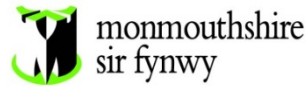


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Please note the date of the meeting

County Hall
Rhadyr
Usk
NP15 1GA

Friday, 17 May 2019

Notice of meeting:

Planning Committee

Tuesday, 28th May, 2019 at 2.00 pm,
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Election of Chair.	
2.	Appointment of Vice-Chair.	
3.	Apologies for Absence.	
4.	Declarations of Interest.	
5.	To confirm for accuracy the minutes of the previous meeting.	1 - 14
6.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
6.1.	Application DM/2018/00894 - Conversion of existing outbuilding into two new 3-bedroom dwelling houses. Hatcham Barn, Cwrt William Jones, Monmouth, NP25 3AE.	15 - 32
6.2.	Application DM/2018/01591 - Use of single dwelling as two dwelling-houses. 1 Chapel Road Abergavenny, NP7 7DN.	33 - 42
6.3.	Application DM/2018/01899 - New parking area with new footpaths, sitting and clothes drying areas. The Lawns, West End, Magor.	43 - 52
6.4.	Application DM/2018/01963 - Ground floor change of use from A1 to A3 use. Part first floor change of use from flat to A3. Relocation of front entrance door. New sign above shop front. Penhowe Antiques, 37A Bridge Street, Usk, NP15 1BQ.	53 - 66

6.5.	Application DM/2018/01984 - Erection of two detached, three-storey houses with integral garage, including access to highway, car parking and other associated works. Land Adjacent Severn Crescent, Chepstow, NP16 5EA.	67 - 78
6.6.	Application DM/2018/02053 - Proposed detached dwelling. Green Acres Vinegar Hill, Undy.	79 - 90
6.7.	Application DM/2019/00075 - Addition of two extensions to existing waste transfer building to facilitate the storage of separately collected materials from household collections. Development of two covered bays in waste transfer area for tipping and storage of glass and plasterboard. No Proposed changes to civic amenity site. Five Lanes Transfer Station, A48 Tabernacle Church to Crick, Caerwent.	91 - 96
6.8.	Application DM/2019/00093 - Change of use for a section of the building from D1 to A1. To convert part of the internal floor space of Usk Community Hub, presently used as a staff office to use as a Post Office. This will not impact on the floor space used to provide services to the public. It will involve the installation of a counter and other shop-fittings. A walk-in safe will be installed at existing store cupboards and bars will be added to one small window for security purposes. An external sign will be installed facing Maryport Street. 35 Maryport Street, Usk, NP15 1AE.	97 - 100
6.9.	Application DM/2019/00463 - Change of use of woodland to archery club including the erection of a timber building. Woodland to the east of Tredilion Market Garden and north of Elms Lane, Wernddu Road, Llantilio Pertholey, Monmouthshire.	101 - 106
7.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received.	
7.1.	Ty Mymwent, 2 Denbury Mews, Usk.	107 - 110
7.2.	Land North East of Coedr off B4521, Llanvetherine.	111 - 118
7.3.	Severn Farm, B4245, Portskewett.	119 - 120

**Paul Matthews
Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

Public Information

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

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

Access to paper copies of agendas and reports

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

Watch this meeting online

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

Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

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

Our Values

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

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

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

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

Purpose

The purpose of the attached reports and associated officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule, having weighed up the various material planning considerations.

The Planning Committee has delegated powers to make decisions on planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an officer recommendation to the Planning Committee on whether or not officers consider planning permission should be granted (with suggested planning conditions where appropriate), or refused (with suggested reasons for refusal).

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the Monmouthshire Local Development Plan 2011-2021 (adopted February 2014), unless material planning considerations indicate otherwise.

Section 2(2) of the Planning (Wales) Act 2015 states that the planning function must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.

The decisions made are expected to benefit the County and our communities by allowing good quality development in the right locations, and resisting development that is inappropriate, poor quality or in the wrong location. There is a direct link to the Council's objective of building sustainable, resilient communities.

Decision-making

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary to make the proposed development acceptable;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions, or against the failure of the Council to determine an application within the statutory time period. There is no third party right of appeal against a decision.

The Planning Committee may make decisions that are contrary to the officer recommendation. However, reasons must be provided for such decisions, and the decision must be based on the Local Development Plan (LDP) and/or material planning considerations. Should such a decision be challenged at appeal, Committee Members will be required to defend their decision throughout the appeal process.

Main policy context

The LDP contains over-arching policies on development and design. Rather than repeat these for each application, the full text is set out below for Members' assistance.

Policy EP1 - Amenity and Environmental Protection

Development, including proposals for new buildings, extensions to existing buildings and advertisements, should have regard to the privacy, amenity and health of occupiers of neighbouring properties. Development proposals that would cause or result in an unacceptable risk /harm to local amenity, health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk:

- Air pollution;
- Light or noise pollution;
- Water pollution;
- Contamination;
- Land instability;
- Or any identified risk to public health or safety.

Policy DES1 – General Design Considerations

All development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. Development proposals will be required to:

- a) Ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community safety and encourages walking and cycling;
- b) Contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;
- c) Respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;
- d) Maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable;
- e) Respect built and natural views and panoramas where they include historical features and/or attractive or distinctive built environment or landscape;
- f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials;
- g) Incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;
- h) Include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- i) Make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion l) below;
- j) Achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- k) Foster inclusive design;
- l) Ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

Other key relevant LDP policies will be referred to in the officer report.

Supplementary Planning Guidance (SPG):

The following Supplementary Planning Guidance may also be of relevance to decision-making as a material planning consideration:

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (adopted March 2016)
- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2)
Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017

National Planning Policy

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

- Planning Policy Wales (PPW) 10 2018
- PPW Technical Advice Notes (TAN):
- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)

- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

Other matters

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

Planning (Wales) Act 2015

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

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

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

Environmental Impact Assessment Regulations 2016

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

Conservation of Species & Habitat Regulations 2010

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

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

Well-being of Future Generations (Wales) Act 2015

This Act is about improving the social, economic, environmental and cultural well-being of Wales. The Act sets out a number of well-being goals:

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;
- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

- **Long term:** balancing short term need with long term and planning for the future;
- **Collaboration:** working together with other partners to deliver objectives;
- **Involvement:** involving those with an interest and seeking their views;
- **Prevention:** putting resources into preventing problems occurring or getting worse;
- **Integration:** positively impacting on people, economy and environment and trying to benefit all three.

The work undertaken by Local Planning Authority directly relates to promoting and ensuring sustainable development and seeks to strike a balance between the three areas: environment, economy and society.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

Equality Act 2010

The Equality Act 2010 contains a public sector equality duty to integrate consideration of equality and good relations into the regular business of public authorities. The Act identifies a number of 'protected characteristics': age; disability; gender reassignment; marriage and civil partnership; race; religion or belief; sex; and sexual orientation. Compliance is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. Due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Consultation on planning applications is open to all of our citizens regardless of their age: no targeted consultation takes place specifically aimed at children and young people. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Protocol on Public Speaking at Planning Committee

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below.

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee. Only elected members of community and town councils may speak. Representatives will be expected to uphold the following principles: -

(i) To observe the National Code of Local Government Conduct. (ii)

Not to introduce information that is not:

- consistent with the written representations of their council, or
- part of an application, or
- contained in the planning report or file.

When a town or community councillor has registered to speak in opposition to an application, the applicant or agent will be allowed the right of reply.

Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public may appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where, by the deadline, letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday.

The number of objectors and/or supporters will be clearly stated in the officer's report for the application contained in the published agenda.

The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application.

When is speaking permitted?

Public speaking will normally only be permitted on one occasion where applications are considered by Planning Committee. When applications are deferred and particularly when re-presented following a committee resolution to determine an application contrary to officer advice, public speaking will not normally be permitted. Regard will however be had to special circumstances on applications that may justify an exception. The final decision lies with the Chair.

Registering Requests to Speak

Speakers must register their request to speak as soon as possible, between 12 noon on the Tuesday and 12 noon on the Friday before the Committee. To register a request to speak, objectors/supporters must first have made written representations on the application.

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request by calling 01633 644219 or by email to registertospeak@monmouthshire.gov.uk. Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

Parties are welcome to address the Planning Committee in English or Welsh, however if speakers wish to use the Welsh language they are requested to make this clear when registering to speak, and are asked to give at least 5 working days' notice to allow the Council the time to procure a simultaneous translator.

Applicants/agents and objectors/supporters are advised to stay in contact with the case officer regarding progress on the application. It is the responsibility of those wishing to speak to check when the application is to be considered by Planning Committee by contacting the Planning Office, which will be able to provide details of the likely date on which the application will be heard. The procedure for registering the request to speak is set out above.

The Council will maintain a list of persons wishing to speak at Planning Committee.

Content of the Speeches

Comments by the representative of the town/community council or objector, supporter or applicant/agent should be limited to matters raised in their original representations and be relevant planning issues. These include:

- Relevant national and local planning policies
- Appearance and character of the development, layout and density
- Traffic generation, highway safety and parking/servicing;
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Speakers should avoid referring to matters outside the remit of the Planning Committee, such as;

- Boundary disputes, covenants and other property rights

- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

Persons registered to speak should arrive no later than 15 minutes before the meeting starts. An officer will advise on seating arrangements and answer queries. The procedure for dealing with public speaking is set out below;

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the objector will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the supporter will then be invited to speak for a maximum of 4 minutes by the Chair.
- The Chair will then invite the applicant or appointed agent (if applicable) to speak for a maximum of 4 minutes. Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to speak for a maximum of 5 minutes.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - The community or town council representative or objector/supporter or applicant/agent may not take part in the member's consideration of the application and may not ask questions unless invited by the chair.
 - Where an objector/supporter, applicant/agent or community/town council has spoken on an application, no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the committee unless there has been a material change in the application.
 - The Chair or a member of the Committee may, at the Chair's discretion, occasionally seek clarification on a point made.
 - The Chair's decision is final.
- Officers will be invited to respond to points raised if necessary.
- Planning Committee members will then debate the application, commencing with the local member of Planning Committee.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Response by officers if necessary to the points raised.
- Immediately before the question being put to the vote, the local member will be invited to sum up, speaking for no more than 2 minutes.
- When proposing a motion whether to accept the officer recommendation or to make an amendment, the member proposing the motion shall state the motion clearly.

- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.

Public Document Pack Agenda Item 5

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th May,
2019 at 2.00 pm**

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

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

County Councillors A. Watts and S. Woodhouse attended the
meeting by invitation of the Chair.

County Councillor J. Becker left the meeting during consideration of application
DC/2019/00001 and did not return to the meeting.

County Councillor D. Evans left the meeting during consideration of application
DM/2018/02066 and did not return to the meeting.

County Councillor J. Higginson left the meeting following determination of application
DM/2018/02066 and did not return to the meeting.

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
Shirley Wiggam	Senior Strategy & Policy Officer
Mark Davies	Highway Development Manager
John Rogers	Legal Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declarations of Interest

County Councillor M. Feakins declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01872. He left the meeting taking no part in the discussion or voting thereon.

County Councillor R. Harris declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01909, as he is an Abergavenny Town Councillor and voted for the approval of £30,000 grant towards the provision of the pavilion. He left the meeting taking no part in the discussion or voting thereon.

County Councillor R.J. Higginson declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/02053, as he is a

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th May, 2019 at 2.00 pm

friend of a family member of the applicant. He left the meeting taking no part in the discussion or voting thereon.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting held on 2nd April 2019 were confirmed and signed by the Chair.

3. Application DC/2019/00001 - Residential development of 345 dwellings and associated infrastructure and landscaping. Mabey Bridge, Station Road, Chepstow

We considered the report of the application and late correspondence which was recommended for approval subject to the 16 conditions, as outlined in the report.

The Member for Thornwell, Chepstow attended the meeting by invitation of the Chair, as his ward adjoins the site, and outlined the following points:

- The proposed development is not sustainable for the environmental impact this will have on the town. Traffic congestion is affecting the health of people living on Hardwick Hill.
- A question was asked as to how many cars would be using the site on a daily basis.
- How many children are expected to be attending local schools from the site? Capacity currently exists for 100 pupils. The Member for Thornwell considered that potentially there could be 600 children requiring education living in dwellings on the site.
- The Member expressed concern that there is no reference to the flood alleviation scheme contained within the maps of the site. Concern was expressed that there was a risk of flooding to some properties that would be located on the proposed site.
- Concern was expressed that the affordable housing provision was located in a specific corner of the site rather than being dispersed across the site.

In response to the issues raised by the Member for Thornwell, the following points were noted:

- The outline and the principle of acceptability of the proposed development has been fully reviewed by Welsh Government and Monmouthshire County Council's Highways Department and has been approved up to 450 houses.
- This application is looking at the scale and design of the buildings and the layout of the development.

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- Access and traffic issues have previously been approved.
- In terms of the education contributions, this had been considered as part of the previous planning application for outline planning consent. Education services had been consulted at that time and it had been identified that there was a surplus of 115 spaces in the area. Therefore, no contributions were needed for any educational requirements.
- Flooding issues have been reviewed. Natural Resources Wales (NRW) has been consulted. None of the dwellings would be located on a C2 flood plain.
- In terms of affordable housing provision, it would be more beneficial to put the 1.5 acres of affordable land in one location to create economies of scale and to provide more affordable homes. If the affordable housing site was split in to two areas, namely, 1 acre and 0.5 acres, this would reduce the number of affordable homes that could be provided. The detail of the affordable housing provision with regard to the number of affordable housing units will be subject to a further reserve matters application.

Zoe Aubrey, Planning Manager at Barrett David Wilson Homes, attended the meeting by invitation of the Chair and outlined the following points:

- In terms of the children's nautical themed area, at its closest point it is at least 12 metres from the fence and thicket. The fence will be at least 1.2 metres high and the thicket will be 2 metres wide and will be allowed to grow naturally up to 1.5 metres with viewing points.
- In relation to flooding, the applicant had spent considerable time identifying the location of the hedge and thicket. This is useful from a health and safety perspective and is also required to prevent public access onto the salt marshes. The applicant did not want this to be located in an area that was subject to regular flooding. It is now located above the high tide line in an extreme event.
- With regard to the employment land area, as part of the outline application, there was a small area of land that was located within the C2 floodplain. However, there is a planning condition that requires the applicant to raise that area of land out of the C2 floodplain allowing development to be undertaken on that area of land. When these works have been completed, the applicant will apply to NRW to amend the flood mapping to confirm that area is no longer affected by C2 flooding.
- As the number of Housing units have reduced to 345 there will be a requirement of up to 85 primary school places. Therefore, there will be no issue in terms of education capacity caused by the proposed development.
- The wider benefits of the proposed development will create in the region of 860 direct, indirect and induced jobs contributing an additional £52M to gross value added. Approximately £5.6M towards additional local spends in the local

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economy whilst delivering a significant amount of open space on this proposed development. There will be up to 30 new affordable houses delivered. In terms of the employment area, this could accommodate up to 400 jobs.

The Head of Planning, Housing and Place Shaping informed the Committee that two parcels of land had been secured on the site totalling 1.5 acres of serviced and remediated lands. It had been agreed with the applicant that putting the 1 acre and the 0.5 acre together made better sense in obtaining efficient use of the land. The detail of the affordable housing provision will be presented to Planning Committee in a future application. The number of affordable units will be in the region of 20 – 25 due to the size of the plot.

The local Member for St. Mary's, Chepstow, also a Planning Committee Member, outlined the following points:

- The work of officers should be commended who have managed to negotiate with the applicant a multi-use coastal path, play areas that will integrate into the town and the lower end of Garden City will be opened up allowing residents access to the waterside. However, the proposed development is still lacking in what had been originally promised.
- Overall, the proposed development, though not a flagship development, will benefit the residents of Chepstow.

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

- The proposed development is sympathetic to the area.
- Commercially, the proposed development will improve the prosperity of the area as well as providing much needed market housing and affordable homes.
- The proposed development is an important opportunity for the town.
- The coastal path will be easily accessible and the riverside area will be improved.
- The design and variety of the buildings complements the history of the site.
- Information about the heritage of the site will be located at various points on the site.
- In terms of the recreational aspect, the site has been designed to provide an open space to be adaptable and be a multi-generational space.
- In response to questions raised in respect of the highways issues in the Chepstow area and the need for a construction management plan, it was noted that this was a detail considered at the outline consent stage. Therefore, the

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outline planning consent is extant. The outline consent is the planning permission.

- The outline planning consent contains a requirement for the applicant to undertake a viability study.
- The construction management plan has been submitted as a separate planning application. This has been approved by the Highways Department. The construction management plan has been agreed with the developer.
- With regard to the interpretation boards, the Local Planning Authority will have control over the naming of the streets which could incorporate the heritage of the site.
- With regard to the affordable units and their maintenance, it was noted that the 1 acre and 0.5 acres of land being located on one area would allow for more affordable homes to be built. The housing association would then manage and maintain that area.
- In response to questions raised regarding Green Infrastructure (GI) and conditions 7 and 11, it was noted that with regard to GI, the developer's GI officer had a different opinion to the local Authority. However, the information contained within the report was considered to be acceptable by the Planning Department. In terms of the GI management plan, there will be time triggers with a view to looking at the longer term over a period of 5, 10, 20 years' time. In terms of the verges and potential parking, officers can liaise with the developer regarding this matter with a view to obtaining approval via the delegation panel.

It was proposed by County Councillor D. Dovey and seconded by County Councillor M. Feakins that application DC/2019/00001 be approved subject to the 16 conditions, as outlined in the report and subject to the changes in the conditions, as outlined in late correspondence.

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

For approval	-	12
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2019/00001 be approved subject to the 16 conditions, as outlined in the report and subject to the changes in the conditions, as outlined in late correspondence.

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4. Application DM/2018/01872 - Three new detached market dwelling-houses with associated garage(s), car parking, access driveways and landscaping. Land Rear Of Rosebrook, Watery Lane, Monmouth

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

In noting the detail of the application, the following points were identified:

- The existing planning permission for two dwellings is appropriate and is more in keeping with existing properties. An additional dwelling would result in overdevelopment of the site.
- The footprint of the three houses has more in common with the host dwelling. Back land development has been approved by the Planning Committee in other areas of the County that are similar in size and location to this application.
- The reasons for refusal, as outlined in the report, refer to the design and to Policy DES1. The character of the area needs to be taken into account.
- The size of the three dwellings and their footprints fit into the site reasonably well.
- The site is located on the edge of town looking onto the open countryside. The lane accessing the site is narrow.

It was proposed by County Councillor G. Howard and seconded by County Councillor R. Harris that we be minded to approve application DM/2018/01872 and that the application be re-presented to a future meeting of Planning Committee with appropriate conditions.

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

For approval	-	5
Against approval	-	7
Abstentions	-	0

The proposition was not carried.

We resolved that application DM/2018/01872 be refused for the one reason, as outlined in the report.

5. Application DM/2018/01909 - Open sided, roofed pavilion with new hard surfacing. Abergavenny Museum & Castle, Castle Street, Abergavenny, NP7 5EE

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

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The application had been originally reported to the Planning Committee on 2nd April 2019. At this meeting the Committee had been minded to refuse planning permission for the development on the basis of adverse impact on residential amenity and on the Scheduled Ancient Monument.

In noting the detail of the application, it was proposed by County Councillor G. Howard and seconded by County Councillor D. Evans that application DM/2018/01909 be refused for the two reasons, as outlined in the report.

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

For refusal	-	10
Against refusal	-	0
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2018/01909 be refused for the two reasons, as outlined in the report.

6. Application DM/2018/02053 - Proposed detached dwelling. Green Acres Vinegar Hill, Undy, Caldicot, Monmouthshire

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

In noting the detail of the application, the Committee considered that a reduction in the floor slab of the proposed dwelling would reduce the impact that the proposed dwelling might have on nearby existing properties.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins that we defer consideration of application DM/2018/02053 to a future meeting of the Planning Committee to allow officers to liaise with the applicant to discuss reducing the floor slab of the proposed dwelling by one metre.

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

For deferral	-	12
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that we defer consideration of application DM/2018/02053 to a future meeting of the Planning Committee to allow officers to liaise with the applicant to discuss reducing the floor slab of the proposed dwelling by one metre.

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7. Application DM/2018/02066 - Outline application for the construction of 11 dwellings and associated works. Land adjacent to Clearview Court, Shirenewton

We considered the report of the application and late correspondence which was recommended for approval subject to the 14 conditions, as outlined in the report and subject to a Section 106 legal agreement.

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

- The affordable housing provision now has the parking spaces in the correct location for the plots.
- Highways concerns include the access. As local traffic parks in this area, it was suggested that the implementation of a Section 278 agreement at this location might alleviate the parking issues.
- The access is owned by the applicant. However, two nearby houses have a right of access over it. The previous extant permission did have a similar access to required standards. As the applicant owned the access, perhaps the same could apply to this access.
- It was noted that some of the plots fall outside of the boundary areas. A condition could be considered to remove permitted development rights in relation to the garden area of these plots.
- With regard to the quality of materials, these need to be of a high standard. This matter will be considered at the reserved matters stage.
- The height of the dwellings needs to be addressed at the reserved matters stage, as the heights need to be reviewed in view of the distance between an existing property and plot 6 being only 13 metres.

