4 and that, therefore, require a financial contribution. A standard Section 106 agreement has been prepared for such circumstances to ensure that there is no undue delay in the determination of the application (Appendix 2). A unilateral undertaking may also be an option if only a monetary contribution is required. This is a simplified version of a planning agreement, which is relatively quick and straightforward to complete, and is entered into by the landowner and any other party with a legal interest in the development site.

7. MONITORING AND TARGETS

7.1 As referred to in Section 3 above, the affordable housing target for the Monmouthshire LDP is 960 affordable dwellings over the plan period 2011-2021. This was based on the findings of a 2010 Update to the LHMA carried out in 2006.

7.2 The LDP estimated that the potential affordable housing provision if all sites achieve their maximum requirement is as follows:

35% on new sites in Main Towns and Rural Secondary Settlements	446
• 25% on new sites in Severnside settlements	242
• 60% on rural housing allocations in Main Villages	120
• 20% on large site windfalls	68
• 20% on current commitments	108
• Completions 2011 – 2013	127
• Small site windfalls	74
Total	1,185

7.3 The period for this estimate had a base date of 1 April 2013. Table 1 below shows the total dwelling completions and total affordable housing completions from this base date

Table 1 – Housing Completions since 1 April 2013

Year	Total Completions	Affordable Housing Completions
2013/14	230	36
2014/15	205	17
2015/16	234	63
2016/17	238	47
2017/18	279	84
2018/19	443	131

Source: Monmouthshire County Council Joint Housing Land Availability Studies 2013 - 2019

7.4 The Council is required to produce an Annual Monitoring Report (AMR) for the LDP that has to be published every October for the preceding financial year. The LDP monitoring framework includes a number of indicators relating to affordable housing. The AMRs are available to view on the Council's website.

Contacts

Monmouthshire County Council:

For affordable housing **planning policy** general enquiries please contact:

Planning Policy Section

Planning Policy Manager, County Hall, Rhadyr, Usk, Monmouthshire,
NP15 1GA
Tel: 01633 644827.
Email: planningpolicy@monmouthshire.gov.uk

Housing & Communities

Strategy & Policy Officer, Housing & Communities, County Hall, Rhadyr, Usk,
Monmouthshire,
NP15 1GATel: 01633 644474
E Mail: louisescorbett@monmouthshire.gov.uk

Potential developers should contact the Development Management Section:

Development Management Section

Development Services Manager, County Hall, Rhadyr, Usk, Monmouthshire,
NP15 1GA
Tel: 01633 644800. Email: planning@monmouthshire.gov.uk

Registered Social Landlords:

Melin Homes

Ty'r Efail, Lower Mill Field, Pontypool, Torfaen. NP4 0XJ
Tel: 08453 101102.
Email: peter.davies@melinhomes.co.uk

Monmouthshire Housing Association

Nant-Y-Pia House, Mamhilad Technology Park, Mamhilad, Monmouthshire,
NP4 0JJ
Telephone: 01495 761112
Email: karen.tarbox@monmouthshirehousing.co.uk

The Pobl Group

Exchange House, The Old Post Office, High Street, Newport, NP20 1AA
Tel: 01633 679911
Email: neil.barber@poblgroup.co.uk

David James

Rural Housing Enabler Monmouthshire

C/o Monmouthshire Housing Association, Nant-Y-Pia House, Mamhilad Technology
Park, Mamhilad, Monmouthshire, NP4 0JJ
Tel: 07736 098103
Email: david.james@rhe-monandpowys.co.uk

APPENDIX 1

ACG Floor Areas

Unit Type	Floor Area (Square Metres)
7 person 4 bed house	114
6 person 4 bed house	110
5 person 3 bed house	94
4 person 3 bed house	88
4 person 2 bed house	83
3 person 2 bed bungalow	58
3 person 2 bed flat (walk up)	65
3 person 3 bed flat (common access)	59
2 person 1 bed flat (walk up)	51
2 person 1 bed flat (common access)	46
5 person 3 bed bungalow (wheelchair)	115
4 person 2 bed bungalow (wheelchair)	98
3 person 2 bed bungalow (wheelchair)	80

1. Notional Floor Areas are provided as guidance on the expected floor areas that would be achieved if Development Quality Requirements (DQR) were implemented in full for each house or flat type listed.
2. NFAs are not a minimum size as the main criterion should be all designs comply with DQR and not merely achieve a notional floor area. House or flat designs with full DQR compliance can be achieved with floor areas below the notional figures and the degree of reduction will depend on the efficiency of the shape. It is not considered that anything less than 3/4 square metres smaller could possibly comply with DQR.