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

- This is an outline application. However, the Planning Authority is able to look at the scale of development and the design and location of windows at the reserved matters stage. The scale parameters proposed in the application would be not set and the scale could be looked at.
- The quality of materials will be considered at the reserved matters stage and the applicant could be asked to submit that as part of that application.
- A condition to remove the permitted development rights could be added to the plots outside of the allocation for outbuildings.

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- In terms of the existing access point and the realignment of the roads, it was noted that the access does not meet the exact standard of the Highways Department but in terms of delivering the market and affordable housing provision, it is considered that the existing access, although substandard, is acceptable to take the additional properties.
- The height parameters will be fixed and approved as part of this application. However, with regard to plot 6, potentially being a taller or shorter property in relation to the surrounding area, this will be considered at the reserved matters stage.
- With regard to controlling parking within the area, off the public highway, any vehicle parked at this location falls outside of the local Authority's control, should any illicit parking take place in this area.
- With regard to concerns expressed in respect of the height of some of the proposed properties, a condition could be added in submitting the reserved matters for the actual detail of the site, pursuant to that application, site sections be established which would indicate the section with the nearby existing properties which would provide an understanding of the relationship and visual aspect of the heights of those properties given the land levels and proximity.
- There are no plans to upgrade the private road to an adoptable standard due to restrictive covenants existing on this land.
- This is an outline planning application establishing the principle of whether the properties, the Section 106 agreement and access are acceptable.
- Plots 4 – 7 and plots 8 - 11 would be up to 8.9 metres to the ridge.

The local Members summed up, as follows:

- The local Member would like the parameters to be between 5 metres and eight metres.
- There are positives in respect of this site in terms of the affordable housing provision, the applicant has amended the site and improved the parking provision.
- On the whole, it is a reasonable site.

It was proposed by County Councillor L. Brown and seconded by County Councillor G. Howard that application DM/2018/02066 be approved subject to the 14 conditions, as outlined in the report and subject to a Section 106 legal agreement. Also, that the following additional conditions be added:

- Remove permitted development rights for outbuildings in the gardens of plots 4, 5 and 6.

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- Require sections through the site to demonstrate the relationship of the proposal to the existing dwellings to the north of the site, which are opposite the site.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/02066 be approved subject to the 14 conditions, as outlined in the report and subject to a Section 106 legal agreement. Also, that the following additional conditions be added:

- Remove permitted development rights for outbuildings in the gardens of plots 4, 5 and 6.
- Require sections through the site to demonstrate the relationship of the proposal to the existing dwellings to the north of the site, which are opposite the site.

8. Application DM/2019/00026 - New Dwelling with associated garage. Tengboche, Glynwood Lane, Chapel Hill, Tintern

We considered the report of the application and late correspondence which was recommended for approval subject to the 11 conditions, as outlined in the report and subject to a Section 106 legal agreement.

The local Member for St. Arvans, also a Planning Committee Member, requested that a condition be added to require obscure glazing to the upper window in the gable facing the existing dwellings.

The majority of the Committee were in favour of the application. However, concern was expressed that the north elevation of the proposed dwelling was not very well articulated. The plans show existing hedgerow but there is no mention of trees that would provide any screening. It was considered that the mass of the dwelling will be quite dominating for the outlook of the bungalows.

It was proposed by County Councillor A. Webb and seconded by County Councillor P. Murphy that application DM/2019/00026 be approved subject to the 11 conditions, as outlined in the report and subject to a Section 106 legal agreement. Also, that a further condition be added to require obscure glazing to the upper window in the gable facing the existing dwellings.

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

For approval	-	10
Against approval	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00026 be approved subject to the 11 conditions, as outlined in the report and subject to a Section 106 legal agreement. Also, that a further condition be added to require obscure glazing to the upper window in the gable facing the existing dwellings.

9. Application DM/2019/00118 - Renew outline approval DC/2012/00450 and DC/2016/00059. Land opposite 5 Severn View, Caldicot

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions, as outlined in the report and 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/2019/00118 be approved subject to the conditions, as outlined in the report and subject to a Section 106 legal agreement.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00118 be approved subject to the conditions, as outlined in the report and subject to a Section 106 legal agreement.

10. Application DM/2019/00333 - Retrospective application for the erection of a fence. 3 Canon Lane, Caerwent, Caldicot, Monmouthshire NP26 4QQ

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.

The local Member for Caerwent, also a Planning Committee Member, expressed some sympathy with some residents regarding the benefits of slightly reducing the height of the fence. However, it was noted that the fence was only slightly higher than the existing hedge, which could potentially grow higher than the fence. In light of this information, the local Member expressed his support for the application. If the applicant voluntarily reduced the height of the fence by six inches, that would be beneficial to local residents.

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It was proposed by County Councillor M. Feakins and seconded by County Councillor R. Harris that application DM/2019/00333 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	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00333 be approved subject to the two conditions, as outlined in the report.

11. Application DM/2019/00352 - Twinning monument to be erected in commemoration of 30 years of twinning. Gabb Square, Baker Street, Abergavenny, NP7 5BA

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, the monument had already been erected. Therefore, condition 1 no longer applied.

It was proposed by County Councillor M. Powell and seconded by County Councillor R. Harris that application DM/2019/00352 be approved subject to the remaining condition, 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/2019/00352 be approved subject to the remaining condition, as outlined in the report.

12. Application DM/2019/00362 - Proposed internal alterations and external amendments to South West corner. Caldicot Library, Woodstock Way, Caldicot, NP26 5DB

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

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In noting the detail of the application, it was proposed by County Councillor A. Davies and seconded by County Councillor M. Feakins that application DM/2019/00362 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	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00362 be approved subject to the three conditions, as outlined in the report.

13. Application DM/2019/00440 - Two outdoor classrooms and a polytunnel. The Dell Primary School, Welsh Street, Chepstow, NP16 5UQ

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.

In noting the detail of the application, it was proposed by County Councillor D. Dovey and seconded by County Councillor R. Harris that application DM/2019/00440 be approved subject to the two conditions, as outlined in the report and that an additional ecological condition be added, as outlined in late correspondence.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00440 be approved subject to the two conditions, as outlined in the report and that an additional ecological condition be added, as outlined in late correspondence.

14. New Planning Appeals Received

We noted the new appeals received between 23rd March 2019 and 23rd April 2019.

The meeting ended at 4.58 pm.

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Proposal: Conversion of existing outbuilding into two new 3-bedroom dwelling houses

Address: Hatcham Barn, Cwrt William Jones, Monmouth, NP25 3AE

Applicant: Mr & Mrs Jupp

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

RECOMMENDATION: APPROVE

Case Officer: Ms Jo Draper

Date Valid: 09.10.2018

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

1.0 APPLICATION DETAILS

- 1.1 Planning Committee previously considered this application on 5th March 2019. After discussions about the merits of the application, the Committee were broadly satisfied with the proposed development but decided to defer the application to enable officers to review the affordable housing contribution with the applicants. Members considered that the development should seek financial contributions for affordable housing for two dwellings rather than the one dwelling that was being requested by officers. The applicant has since submitted a detailed viability appraisal of the development and officers have considered the proposals against a contribution for two dwellings as requested by Members. The affordable housing contribution for two dwellings would be £51,626.00.
- 1.2 Unfortunately, the appraisal has evidenced that the scheme would not be viable for the development to provide any financial contribution towards affordable housing. The information submitted by the applicant has been scrutinised by the Council's Senior Housing Strategy & Policy Officer and Planning Officers and it has been concluded that this particular site is not able to provide a financial contribution towards affordable housing.
- 1.3 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 however; this is subject to the viability of each individual scheme. It is worth noting that the Council is currently conducting a consultation exercise on a revised Supplementary Planning Guidance (SPG) for Affordable Housing that takes account of updated evidence and to provide clarity on key elements of the SPG. If this revised SPG was subsequently adopted this scheme would be exempt from providing a contribution given it is a Listed Building. The overriding issue with this type of development is to retain the important heritage asset. Given that a full viability appraisal of the development has concluded that a financial requirement is not viable for this particular development it is recommended that the application is approved (subject to the conditions outlined in the report below) without any requirement for a financial affordable housing contribution.
- 1.4 The previous report presented to the Committee meeting held on 5th March 2018 is below.

PREVIOUS REPORT

APPLICATION DETAILS

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

Monmouth's development boundary.

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

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

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

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

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

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

2.0 RELEVANT PLANNING HISTORY

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

Pending Consideration

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

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

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

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

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

4.0 REPRESENTATIONS

4.1 Consultation Replies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.2 Neighbour Notification

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

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

The windows are very much still over-bearing

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

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

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

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

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

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

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

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

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

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

The drawings and sketches are not representative to each other.

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

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

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

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

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

Neighbouring properties were not allowed roof lights for their development

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

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

A fire escape would not be acceptable

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

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

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

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

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

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

5.0 EVALUATION

5.1 Principle of the proposed development

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

5.2 Design

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

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

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

5.3 Neighbour Amenity

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

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

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

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

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

5.4 Highway Safety

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

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

5.5 Ecology

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

The Conservation of Habitats and Species Regulations 2010 (as amended)
European Protected Species - Three Tests. In consideration of this application, European Protected Species (bats / otters / dormice / great crested newts) will be affected by the development and it has been established that a derogation licence from Natural Resources Wales will be required to implement the consent. Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) and to the fact that derogations are only allowed where the three tests set out in Article

16 of the Habitats Directive are met. The three tests have been considered in consultation with NRW / Council Biodiversity and Ecology Officers as follows:

The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

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

There is no satisfactory alternative

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

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

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

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

5.6 Tree Protection

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

5.7 Affordable Housing

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

5.8 Archaeology

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

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

guidance.

5.9 Notification Procedure

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

5.10 Response to the Representations of Third Parties and Town Council

The objections are considered individually below.

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

- The drawings and sketches are not representative to each other

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

- The windows are very much still over-bearing

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

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

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

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

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

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

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

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

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

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

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

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

Response: This is addressed in section 5.8 above.

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

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

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

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

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

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

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

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

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

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

Response: This is addressed in section 5.6.

Neighbouring properties were not allowed roof lights for their development

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

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

Response: This is addressed in section 5.3.

A fire escape would not be acceptable.

Response: This is not proposed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.12 Conclusion

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

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

Conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13.

INFORMATIVES

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

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

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

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

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

Application Number: DM/2018/01591

Proposal: Use of single dwelling as two dwelling-houses.

Address: 1 Chapel Road Abergavenny, NP7 7DN

Applicant: Ms. Kelly Evans

Plans: All Drawings/Plans 1A Floor Plans and Elevations and Site Location Plan 19.1ACHAP - , All Existing Plans Existing Layout 19.1ACHAP.EX.LAY - , All Proposed Plans 1 Floor Plans and Elevations 19.1.CHAP - , All Existing Plans Existing TPS.18.1CHAP.EX - ,

RECOMMENDATION: REFUSE

Case Officer: Ms. Lowri Hughson-Smith
Date Valid: 21.03.2019

This application is presented to Planning Committee following a request from the Local Councillor on the basis that the development is acceptable and will provide two dwellings with sufficient amenity space

1.0 APPLICATION DETAILS

1.1 The application site is a semi-detached dwelling located along Chapel Road, adjacent to the junction with the A40, in Abergavenny. The site was extended in the 1980s and 2002, following the grant of planning permission.

1.2 The extension is currently in use as a residential annexe in association with the main dwelling and it occupied by one household (one family). The annexe is served by the main dwelling in terms of its amenity space, access, parking and all utilities. The annexe is also integrally linked to the main dwelling through inter-connecting doors.

1.3 This application seeks permission to split the main dwelling (including the extension) into 2no. separate dwellings. No physical changes are proposed to achieve the separation of the dwellings. There are internal doors which will need blocking up but these alterations do not require planning permission, should the current application be granted.

Background

1.4 The separation of the dwellings was originally subject of a certificate of lawfulness application, submitted in 2018, for an existing use which sought confirmation that the annexe had been used as a separate dwelling for a period in excess of 10 years and, therefore, was immune from enforcement action. The evidence submitted was insufficient and a certificate could not be granted.

1.5 Following this, the applicant requested the application be converted to a full planning application for the separation of the two units. This report relates to the full planning application for the separation of no. 1 Chapel Road into two dwellings.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2018/01591	Use of single dwelling as 2 dwellinghouses.	Pending Determination	
DC/2002/00655	Erection Of Detached Domestic Garage	Approved	29.07.2002
DC/1987/00571	Replace Existing LV Conductors For New Aerial Conductors.	Approved	24.06.1987
DC/2002/01131	Subdivision Of Dwelling Into Two Dwellings	Refused	22.11.2002
DC/2016/01194	Conversion of loft space above existing garage to create a home gym and office, including the installation of two dormer roof windows.	Refused	15.12.2016
DC/2017/01271	Change of use of building from dwellinghouse to two dwelling houses.	Refused	14.12.2017
DC/1980/00305	Extension To Dwelling APP_TYP 01 = Full DEV_TYP 05 = Alteration MAP_REF = 329389214568	Approved	06.05.1980
DC/2001/00450 Approved	Extension To Existing Dwelling 05.09.2001		

3.0 LOCAL DEVELOPMENT PLAN POLICIES Strategic

Policies

S4 LDP Affordable Housing Provision
S17 LDP Place Making and Design

Development Management Policies

EP1 LDP Amenity and Environmental Protection
DES1 LDP General Design Considerations
HE1 LDP Development in Conservation Areas
MV1 LDP Proposed Developments and Highway Considerations
SD3 LDP Flood Risk

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

Abergavenny Town Council

The Town Council recommended the application for approval.

Natural Resources Wales (NRW)

NRW have raised significant concerns with the proposals and provided the following comments:

'Requirement: A Flood Consequences Assessment (FCA) is required to demonstrate the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15.

The development that is proposed would result in the creation of new self-contained residential units, 'highly vulnerable development' in a flood risk area. The information submitted in support of the application gives no consideration to the flood risk posed to the properties and their occupants and the potential implications for the Emergency Services should evacuation be required during a flood event.

As you are aware, the application site lies entirely within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, a designated main river. Our advice therefore is that the applicant needs to demonstrate, through submission of a Flood Consequences Assessment (FCA), that the consequences of flooding can be managed over the lifetime of the development.

Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified. We refer your Authority to the justification tests set out in section 6.2. We therefore advise that an FCA be undertaken prior to determination of the application that meets the criteria set out in TAN15. The purpose of the FCA is to ensure that all parties, including your Authority, are aware of the risks to and from the development, and ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding. We refer you to other appropriate bodies for their requirements in regard to the FCA. We would recommend you consult other professional advisors on the acceptability of proposals and on matters we cannot advise on, such as, emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

We recommend you consider the future insurability of this development now. Although we have no involvement in this matter we would advise you to review the Association of British Insurers published a paper, 'Climate Adaptation: Guidance on Insurance Issues for New Developments', to help you ensure any properties are as flood proof as possible and insurable. The paper can be found via <http://www.abi.org.uk/content/contentfilemanager.aspx?contentid=24988>

N.B. Following the NRW advice, the applicant was given an opportunity to submit a Flood Consequences Assessment but opted not to provide one.

MCC Highways

No written comments received, however, made verbal comments stating that no objection would be substantiated given the space available to the front of the site to provide enough parking spaces and turning area.

MCC Heritage Officer

No adverse comments.

Affordable Housing Officer

An affordable housing contribution is required. The financial sum required has not yet been confirmed by the affordable housing officer.

5.2 Neighbour Notification

No responses received from neighbours.

5.3 Local Member Representations

The Ward Member has requested that the application be reported to committee on the basis the proposal is acceptable and there is sufficient amenity space to serve the resultant dwellings.

6.1 EVALUATION

6.2 Strategic & Spatial Choices

Strategic Planning/ Development Plan context/ Principle of Development

6.2.1 The application site is in the settlement of Abergavenny and, therefore, the principle of development is acceptable subject to relevant material planning considerations.

6.2.2 The relevant material planning considerations in respect of the proposals, in the context of the Planning Policy Wales 10 and the Local Development Plan are:

- o Flooding
- o Impact on Amenity/ Promoting Healthier Places
- o Good Design and Impact on the Historic Environment
- o Highways

6.2 Flooding

6.2.1 The application site is in a C2 flood plain, which is an area at risk of flooding and has no flood defence infrastructure in place. The development seeks to introduce a new residential dwelling within the C2 flood plain.

6.2.2 Planning Policy Wales, Edition 10 (hereafter PPW), Chapter 13 aims to minimise and manage environmental risks and contains relevant policies on flood risk. Paragraph 13.2.3 expresses the basic principle of the policy which is that "the Welsh Government's objectives for sustainable development requires actions through the planning system to move away from flood defence and the mitigation of the consequences of new development in areas of flood hazard towards a more positive avoidance of development in areas defined as being of flood hazard."

6.2.3 The site, as mentioned above, falls within Zone C2 as defined on the Development Advice Maps that accompany the Welsh Government's Technical Advice Note 15 "Development and Flood Risk" (TAN 15). Paragraph 6.2 of TAN 15 identifies that new development should be directed away from Zone C and that highly vulnerable development (which includes all residential premises) should not be permitted in C2 flood plains.

6.2.3 A ministerial letter sent to all Chief Planning Officers in Wales regarding 'Planning Policy on Flood Risk and Industry Changes' in January 2014 (hereafter referred to as Ministerial Letter) provided strict advice that residential development, which is classed as highly vulnerable development, is not acceptable in C2 flood plain, reiterating the position of TAN 15. The national planning policy position in respect of flooding is definitive; residential development should not be permitted within C2 flood plain. The development, therefore, is contrary to national policy.

6.2.3 Local Planning Policy contained in the Monmouthshire Local Development Plan (hereafter LDP) echoes national policy. Policy SD3 of the LDP does not permit proposals for highly vulnerable development in areas liable to flooding. The development is, therefore, also contrary to local policy.

6.2.4 NRW has raised significant concerns in respect of the application due to it being in a C2 flood plain together with the lack of a Flood Consequences Assessment to accompany the application. The applicant was given the opportunity to submit further information in respect of flooding. The applicant, however, has opted not to provide additional information given the policy position does not support residential development in flood plain C2 and it was considered a Flood Consequences Assessment would not alter this fact.

6.2.5 The policy position, at both national and local level, regarding new highly vulnerable development in C2 is clear and it should not be permitted due to the risk of flooding. The development, therefore, is not acceptable due to its location within a C2 flood plain and the associated risk of flooding and is recommended for refusal.

6.2.6 Notwithstanding the above, it is acknowledged that the physical works have already been carried out and, therefore, the flood risk to the overall dwelling already exists. Further clarification on this point is considered necessary to justify the recommendation made.

6.2.7 The property and extension were constructed prior to the risk of flooding being recognised as a serious issue and, therefore, there is little the authority can do to prevent the risk of flooding to the main dwelling at this stage. This application, however, seeks to intensify the use by creating two (separate) households within the flood plain, therefore, increasing the persons and property at risk from being affected by flooding. As discussed above, it is strongly advocated by national planning policy that local planning authorities should prevent further households being at risk from flooding. The extension already having been built, therefore, is irrelevant to the consideration of flooding. The assessment should be concerned about whether it is acceptable to create an additional dwelling in a flood plain thus exposing one additional household to the risk of flooding. As evidenced throughout this section, the increase of highly vulnerable development within a C2 flood plain is not acceptable.

6.2.8 Furthermore, the application was not supported by a Flood Consequences Assessment and, therefore, no information is available to indicate the level of risk associated with flooding at the

application site. Aside from the policy position in this regard, it is considered inappropriate to allow a highly vulnerable development within the flood plain without sufficient knowledge in terms of the risk of flooding.

6.2.9 In accordance with national and local planning policy, the application is recommended for refusal on the basis that the application site is in a C2 flood plain and that the creation of new highly vulnerable development is contrary to planning policy.

6.3 Impact on Amenity/ Promoting Healthier Places

6.3.1 The proposed development will intensify the use of the site which will not only have an impact on the surrounding dwellings but also on the newly created dwellings. The proposed impact will be discussed further below.

Impact on Surrounding Properties

6.3.2 The proposed development does not include any physical changes to the existing building and, therefore, the amenity impact in terms of it causing overlooking and being overbearing will be no different to the existing situation. In this regard, the proposal is deemed acceptable and in accordance with Policy EP1 of the LDP.

6.3.3 Despite this, it is important to mention that the application seeks to intensify the development on site by creating two separate planning units thus allowing two separate households to live independently on what is effectively one plot. Whilst it is acknowledged the extension is currently being used as an annexe, the site is currently one overall planning unit occupied by one family. There is a clear distinction in planning terms between one household sharing a site and its facilities and two independent households splitting a site and providing the separate facilities to create two independently functioning planning units. As one planning unit, all occupiers of the property can benefit from all the garden areas, access, parking area, etc. which does lessen the impact on neighbours. For example, the most usable space at the application site is on the southern boundary away from neighbouring properties. The splitting of the properties will force occupiers of the proposed no. 1 Chapel Road to use the limited yard area to the rear of the property which is a small, confined space immediately adjacent to neighbouring boundaries (this is discussed in more detail below). As such, there will be increased noise levels and potentially reduced privacy for neighbouring properties as a result of intensification of the use which could be avoided if the property remained as one planning unit.

6.3.4 Whilst the intensified use will impact on neighbouring properties and this should be borne in mind, given the urban location it not considered a reason for refusal that could be substantiated and, therefore, on balance is deemed to be acceptable.

Resultant Amenity of Newly Created Dwellings

6.3.5 The current property has approximately 65m² of amenity space which, given the urban location and size of the dwelling, is considered an acceptable level of amenity space. It is acknowledged there is a lack of private amenity space on site at present (the main amenity area is located to the side of the dwelling which is visible from the street), however, there is scope to create additional private space with internal fencing and/or landscaping. The property in its current state represents a good quality family home with sufficient amenity space.

6.3.6 Should the property be split as proposed, the newly created dwellings will have minimal private amenity space measuring approximately as follows:

- o 1 Chapel Road - 15m²
- o 1A Chapel Road - 48m²

6.3.7 The resultant garden areas are considered substandard and insufficient to serve the resultant family homes, particularly in relation to no. 1 Chapel Road (as proposed).

6.3.8 No. 1 Chapel Road (as proposed) is a sizeable three-bedroom family home and the proposed garden area would be 10m² yard area (approximately). For clarification, the garden measurement has not included paths around the property since these are not considered to be usable amenity space. The measurement only takes account of the yard to the rear of the property which has an approximate width of 3.7m and depth of 4m.

6.3.9 The concern regarding the garden area of No. 1 Chapel Road (as proposed) is that it is limited in size, well below the standard that would be expected of a sizeable family home. Additionally, the quality of the space is also extremely poor and considered to be oppressive. The space is immediately adjacent to the rear extension of no. 48 Brecon Road and the common boundary, so it is a confined and oppressive area, attributes which are exacerbated by its limited size. This is not considered suitable as the only usable, private amenity space associated with a family home.

6.3.10 In terms of amenity space associated with residential dwellings, it is acknowledged that there is no set standard of amenity area in PPW10 nor does Monmouthshire County Council have adopted guidance in terms of amenity standards. Despite this, it is clear from the guidance contained in PPW10 that development in Wales should have full consideration for the Well Being of Future Generations Act. A key aspect of PWW10 is achieving well-being through place-making. Place-making is defined as, amongst other things, high quality development that promotes people's health, happiness and well-being in the widest sense. It is considered essential that to meet the well-being goals of PPW10 and the Well Being of Future Generations Act that amenity spaces for the future housing stock is, at least, usable and an inviting environment. In this case, the resultant garden to serve no. 1 Chapel Road (as proposed) is considered unacceptable and inappropriate in the context of family housing. The proposed garden is considered so far detached from the spirit of PPW10 and the well-being goals of the WBFG Act, by reason of its size and oppressive nature, that it cannot be considered acceptable and refusal of the application on this ground is warranted.

6.3.11 The garden proposed to serve no. 1A Chapel Road, on the face of it, appears large enough to serve the dwelling. It is considered to be low quality outdoor space due to its lack of privacy and, therefore, considered insufficient to serve the dwelling as meaningful outdoor space. This area could be improved by being made more private which could be secured via condition. The amenity space of the proposed no. 1A Chapel Road is considered acceptable in accordance with Policy DES1, subject to conditions.

6.3.12 Whilst not wholly relevant in respect of this application, there are concerns that the property being split into independent dwellings would result in additional pressure to extend and alter the properties which could further reduce the amenity area and potentially affect neighbouring properties. This could be controlled via a condition removing permitted development rights and had the application been recommended for approval the imposition of this condition would have been considered essential to ensure the limited amenity space available to the properties was maintained in the long term.

6.3.13 In conclusion, the resultant dwelling at no. 1 Chapel Road (as proposed) would have sub-standard amenity space in direct conflict with national and local planning policy, particularly Policy DES1, creating a sub-standard family home which should be resisted and, therefore, is recommended for refusal on this ground.

6.4 Good Design and Impact on the Conservation Area

6.4.1 The element of the property which the applicant is seeking to separate from the main dwelling is an extension and so has not been designed as separate dwelling. No physical changes are proposed in this application to separate the properties. Furthermore, formal separation of the area to the front of the property, which is to be used for parking and turning, is not possible due to its restricted size.

6.4.2 The resultant dwellings, therefore, would not appear in the street as separate dwellings but would continue to look like an extended property. The lack of separation of the area to the front of

the property, not only indicates there is not enough space for two properties to be serviced from the plot, but would also result in a shared semi-public area lacking any sense of place. The lack of formal separation of the dwellings in design and layout is not conducive to good design principles and, therefore, does not promote place-making or high-quality living accommodation.

6.4.3 In terms of the impact on the Conservation Area, given there is no building works proposed the impact is neutral and, therefore, in accordance with HE1. The Heritage Officer has reviewed the proposals and raised no adverse comments. In terms of design, the proposals are not considered to be well-designed in the context of creating two separate dwellings.

6.4.4 Despite this, given the extension is already in place and will not result in any visual impact it is not considered reasonable to refuse the application on design grounds.

6.5 Highways

6.5.1 The proposal would not change the access arrangement.

6.5.2 There would be an increase in traffic generation but in highway terms this would be minimal and, therefore, acceptable.

6.5.3 The block plan shows provision for 6no. parking spaces to the front of the property; one of the proposed spaces is to be accommodated in the existing integral garage. The turning area for the two dwellings will be undefined and shared between both dwellings.

6.5.4 On the face of it, the parking provision proposed does not meet the requirements of the Council's adopted Domestic Parking SPG and Parking Standards SPG. The Domestic Parking SPG states that integral garages are not considered parking spaces for the purposes of overall parking provision. As such, the proposed development can only provide 5no. compliant spaces which represents a deficiency in parking provision by one space when assessed against the requirements of the Parking Standards SPG (which requires one space per bedroom up to a maximum of 3no. spaces).

6.5.5 Whilst the parking provision is deficient, PPW10 advises that planning authorities must support schemes where parking levels are proposed to be reduced, especially in sustainable locations (PPW10, paragraph 4.1.51). In this case, the site is in a highly sustainable location on the edge of Abergavenny Town Centre, and therefore, the minimal deficit in parking provision in this case is not considered unacceptable.

6.5.6 The Highways Authority has assessed the application and provided verbal comments which have been noted on the case file. They raised no objection to the application on the basis that the access is existing, there will be a minimal increase in usage, and an acceptable level of parking can be provided. The Highways Authority noted that the parking area and associated turning space was restricted in size and, therefore, not ideal but it was sufficient to allow turning on site and, therefore, acceptable.

6.5.7 The proposals are deemed to be acceptable in terms of the impact on highway safety and the proposed parking provision in accordance with PPW10, Policy MV1 of the LDP, the Domestic Parking SPG and the Parking Standards SPG.

6.6 Affordable Housing

6.6.1 In accordance with Policy S4 the creation of a new dwelling will trigger the requirement for an affordable housing contribution. The site is located in the Abergavenny area where the required contribution is 35% but given the development is below the threshold for an on-site contribution a financial contribution is required instead. The affordable housing officer has been consulted and the financial contribution required would be £27,857.

6.6.2 The application is not accompanied by a Section 106 legal agreement to secure the affordable housing and, therefore, does not accord with Policy S4 of the Local Development Plan.

In the light of the application being recommended for refusal on ground of flooding and lack of amenity space, it is necessary to also include a reason for refusal in respect of lack of a Section 106 agreement to secure an affordable housing contribution.

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

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

6.8 Conclusion

6.8.1 The application is recommended for refusal on the basis that it conflicts with national and local planning policy in respect of flooding and the usable amenity space in association with No. 1 Chapel Road (as proposed) is substandard.

6.8.2 There is no policy support for the new dwelling in C2 flood plains. PPW10 strongly advises against such development, TAN 15 states that 'highly vulnerable development and Emergency Services in zone C2 should not be permitted'. The Ministerial Letter sought to clarify the interpretation and use of TAN 15 and reiterated that 'highly vulnerable development (e.g. housing) should not be permitted in Zone C2'. The development is also contrary to Policy SD3 of the Local Development Plan. Furthermore, no supporting information in respect to flood risk has been submitted.

6.8.3 No. 1 Chapel Road (as proposed) would have insufficient amenity space contrary to the Well Being of Future Generations Act, PPW 10 and DES1 of the Local Development Plan.

6.8.4 The applicant has not entered into a Section 106 legal agreement to secure the necessary off-site affordable housing contribution and, therefore, does not accord with Policy S4 of the Local Development Plan.

7.1 RECOMMENDATION: REFUSE

Reasons for Refusal:

1 The planning application proposes highly vulnerable development (residential use) within Zone C2 of the Development Advice Map contained in Technical Advice Note (TAN) 15: Development and Flood Risk. Section 6.2 of TAN 15 affirms that highly vulnerable development should not be permitted in Zone C2. As such the development would be contrary to Technical Advice Note (TAN) 15: Development and Flood Risk and Policy SD3 of the Monmouthshire County Council Local Development Plan 2011-2021, adopted February 2014

2 The applicant has failed to enter into the Section 106 agreement to secure the necessary affordable housing financial contribution, and therefore the proposal is contrary to Policy S4 (Affordable Housing Provision) of the Monmouthshire County Council Local Development Plan 2011-2021, adopted February 2014

3 No. 1 Chapel Road (as proposed) provides an inadequate amount of usable, private, outdoor amenity space for future occupiers contrary to the Well- Being of Future Generations Act (Wales) 2015, Planning Policy Wales 10 and Policy DES1 of the Monmouthshire Local Development Plan.

Application Number: DM/2018/01899

Proposal: New parking area with new footpaths, sitting and clothes drying areas

Address: The Lawns, West End, Magor

Applicant: MHA

Plans: All Proposed Plans 18026-02 - B,

RECOMMENDATION: APPROVE

Case Officer: Mrs. Helen Hinton

Date Valid: 13.12.2018

This application is presented to Planning Committee at the request of the Ward Member and following the receipt of objections

1.0 APPLICATION DETAILS

1.1 The application seeks full planning permission for the development of a car park, footpaths, seating and clothes drying areas within the boundary of The Lawns, Magor.

1.2 The plans submitted detail the development of a seven space parking area within the northern part of the site with a new vehicular access drawn from Redwick Road to the north-east, which is an adopted, category 3C highway. The spaces would be for use by existing residents and their visitors. The plans also indicate the development of new 1.2m wide resin bond paths within the complex, the creation of seating areas and the installation of the new and additional rotary clothes lines.

1.3 The application originally sought consent for a much larger car parking area (15 spaces), scooter stores, bike racks and a semi-enclosed quiet seating area. However, following objections to the proposal and discussions with the applicant, these elements have been removed from the application and the parking reduced in scale. The amended plans have been the subject of a further round of public consultation.

Site Appraisal

1.4 The Lawns is a sheltered housing complex of 30 one-bedroom units built in the early 1970s. The site is owned and maintained by Monmouthshire Housing Association. The complex as a whole is located within the development limits of Magor, to the west of the designated central shopping area and is outside of but immediately adjacent to the Magor Conservation Area boundary. The site is also located within C1 flood zone as defined by the Development Advice Maps of Technical Advice Note (TAN) 15: Development and Flood Risk.

1.5 The land in the northern part of the site is currently laid to lawn with a number of mature trees. Existing off-street parking facilities are provided within the southern part of the site, accessed from West End.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2018/01899	New parking area with new footpaths, sitting and clothes drying areas	Pending Determination
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DM/2018/01899	New parking area with new footpaths, sitting and clothes drying areas	Pending Determination
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

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

Original proposal

Magor and Undy Community Council- Requested that determination of the application be deferred (no further response received).

MCC Highways - No objection subject to conditions requiring alterations to indicate a footway vehicular crossing as opposed to a junction, thus ensuring that pedestrians have priority and that the car park access and egress is secondary and clearly defined as a private area; and the provision of permeable paving.

MCC Heritage - The proposal is outside of Magor Conservation Area; the buffer boundary is not part of the scheme. No heritage concerns.

Glamorgan Gwent Archaeological Trust - It is our opinion that the proposal is unlikely to encounter significant buried archaeological remains. Therefore it is our opinion that there will not be a requirement for archaeological mitigation works

Amended Application

MCC Highways - the proposed amendments to reduce the level of on site parking do not affect the Highway Authority's opinion on the application and we offer no objection to the proposal as re-submitted.

5.2 Neighbour Notification

The original application has been advertised by direct neighbour notification and erection of a site notice. Eleven letters of representation were received and are summarised as follows:

Affect local ecology

General dislike of proposal

Increase danger of flooding

Increase in traffic

Loss of privacy

Noise nuisance

Existing car parking provision is sufficient.

Proposal is excessive and seems to predominantly benefit staff, visitors and maintenance personnel.

The entrance onto a main road with cars, lorries and buses speeding past around the two corners.

Car park will increase noise, pollution and traffic onto a very busy road.

Parking area needs to be marked as private to prevent wider village use.

Additional parking and raised flower beds are required.

The proposal would be dangerous to users of the existing path and gate that allow residents easy access to bus stop etc., and allow residents to walk around the complex with wheelies and sticks, Will result in the loss of the green open space, residents footpath and light to the detriment of residents amenity.

Scooter storage unnecessary, people need their scooters outside their houses. Would also block light into homes

For the EPV (electric personal vehicle) garages to be used they would require a charging point. If this is to be provided a charge point for an electric car should also be provided in the car park with debit/credit payment facilities.

Bicycle storage is unnecessary.

Question the need for a quiet corner in the back end of flats. Would result in people looking at a fence and may be used for anti-social behaviour.

Amended plans

The amended plans have been advertised by direct neighbour notification.

Six letters of representation have been received and are summarised as follows:

The car park is too dangerous and there will be more non-residents than residents using it.

The access would lead onto a very busy road. Cars are often parked on the side of the road, sometimes on both sides and visibility of oncoming traffic in both directions is decreased.

Area needs to be fenced off for the security of residents.

The revised plans seem to be a sensible compromise. Unwanted features have been removed and a further six parking places in addition to the existing six provided. There is insufficient parking for residents at the Lawns.

A remote-controlled barrier should be provided for both the new and existing residents parking so that trade vehicles and visits can be restricted and will reduce opportunities for accidents with

illegally parked trade vehicles and will allay fears with regards to unauthorised use of the parking to access village facilities.

5.3 Local Member Representations

The Ward Member was notified of the original application on 27th November 2018 and has provided the following response:

I note the current level of dissatisfaction from numerous residents at The Lawns. There is a view that MHA the applicant ought to have thoroughly consulted all residents prior to lodging an application of this nature.

The level of car ownership among residents is variable and current parking appears sufficient for residents' needs. The proposal seems more aimed at benefiting MHA contractors and visitors. There is on road parking and this ought to be sufficient for contractors, carers and visitors.

The parking areas effectively destroy all the current open space/green infrastructure and mature trees which are currently enjoyed by residents and adds greatly to the residential amenity.

The current parking areas at The Lawns / tarmac areas are expansive and leave little green space at the front of the complex to absorb surface water. Due to positioning and the consistent erosion of green space- West End is subject to flooding in heavy rain and I would be concerned that this would add further to the issues experienced by residents.

I am also extremely concerned by the proposal for an additional access off Redwick Road. This is a busy road and a main route to the primary schools and Magor Square. There is no need for an additional vehicle exit and removal of the green space and the footpath indeed will greatly affect residents' (of The Lawns) safe passage across the complex to The Square and bus stop.

I can see no evidence that residents have requested scooter stores and again these seem intrusive and of limited value.

The bicycle racks seem a good idea in principle but again are not felt to be required by residents.

In terms of street scene and visual amenity on the edge of the conservation area, I feel the proposal is damaging and adds nothing to the integrity and long term preservation of our local heritage and wider environment. The loss of the green space is particularly damaging.

Following consultation with regards to the amended scheme, no written response has been received to date.

6.1 EVALUATION

6.2 Strategic & Spatial Choices

6.2.1 Principle of Development

The application seeks full planning permission to provide a seven bay car park, new point of access and various internal site works at The Lawns, Magor. Being mindful that the complex is an established residential development, within the village's development limits and that the facilities proposed would be used by residents and their visitors, the principle of development is considered acceptable subject to the application satisfying a number of material considerations.

6.2.2 Good Design

The proposed parking area would be developed on an area of lawn and soft landscaping to the north of the main complex of dwellings. It is considered that the revised plans indicate a development of an appropriate and acceptable scale relative to the number of dwellings on site,

would maintain all existing mature trees where possible and would benefit from good natural surveillance from residents and passers by.

Although the loss of part of the lawned area is regrettable, in this instance it is considered that the provision of additional facilities for the benefit of existing residents would not be so detrimental to the character and visual amenity of the area to warrant refusal of the application. The application is therefore considered compliant with the requirements of policies S17 and DES1 of the LDP.

6.2.3 Impact on Amenity

As part of the original application concerns were raised with regards to the impact of the proposal on the amenity of existing residents as a result of the loss of the landscape/ amenity area, increased and overshadowing generated by the proposed scooter store; increased light pollution and light spill from proposed lighting columns and the removal of a pathway leading from the dwellings to the northern corner of the site, which provides access to Redwick Road.

Following discussions with residents, MHA have removed a number of features and provided amendments to the application to overcome concerns and to ensure that pedestrian access remains the priority.

Although the loss of the lawned area could be considered detrimental to residents' amenity, on balance it is considered that the amended plans detail an acceptable compromise that would provide additional facilities without having a significantly detrimental impact on the amenity of those living within or adjacent to the site.

On the basis of the above, the application is considered compliant with the requirements of policies S17 and EP1 of the LDP.

6.32 Active and Social Places

6.2.1 Access/ Highway Safety

Access to the development would be gained via a new entrance leading from Redwick Road to the north-east of the site, opposite a junction serving Withy Close. Following consultation, public concerns have been raised with regards to the safety for junction users and those passing the site in terms of pedestrians and vehicles.

Following consultation with regards to the original scheme, the Highways Team raised no objection to the increase in on site parking provision and the creation of a new and independent means of access off the adjacent public highway known as Redwick Road, subject to conditions requiring the proposed means of access to traverse the footway as opposed to being a junction design, thereby ensuring that pedestrians have priority, and that the car park access and egress become secondary and clearly defined as private; and the submission of details with regards to permeable paving.

Following re-consultation with regards to the amended plans, it has been confirmed that the alterations do not alter the Highway Authority's response to the scheme.

Whilst residents' concerns with regard to highway safety are acknowledged, following a site visit it has been confirmed that the proposed access would benefit from sufficient visibility either side to prevent use being detrimental to highway safety. Although positioned opposite an existing junction, it is considered that the level of use generated by the proposal would not be so great to be detrimental to the existing highway safety and free flow of traffic. Subject to conditions the application is considered compliant with the requirements of policy S17 and MV1 of the LDP.

6.3 Distinctive & Natural Places

6.3.1 Landscape/ Visual Impact

The proposed parking area would be visible from the pavement and highway to the east of the site. Although the loss of part of the lawned area is regrettable, being mindful of the position of the proposal within the defined curtilage boundary and the number of dwellings on site, it is considered that the area would appear proportionate in scale and ancillary to the dwellings. Relative to the residential context of the site where the provision of off road parking and hardstandings is not uncommon, the proposal would not be out of keeping so as to be considered detrimental to the visual amenity or landscape value of the area. The application is therefore considered compliant with the requirements of policies S13 and DES1 of the LDP

6.3.2 Historic Environment

Following consultation with regards to the original (larger) proposal, the Council's Heritage Team noted that the site is outside of Magor Conservation Area and the boundary buffer. As a result no concerns were raised.

Following consultation the following information has been received from Glamorgan Gwent Archaeological Trust:

"The development area is located within the Gwent Level Archaeologically Sensitive Area, on the raised land and solid geology north of the Levels, although outside the Gwent Levels Registered Landscape of Outstanding Historic interest. It is c40m from the Scheduled Ancient Monument of the Medieval Procurator's House, Cadw reference MM180, which adjoins the churchyard of St Mary. This area was the focus of the Medieval settlement, the extent of which is not certain, However, archaeological work undertaken nearby in relation to development area has not encountered significant archaeological deposits. No archaeological features are recorded within the development area itself; and the area would have been disturbed during the creation of the current housing.

Given our understanding of the current archaeological and historic environment resource, and the nature of the proposal, it is our opinion that the proposal is unlikely to encounter significant buries archaeological remains, and given the current information, therefore, it is our opinion that there will not be a requirements for archaeological mitigation works and we therefore have no archaeological objection to this application."

On the basis of the above, subject to the imposition of advisory notes with regards to archaeology, it is considered that the development proposed would not have a detrimental impact on the historic environment and is compliant with the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017).