Calculation of Notational Floor Area (NFA)

1. Notional (or Net) Floor Area is measured to the internal finished surfaces of main containing walls on each floor, including private staircases, internal partitions, flues and ducts; it excludes external dustbin enclosures or stores, any porch open to the air or enclosed.
2. The measurement of floor area of common access flats excludes the area of the communal stairs and circulation space.
3. The measurement of floor areas of individual ground floor external access flats includes the area occupied by the staircase and entrance hall necessary to gain access to the first floor flat. The areas of the ground floor and upper floor flats (walk-up) shall be averaged in order to make comparisons against the notional floor areas shown above.
4. The floor area in rooms where the ceiling height is less than 1.50m is excluded.

APPENDIX 2

Standard Section 106 Agreement for Affordable Housing Financial Contributions

APPENDIX 3

HOW TO CALCULATE FINANCIAL CONTRIBUTIONS FOR AFFORDABLE HOUSING

The required Commuted Sum (CS) Rate financial contribution is calculated by using the rates below for each area of Monmouthshire and the internal floor space of the dwelling(s) in m². It should be noted that integral garages, as part of any scheme, would be counted within the internal space. The figure of 58% is the proportion that the landowner/developer would fund were the units to be delivered on site.

Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%

Commuted Sum Rates

Sevenside	-	£80/m ²
Monmouth	-	£100/m ²
Abergavenny	-	£120/m ²
Chepstow	-	£120/m ²
Rural	-	£120/m ²

The figure of 58% in the examples below is the amount that the landowner/developer would fund were the units to be delivered on site. The Registered Social Landlord (Housing Association) would fund the remaining 42%.

EXAMPLES OF AFFORDABLE HOUSING CONTRIBUTIONS

Example 1

Dwelling measuring 98m² in a rural area:

$$(\text{£}120/\text{m}^2 \times 98\text{m}^2) \times 58\% = \text{£}6,821$$

Example 2

Two dwellings (one at 98m² and one at 110m²) in Chepstow:

$$(98\text{m}^2 + 110\text{m}^2 = 208\text{m}^2)$$

$$(\text{£}120/\text{m}^2 \times 208\text{m}^2) \times 58\% = \text{£}14,476$$

Example 3

Three dwellings (one at 78m², one at 83m² and one at 94m²) in Monmouth:

$$(78\text{m}^2 + 83\text{m}^2 + 94\text{m}^2 = 255\text{m}^2)$$

$$(\text{£}100/\text{m}^2 \times 255\text{m}^2) \times 58\% = \text{£}14,790$$

APPENDIX 4
Checklist for Assessing Affordable Housing Requirements

A. Policy S4: Checklist for assessing affordable housing requirements in Main Towns, Rural Secondary Settlements and Severnside Settlements

A1. Establish the net site area and calculate the net capacity of the site based on an assumed achievable density of 30 dwellings per hectare.

A2. THE CAPACITY OF THE SITE MEETS THE THRESHOLD OF 5 OR MORE DWELLINGS. Affordable housing should be provided on site at a rate of 35% in Main Towns and Rural Secondary Settlements and 25% in Severnside Settlements, subject to **A.2.a) and A.2.b) below.**

A3. THE CAPACITY OF THE SITE DOES NOT MEET THE THRESHOLD OF 5 OR MORE DWELLINGS. A financial contribution will be required towards affordable housing in the housing market in which the site is located. (See Section B).

A.2.a) Does the development achieve 30 dwellings per hectare?

A.2.b) Does applying the proportion of affordable housing required to the total number of dwellings result in a whole number?

YES
Percentage of affordable housing required will be based on the number of dwellings proposed in the planning application.

NO (and there is not a material non-compliance with Policy DES1 i), which generally requires a density of 30 dwellings per hectare).
Percentage of affordable housing required will be based on the agreed capacity of the site rather than a theoretical capacity of 30 dwellings per hectare.

NO
The figure will be rounded to the nearest whole number (where half rounds up).

B. Policy S4: Checklist for providing a financial contribution where the affordable housing threshold is not met.

B.1. Does the capacity of the site fall below the threshold at which affordable housing is required?
i.e. 1- 4 dwellings in Main Towns, Rural Secondary Settlements and Severnside Settlements.
Subject to the exemptions listed¹: 3 or more dwellings in Main or Minor Villages, or, Conversion schemes in the Open Countryside.

YES
Prior to obtaining planning permission the applicant will need to enter into a S106 agreement (see Appendix 2 for standard agreement) to pay a financial contribution towards affordable housing in the housing market in which the site is located (**subject to B.2. below**). The required contribution will be established by using the formula 'Financial Contribution = Internal Floor Area (m²) x CIL Rate x 58%' (see Appendix 3 for further details and example calculations). The calculation can be obtained from the Council's Planning Officer. The contribution will normally be set at the equivalent of 35% of the agreed capacity of the site (25% in Severnside). The affordable housing contribution will be liable to be paid on completion and prior to occupation of each dwelling to which the payment relates.

NO
Go to Secion A.

- ¹Exempions**
- Single Barn Conversions
 - Commercial Conversions involving proposals for 1—4 dwellings
 - Conversion of Listed Buildings for 1—4 dwellings.

B.2. Is the development to be carried out by a 'self-builder'?
See definiti in Appendix 2.

YES
The developer will need to apply prior to the completion and occupation of the dwelling to which the payment relates for the S106 agreement to be amended to give an exemption from the affordable housing contribution.

NO
The affordable housing contribution will be liable to be paid on completion and prior to occupation of each dwelling to which the payment relates.

C. Policy S4: Checklist for assessing affordable housing requirements in Main Villages

C.1. Is the site allocated under LDP Policy SAH11 with the specific purposes of providing affordable housing?

YES. A minimum of 60% affordable housing must be provided on site.

NO. C.2. Other sites in Main Villages.

C.2. For other sites within the development boundaries of Main Villages (i.e. excluding the 60/40 allocated sites) provision of 35% affordable housing on site will be required for both new build development and conversions subject to the exemptions in Box¹.

¹Exemptions

- Single Barn Conversions
- Commercial Conversions involving proposals for 1—4 dwellings
- Conversion of Listed Buildings for 1—4 dwellings.

D. Checklist for assessing affordable housing requirements in Minor Villages

Does the proposal relate to infill development in a Minor Village?

Yes

No

D.1. Minor infill of 1 or 2 dwellings.

A financial contribution will be required towards affordable housing in the housing market in which the site is located to be set at the equivalent of 35% of the agreed capacity of the site.

(See Section B).

D.2. An 'exceptional' infill site of 3 or 4 dwellings.

Affordable housing should be provided on site.

D.2.a) Development sites with a capacity for 4 dwellings will make provision for 3 dwellings to be affordable.

D.2.b) Development sites with a capacity for 3 dwellings will make provision for 2 dwellings to be affordable.

Residential Conversions in Minor Villages.

A financial contribution will be required towards affordable housing subject to the exemptions listed in Box¹.

¹Exemptions

- Single Barn Conversions
- Commercial Conversions involving proposals for 1—4 dwellings
- Conversion of Listed Buildings for 1—4 dwellings.

E. Checklist for assessing affordable housing requirements in the Open Countryside

E.1. Subject to exemptions listed¹: If the proposal relates to the conversion of existing buildings or sub-division of existing dwellings is it impracticable to provide affordable housing within the scheme?



YES

A financial contribution will be required towards affordable housing in the housing market area in which the site is located, to be set at the equivalent of 35% of the agreed capacity of the site subject to the exemptions listed in Box¹.

NO

Affordable housing should be provided on site at a rate of 35% of the agreed capacity of the site subject to the exemptions listed in Box¹.

E.2. Is the proposal in the open countryside but considered to be an acceptable 'Departure' application?



YES

In accordance with the decision made by Full Council on 21 February 2019 departure applications/ unallocated sites are required to deliver 35% affordable housing and no negotiation will be entertained.

E.3. Is the proposal for a development that complies with Rural Exceptions Policy H7, i.e. in a location outside a recognised settlement where residential would not normally be allowed.



YES

Affordable housing should be provided on site at a rate of 100%.

¹Exemptions

- Single Barn Conversions
- Commercial Conversions involving proposals for 1—4 dwellings
- Conversion of Listed Buildings for 1—4 dwellings.

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/08/19

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14/08/2019

Appeal Decision

Site visit made on 05/08/19

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

an Inspector appointed by the Welsh Ministers

Date: 14/08/2019

Appeal Ref: ENV/3228786

Site address: 11 Chapel Mead, Penperlleni, Goytre, Monmouthshire NP4 0BR

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 consent to undertake work to trees protected by a Tree Preservation Order.
- The appeal is made by Mr Terence Hapgood against the decision of Monmouthshire County Council.
- The application Ref DM/2019/00461, dated 15 March 2019, was refused by notice dated 24 April 2019.
- The work proposed is the felling of 1no. Alder tree in the area marked A3 on the plan. The relevant Tree Preservation Order (TPO) is TPO NO.10, relating to Maes-y-Beryn and Capel-Ed Fields, Penperlleni, which was confirmed on 27 October 1987.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Area A3 on the TPO plan is described as comprising Alder and Ash trees and is shown as a group which ran along and adjacent to field boundaries present at the time the TPO was made. Since this time, the housing estate has been constructed and 2no. protected Alder trees lie within the front garden of 11 Chapel Mead, separated and surrounded by low circular brick walls. The Council considered the felling of both Alder trees in the TPO application. However, the appellant has confirmed on the appeal form that the application relates only to one of the trees, this being the southernmost tree in the front garden. As the Council refers to works to 'a tree' rather than multiple trees in its appeal submissions, I am satisfied that the Council are now of the same understanding. I have therefore amended the description of the works to refer to the felling of 1no. Alder tree only, and it is on this basis that I have determined the appeal.