6.3.3 Green Infrastructure and Biodiversity

The proposed parking area currently forms part of the maintained and improved amenity area of the wider site. Being mindful of the area of lawn and mature trees to be maintained, it is considered that the proposal would not have detrimental impact on the green infrastructure or biodiversity value of the site or wider area.

The plans submitted detail the provision of new lighting columns within the site. However, the details have not been submitted for consideration and will need to be sought by condition to ensure that light spill is not detrimental to both residential amenity and the foraging and roosting activities of species of conservation concern within the area. Subject to the imposition of conditions the application is considered compliant with the requirements of policies S13, GI1 and NE1 of the LDP.

6.3.4 Flooding

Although the dwellings in The Lawns are located within the C1 Flood zone as defined by the Development Advice Maps of Technical Advice Note (TAN) 15: Development and Flood Risk (2004), the proposed parking and access point is outside of the designation. As the proposal

would provide a secondary means of escape from the site in the occurrence of an extreme flood event, the scheme is considered compliant with the requirements of TAN 15.

However, the replacement of an existing soft landscaped area with hard surface could lead to increased surface water run off that could exacerbate flooding issues within the wider area. As the application was submitted prior to 7th January 2019, there is no requirement for the developers to apply for sustainable urban drainage consent. However, being mindful of the adjacent C1 allocation, the potential increased surface water outfall and Welsh Water's direction to remove or prevent surface water from entering foul or combined sewers, it is considered necessary to condition drainage details of the development to be submitted to and approved in writing. Subject to the imposition of such a condition the application is considered compliant with the requirements of policies S12 and SD4 of the LDP

6.4 Response to the Representations of Third Parties

6.4.1 It is considered that the amended plans submitted have helped to alleviate the concerns and objections raised during the first round of consultation.

In response to the comments received as part of the amended plans the following comments are offered:

Safety and use of the car park

It is considered that the internal layout of the amended scheme and the access with the county highway helps to ensure that pedestrians retain priority within and on the county highway network adjacent to the site, with sufficiently wide, appropriately lit pathways developed along principal desire lines and the maintenance of the pavement as opposed to a junction development with the county network. Use of the site by persons not connected to the site would be a matter for the landlord to control and enforce. It is considered that the use of parking spaces by delivery vehicles, carers, visitors and maintenance personnel visiting and assisting residents on site, would have a beneficial impact on the wider area by reducing demand for on-street parking.

Access onto a busy road

It is acknowledged that the category C highway (Redwick Road) to the east of the site is busy and suffers from congestion as a result of on-street parking. Although the proposed access would be developed opposite the junction serving Withy Close, it is considered that the development would benefit from sufficient visibility in both directions and would not generate such an increased number of vehicle movements to cause conflict to highway safety and the free flow of traffic. The provision of additional on site parking may help reduce on-street parking demand to the benefit of highway safety.

Area needs to be fenced off for the security of residents

The plans submitted in support of the application indicate that the perimeter fence would be maintained. Whilst no fencing is provided within the site between the pathways, parking and manoeuvring areas, it is considered that the use of appropriately coloured and contrasting surfacing materials would provide sufficient contrast to allow for the differing area use to be identified and therefore help prevent conflict between pedestrians and drivers. Details of the materials to be used could be sought by condition. Concerns are raised that the provision of fencing between the car park and existing amenity area may result in the spaces being disassociated with The Lawns and make them more susceptible to use by the general public.

Barrier provision

Although the provision of a barrier at the entrance to the site would inhibit unauthorised use and would help alleviate residents' fears with regard to abuse, this is not currently proposed and could not be reasonably sought by planning condition. The use and management of the parking spaces will need to be controlled and regulated by the landlord.

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 On the basis of the above report, whilst the loss of part of the existing lawned area is regrettable, it is considered that the amended development proposed would not a significantly detrimental impact on the character and appearance of the area, residential amenity, highway safety, green infrastructure and biodiversity or the archaeological value of the area. Subject to the imposition of conditions it is considered that the development is compliant with the relevant policies of the Monmouthshire County Council Local Development Plan and is recommended for approval subject to conditions.

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 Notwithstanding the details of the approved plans, prior to the commencement of development, detailed design of the proposed access with the county highway network shall be submitted to and approved in writing by the Local Planning. The development shall only proceed in accordance with the approved plans and shall be maintained as such thereafter. No development hereby approved other than that associated with the proposed accesses shall commence until the access has been constructed in accordance with the approved plans.

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

4 No development shall take place until a scheme of surface water drainage has been submitted to, and approved by, the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be completed before the first beneficial use of the development.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy SD4.

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.

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

6 Prior to the commencement of development, details of the external lighting to be used to include design and levels of illumination, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be retained as such thereafter.

REASON: In the interest of the residential amenity and to prevent detrimental impact on the foraging and roosting activities on species of conservation concern within the area, in compliance with the requirements of policies S13, S17, NE1 and EP1 of the LDP.

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Application Number: DM/2018/01963

Proposal: Ground floor change of use from A1 to A3 use. Part first floor change of use from flat to A3. Relocation of front entrance door. New sign above shop front.

Address: Penhowe Antiques, 37A Bridge Street, Usk, NP15 1BQ

Applicant: Mr. Newman

Plans: Location Plan AL(00)01 - A, Elevations - Existing AL(00)03 - , Floor Plans - Existing AL(00)02 - , All Existing Plans AL(00)04 - , All Proposed Plans AL(01)01 - Rev. E, All Proposed Plans AL(01)02 - Rev. E, External Lighting Email including image - ,

RECOMMENDATION: APPROVE

Case Officer: Ms. Lowri Hughson-Smith
Date Valid: 05.12.2018

This application is presented to Planning Committee following its referral by the Council's Planning Applications Delegation Panel. This was owing to neighbour concerns regarding overlooking. In addition, concerns were raised in relation to a perceived conflict of interest relating to a panel member and the location of the application in proximity to the panel member's business. The matter was referred to the Council's Legal Officer and it has been agreed that the relevant member will not participate in the deliberation of the application at Committee

1.0 APPLICATION DETAILS

1.1 The application site is located in the Usk town centre and is currently an antique shop. It is located in the designed Central Shopping Area and within the Usk Conservation Area. The site is also affected by C1 flood plain.

1.2 The proposal seeks change of use of the property, which is currently an A1 use as an antique shop with residential development above.

1.3 The proposed change of use is to provide a micro-pub with ancillary brewing facilities and A1 use at ground floor. The extent of the brewing operation would be small scale and limited to once a month, solely to supply the main A3 use (micro-pub) at upper floor level. The proposal also includes the retention of the upper floor residential accommodation, albeit reduced in size.

1.4 The physical changes to the building include:

- o Replacement shop front;
- o Painted signage on front elevation at upper level;
- o External lighting to the front elevation; and
- o Installation of a roof light to the rear elevation.

1.5 The residential unit is located to the rear of the building on the upper floor and accessed via an existing door at the front elevation which will remain unchanged in this application.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2018/01963	Ground floor change of use from A1 to A3. Part first floor change of use from flat to A3. Relocation of front entrance door. New sign above shop front.	Pending Determination	
DM/2018/01964	Proposed new sign above shop front displaying the company logo.	Pending Consideration	
DC/2012/00280	Change of use from a mixed use (A1 and A3) to A3 use.	Approved	25.04.2012
DC/2006/01116	Name of premises/New business operating-abover premises.	Deemed Consent	12.12.2006
DC/2006/01051	Certificate of Lawfulness for use of premises as tea room and take away sandwich and hot food bar		02.11.2006
DM/2018/01963	Ground floor change of use from A1 to A3. Part first floor change of use from flat to A3. Relocation of front entrance door. New sign above shop front.	Pending Determination	
DM/2018/01964	Proposed new sign above shop front displaying the company logo.	Pending Consideration	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment S17
LDP Place Making and Design
S6 LDP Retail Hierarchy

Development Management Policies

RET2 LDP Central Shopping Areas SD3 LDP
Flood Risk
HE1 LDP Development in Conservation Areas DES1 LDP
General Design Considerations
EP1 LDP Amenity and Environmental Protection EP5 LDP
Foul Sewage Disposal
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations

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

Usk Town Council

The Town Council recommends approval.

Natural Resources Wales

NRW commented on the application and stated the following:
'the application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, which is a designated main river.

We note that the proposed development is for change of use from A1 to A3 on ground floor and part change of use on first floor from flat to A3 (less vulnerable development).

We recommend that an FCA is undertaken to ensure all parties, including your Authority, are aware of the risks to and from the development, and ensure that the risks and consequences of flooding are minimised as far as possible. The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be appropriate to the scale and nature of the development being proposed.

routes, this will provide a better understanding of the risks and consequences of flooding. We may hold relevant flood risk data that can be used to assist with this assessment. Any requests for this data should be sent to our datadistribution@naturalresourceswales.gov.uk email account. If the building and/or access/egress routes are shown to flood during events up to and including a predicted 0.1% (plus an allowance for climate change) flood event, the FCA should propose suitable and appropriate mitigation measures to reduce the effects and consequences of flooding.

This application presents an opportunity to raise awareness of the flood risk to the current/ future occupiers of the property, incorporate flood resistance/resilience measures into the refurbishment works, and make provisions for flood warning and emergency access/egress. Dependent on the level of risk posed, the FCA should consider each of these matters and make appropriate recommendations.'

MCC Heritage Officer

No objection raised in relation to the change of use.

There was, however, objection to the replacement shop front, as originally submitted. The following comments were made:

'The rearrangement of the shopfront would not be acceptable, retaining the proportions and scale of the historic shopfront is paramount particularly on Bridge Street. Roof lights on the front elevation of a building within a conservation area is strongly discourage and would not found to be acceptable, due to such high visibility and affecting the character of the conservation area.'

In respect of the signage, the Conservation Officer stated that 'if not installed on the fascia, wall logos should be painted, further details on illumination will be required'.

Following the Heritage Officer's comments on the original submission. The applicant revised the scheme provide a more sympathetic shop front, centred the front door and removed the roof lights. The Heritage Officer's concerns in respect of the shop front proportions remained due to the width of the door and thickness of the door frame.

The applicant revised the proposals again to address the further comments made and reduced the door width and amended with the fanlights.

The Heritage Officer is satisfied with the amended scheme and removed the objection.

Environmental Health

The Environmental Health Officer has not raised any concerns and made the following comments: It is noted that a concern has been raised regarding issues of noise from the premises. While there is potential for some noise typically associated with a bar and restaurant to be audible it is unlikely that the proposed development will cause significant increase in noise levels.

The hours of operation of the proposed development are broadly in line with other premises of a similar nature within the area.

Taking into account all of the above information I am unable to substantiate a reason to object to the proposed development.

However, the business owner is reminded that any excess noise should be kept to a minimum.

MCC Highways

No objection.

Welsh Water

No objection subject to the following condition being imposed:

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

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

'The approved use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted and approved in writing by the Local Planning

Authority. Thereafter, the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewerage system and ensure the free'

Glamorgan Gwent Archaeological Trust

No objection.

Usk Civic Society

Usk Civic Society objects to these applications on the grounds that the changes to the shop front are unacceptable. The comments made were:

'the proposed to the shopfront of 37 Bridge Street are inappropriate at this location. The shopfront is not outdated. It is a standard traditional shopfront on the main street of Usk and is at the heart of the Usk conservation area. Its retention is an important part of the character of the street. Nor is it clear what, if any, practical need in terms of the proposed new business would be served by alteration. The applicants wish to place a logo between the two first floor windows. No details are given as to whether the sign would be painted on to the wall, or a raised sign made of other materials. The former would be acceptable to the Society; the latter would not. There is no detail about any illumination. In the conservation area, this would need careful consideration. It is also proposed to install a Velux-type window in the roof on the street frontage. This, again, should not be allowed in the conservation area. These comments echo those made by MCC's own heritage team (e-mail of 23 January 2019).

In making these comments, the Society wishes to stress that it has no objection to the idea of using these premises as a microbrewery [sic]. It simply opposes the unnecessary and out-of-character alterations to the street frontage which are proposed.'

5.2 Neighbour Notification

6 no. neighbours have been consulted and two responses were received. The two responses received raised concerns in respect of the following:

- o Increased noise as a result of the property being used as a pub, music and people smoking;
- o Loss of Privacy; and
- o There are already pubs in the area.

6.0 EVALUATION

6.1. The proposals will be considered against the planning policy framework contained at national level in Planning Policy Wales (Edition 10) (hereafter referred to as PPW10) and the Local Development Plan.

6.2 The main considerations relevant to the proposals are detailed below and assessed in turn below:

- o Strategic Planning/ Development Plan context/ Principle of Development
- o Retail & Commercial Centres/Productive and Enterprising Places
- o Flooding
- o Historic Environment/Good Design/ Place making/Visual Impact
- o Impact on Amenity/ Promoting Healthier Places
- o Access / Highway Safety
- o Biodiversity
- o Water

Prior to concluding the report the Response to the Representations of Third Parties will be discussed.

Strategic Planning/ Development Plan context/ Principle of Development

6.3 The application site lies within the defined settlement of Usk and, therefore, a presumption in favour of development exists subject to detailed planning considerations, which are discussed in turn below.

Retail & Commercial Centres/Productive and Enterprising Places

6.4 The site is located within a designated Central Shopping Area (hereafter referred to as the CSA) and developments within this designated area are governed by the requirements of Policy RET2 which seeks to protect the vitality and viability of town centres. According to Policy RET2, developments within CSAs are subject to the following detailed planning considerations:

- a) proposals which will safeguard the vitality, attractiveness and viability of the defined CSAs will be permitted; a change of use from Classes A1, A2 or A3 on the ground floor with street frontage to uses other than Classes A1, A2 or A3 will not be permitted, unless it can be demonstrated that criterion (a) can be met by attracting footfall;
- b) change of use to residential of ground floor premises will not be permitted unless evidence is provided to demonstrate that the premises is not viable for retail or commercial use, including that the premises has been vacant for at least one year and that genuine attempts at marketing the existing use have been unsuccessful.

6.4.1 Proposals which will safeguard the vitality, attractiveness and viability of the defined CSAs will be permitted

The proposed development seeks permission for a primarily A3 use within the town centre, utilising the upper floor for an A3 use. The ground floor will incorporate an ancillary A1 use and micro-brewing facilities associated with the A3 use. The A3 use (the main use) is a footfall generating use and, therefore, will safeguard the vitality and viability of the town in accordance with the above requirement.

6.4.2 A change of use from Classes A1, A2 or A3 on the ground floor with street frontage to uses other than Classes A1, A2 or A3 will not be permitted, unless it can be demonstrated that criterion (a) can be met by attracting footfall. The proposed use is for a micro-pub with ancillary brewing facilities and shop at ground floor level. The proposed use is acceptable and in accord with the criteria of Policy RET2.

6.4.3 A change to residential use of ground floor premises will not be permitted unless evidence is provided to demonstrate that the premises is not viable for retail or commercial use, including that the premises has been vacant for at least one year and that genuine attempts at marketing the existing use have been unsuccessful

The application does not include any change of use of the lower ground floor to a residential use.

6.5 It has been demonstrated above the proposal accords with the requirements of Policy RET2.

6.6 Flooding

6.6.1 The site is in a C1 flood zone; a high-risk flood zone served by flood defences or infrastructure. Developments within C1 zones are ordinarily required to be accompanied by a Flood Consequences Assessment (hereafter referred to as FCA). TAN 15 indicates that development, particularly highly vulnerable development, i.e. residential development, in 'C' flood zones should not be permitted unless fully justified in accordance with the tests contained in paragraph 6.2 of TAN 15.

6.6.2 NRW have commented on the application and advised that a FCA is required to assess the proposals in the context of the flood risk.

6.6.3 In this case, an FCA was not requested despite the comments from NRW since the proposed development represents less vulnerable use in comparison to the existing use and so the provision of an FCA was not considered rational or reasonable. This conclusion was reached following the assessment of the proposals against the justification tests set out in paragraph 6.2 of TAN 15, which read as follows:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.

6.6.4 Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement. In this case, the proposal will contribute to the local authority strategy to sustain the town centre that is specifically required under Policy RET2 of the LDP which, as demonstrated above, the proposal fully accords with.

6.6.5 It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1). The site is previously development land in accordance with the definition contained on page 38 of PPW 10, according with ii) and iii) of para. 6.2 of TAN 15.

6.6.6 The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.

In terms of assessing the consequences of flooding, the proposal will result in a reduced amount of highly vulnerable development as defined in Section 5 of TAN 15. There is a potential flood risk and Section 7 and Appendix 1 of TAN 15 requires the flood risk to be assessed fully in an application. In this application, the starting point was to assess the existing use of the building in comparison to the proposed.

6.6.7 The existing use provides the following:

- o A1 at lower ground floor; and
- o 3 bed residential flat at upper level.

In accordance with TAN 15, the residential flat is classed as highly vulnerable development and the commercial development (i.e. the A1 use) is considered to be less vulnerable development. The proposed use does not introduce new or intensify highly vulnerable development and, indeed, the proposals reduce the amount of such development, providing the following:

- o A1 use at ground floor/ancillary brewing facilities;
- o A3 use at upper floor level (over 50% of upper floor); and
- o 1 bedroom flat at upper floor level.

6.6.8 In flood risk terms, the proposed development represents a betterment by reducing residential development floor space by over 50% of its existing size. The reduced risk associated with the proposed use was further consolidated by the nature of the use. A micro-pub, as advised in TAN 15, is considered to be less vulnerable development and therefore in a flood event people can decide whether they accept the risks to life and property associated with flooding at the site and, of course, chose to avoid the risk. This further reduces the flood risk to persons visiting the site.

6.6.9 In terms of the residential unit, it is on the upper floor and so would remain flood free during a flood event. Notwithstanding this, the risk associated with the development is less than the existing situation given the reduction in bedrooms from 3-bedrooms to a 1-bedroom flat.

6.6.10 Moreover, the proposal does not include any increase in floor space or hard surfacing and, therefore, would not result in a change in the flooding scenario experienced on site. In terms of access and egress, it is the remit of the Local Planning Authority to assess whether the emergency access and egress to the site is acceptable. Given there is no change in flood scenario and the vulnerability of the development is reduced, the existing access and egress arrangement is considered suitable to serve the proposals.

6.6.11 To conclude, the development will have an insignificant impact on flooding and flood risk is lessened by the reduction in the amount of highly vulnerable development. The use is not

considered to create an unacceptable risk to life and ensures a lesser risk than posed by the existing situation. The proposal is considered to have a neutral impact in terms of flood risk and, therefore, the development is in accordance with TAN 15 and Policy SD3.

6.6.12 It is recommended that the applicant signs up to the NRW flood warning service to ensure they evacuate the site in advance of any potential flood event which will prevent unnecessary risk to members of the public and staff and to also avoid the need for rescuing.

6.7 Historic Environment and Place making

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

6.7.2 Policy HE1 requires development in the Conservation area to meet the following criteria:

- a) preserve or enhance the character or appearance of the area and its landscape setting;
- b) have no serious adverse effect on significant views into and out of the Conservation Area;
- c) have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape;
- d) use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and
- e) pay special attention to the setting of the building and its open areas.

6.7.3 Policy DES1 requires new development to be of a high quality design including, amongst other things, to ensure the proposal is in keeping with the surrounding character and also acceptable in terms of appearance and materials.

6.7.4 The proposed change of use would not have an adverse impact on the Conservation Area and this was confirmed by the Council's Heritage Officer.

6.7.5 The replacement shop front as originally proposed repositioned the door from a central location to the side of the front elevation. The Heritage Officer objected to this proposal since it was not sympathetic to the streetscene and the historic shop proportions.

6.7.6 The applicant has revised the design, repositioning the door to the centre, a similar position to the existing door. The door, however, is wider than the current door opening to allow for brewing facilities (such as tanks, etc.) to be brought on site and replaced when necessary. The Heritage Officer had reservations regarding the widening of the door opening. The applicant reduced the door to the minimal width required, 150mm, and reduced the frame width and provided a fan light above the door to improve the overall proportions of the shop front. The Heritage Officer has reviewed the amended proposal and finds the proposal acceptable.

6.7.7 The design, proportions and appearance of the proposed shop front are considered acceptable and remain in keeping with the Conservation Area, protecting its character and complementing the streetscene along Bridge Street. The proposal will not have a perceivable impact on the Conservation Area itself, views into the area or its overall character.

6.7.8 The proposed materials indicated on the submitted plans would be in keeping with the Conservation Area and its character. There are concerns that the shade of paint as shown on the elevations is potentially too dark and not in keeping with the Conservation Area. To ensure the final materials and the shade of paint for the external walls are acceptable it is necessary to impose a condition requiring the agreement of these aspects of the proposal.

6.7.9 This application is being determined in parallel to a signage application (reference number: DM/2018/01964) for the installation of a new sign on the front elevation. Initially, the signage was proposed to be an aluminum sign attached to the building and externally lit. The Heritage Officer objected to this proposal and requested the signage be painted onto the building and lit with appropriate external lighting. The applicant has amended the proposal to provide a painted signage and provided details of external lighting which has been confirmed as acceptable by the Heritage Officer. The details of external lighting will be secured by condition. The revised scheme is considered to accord with policies HE1 and DES1, subject to conditions.