Main Issues

3. The main issues are:
 - The impact of the works on the character and appearance of the surrounding area.
 - Whether the reasons for the works are sufficient to justify that course of action.

Reasons

4. The TPO confers protection on trees specified by reference to individual trees, areas and woodlands. The appeal tree is an Alder specified by reference to area A3, which is positioned adjacent to another Alder in the front garden of 11 Chapel Mead.
5. Given the tree's position in the front garden of No 11 and at the end of a small cul-de-sac, it is directly and highly visible from public vantage points. The top of the canopy is also visible from the highway to the east. It is seen in the context of other trees in the surrounding area, which together, soften the close-range views of the built form and provide a pleasant, verdant setting to the dwellings. That is, the trees are immediately recognisable as important features in the locality.
6. In respect of the appeal tree specifically, a mature species such as this forms part of the characteristics of this location and thus contributes to the group value of the trees in visual amenity terms. The loss of the trees, whether individually or cumulatively, would be significant in terms of the effect on the verdant character and appearance of their surroundings.
7. I note the comments of both parties in respect of other trees that have been felled, which were in the vicinity of the appeal site and subject to the TPO. I do not know the full details of the trees that were removed or the circumstances in which consent was given for their removal. Nevertheless, this matter does not alter the contribution that the appeal tree makes to the group that remains and to the character and appearance of the area.
8. The Alder is of a significant size, with a well-shaped canopy. My attention has been drawn to what is described as an area of decay at the base of the tree, which the Council declines to comment on despite the appellant's assertion that it was the Council's Tree Officer who first identified this issue at his site visit. The appellant has stated that a tree surgeon has subsequently advised that the damage probably occurred as a result of a bough falling away from the tree leaving a scar, and that there is some evidence of re-growth. Be that as it may, I have not been provided with any arboricultural evidence of this damage affecting the health of the tree such that its structural integrity has been, or will be, seriously compromised. On the basis of the evidence before me, therefore, I do not consider the tree to be of poor quality or health overall.
9. Consequently, and in the absence of any evidence to the contrary, the loss of an otherwise healthy tree adds to my concern regarding the effect on the contribution it makes to public amenity.
10. The basis of the appellant's case is that the spread of the Alder and its root system has recently shown itself to be causing structural damage to the brick wall and driveway. Concern has also been raised regarding future damage that could occur to the sewerage / drainage system which lies in close proximity and serves other properties on the estate.
11. I have not been provided with any expert technical evidence which corroborates the appellant's view that the appeal tree is the cause of the identified damage or that its roots are likely to affect the drainage system. The appellant also acknowledges that, as things stand, action can be taken to mitigate the minor structural damage identified to the wall and driveway.

12. In this context, insufficient evidence has been provided to demonstrate that the Alder is causing structural damage, or is at serious risk of causing damage, to the extent that its felling is justified.
13. I do not dispute the appellant's willingness to plant a replacement tree. However, such works would not replicate the contribution to local amenity provided by the existing large, mature tree, which can be expected to continue for a considerable number of years to come.
14. In light of the foregoing, I conclude that the harm to public amenity that would be caused by the proposed works is significant and is not outweighed by the arguments put forward in support of felling. The loss of this tree would inevitably fail to preserve the verdant character and appearance of its surroundings.

Conclusion

15. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.
16. In conclusion, therefore, and having regard to all matters raised, I consider that insufficient evidence has been presented to demonstrate that the negative impacts of the Alder tree are sufficient to outweigh the public amenity value it affords and therefore warrant its removal. The appeal is dismissed.

Melissa Hall

Inspector

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Local Ref	Appeal Site Address	Development	Reason for Appeal	Appeal Type	Date Lodged
DM/2018/01459	Magor Pill Farm Whitewall Magor Caldicot Monmouthshire NP26 3EE	Change of use of 4 No. bays from agricultural to B2/B8 uses including cladding 2 No. bays on eastern elevation of existing building to include roller shutter doors.	Appeal against Refusal	Written Representations	02.07.2019
DM/2019/00027	26 St George Road Chepstow Monmouthshire NP16 5LA	Completion of existing wooden structured conservatory on the rear balcony of the house: New build - extending part of the current balcony at the rear of the house to incorporate a Juliette balcony to give a walkway (Approx 70cm wide) to front conservatory.	Appeal against Conditions Imposed	Written Representations	08.07.2019
DM/2019/00218	Land At Yew Tree Cottage Raglan To A449 Raglan Monmouthshire	Proposed 2 bedroom bungalow on previous demolished dwelling site.	Not determined within 8 weeks	Written Representations	01.07.2019

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