6.8 Archaeology

6.8.1 The site lies within an archaeologically sensitive area and, therefore, intrusive development works may have an impact on valuable archaeological remains.

6.8.2 The nature of the proposed development is not considered likely to have a harmful impact in terms of archaeology. GGAT raised no objection to the application and did not recommend a planning condition in relation to potential archaeological resource, but advised that if features were disturbed during the course of works GGAT should be contacted. An informative will be attached to the permission advising the applicant that if any archaeological remains are found during the development that GGAT should be contacted.

6.8.3 Given the nature of the development, there is no likely harmful impact on archaeological remains. The proposal accords with relevant planning policy, namely Chapter 6 of PPW10.

6.9 Impact on Amenity/ Promoting Healthier Places

6.9.1 The application site is located in Usk town centre which is primarily characterised by commercial properties. There are some residential properties in proximity to the site and the proposed relationship needs to be assessed to ensure there is no adverse impact on these dwellings. The likely impacts which may be adverse are overlooking/loss of privacy, noise disturbance and odour, and these will be discussed in turn below.

Overlooking/Loss of Privacy

6.9.2 In terms of residential properties located in the vicinity, there is the possibility of overlooking and the most likely affected are no. 6 (residential flat above shop), 8, 10 and 12, Bridge Street. These properties are opposite the site and between 10m and 15m metres away from the application site.

6.9.3 The lower floor is already in an A1 use and the proposed use of the upper floor as a micro-pub (A3 use) with an element of A1 use and limited brewing facilities is not considered so different in terms of the use to alter the relationship between the application site and surrounding properties. As such, the proposed use at ground floor has a neutral impact.

6.9.4 The upper floor is currently a residential flat with two windows serving two bedrooms looking out onto Bridge Street and potentially the properties opposite. The proposed use will utilise the first floor as a cafe/bar. No additional windows are proposed and the current windows will not be enlarged. The separation distance between the upper floor windows and no. 6, 8, 10 and 12 Bridge Street is 13m, 10m, 11.2m and 15m, respectively which is acknowledged as being limited. Despite this limited distance, the relationship with no. 6, 10 and 12 is at an oblique angle which limits overlooking opportunities. The impact on these dwellings is considered no worse than the existing situation. The relationship with no. 8 is not at an angle and has the most limited separation distance. Whilst this relationship is not ideal, the acceptability of the new proposed use needs to be assessed against the existing situation including the existing overlooking and the location of the site. The existing property currently has two habitable rooms overlooking Bridge Street and, potentially, the

surrounding properties including no. 8. As such, there is potential of overlooking already. The proposed use does not seek to introduce new windows or enlarge them. In this regard the proposal is no worse than the existing situation.

6.9.5 It is acknowledged that the proposed use will intensify the use of the upper floors. The floor space however is modest and the proposed windows are limited in size. Indeed, one of the windows will be adjacent to the top of the new staircase. As such, opportunities for overlooking are minimised despite the use being intensified. Furthermore, properties located along a terraced street particularly in town centres, such as Bridge Street, would have an increased level of overlooking in comparison to less densely developed areas. This is typical and expected in properties in such locations and so the proposals are not considered to result in a relationship which is unusual or adverse.

6.9.6 On balance, the proposed use is not considered to increase the overlooking opportunities to a level which is deemed unacceptable or materially different to the existing situation. The proposal accords with LDP Policy EP1 in this regard.

Noise Impact

6.9.7 The application site is within Usk town centre which is an established commercial area, where A3 uses (and other uses within the A class) are commonplace. Moreover, the retention of A1, A2 and A3 uses is encouraged by planning policy. The residential properties along Bridge Street have been in amongst commercial uses historically and the introduction of a new A3 use at the application site is not considered to adversely affect these properties to an extent which would be harmful.

6.9.8 In terms of the residential flats above commercial uses, there is a level of disturbance expected from commercial units and the proposed use would not increase this impact to a level which is unexpected or unacceptable.

6.9.9 The application has been assessed by the Council's Environmental Health Officer, who has not objected to the proposals. The Environmental Health Officer has acknowledged there is potential noise generation but conclude that 'it is unlikely that the proposed development will cause significant increase in noise levels' which are likely to cause an unacceptable disturbance.

6.9.10 On the basis of the location of the site and limited increase in noise levels likely to occur as a result of the development, the proposal is considered acceptable and in accordance with Policy EP1.

Odour

6.9.11 The proposed use will include a limited amount of on-site brewing which will take place on the ground floor and alongside the proposed A1 use. The product of the brewing process will be solely to serve the proposed micro-pub (A3 use). The extent of the brewing will be limited to once a month (if required) and, therefore, any odour from the proposed use will be limited and sporadic.

6.9.12 Given the limited brewing possible as well as the size of the application site and the fact that the brewing carried out on site is to serve the associated use only, it is unlikely there will be any harmful impact as a result of odour. Indeed, the use is considered less of an impact than an alternative A3 use, for example, a takeaway or restaurant which operates consistently on a daily basis.

6.9.13 The proposal is considered to accord with Policy EP1 in regards to the potential of odour.

6.10 Access / Highway Safety

- 6.9.1 The proposed development does not seek to increase floor space and the change of use is considered to have a minimal impact on traffic generation and parking issues.
- 6.9.2 The current use requires 3no. parking spaces in association with the residential flat and a maximum of 1no. space in association with the shop, totalling a requirement of 4no. spaces. The proposed use requires 1no. space in associating with the residential flat and a maximum of 4no. spaces in association with the micro-pub/shop, which totals 5no. spaces. This has been assessed using the parking requirements for public houses and calculated on the basis of the usable public floor space.
- 6.9.3 The parking provision is marginally different to the existing use and, therefore, not considered to adversely impact on the highway especially given the sustainability credentials of Usk town centre, including access to the public car park within easy walking distance of the site.
- 6.9.4 The proposal accords with Policy MV1.

6.10 Biodiversity

6.10.1 The nature of the application site, an existing commercial area in a highly developed area, is likely to have limited ecological value. Furthermore, the proposed works do not include significant works to the roof. The proposals are considered likely to have minimal impact on ecological features and are deemed to accord with Policy NE1. An informative will be added to the permission to remind the applicant of the steps to take should bats be encountered during works.

6.11 Water

6.11.1 The proposed works will not alter the existing drainage arrangement in terms of foul water and surface water and, therefore, the proposal will have a neutral impact in this regard. The proposal meets the requirements of PPW10 and LDP Policy EP5.

6.12 Affordable Housing

- 6.12.1 The proposal does not result in the net gain of new residential dwellings and, therefore, no affordable housing contribution is required.

6.13 Response to the Representations of Third Parties, Town Council / Usk Civic Society

6.13.1 The Usk Civic Society objected to following issues which are addressed in turn.

Inappropriate replacement shop front

The shopfront as originally submitted was considered inappropriate by the Local Planning Authority and Heritage Officer, as discussed above under the 'Historic Environment' section. The applicant has significantly amended the scheme to provide a shopfront which, whilst a replacement, retains the historic proportions and design. The amended scheme is considered to be appropriate and now has the support of the Heritage Officer.

Proposed signage should be painted;

The original signage was proposed to be aluminum signage attached to the building. This was considered inappropriate and the proposed signage will be painted. This approach is supported by the Heritage Officer.

Details of illumination should be provided

Details of the proposed external illumination has been submitted and agreed. The details will be conditioned to ensure the installed external lighting is in keeping with the historic nature of the Conservation Area in perpetuity.

The introduction of rooflights to the roof is unacceptable

The rooflights as originally proposed on the front elevation were considered inappropriate and have been removed from the scheme. One rooflight is proposed to the rear roof elevation but is not visible since it is screened by the existing rear extension of the building. This is demonstrated in the elevations (drawing number: AL(01)02, Rev. E).

The above discussion demonstrates concerns raised by the Usk Civic Society have been addressed by the significant amendments made to the scheme.

Neighbours Responses

The following concerns were raised by neighbours:

- o Increased noise as a result of the property being used as a pub, music and people smoking;
- o Loss of Privacy; and
- o There are already pubs in the area.

Increased noise as a result of the property being used as a pub, music and people smoking

The potential noise increase has been assessed comprehensively and informed by the response from the Environmental Health Officer, as detailed in section 'Impact on Amenity/ Promoting Healthier Places'.

It is concluded that the potential noise generation is unlikely to be significant and, therefore, will not result in an adverse impact on neighbours.

Loss of Privacy

As discussed under 'Impact on Amenity/ Promoting Healthier Places', the proposed use is not considered to increase the overlooking opportunities to a level which is deemed unacceptable or materially different to the existing situation. The proposal accords with Policy EP1 and not considered to affect neighbours negatively.

There are already pubs in the area

The fact that pubs are already in the area is not a relevant consideration in terms of allowing an additional establishment.

The potential cumulative impact of an additional A3 use is relevant and has been considered in terms of noise generation and overlooking. As discussed above, the proposal is not considered to result in an increase in noise generation and overlooking which is harmful to neighbours.

As discussed in detail throughout this report, it is not considered the proposal will have an adverse impact on neighbours or a materially different impact to the current situation.

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

6.10.1 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.

6.11 Conclusion

6.11.1 The proposed development is located in a suitable location and is compatible with the surrounding uses and the principle of the development is acceptable in this town centre location.

6.11.2 The proposed changes to the shop front are sympathetically designed preventing any harmful impact on the Conservation Area thus complying with LDP policies HE1 and DES1.

6.11.3 It has also been evidenced in this report that there will be a neutral impact on flooding and no impact on residential amenity in accordance with policies SD3 and EP1, respectively.

6.11.4 The development is has an acceptable impact on amenity and accords with Policy EP1.

6.11.5 The proposal represents a policy compliant development and is recommended for approval.

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 Samples of the proposed external finishes, including colour of external paint, 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.

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

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

5 The approved use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted and approved in writing by the Local Planning Authority. Thereafter, the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewerage system and ensure the free

6 The external lighting details provided with the application (confirmed as acceptable in an email dated 30/01/2019) shall be installed in the locations as shown on plan AL(01)02 Rev. E and retained in perpetuity.

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

Application Number: DM/2018/01984

Proposal: Erection of two detached, three-storey houses with integral garage, including access to highway, car parking and other associated works

Address: Land Adjacent Severn Crescent, Chepstow, NP16 5EA

Applicant: Mr. Gary Thomas

Plans: Location Plan 708/01 - A, Block Plan 708/02 - A,

RECOMMENDATION: Approve

Case Officer: Mrs. Helen
Hinton Date Valid: 16.04.2019

This application is presented to Planning Committee following the receipt of five or more public objections

1.0 APPLICATION DETAILS

1.1 Full planning permission is sought for the development of two dwellings on land adjacent to 58 Severn Crescent, Chepstow.

1.2 The plans submitted detail the development of a pair of detached dwellings, each measuring 7.5m wide, 10m deep. Due to the topography of the plot the eastern (front) elevation would be three storey in design with a maximum ridge height of 11.2m falling to 7.7m at eaves level. The western (rear) elevation would be two storeys with a maximum height of 8.6m falling to 5.0m at eaves level. Internally the accommodation would comprise a ground floor garage, utility room, storage, w.c. and hallway with an open plan kitchen-diner and living room at first floor level and 4 bedrooms a bathroom and en-suite at second floor level. Externally the dwellings would be finished with facing brickwork at ground and first floor level with dark grey coloured cedar cladding above, artificial slate or concrete interlocking roof tiles and uPVC framed windows and doors.

1.3 The dwellings would be positioned approximately 2.6m to the south of conservatory adjoining the southern (side) elevation of number 58 and 8m to the rear of the back edge of the vehicular access adjacent to the eastern boundary of the plot. Three parking spaces per dwelling would be provided to the front of each property. The plans also detail the extension of the 1.8m footway across the width of the site. A distance of 5m would be maintained between the rear elevation of the proposed dwelling and the western boundary of the plot.

Site Appraisal

1.4 The application site comprises a roughly square shaped plot measuring at its greatest 26m wide and 28m wide, positioned at the southern end of Severn Crescent. Although the site does not form part of any existing residential curtilage, it does have the appearance of a maintained domestic space with the area largely laid to lawn with various hedges, trees, a car port and various outbuildings provided within the plot.

1.5 The plot and wider area are positioned on a gradient that falls from west to east. The site is therefore set on the same gradient as number 58 to the north, is below the level of the woodland and wider amenity area to the west and is raised in relation to the residential properties 64-68

Severn Crescent and numbers 1-4 Rockwood Cottages to the north-east and south-east respectively. The land directly to the east of the site is currently undeveloped.

1.6 The dwellings closest to the site are two storeys in height, predominantly finished with rendered elevations, concrete tiled roofs and with a number of front facing gables features evident. Rockwood Cottages are more traditional, brick-faced dwellings.

1.7 The access adjacent to the eastern boundary of the site is private with a twin-tyre track finish.

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

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01984	Erection of two detached, three-storey houses with intergral garage, including access to highway, car parking and other associated works.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD4 LDP Sustainable Drainage
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
DES2 LDP Areas of Amenity Importance

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

Chepstow Town Council - no response received to date.

MCC Affordable Housing - A commuted sum of £61,299 toward the provision of affordable housing in the wider County is requested.

MCC Highways - raise no objection subject to conditions.

Environmental Health - no objections.

Coed Cadw/ The Woodland Trust - objects to the proposed development on the grounds of potential damage and disturbance to an area of woodland (at grid reference: ST5355293158) designated as both an Ancient Semi-Natural Woodland (ASNW) and a Restored Ancient Woodland Site (RAWS) on Natural Resources Wales' Ancient Woodland Inventory.

MCC Tree Officer - having visited the site in my opinion there will be minimal if any effect on the trees in the woodland. A protective fencing condition should be applied to any grant of consent to separate the wood from the development.

MCC Biodiversity - Based on the location including the proximity of the protected (TPO) woodland a preliminary ecological assessment should be submitted to inform the planning application.

Reptiles may also require consideration.

(Subsequent response) Sufficient information has been received to allow for a lawful planning decision. The extended phase one ecological survey has identified potential impacts on birds, reptiles and bats as a result of the proposals. A number of conditions are recommended.

Dwr Cymru/ Welsh Water - advice provided with regards to the location of apparatus.

Wales and West Utilities - advice provided with regards to the location of apparatus.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. Seventeen letters of representation have been received and are summarised as follows:

Design of the dwellings does not blend and they are considered out of keeping.

Extensive use of glass in the front elevation will lead to increased overlooking and loss of privacy, detrimental to amenity.

Dwellings are too large and too tall for the plot and area and will have an overbearing impact on existing properties.

Development will lead to increased overshadowing and loss of light.

Development is within an AAI (sic) boundary and will set a detrimental precedence. Consent was refused on Hughes Crescent for the same reason.

Chepstow is already gridlocked with traffic with many new developments approved or proposed adding to the congestion. Severn Crescent is a busy street of limited width and extensive on street

parking which reduces the width to single carriageway. This leads to congestion and increased waiting time whilst the highway clears. The development would add to this.

Increased use of the existing private and unmade track will be detrimental to safety and amenity. Any increased damage to the surface will need to be repaired at the developer's expense

Proposal will result in loss of habitat for birds and wild life

Concerns regarding loss of green space

An oak tree to the west leans over the site

Concerns regarding the capacity and access to foul water drainage causing disruption to residents

Gas supply for wider area crosses part of the site.

Concerns regarding landownership, right of access and whether the boundaries of the site are correctly identified

Rockwood Cottages retain right of access of the land.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

Principle of Development

6.1.1 The application seeks full planning permission for the development of two detached dwellings on land to the south of Severn Crescent, Chepstow. The Proposals Map of the Monmouthshire County Council Local Development Plan (LDP) identifies the site as forming part of an Area of Amenity Importance and located within the settlement boundary of Chepstow as identified by the LDP. Policies S1 and H1 presume in favour of new residential developments in such locations. As a result the principle of developing the site for residential purposes is considered acceptable and appropriate relative to the context, subject to the application satisfying a number of material considerations.

Good Design/ Place making

6.1.2 Following public consultation considerable concerns have been raised with regards to the mass, size, scale and design of the proposal.

6.1.3 In the first instance, despite being positioned on sloping land, it is considered that the site is capable of accommodating two dwellings of the size proposed, with adequate off street parking and sufficient and proportionate amenity space proposed without appearing as overdevelopment.

6.1.4 Based on the plans submitted, the dwellings would follow the building line established by 56 and 58 Severn Crescent. Although larger than the dwellings in the area, the reduced slab level results in the ridge and eaves height of the proposed dwellings being approximately 1.4 and 1.6m higher than those of number 58. Whilst the east to west ridge line, would be perpendicular to the principal ridge lines of numbers 56, 58, 64, 66 and 68, it is considered that the front facing gable proposed replicates the gable features and design evident in the wider area. Being mindful of the plots position at the southern end of Severn Crescent, off the main thoroughfare, it is considered that site is capable of accommodating a slightly larger and taller development that would in essence 'book end' the street. Although the land to the south of the site is within the town's development limits and could in theory be brought forward for development, it is more tightly constrained by the DES2 allocation and Tree Preservation Order.

6.1.5 Although the three storey front elevation would appear substantial and would vary in design relative to the dwelling closest to the site, in terms of fenestration design, arrangement and

proportions, given the 6m fall across the site from west to east, the architect has chosen to maximise the use of the topography by reducing the slab level and by providing an integral/ undercroft style garage. Although the windows in the front elevation are large it is noted that they maximise opportunities for solar gain and views from the site. Again being mindful of the relatively screened position of the site at the end of the crescent, away from the main public vantage points and thoroughfares, it is considered that the design of the dwellings proposed would not be significantly detrimental to the overall character and appearance to warrant refusal of the application.

6.1.6 Despite the details specified, a condition requiring the submission of samples of all external materials should be applied to any grant of consent to ensure a satisfactory finish to the development.

6.1.7 While the proposed dwellings would be taller, wider and vary in design to the dwellings within the immediate context, being mindful of the location at the end of the Crescent, it is considered that the development would provide an acceptable end to the street and would not be so detrimental to the overall character and appearance of the area to warrant refusal of the application. The application is therefore considered compliant with the requirements of policies S17 and DES1 of the LDP.

Impact on Amenity

6.2.1 As specified above, the application site forms part of a designated Area of Amenity Importance (Policy DES2 refers). The policy identifies that development in such areas will be permitted providing the application satisfies a number of criteria. At the time of inspection it was noted that the proposed plot has the appearance of a domestic space that contributes little to the wider DES2 allocation which has an intrinsic character of being undeveloped woodland to the west and south of the site. Furthermore the general public do not have a right of access to cross or use the land. Being mindful of these factors and the close proximity of the site to the built form of the area, it is considered that the development of the land would not erode or be so detrimental to the use of the wider allocation to warrant refusal of the application on such grounds.

6.2.2 During the public consultation process, concerns have been raised with regards to the detrimental impact on amenity as a result of increased overshadowing, loss of light, increased overlooking, loss of privacy and the overbearing nature of the development.

6.2.3 The position and proximity of the dwellings to the south of number 58 will inevitably generate increased overshadowing and loss of light to a conservatory that adjoins the southern (side) elevation of the property during the late morning and early afternoon. However, as the proposed dwellings would follow the building line established by number 58 and would project marginally (1m) beyond the rear elevation, it is considered that the primary accommodation and amenity space would not experience an unacceptable increased level of overshadowing. No windows are proposed in the northern elevation, overlooking number 58.

6.2.4 Whilst the land immediately to the east (front) of the site is undeveloped there are dwellings to the north-east. As such it is possible that the development could generate increased overlooking. However, this is mitigated due to the raised height of the proposed accommodation, the reduced slab level of number 64, which would result in the principal view from the proposed dwelling being of the first floor and roof level of number 64; the existing front to front arrangement of 64 with number 58 which already compromises privacy; and the maintenance of approximately 22m between the proposed development and number 64, it is considered that any increased overlooking generated would not be so detrimental to warrant refusal of the application.

6.2.5 One of the objectors has identified that they have an allotment on the land to the east (front) of the site and that the development would result in increased overlooking and overbearing impact. Based on the maps of the area it is noted that a minimum distance of 24m would be maintained between the front of the proposed dwellings and the approximate position of the allotment. Given the maintenance of a hedgerow on the land to the east of the site, the fall of the land down

towards the allotments and the distances maintained, it is considered that the development would not comprise or detrimentally affect the use of the allotment.

6.2.6 On the basis of the above, it is considered that the development proposed would not have a significantly detrimental impact on the residential amenity of those living closest to site. Although the development would be developed on an Area of Amenity Importance, given the maintained appearance of the land relative to the intrinsic character of the woodland which forms the remainder of the allocation, the lack of pedestrian access over and use of the site and its close position relative to the existing building form, it is considered that the proposal would not be significantly detrimental to the protection of the wider allocation or the residential amenity of those living closest to the site and is compliant with the requirements of policies S17, DES1, DES2 and EP1 of the LDP.

6.3 Active and Social Places

Affordable housing

6.3.1 Policy S4 of the LDP identifies that in the Chepstow area development sites with a capacity for 5 or more dwellings will make provision for at least 35% of the total number of dwellings on the site to be affordable. In this instance it is considered that the site is only capable of providing two additional dwellings. As the site has a capacity below the thresholds set out, the developer will be required to make a financial contribution towards the provision of affordable housing in the local planning authority area. Following consultation the Affordable Housing Officer has requested a commuted sum contribution of £61,299.

6.3.2 Following consideration, the applicant has confirmed that they are willing to enter into a Section 106 legal agreement to make such a contribution. The application is therefore considered compliant with the requirements of policies S4 of the LDP.

Housing/ Transport - sustainable transport issues (Sustainable Transport Hierarchy)

6.3.3 Whilst access to the development is likely to be via car, it is noted that the development is located within the defined development boundary of Chepstow which benefits from good public transport connections, services and facilities within walking and cycling distance of the site. The locations should help reduce the number and impacts of car journeys associated. On the basis of the above the application is considered compliant with the requirements of policies S17 and MV1 of the LDP.

Access / Highway Safety

6.3.4 During the consultation process, numerous concerns have been raised with regards to the access to the site which would be via a private lane leading off Severn Crescent. A number of objectors have identified that they have partial ownership and right of access of the lane. As a result of the comments, the red line of the application site has been amended to adjoin with the public highway; landownership Certificate B has been provided; and notice served on all parties with an interest in the land.

6.3.5 The lane immediately adjacent to the site over which access would be gained is currently unmade, is of limited width and lacks segregated pedestrian facilities. The plans submitted indicate that the existing pavement to the north of the site would be extended across the front of the plot with six parking spaces then provided within the plot.

6.3.6 Following consultation, Highways have raised no objection to the application noting the number of spaces, use of permeable block paving and extension of the footway is acceptable. However, being mindful of the existing limited width of Severn Crescent as a result of existing on-street parking pressures, a Construction Traffic Method Statement should be sought by condition.

6.3.7 Whilst it is acknowledged that the level of on-street parking along Severn Crescent inhibits the free flow of traffic, given the parking provision proposed it is considered that the development

would not exacerbate this matter further and on balance, the highway network within the immediate and wider area has capacity to accommodate the increased number of traffic movements that would be generated by the proposal. Although objectors have requested clarification with regard to responsibilities for repairs to the surface of the private driveway, this would be a private legal matter which the Council cannot take into account.

6.3.8 On the basis of the above, subject to the imposition of conditions, the application is considered compliant with the requirements of policies S16 and MV1 of the LDP.

6.4 Distinctive & Natural Places

Landscape/ Visual Impact

6.4.1 The dwellings indicated would be taller and wider than many in the immediate vicinity. However, being mindful of the size of the plot, its relatively screened position at the end of Severn Crescent, and the back drop of the trees behind, it is considered that the scheme would not result in overdevelopment of the plot and would not introduce a design detrimental to the wider landscape and visual amenity. The application is therefore considered compliant with the requirements of policies S13 and DES1 of the LDP.

Green Infrastructure and Biodiversity

6.4.2 Although the site forms part of the wider Area of Amenity Importance, the site has a domestic and maintained appearance. Although there are semi-mature trees and shrubs on site these do not form part of the Tree Preservation Order which covers the area to the west (rear) of the site.

6.4.3 Coed Cadw/ The Woodland Trust have raised an objection to proposal citing the potential damage and disturbance to an area of woodland designated as both an Ancient Semi-Natural Woodland (ASNW) and a Restored Ancient Woodland Site (RAWS) on Natural Resources Wales' Ancient Woodland Inventory. Following consultation the Council's Tree Officer has raised no objection and provided the following response:

"In my opinion there will be minimal if any effect on the trees in the woodland. However a protective fencing condition should be applied to any grant of consent to separate the wood from the development."

6.4.4 Although the gardens of the proposed dwelling would be immediately adjacent to the woodland it is noted that a minimum distance of 5m would be maintained between the proposed dwelling and the boundary of the woodland, with no works to take place within the root or canopy protection zone of any tree. Subject to the imposition of a condition relating to tree protection and an enhanced landscaping plan condition to accurately indicate the position of trees and the root protection zone of the trees within 2m of the western and southern boundaries, it is considered the development proposed would not have a detrimental impact on the long term viability of the woodland or on the green infrastructure of the wider area.

6.4.5 Following concerns from the Council's Ecologist, an enhanced ecological appraisal report of the site has been submitted for consideration. The following response has been received:

"The assessment has identified potential impacts on birds, reptiles and bats as a result of the proposals. In order to safeguard reptiles, a reptile mitigation strategy will be necessary prior to the commencement of any ground clearance on site, this includes land within the blue line boundary (to the east of the site). Nesting birds are a consideration, a condition which secures timings or bird survey prior to clearance works is requested. Given the loss of nesting habitat, provision for birds should be incorporated into the proposals. The site is in close proximity to woodland as such there are further potential impacts on foraging/commuting bats if lighting is not secured."

6.4.6 A number of conditions with regards to the above matters are recommended and considered necessary given the ecological sensitivity and woodland setting to the west of the site. Subject to

the imposition of these conditions the application is considered compliant with the requirements of policies S13, GI1 and NE1 of the LDP.

6.5 Water (including foul drainage / SuDS)

6.5.1 The details submitted as part of the application indicate that foul water from the development would be connected to the existing mains sewer. As the application was received and initially made valid prior to 7th January 2019, there is no requirement for the applicant to apply for Sustainable Urban Drainage approval. However, given the lack of detailed information with regards to surface water disposal and Dwr Cymru/ Welsh Water's policy to remove such flow out of the combined system, a condition requiring drainage details to be submitted and approved prior to the commencement of development, is considered reasonable and necessary. Subject to the imposition of such a condition the application is considered compliant with the requirements of policies SD4 and EP5 of the LDP.

6.6 **Response to the Representations of Third Parties**

6.6.1 As outlined above the application has been the subject of 17 letters of representation which raise the following concerns:

Landownership, right of access, boundaries of the site and damage to private land

6.6.2 As part of the application, the red line of development has been extended to the public highway; landownership certificate B completed and notice served on the relevant land owners. These measures are considered sufficient to allow for the determination of the application. However, the granting of planning permission does not supersede landownership rights or overcome covenants which may in turn result in the proposal being undevelopable. Overcoming such matters and repair of any damage caused to private land would be a civil matter within which the Council could not become involved. Should it become apparent that the site is not capable of being developed in its current form a new application or Section 73 application to amend any approved plans could be submitted for consideration.

Congestion and highway safety

6.6.3 Although the flow of traffic along the immediate highway network is restricted by existing on-street parking arrangements, the plans submitted detail the development of six off street parking spaces. It is therefore considered that the proposal would not exacerbate this existing arrangement and that sufficient space would be retained to the east (front) of the site to allow all vehicles to turn and access the adopted highway in a forward gear.

6.6.4 While Chepstow can experience high levels of traffic congestion, the proposed development would be sited within walking and cycling distance of the town centre that contains a variety of goods, services and public transport options, thereby reducing the need to travel by car. Furthermore it is considered that there is capacity within the network to accommodate the small increase in the number of vehicle movements generated by the proposal.

Design, size and scale of the dwellings being out of keeping with the area

6.6.5 Although the proposed dwellings would be taller, wider and of a slightly varied design to those immediately adjacent to the site, it is considered that the design has drawn inspiration from architectural features within the immediate vicinity. Being mindful of the relatively discreet position of the site at the southern end of Severn Crescent, the maintenance of the building line and use of appropriate materials, it is considered that the development would not be significantly detrimental to the overall character and appearance of the area.

Design leading to increased overlooking and loss of privacy increased overshadowing and loss of light, detrimental to amenity

6.6.6 This has been addressed in section 6.2 above.

Capacity and access to foul water drainage

6.6.7 Following consultation, Dwr Cymru/ Welsh Water have raised no objection to the application subject to a condition preventing surface water from entering the system. It is recommended that a condition requiring full drainage details is submitted and approved. Access and connection to the public sewerage system will require a separate Section 106 agreement under the Water Industry Act 1991, and the agreement of the adjacent land owner prior to such works taking place. Such matters are outside of the control of the planning authority.

Gas supply for wider area crosses part of the site

6.6.8 The provision of services beneath a site does not prevent the granting of planning permission. However, neither does it supersede rights with regards to such the apparatus. Should it become apparent that the site is not capable of being developed in its current form due to the location of apparatus under the site the applicant would either need to pay for a diversion of the service or submit a new application for planning permission or a Section 73 application to amend any approved plans.

Loss of habitat for birds and wild life, green space and existing constraints generated by trees to the west of the site

6.6.9 Following the submission of an extended ecological appraisal, the Council's Ecologist has confirmed that sufficient information has been submitted to allow for the lawful determination of the application. Although the development would result in the loss of habitat and green space, given the maintained and domestic nature of the site, it is considered that such loss can be appropriately mitigated through the implementation of conditions. Furthermore subject to the installation of appropriately designed and sited tree protection fencing, it is considered that the development would not have a detrimental impact on the long term viability or protected status of the adjacent woodland.

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

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

6.8 Conclusion

6.8.1 Although the application proposes the development of two dwellings on the site of a slightly larger size, scale and design to those in the immediate area, it is considered that the development would not be detrimental to the overall character, appearance or amenity to warrant refusal of the application. It is also considered that subject to conditions, the development would not have a detrimental impact on the highway safety and free flow of traffic in the area or the green infrastructure and biodiversity value of the area.

6.8.2 Subject to the applicant entering into a Section 106 agreement to provide a commuted sum to be used towards the development of affordable housing in the area, the application is considered compliant with the relevant policies of the Local Development Plan and is recommended for approval subject to conditions.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

1. To provide a financial contribution of £61,299 toward the provision of affordable housing in the locality.

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

Conditions:

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

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

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

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

3 Notwithstanding the details of the approved plans, details and 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.

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

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

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

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

6 No development or site/vegetation clearance of land within site ownership as illustrated on plan "ref. 708.01A Site Location Plan dated November 2018 produced by Gareth Price Architect" shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist. Details shall build upon the recommendations set out in the submitted report "EXTENDED PHASE ONE ECOLOGY SURVEY Land at Severn Crescent, Chepstow Dated April 2019 produced by Ecological Services Ltd" and shall include a methodology for the

capture and translocation of reptiles with details of the receptor site if necessary and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with during such clearance works.

REASON: Safeguarding of priority species during construction works LDP policy NE1 and the Section 7 of the Environment Act (Wales) 2016.

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

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

8 Compensatory nesting bird provision shall be provided in accordance with Section 4 Recommendations and Mitigation of the submitted report "EXTENDED PHASE ONE ECOLOGY SURVEY Land at Severn Crescent, Chepstow dated April 2019 produced by Ecological Services Ltd".

REASON: To mitigate for loss of habitat in accordance with LDP Policy NE1 and Environment Act (Wales) 2016.

9 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 attached to the buildings or be positioned in the curtilage so as to illuminate the western or southern boundary of the development site.

Reason: To safeguard roosting and/or foraging/commuting habitat in accordance with Environment (Wales) Act 2016, the Conservation of Habitats and Species Regulations 2010 and policy NE1 of the LDP.

10 No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is/are first occupied.

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

11 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include:
Indications of all existing trees and hedgerows on the land and within 2m of the western and southern boundary;
Details of any to be trees and hedgerows to be retained,
Measures for the protection of all trees during the in the course of the development;
Details of all proposed external hard landscaping finishes; boundary treatment and retaining walls.

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

12 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

INFORMATIVES

1 Although Network Rail offer no objection in principle, they also offer no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval. The application should be discussed with Network Rail prior to commencement.

Application Number: DM/2018/02053

Proposal: Proposed detached dwelling

Address: Green Acres Vinegar Hill, Undy

Applicant: Mr. & Mrs. C Williams

Plans: Other S.03 - , Elevations - Proposed 02 - A, Site Sections S02 - A,

RECOMMENDATION: Approved subject to S106 agreement

Case Officer: Mrs. Helen Hinton

Date Valid: 15.01.2019

1.0 APPLICATION DETAILS

1.1 This application was originally reported to the Council's Planning Committee on the 7th May 2019 (a copy of the original report is reproduced below).

1.2 At that meeting Members resolved to defer determination of the application to allow the applicant to consider reducing the slab level of the dwelling by 1m, in order to reduce the impact of the proposal on the residential amenity of those living closest to the site.

1.3 Following consideration of the request, the Agent has provided the following response:

“Following further analysis of the site, the request to reduce the slab level is declined for the following reason-

The application site slopes upward approximately 2.40 metres in the length of the building with DPC level currently set about midway. This results in the building siting about 1 metre above the ground at the front but dug into the site a similar amount at the back. To set the building a further 1 metre lower would result in the property being sunk into the landscape and would require retaining walls of approximately 1.8m high around 50% of the rear of the property. This is considered to be neither practical nor 'fair' to the clients' residential amenity.

The Client is willing to amend the design of the elevation facing the adjoining properties to provide a gable end to a 'Barn Hip' (amended plans are submitted for consideration). The alteration results in the highest part of the roof to that side reducing from 7.6 metres to 5.7 metres at the top of fascia.

Notwithstanding the above and the plans submitted for consideration, no further amendment will be offered and the client wishes the Committee to determine the application based on the plans submitted so that, if unsuccessful, my client can pursue an appeal via the Inspectorate.”

1.4. On the basis of the plans submitted it is considered that the alterations indicated do help reduce the impact of the proposal on the residential amenity of those living within Celtic Close further. Although a half roof design as indicated is not evident within the cul-de-sac within which the proposed dwelling would be located, being mindful of the private nature of the cul-de-sac, the limited views of the site from any public vantage point and the varying architectural styles in the wider area, it is considered that the resulting dwelling would not be significantly detrimental to the overall character and appearance of the area and is therefore compliant with the requirements of polices S17, EP1 and DES1 of the LDP

1.5 On the basis of the above and in light of the amended plans received, it is requested that Members resolve to approve the application subject to conditions and the completion of a Section 106 agreement with regards to provision of an affordable housing commuted sum.

1.0 APPLICATION DETAILS

1.1 Full planning permission is sought for the development of one dwelling on land forming part of the part of the residential curtilage of a detached dormer property known as Green Acres, Undy.

1.2 The plans submitted, detail the development of a detached two storey, four bedroom dwelling, measuring at its greatest 9.85m wide, 13.8m deep with a maximum height of 7.6m. The dwelling would be positioned in the southern part of a wedge shaped plot measuring at its greatest 12.8m wide and 74m deep. The proposed property would be developed immediately adjacent to the eastern (side) elevation of Green Acres and 15.2m to the west (rear) elevation of the properties in Celtic Close.

1.3 Externally the elevation of the dwelling would be finished with render and grey coloured horizontal cladding; uPVC windows and doors and a concrete tiled roof. Internally the proposed accommodation would comprise an open plan kitchen-family room; dining room; lounge; w.c. and utility room at ground floor level with four bedrooms a family bathroom and two en-suites at first floor level.

1.4 The property would benefit from an open front garden to the south with three off street parking areas and a driveway. An enclosed garden would be provided to the north (rear). The layout plan submitted indicates that the existing conifer hedge along the eastern boundary and a number of mature trees to the south and north of the dwelling would be retained.

1.5 The plot and dwelling would be accessed via a narrow private driveway to the south-west of the site, which in turn adjoins with the county highway network to the south-west. The driveway currently serves three dwellings.

Site Appraisal

1.6 The application site forms part of the residential curtilage of Green Acres, Vinegar Hill Undy. The host dwelling is a large dormer bungalow style dwelling that benefits from a very generous curtilage with an unenclosed lawn area to the south and an enclosed garden to the north and east. The eastern boundary of the site is defined by a mature but maintained conifer hedge. The plot contains a number of mature trees. Off street parking is currently provided on a driveway and hardstanding to the south of the dwelling.

1.7 The application site is located at the north-eastern end of a private cul-de-sac. Although the driveway is narrow, the site as a whole opens up after passing the eastern corner of Clementeita, with a staggered building line set back some distance from the principal vehicle access, established by Conifers, Highmead and Green Acres. The plot is positioned on a gradient that falls from north to south. The site is level with the host dwelling to the west; is below the level of the residential curtilage to the north and is raised in comparison to the residential properties Highmead and Conifers to the south-west and the properties in Celtic Close to the east.

1.8 The site and host property form part of an established residential area, with a variety of architectural styles and property types evident within the immediate vicinity.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2015/00116	Two storey extension to side of existing dwelling.	Approved	27.03.2015

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

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

Magor with Undy Community Council - Recommends refusal of the application for the following reasons:

- Access/egress issues onto an already busy road
- Opposite a Safe Route to School (Tump Lane) for Undy Primary School
- The Planning Inspectorate described Vinegar Hill as a 'narrow tortuous road - with no footways and a combination of restricted visibility, substandard accesses and volume of traffic giving rise to potential hazardous conditions for road uses.' and subsequently refused an access point.

MCC Housing - A commuted sum of £15,015, toward the provision of affordable housing within the County is requested.

Glamorgan Gwent Archaeological Trust - Recommends a condition with regards to an archaeological watching brief.

MCC Highways - No objections

MCC Environmental Health - No objections

Dwr Cymru/ Welsh Water - Advice provided with regards to the position and protection of apparatus.

Wales and West Utilities - Advice provided with regards to the position and protection of apparatus.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice.

Original plans:

Six letters of objection were received with regards to the original proposal and are summarised as follows:

The proposal is less than 16 metres from rear windows of the properties in Celtic Close, detrimentally affecting outlook.

The property has been designed with the largest wall directly facing our house. This will span the width of our garden blocking out natural light and have an overbearing, imposing and oppressive impact.

The ridgeline would be 8.6 metres higher than the ground floor level of the properties in Celtic Close and will be imposing and overbearing resulting in a loss of light to the homes and gardens to the detriment of well-being.

The rear upstairs windows, 15.9 metres from dwellings in Celtic Close and 5.8 metres above rear gardens would have a clear line of sight into homes and gardens, adversely affecting privacy and amenity;

Development would create a 10m high wall within 9m of a patio area which would be overbearing and create an unpleasant space to sit;

Increased noise and disturbance due to the proximity of the proposal to the boundary;

The proposed parking area adjacent to the boundary would create increased exposure to exhaust fumes, smell, noise and disturbance. The drive gravel will exacerbate noise and disturbance which will have a negative impact on health;

Concerns regarding removal of the boundary hedge and the affect this could have on drainage and soil stability, appearance and privacy;

Vinegar Hill and Tump Lane are already dangerous enough. At peak times there is considerable traffic. Concerns raised that any additional vehicles joining Vinegar Hill at the proposed access point would increase the safety risk to pedestrians;

At the proposed access point, Vinegar Hill is only 4.1m wide with no pavement and high boundary hedges meaning that pedestrians have to walk in the roadway;

There are known drainage issues within the area;

Loss of view.

Amended Plans

Following the submission of amended plans, which have been advertised by direct neighbour notification, five letters of objection have been received and are summarised as follows:

The proposed house would tower over existing dwellings and would have an obtrusive, overbearing, imposing and oppressive impact that would have a detrimental impact on existing residential amenity;

The distances between the properties in Celtic Close and those indicated on the proposed plans are not comparable due to the negative impact of the topography of the site which is raised relative to the dwelling in Celtic Close;

Although the revised elevations remove a small section of first floor elevation the development will still negatively impact on light and outlook;

The development is still too close. The proximity and height, will generate a large intrusive house will have a detrimental impact on privacy and amenity, quality of life and happiness;

The property is unnecessarily imposing; within very close proximity to existing dwellings and would reduce natural light to existing properties.

5.3 Local Member Representations

The Local Member was notified of the application on 2 January 2019 and during later discussions. No representation has been received to date.

6.1 EVALUATION

6.2 Strategic & Spatial Choices

Principle of Development

6.2.1 The application seeks full planning permission for the development of one detached, two storey dwelling, within the residential curtilage of Green Acres, Vinegar Hill, Undy.

6.2.2 The Proposals Map of the Monmouthshire Local Development Plan (LDP) identifies that the site is unallocated and located within an established residential area within the defined development limits and community of Magor with Undy. LDP policies S1 and H1 presume in favour

of new residential development within development boundaries subject to detailed planning considerations. Being mindful of the site's unallocated status and its position within the established settlement boundary, the principle of developing a further dwelling at the site is considered acceptable and appropriate in policy terms.

Good Design/ Place making

6.2.3 The application site is located at the southern end of Vinegar Hill which contains a variety of property types, designs and styles. The proposed dwelling would be developed immediately adjacent to an existing dwelling at the north-eastern end of a private drive/ cul-de-sac that serves three other dwellings which are either single storey or dormer bungalows in design. The properties to the east of the site within Celtic Close are a conventional two storey design.

6.2.4 Although the development would constitute infilling, it is noted that the host dwelling occupies a larger than average plot, in terms of width and depth and as such is considered to be capable of accommodating an additional property.

6.2.5 Following public objection to the original proposal, amended plans have been submitted for a dwelling of a reduced size, scale and altered design. The plans submitted indicate that the proposed dwelling would be developed broadly in line with the front and rear elevations of Green Acres and would have a ridge line 0.6m lower than the existing dwelling. On balance it is considered that the position of the property in the garden to the side elevation of the existing dwelling, at the north-eastern end of the private driveway, 2m from the party boundary with the properties in Celtic Close together with the retention of the existing hedge along the eastern boundary, as indicated on the proposed layout plan, would help screen the proposal from any public vantage point. This would prevent it from being visually incongruous or so detrimental to the overall character and appearance of the area to warrant refusal of the application.

6.2.6 On the basis of the above, the application is considered compliant with the requirements of policies S17, EP1 and DES1 of the LDP.

Impact on Amenity

6.2.7 As specified above, the application has been the subject of public objection. These concerns primarily relate to the size and scale of the dwelling in conjunction with the raised level of the site relative to the properties in Celtic Close and the associated impact this would have in terms of loss of light, overbearing impact and loss of privacy and amenity.

6.2.8 Although the site is more elevated than the properties in Celtic Close, there are mitigating factors to indicate the proposal would not be unacceptably overbearing to the neighbouring dwellings. This is based on the proposal's orientation, the position of the dwelling 2m from the party boundary (at its closest 15.2m to the west of the properties in Celtic Close). It is acknowledged that the development could generate increased overshadowing and loss of light to the rear elevations and gardens to the properties in Celtic Close during the afternoon. However, being mindful of the intervening distances involved, the retention of the existing boundary hedge and the amended design of the dwelling (which has reduced the depth and height of the dwelling at first floor level and handed the accommodation so that the longest and tallest elevation is now adjacent to the Green Acres), it is considered that the impact from the development would not be so overbearing or detrimental to the residential amenity of those living in Celtic Close to warrant refusal of the application.

6.2.9 The amended elevations and floor plans submitted indicate that there would be no windows in the eastern (side) elevation of the dwelling at first floor level. Although windows would be provided in the southern (front) elevation, it is noted that on a 45 degree angle, a distance of 20m would be maintained between the closest proposed first floor window (serving bedroom 2) and 19 Celtic Close. Although a shorter distance of 18m would be maintained between the window of and the rear elevation of number 20 Celtic Close, the angle would be more oblique, thereby reducing the opportunity for overlooking.

6.2.10 Being mindful of the distance maintained, in association with the raised height of the site, which would result in the first floor windows looking at or over the roof of the properties in Celtic Close, and the maintenance of the existing boundary hedge which would help offset the proposal further, it is considered that the development would not cause unacceptable overlooking or infringe privacy to warrant refusal of the application.

6.2.11 Whilst it is appreciated that the development would change the outlook from the rear gardens and accommodation of the properties in Celtic Close, loss of view is not a material planning consideration.

6.2.12 On the basis of the above, the application is considered compliant with the requirements of policies S17 EP1 and DES1 of the LDP.

6.2 Active and Social Places

Sustainable Transport

6.2.1 It is highly likely that the development would be primarily served by private vehicle. However, there is a bus route along the B4245 to the south which provides links to Caldicot (and beyond) which contains a variety of shops and services, with rail connections available in Chepstow and at Severn Tunnel Junction.

Affordable Housing

6.2.2 Policy S4 of the LDP identifies that in the Severnside area development sites with a capacity for 5 or more dwellings will make provision for at least 25% of the total number of dwellings on the site to be affordable. In this instance it is considered that the site is only capable of providing one additional dwelling. As the site has a capacity below the thresholds set out, the developer will be required to make a financial contribution towards the provision of affordable housing in the local planning authority area. Following consultation the Affordable Housing Officer has requested a commuted sum contribution of £15,015.

6.2.3 Following consideration the applicants have confirmed that they will be willing to sign up to the Section 106 agreement as they intend to build and occupy the dwelling themselves and would therefore benefit from the self-build exemption, subject to an appropriate term of occupation.

Access / Highway Safety

6.2.4 The plans detail that the development would be served from a private driveway which in turn leads from Vinegar Hill to the west, which is an adopted but unclassified highway of limited width and visibility. As part of the development three off street parking spaces would be provided to serve the proposed dwelling. The parking arrangement and provision for the existing dwelling would remain unaltered.

6.2.5 Following consultation, the Highways Department has raised no objection to the application noting that the proposed parking is in accordance with the requirements of the MCC Parking Guidelines and that the driveway arrangement is of sufficient size and dimension to allow vehicles to turn within the development and exit onto the public highway in a forward gear.

6.2.6 As part of the public consultation process, concerns have been raised with regards to increased traffic movements generated by the development. It is acknowledged that Vinegar Hill is of limited width at the point of access and that visibility is limited either side of the junction. However, the junction is existing with the land either side being outside of the applicant's ownership and control. Therefore it is not possible for them to make alterations to the visibility splay. Being mindful that the existing junction with Vinegar Hill already serves three other dwellings, it is considered that the increased number of traffic movements generated by the proposal would not be so detrimental to the highway safety and free flow of traffic on the wider highway network to warrant refusal of the application. It is further considered that the limited width of Vinegar Hill at the point of access helps to naturally reduce traffic speeds at this point.

6.2.7 In light of the consultation response received, it is considered that the development would not be significantly 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 Distinctive & Natural Places

Landscape/ Visual Impact

6.3.1 As specified above, the application site is located centrally within an established residential area which has a varied pattern of development and architectural styles. Being mindful of the location of the site at the north-eastern end of a private driveway, which would help screen the proposal from the public highway and the retention of existing mature landscaping around and within the site, it is considered that the development would not be so visually incongruous or detrimental to the overall character, appearance and landscape of the area to warrant refusal of the application. The proposal is therefore considered compliant with the requirements of policies S17, EP1 and DES1 of the LDP.

Historic Environment

6.4.1 Following consultation, Glamorgan Gwent Archaeological Trust have provided the following response:

"The current dwelling is within the Oak Crescent development at Undy. A Roman stone sarcophagus containing a female inhumation was discovered during the ground works for this development. The sarcophagus was discovered approximately 45 metres to the east of the current proposed development site. In the wider Undy and Magor area there are further extensive Roman remains, which are indicative of a prolonged period of Roman settlement in the area. It was noted at the time of discovery of the Roman sarcophagus that it was not possible to state with certainty if the burial was a single item within a wider Roman estate or if it formed part of a cemetery here. The sarcophagus is of national significance being the only one of its type discovered in Wales, and now forms part of the archaeology gallery in the St Fagans National Museum of History.

The current proposal for the erection of a new detached dwelling on ground immediately to the east of the sarcophagus site has the potential to encounter significant archaeological remains. It is therefore recommended that a condition requiring the application to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any grant of consent."

6.4.2 On the basis of the above, and subject to the imposition of the conditions and advisory notes recommended, the application is considered compliant with the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017).

Green Infrastructure and Biodiversity

6.4.3 The proposed dwelling would be developed in the side garden of the existing property. The plans submitted detail the retention of the existing and mature boundary hedge and the retention of a number of mature trees in the front and rear garden of the proposed dwelling. Being mindful of the improved nature of the ground and the landscaping to be retained it is considered that the proposal would not have a detrimental impact on the green infrastructure or biodiversity value of the area. The application is therefore considered compliant with the requirement of policies S13, GI1 and NE1 of the LDP.

Water (including foul and surface water drainage)

6.4.4 The application which seeks full planning permission was submitted prior to 7th January 2019. Based on the details submitted, the hardstanding areas indicated as part of the works would be in excess of 100 sq.m and therefore require SuDS approval. An advisory note relating to such matters could be added to any grant of consent.

6.4.5 Information provided as part of the application indicates that foul sewerage generated by the proposal would be disposed to the mains sewer. Following consultation Dwr Cymru/ Welsh Water have raised no objection to the application.

6.5 Response to the Representations of Third Parties and the Community Council

6.5.1 Following consultation the Community Council have recommend the application be refused raising the following concerns:

"Access/egress issues onto an already busy road, opposite a Safe Route to School (Tump Lane) for Undy Primary School. The Planning Inspectorate described Vinegar Hill as a 'narrow tortuous road - with no footways and a combination of restricted visibility, substandard accesses and volume of traffic giving rise to potential hazardous conditions for road uses.' and subsequently refused an access point."

6.5.2 Whilst the Community Councils comments with regard to the appeal are acknowledged, it is noted that the appeal relates to an application for the development of an agricultural access in 1997, (application M01128 or DC/1997/00237 refers). Although the trip generation associated with that development may have been lower it would have had the potential to encourage use of the lane by larger agricultural type vehicles and as a result is not directly comparable to the application currently proposed.

6.5.3 Whilst the highway adjacent to the private driveway is limited with the junction lacking standard visibility splays, the Council's Highways Department have raised no objection to the application.

6.5.4 With regards to the public objections received, it is acknowledged that the development would form a large dwelling in close proximity to the boundary with the residential properties in Celtic Close. However, on balance it is considered that position of the proposal, topography of the site, distances maintained and amended design would prevent the development from being so overbearing or having such a detrimental impact on the residential amenity of those living closest to the site to warrant refusal of the application.

6.5.5 Foul water generated by the proposal would be disposed of via the public sewer, with Dwr Cymru/ Welsh Water raising no objection to proposal.

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 Being mindful of the position of the site within the settlement development limits the principle of providing another dwelling at this location is considered acceptable. Whilst the proposal would provide a dwelling on raised ground close to the boundary with the properties in Celtic Close, on balance it is considered that the development would not be so detrimental to the overall character, appearance of the area or the residential amenity of those living closest to the site to warrant refusal of the application. It is considered that the proposal would provide sufficient off street parking provision to prevent it from having a detrimental impact on the highway safety and free flow of traffic in the area and would not have a detrimental impact on green infrastructure or the biodiversity value of the area.

6.7.2 On the basis of the above the application is considered compliant with the relevant policies of the LDP and is recommended for approval subject to conditions.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

1.A commuted sum of £15,015 towards affordable housing provision within the County.

S106 Heads of Terms

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

Conditions:

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

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

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

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

3 No development shall take place until the applicant, or their agent(s) 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 shall be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource. In accordance with the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017).

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 Before the approved development is first occupied the access and parking 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.

6 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other

than any expressly authorised by this permission) shall be erected or constructed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1.

7 No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is/are first occupied.

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

INFORMATIVES

1 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 recommended that it is carried out either by a CifA Registered Organisation (www.archaeologist.net/ro) or an accredited Member.

2 The proposed scheme may require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage and may require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Further information and application forms can be found at:
<https://www.monmouthshire.gov.uk/sustainable-drainage-approving-body-sab>

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Application Number: DM/2019/00075

Proposal: Addition of two extensions to existing waste transfer building to facilitate the storage of separately collected materials from household collections. Development of two covered bays in waste transfer area for tipping and storage of glass and plasterboard. No Proposed changes to civic amenity site.

Address: Five Lanes Transfer Station, A48 Tabernacle Church to Crick, Caerwent

Applicant: Monmouthshire County Council

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young
Date Valid: 17.01.2019

This application is presented to Planning Committee as the application is submitted on behalf of Monmouthshire County Council

1.0 APPLICATION DETAILS

1.1 The existing Waste Transfer Station (WTS) has been operating at its Five Lanes site since 1993. The current application seeks an extension to the facility so that it can alter its dry recycling collection to allow for the separate collection of glass. In order to facilitate this service change it is proposed to demolish a small extension to the main transfer building and build two new extensions, one to the west measuring 10 metres and one to the east measuring 7 metres. It is also intended to erect a new glass and rubble storage bay measuring 12 metres by 11 metres. All of the new buildings will be clad in material to match the existing building. The staff parking which is currently located within the proposed western extension will be re located towards the existing site office and the staff welfare unit.

1.2 The site is located within a Source Protection Zone and a Minerals Safeguarding Area. There is a SINC and a Group TPO in close proximity to the site.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S7 LDP Infrastructure Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S14 LDP Waste
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

SD4 LDP Sustainable Drainage
LC5 LDP Protection and Enhancement of Landscape Character
EP1 LDP Amenity and Environmental Protection
W2 LDP Waste Recovery Facilities: Household
W3 LDP Waste Management Facilities
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
M2 LDP Minerals Safeguarding Areas
NE1 LDP Nature Conservation and Development

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

Caerwent Community Council - No objection

MCC Highways - No objection

MCC Environmental Health - No objection

MCC Ecology - On review of the information available to me, I would accept that the building has negligible potential and I note that there are no changes in materials, lighting, or removal of trees. I would recommend informative notes for bats, nesting birds and the SINC protection would be appropriate.

5.2 Neighbour Notification

None received

6.0 **EVALUATION**

6.1 **Strategic & Spatial Choices**

6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

Monmouthshire County Council has a statutory duty to collect household waste and the proposed alterations will improve the facilities allowing glass waste to be collected and sorted separately rather than being co-mingled. The total tonnage of dry recycling passing through the facility is not expected to increase as a result of this proposal. PPW10 encourages sustainable waste management facilities. The waste hierarchy that it promotes in section 5, identifies recycling at the third level behind prevention and reuse and preparation for reuse. When referring to Waste Facilities and Infrastructure, PPW refers to the Collections, Infrastructure and Markets Sector Plan which aims to provide the best solutions to meet the social, economic and environmental needs up to 2050. PPW states that LPA's must support the provision and suitable location of wide ranging and diverse infrastructure which includes facilities for the recovery of mixed municipal waste. The improvements to the site at Five Lanes will help the Council to recycle more waste with a separate glass recycling facility and this is clearly in line with the objectives set out in PPW10, encouraging less waste and more recycling. The proposed changes within the existing site will allow for greater separation of household recyclables via increasing separate collections of materials at the kerbside. This will reduce the need for the materials to be mechanically sorted (currently glass is collected with metal and plastic) lowering energy use at the sorting facilities. Separately collecting glass should also reduce the level of contamination within the glass waste stream, producing a higher quality of material for recycling. This proposal therefore is acceptable in principle as it supports the objectives of national policy in Wales.

6.1.2 Good Design/ Place making

PPW10 states that "Good Design is fundamental to creating sustainable places where people want to live, work and socialise". In this case the proposal is for an extension to an existing WTS. The proposed extension will match the existing building in terms of materials and scale. It is a functional building with little scope of design enhancements. The new storage building will measure 11 metres by 12 metres and will be 7 metres in height to the top of its mono-pitched roof. It will be clad in profiled sheeting to match the existing buildings in the site. The design is considered acceptable and functional. The site is surrounded by trees and is not visible within the wider landscape. The proposal therefore accords with the objectives of PPW10 and Policy DES1 of the LDP.

6.1.3 Impact on Amenity/ Promoting Healthier Places

The nearest residential property is over 250 metres from the site and the extensions will not result in an intensification of activity at the site. The site currently has permission and operates as a WTS. The site is surrounded by dense trees and a quarry wall. The proposed extensions will not result in any additional noise impact. The site currently operates under a waste management licence issued by NRW. Odour management practices are included in the site management plan, which is reviewed and updated on an annual basis. There is not expected to be any additional adverse odour impacts arising from the site as a result of these proposed alterations. MCC's Environmental Health Officer has no objection to the proposal. The operational hours of the site will not alter as a result of these alterations.

6.1.4 Sustainable Management of Natural Resources

Policy S14 of the LDP states that the Council will implement a sustainable, integrated approach to waste management that includes maximising the use of unavoidable waste as a resource, where material use cannot be prevented or reused. The current application seeks to facilitate the storage for additional separately collected materials from the kerbside and to improve the quality of recyclable materials and this is in line with the objectives of Policy S14 of the LDP. Policies W2 and W3 of the LDP to allow for the provision of new Waste Recovery and Waste Management facilities due to detailed planning considerations. In this case it is not proposed to provide for a new facility rather to extend an existing facility. All of the proposed alterations will take place within the existing site boundary and there will be no increase in the area of the site.

6.2 Active and Social Places

6.2.1 Transport / Housing - sustainable transport issues

The proposal will have no impact on the number of vehicles using the facility. Therefore the proposal is not affected by the Sustainable Transport Hierarchy.

6.2.2 Access / Highway Safety

The site has good access from the main highway. The proposed changes are not anticipated to require any additional vehicle movements on site. MCC Highways have no objections to the proposal. There will be no alterations to the existing vehicular access arrangement to and from the A48 public highway and there will be no changes to the internal roadway layout for public vehicles using the WTS. The staff parking which is currently located within the proposed western extension will be relocated within the site; there will be no reduction in the number of parking spaces on the site. The proposal therefore accords with the objectives of Policy MV1 of the LDP as adequate parking can be provided within the site and the proposal will not create unacceptable traffic growth.

6.3 Productive and Enterprising Places

6.3.1 Economic Development

The proposed enhancement of the site will continue to provide employment for six FTE staff including low skilled and management roles. The proposal will also ensure the continuation of vital waste services in the south of the County.

6.3.2 Minerals / Waste

The site is located within a Minerals Safeguarding area for limestone, and Policy M2 considers the impact of development on these safeguarding areas. In this case the proposals are taking place within an existing WTS site and will therefore not impact further on the area's potential for mineral extraction and the proposal is not contrary to the objectives of Policy M2.

6.4 Distinctive & Natural Places

6.4.1 Landscape/ Visual Impact

The site is partially located within a disused quarry and is surrounded by dense woodland; only the access is visible within the wider landscape. The alterations are all taking place within the existing WTS and will be finished in materials to match the existing buildings. They are not visually prominent. The proposed alterations will not impact on the local landscape character and they will not have an unacceptable adverse effect on the landscape and therefore accord with the objectives of Policy LC5 of the LDP

6.4.2 Green Infrastructure

This is an existing WTS, the proposed extensions will not require any Green Infrastructure.

6.4.3 Biodiversity

The Croes Voel Wood SINC surrounds the east, west and south of the site and is designated for its ancient and semi-natural woodland. The proposed glass and rubble storage bay will be approximately 20 metres from the edge of this designation and is not expected to affect the woodland given that the land is already part of the WTS site. The extensions to the existing building are further away still. Part of that woodland is further protected by a group TPO; again the alterations within the existing site will not encroach on these protected trees as the proposal will not alter the nature of the development at the site.

6.4.4 Flooding

The site is not within any designated flood zone.

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

The proposed development will require a sustainable drainage system design in accordance with Welsh Government Standards for sustainable drainage. This will be the subject of a SAB application. The extensions to the existing building will be over an area which has existing hardstanding as part of the existing yard but the new glass and rubble bay will be built on an area which is currently grass.

6.4.6 De-risking (contamination issues)

The site lies in a Source Protection Zone. The site already has a waste management licence from NRW to operate as a WTS and a Household waste recycling centre. Compliance with the permitting requirements will ensure that the relevant pollution control regimes are correctly applied and enforced.

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.

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.

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Application Number: DM/2019/00093

Proposal: Change of use for a section of the building from D1 to A1. To convert part of the internal floor space of Usk Community Hub, presently used as a staff office to use as a Post Office. This will not impact on the floor space used to provide services to the public. It will involve the installation of a counter and other shop-fittings. A walk-in safe will be installed at existing store cupboards and bars will be added to one small window for security purposes. An external sign will be installed facing Maryport Street.

Address: 35 Maryport Street, Usk, NP15 1AE

Applicant: Mr. Matthew Gatehouse, Monmouthshire County Council

Plans: Location Plan - , All Drawings/Plans - ,

RECOMMENDATION: APPROVE

Case Officer: Ms. Kate Bingham
Date Valid: 28.01.2019

This application is presented to Planning Committee due to Monmouthshire County Council being the applicant

1.0 APPLICATION DETAILS

1.0 This application seeks to install a post office counter into the existing Usk Community Hub. This will require a change of use of a small area of the building from Use Class D1 to A1. The only external changes proposed are security bars to one window and a post office sign.

2.0 RELEVANT PLANNING HISTORY (if any)

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities

Development Management Policies

CRF1 LDP Retention of Existing Community Facilities
EP1 LDP Amenity and Environmental Protection

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

Usk Town Council - Recommends approval.

5.2 Neighbour Notification

No comments received.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Principle of Development

The principle of the change of use of a small area of the existing community hub to a post office is considered to be acceptable. There will be no loss of the community facility which will continue to operate and offer its services unchanged. Although a post office use is under Use Class A1 (retail) this type of service is also a type of community facility and its retention within the town is supported and meets the requirements of LDP Policies S5 and CRF1.

6.1.2 Good Design

The addition of the security bars on a small window will have a minimal impact on the appearance of the building and the character of the wider area. Similarly, a small post office sign in this area is considered to be reasonable but no details of this have been submitted as part of this application and it may require separate Advertisement Consent. The proposed development will therefore preserve the character and appearance of the Conservation Area in accordance with LDP policies DES1 and HE1.

6.1.3 Impact on Amenity/ Promoting Healthier Places

Due to the scale of development, the proposed installation of the post officer counter is unlikely to have a significant impact on any neighbouring residential properties as the building is already in public use. The post office will not be open outside the normal business hours of the Hub which is 09.00 - 19.00 Monday to Friday and 09.00 - 12.45 on Saturdays. It will be closed on Sundays. The proposal is not therefore considered to be contrary to LDP Policy EP1.

6.2 Active and Social Places

6.2.1 Highway Safety

There is some on street parking available if required. Usk is also served by a bus service and those who live locally will be able to walk to the facility.

6.2.2 Community Facilities

The retention of a post office service within the town is welcomed and will help to maintain the vitality and viability of the town centre. See also Paragraph 6.1.1.

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

6.3.1 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 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.

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Application Number: DM/2019/00463

Proposal: Change of use of woodland to archery club including the erection of a timber building

Address: Woodland to the east of Tredilion Market Garden and north of Elms Lane, Wernddu Road, Llantilio Pertholey, Monmouthshire

Applicant: Mr. Nigel Williams

RECOMMENDATION: Approve

Case Officer: Mrs. Alison Pankhurst

Date Valid: 03.04.2019

This application is presented to Planning Committee due to the agent having a close relative who is a Development Management Officer of the Council

1.1 APPLICATION DETAILS

1.2 This is a retrospective application for the change of use of an area of woodland approximately 4 acres east of Tredilion Market Garden and north of Elms Lane, Abergavenny. The site is also used for a number of other developments such as residential dwellings, holiday lets, caravan storage and industrial units.

1.3 The development includes the siting of a timber building measuring 7m x 7m x 2.3m (at rear) and 2.5m (at front) and is used for storage of equipment and a refreshment area. The change of use involves the siting of mobile targets within the enclosed area of woodland for archery practice and the holding of an archery club on a leisure basis. All targets are moveable and not permanently fixed to the ground. The site is used by adults and children who are members of the archery club.

1.4 Parking at the site is via an existing area of hardstanding adjacent to the holiday cottages which are owned by the landowner of the farm and woodland. Club members park their vehicles and walk across the fields to the woodlands.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/00463	Change of use of woodland to archery club including the erection of a timber building.	Pending Determination	

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
LC1 LDP New Built Development in the Open Countryside
RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside

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

Llantilio Pertholey Community Council - no comments to date.

Coed Cadw Woodland Trust - Coed Cadw considers that any woodland included in the Ancient Woodland Inventory (or AWI) which is present on historical maps or which exhibits a significant numbers of ancient woodland indicators can be considered as ancient and is therefore worthy of further study and is likely to pose a constraint on development. We believe that ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource which should be protected. The Woodland Trust wishes to object to the proposals as outlined in the above application on the basis of the potential damage to the ancient woodland, which is designated on Natural Resource Wales' Ancient Woodland Inventory (AWI) as an Ancient Woodland site of Unknown Origin (AWSU).

The Woodland Trusts' comments on this retrospective application relate to the direct impact of the proposals on an Ancient Woodland Site of Unknown Origin. The application which includes the construction of a timber building, makes no reference to the building's location, its foundation construction or to the collection and discharge of foul and surface water runoff. The photographs submitted in conjunction with the application also indicate a separate toilet facility, which is not mentioned as part of the planning application. The trust is concerned that when land use is intensified such as in this situation, plant and animal populations are exposed to environmental impacts and the habitats become more vulnerable to the outside influences and edge effects, which can result in changes to the stable environmental conditions within the woodland. Furthermore, development in ancient woodland can lead to long term changes in species composition, particularly ground flora and sensitive fauna, i.e. nesting birds, mammals and reptiles. Majorly adverse impacts may have occurred as a result of the removal of the ancient

woodland, which contains valuable habitat, to make way for the construction of this proposal. The Woodland Trust also notes the presence of trees on the site and is concerned that an arboricultural survey has not been completed. As such, the Trust requests that until such time as a report is submitted the application is refused due to lack of information.

Ancient Woodland is an irreplaceable habitat, once lost it is gone forever. The Woodland Trust objects to this proposal due to the potential damage and direct loss of this irreplaceable habitat from disturbance and pollution.

5.2 Neighbour Notification

Several neighbouring properties were consulted on the application and a site notice was placed on site. No consultation responses have been received during the consultation process however the application was submitted as a result of an enforcement case for the alleged change of use of the land.

6.0 **EVALUATION**

6.1 Principle of Development

6.1.1 The application has been submitted as a result of an enforcement case for the alleged change of use of the land from woodland to the use as an archery centre. The site is an enclosed area of approximately 4.13 acres east of Tredillion Market Garden and north of Elms Lane, Abergavenny.

6.1.2 The development includes the siting of a timber building measuring 7m x 7m x 2.3m (at rear) and 2.5m (at front) and is used for storage of equipment and a refreshment area. Adjacent to the building is a portable toilet cubicle. The change of use involves the siting of mobile targets within the enclosed area of woodland for archery practice and archery club on a leisure basis. All targets are moveable and not permanently fixed to the ground. The business is an independent archery club that was formed in 2016 and has quickly built up the course and membership in this area. The club is made up of experienced archers and beginners alike with members who help beginners get started with shooting. The site is open all year round and is a member only club and therefore not open to the general public.

6.1.3 The area is arranged with a warm up/practice area, recreational area and a 3D target course consisting of 40 targets which include two optional shooting towers (which in turn double up as course shelters). These targets are moveable to simulate hunting. The timber cabin is open to all when key holders are present and also provides an outside shelter area and inside warmth during colder periods. The terrain is flat and easily negotiated with on-site toilet facilities.

6.1.4 Parking at the site is via an existing area of hardstanding adjacent to the holiday cottages which are owned by the landowner of the farm and woodland. Club members park their vehicles and walk across the fields to the woodlands.

6.1.5 The proposal is a low impact use that is appropriate for a rural location such as this. It is considered that the proposals comply with policies LC1 and RE6 of the Monmouthshire Local Development Plan.

6.2 Impact on Amenity/ Promoting Healthier Places

6.2.1 The site is situated east of Tredillion Market Garden and north of Elms Lane, Abergavenny. The site is situated amongst an enclosed wooded area that is accessed via a field. The site is also used for a number of other developments such as residential dwellings, holiday lets, caravan storage, industrial units and a market garden. There are no alterations to the wooded area apart from the introduction of the timber cabin but this is not clearly visible from the surrounding area. Traffic to the larger site is frequent due to the number of other businesses established. The

additional traffic is considered not to be detrimental to the area as the archery area is not normally used in adverse weather conditions. Safety precautions have been put in place around the site and although there are residential properties and businesses relatively near the site it is considered that there would be no health and safety issues to any member of the general public.

6.3 Access / Highway Safety

6.3.1 Access to the site is via an existing track to Wernddu Cottage, holiday lets, residential properties and other businesses and is therefore considered to be adequate and complies with policy.

6.4 Response to the Representations of Third Parties

6.4.1 In response to the Woodland Trust comments it is noted that no trees have been removed in respect of the activity taking place on the enclosed area. The area is not overgrown and although the site has been used for a number of years the archery club has taken care of the surrounding area in the attempt preserve the character of the area and wildlife. Therefore, it is considered that no harm has taken place to the woodland or surrounding area and the proposal complies with Policy LC1 of the Monmouthshire Local Development Plan.

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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

6.6 Conclusion

6.6.1 It is considered that this use is appropriate in this rural location and can be managed carefully to enable it to be safe for users and neighbours alike. In addition, in the event of the archery club ceases to use the land all materials and structures should be removed from the land. The current use of the land is considered to be acceptable and comply with policies LC1 and EP1 of the Monmouthshire Local Development Plan.

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. All buildings on the site and all equipment associated with the use, hereby approved, shall be removed from the site within six months of the use ceasing.

Reason: to ensure the visual amenity of the area is protected in the interests of Policy LC1 of the Monmouthshire Local Development Plan.

INFORMATIVES

1 None.

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Penderfyniadau ar yr Apêl

Ymweliad â safle a wnaed ar 14/01/19

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 04.04.19

Appeal Decisions

Site visit made on 14/01/19

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

an Inspector appointed by the Welsh Ministers

Date: 04.04.19

APPEAL A

Appeal Ref: APP/E6840/C/18/3216211

Site address: Ty Mymwent, 2 Denbury Mews, Usk, NP15 1FB.

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Jason Emes against an enforcement notice issued by Monmouthshire County Council.
- The enforcement notice, which was unnumbered, was issued on 18 October 2018.
- The breach of planning control as alleged in the notice is installation of modern UPVC windows where permitted development rights have been removed.
- The requirements of the notice are remove the modern UPVC windows from the front of the property and replace with timber box sash windows.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

APPEAL B

Appeal Ref: APP/E6840/A/18/3216215

Site address: Ty Mymwent, 2 Denbury Mews, Usk, NP15 1FB.

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Jason Emes against the decision of Monmouthshire County Council.
- The application Ref DM/2018/01228, dated 30 July 2018, was refused by notice dated 17 October 2018.
- The development proposed is removal of existing timber sash windows to front elevation and replacement with double glazed UPVC hinged windows.

Decision Appeal A

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Decision Appeal B

2. The appeal is dismissed.

Procedural Matters

3. This decision relates to two separate appeals. Appeal A, the enforcement appeal (APP/E6840/C/18/3216211) and Appeal B, (APP/E6840/A/18/3216215) the appeal against the refusal to grant planning permission.
4. I observed that the development has already taken place. As such, Appeal B before me seeks retrospective consent and I have considered it under section 73A of the Town and Country Planning Act 1990 as amended.
5. I am satisfied that the replacement windows referred to in both appeals are the same. Accordingly, the main issue and evidence for both appeals are identical and for this reason the main issue and reasons set out below should be read as applying to both appeals.

Main Issue

6. This is whether the replacement windows preserve or enhance the character or appearance of the Usk Conservation Area (UCA).

Reasons

7. The appeal relates to replacement windows which have been installed to the front elevation of 2 Denbury Mews which falls within the UCA.
8. The appeal property is a detached dwelling located within a small cul de sac of similarly proportioned but individually designed dwellings within a predominantly residential area. The appeal dwelling was constructed following a grant of planning permission in 1990 subject to a number of conditions, one of which removed certain permitted development rights. This means that the replacement of windows required planning permission. The dwelling, and others around it, were constructed using traditional detailing with Georgian influences, including timber sash windows and the Council's evidence states that it was to protect these features and to maintain the special character of the UCA that permitted development rights were removed from the original permission.
9. The UCA was designated in 1976. Within the Usk Conservation Area Appraisal (2016), Denbury Mews falls within Character Area 6 where it is recognised that in contrast to other parts of the conservation area, there is a "significant encroachment of 20th century development". The Appraisal goes on to assess post-war houses and makes express reference¹ to the development on Denbury Mews, of which the appeal dwelling forms part, as "carefully sited within the street scene and demonstrate a good understanding of historic style and detail".
10. I have no pictorial evidence of the windows pre-replacement, however, the dwellings either side of the appeal property retain their timber sash windows and provide a useful reference point. Additionally, from the Council's evidence, I understand that the general design of the replacement windows are based upon the originals and from this I have taken that the original windows would have been a "Georgian" style eight over eight pane sash.
11. In this case, the choice of replacement windows are not sash opening. This is evident from the centre mullion which is substantially thicker than the original would have been. This, together with the thicker frame means that the windows do not resemble

¹ at paragraph 7.4.63

the original other than in terms of the number of panes. Although the general design of the windows may have sought to replicate the original windows, the windows have failed to replicate timber. UPVC is less three-dimensional than timber and the bars and mullions are heavier than the slender timber predecessors. Overall, the windows contrast starkly with the timber sash windows of the dwellings either side and are unsightly in comparison, meaning that the appeal dwelling does not contribute as positively to the UCA as it would have prior to the replacement of windows.

12. The frontage of the appeal dwelling is clearly visible from vantage points within the Denbury Mews and from Four Ash Street beyond. Since the windows are on the front elevation of the dwelling, they are prominent in the street scene. Whilst there is some boundary screening to the frontage, this screens only part of the ground floor windows and the four first floor windows are unscreened.
13. Overall, I consider that the original timber sash windows would have made a positive contribution to the character and appearance of the UCA, both individually and as part of the group of dwellings in Denbury Mews. For the aforementioned reasons, the replacement windows jar with those in the dwellings either side and this undermines the positive impact they make to the UCA. The development cannot therefore be considered to preserve or enhance that character or appearance of the UCA.
14. I acknowledge that the dwelling is not listed as having a particular or special contribution to the UCA in the Appraisal, notwithstanding this, the original windows would have made a positive contribution to the character and appearance of the UCA.
15. I observed that a number of properties in the surrounding streets have UPVC replacement windows and doors. However, I have no information relating to particular circumstances and planning history of these examples. Nevertheless, it is my view that past unsympathetic replacement windows elsewhere in the UCA have diluted the overall quality of the character and appearance of the area, and this matter reinforces my concern regarding the appeal proposal and its impact on the special interest that remains.
16. For these reasons, I conclude that the form of the replacement windows are significantly different to the original windows. The replacement UPVC windows have a materially different and less authentic appearance, and neither preserve nor enhance the character or appearance of the UCA, contrary to the intent of Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and policies HE1 and HE2 of the Monmouthshire County Council Local Development Plan 2011-2021. Furthermore, the proposal also conflicts with policy DES1 which requires, inter alia, that development should respect the existing materials within the setting.
17. 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"). In reaching this decision, 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.

Conclusion – Appeals A and B

18. For the above reasons, and taking into account all matters raised, I conclude that both appeals should be dismissed.

Janine Townsley

Inspector

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 06/02/19
Ymweliad â safle a wnaed ar 06/02/19

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 25.04.2019

Appeal Decision

Hearing Held on 06/02/19
Site visit made on 06/02/19

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers
Date: 25.04.2019

Appeal Ref: APP/E6840/A/18/3213980

Site address: Land North East of Coedr off B4521, Llanvetherine, Monmouthshire, NP7 8PY

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr James Mochan against the decision of Monmouthshire County Council.
- The application Ref: DC/2018/00205, dated 9 February 2018, was refused by notice dated 12 November 2018.
- The development proposed is the retention of material change of use of land to a one family traveller site, including the stationing of 1 caravan, day room, foul drainage, fencing and access driveway.

Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. The appeal was submitted as an appeal against the failure of the Local Planning Authority (LPA) to give its decision against planning application Ref: DC/2018/00205 within the prescribed period. However, the LPA's Notice of Decision was issued on the final day of its jurisdiction, in accordance with the provisions of Section 78A(2) of the Act and Article 26A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended (the DMPO). In accordance with Section 78A(3) of the Act, the appeal subsequently reverted to an appeal under Section 78(1) of the Act against the LPA's refusal of planning permission.
3. It became apparent during the determination of the appeal that the formal processes set out in Section 78A(3)(a-c) were not correctly applied following receipt of the Notice of Decision. Specifically, the appellant was not explicitly offered the opportunity to revise his grounds of appeal¹ and neither was he given the option to request a change of procedure². Nevertheless, given that the appellant's grounds of appeal and wider written submissions adequately covered the issue of highway safety, which comprised the Council's sole reason for refusal, I am satisfied that there has

¹ Section 78A(3)(b) of the Act

² Section 78A(3)(c) of the Act

been no prejudice in this respect. In coming to this conclusion, I have been particularly mindful of the content of the appellant's final comments that were accepted and thoroughly debated at the Hearing. Furthermore, it was confirmed as common ground at the Hearing that a change of procedure would not have been necessary or appropriate in this case.

4. The Appeal Form outlines the appellant's intention to apply for an award of costs. However, given that the LPA's Notice of Decision was issued following the submission of the Appeal, the appellant's case for an award of costs, which related to the LPA's failure to determine the application within the prescribed timescale, fell away. Indeed, this position was confirmed through the appellant's withdrawal of the application for an award of costs at the Hearing.
5. The fact that the appellant and the other beneficiaries of the scheme fall within the definition of 'Gypsies and Travellers', as defined by Welsh Government Circular 005/2018: *Planning for Gypsy, Traveller and Showpeople Sites (2018)*(WG Circular 05/2018), is a matter of common ground. I have fully considered the written and oral evidence submitted in this respect and have no reason to come to a different conclusion on such a matter. The legal and planning policy framework relating to Gypsies and Travellers is therefore relevant and fully engaged for the purposes of this appeal.

Main Issues

6. The main issues in this case are: the effect of the proposed use on highway safety along the B4521; and whether there are any material planning considerations, in particular those relating to the need and supply of Gypsy and Traveller accommodation and the personal circumstances of the appellant's family, that would be sufficient to outweigh any harm identified in respect of highway safety.

Reasons

7. The appeal relates to an irregular shaped parcel of land located along the northern flank of the B4521, to the east of the village of Llanvetherine. The site is accessed directly off the B4521 and slopes steeply, with the majority of the site set at a higher ground level than the adjacent carriageway. The site is of modest scale and is relatively well enclosed by existing hedgerows and trees. A gravel driveway had been laid by the time I visited the site and a caravan and day room were in situ. The site was further screened by existing close board fencing, enclosed by an agricultural gate and served by a cesspit. The appeal proposal seeks planning permission, under Section 73A(2)(a) for the retention of the change of use of the land to a single family traveller site that would include the stationing of 1No. caravan, 1No. day room, foul drainage, fencing and an access driveway.
8. For reasons set out in its delegated Officer's Report, the Council does not object to the principle of development and, having regard to the advice contained within WG Circular 005/2018 and the availability of Gypsy and Traveller accommodation within the area, I have no reason to dispute such an assessment. I shall therefore confine my reasoning to the principal matter of dispute, which constitutes the effect of the development upon highway safety along the B4521, and whether any harm identified in this respect would be outweighed by the arguments in favour of the appeal, including the availability of alternative sites and the matters pertaining to the appellant's personal circumstances.
9. The Council objects to the proposed development on the basis that the access to the site is not considered to provide a safe and convenient access to the highway network

and that it, therefore, causes unacceptable safety concerns to users of the highway and the occupants of the appeal site. Given the procedural issues set out above, the arguments both for and against the scheme had evolved significantly by the time the oral evidence was heard at the Hearing, with significant written evidence prepared by the appellant in response to the Officer's Report and associated evidence exchanged through the appeals process. Specifically, the appellant submitted a significant amount of evidence to justify utilising the stopping sight distances advocated by Manual for Streets 2 (MfS2), as opposed to the corresponding approach set out in Technical Advice Note 18: *Transport* (2007)(TAN18), whilst also providing an up to date traffic survey in the form of an Automated Traffic Count (ATC).

10. Whether the principles applied in TAN18 or MfS2 should be applied in this case remains a matter of dispute between the parties, with the LPA advocating the use of TAN18 and the appellant utilising the methodologies and principles set out in MfS2. The appellant contends that the advice contained within TAN18 has been superseded for non-trunk roads by MfS2 and I am satisfied that such guidance can be applied to such rural settings. However, it is notable that the application of MfS2 in such circumstances is dependent on the local context and, in this respect, I am mindful of the fact that, despite not comprising a trunk road and being curvilinear in nature, the B4521 does represent a principal arterial route through the county. Nevertheless, it is well-established that the stopping sight distances and other such advice set out in the aforementioned documents should not be treated prescriptively and, in light of the particular set of circumstances in this case, I consider such a principle to be even more pronounced. I shall therefore consider the issue of highway safety within the context of the threat to the public as opposed to whether or not the development adheres to advisory stopping sight distances.
11. In this context, it is material to note that the LPA accepts the appellant's findings in respect of the actual speed of traffic travelling along the B4521 which has been recorded as being between approximately 51mph³ and 55mph⁴. The volume of traffic is also not disputed and, in the absence of any evidence to the contrary, I have no reason to contest such evidence. In such circumstances, TAN18 recommends that stopping sight distances should be in the region of 160 metres, whilst MfS2 advocates stopping sight distances of approximately 109m and 125m respectively. Neither party has submitted any technical drawings to demonstrate the available visibility splays and associated stopping sight distances and, due to health and safety concerns, it was not possible for such distances to be measured on site at the time of my site inspection. The appellant contends, however, that sight lines for lateral visibility vary between 120 metres and 140 metres respectively.
12. Nevertheless, it was clear at the time of my site inspection that, at a 2.4 metre x-distance, achieving such lateral visibility distances towards Abergavenny would be challenging, not least because of the existing vegetation that immediately abuts the site access. I recognise the appellant's willingness to maintain such an area to maximise visibility. However, the area of land in question is not within the appellant's ownership and, in the absence of any mechanism to demonstrate control over the necessary visibility splay, I consider such a matter to weigh against the proposal. Indeed, I have not seen anything to suggest that there would be a realistic prospect of the necessary works being provided and maintained as required. I recognise that MfS2⁵ allows for x-distances to be reduced in slow speed situations. However, given

³ Towards Abergavenny

⁴ Towards Cross Ash

⁵ Paragraph 10.5.8

that I do not consider the carriageway to represent a slow speed or lightly trafficked rural lane, I do not consider that a reduced x-distance would be justified in this case.

13. It is also notable that no substantive or cogent evidence has been submitted to demonstrate that a satisfactory turning area could be provided on the appeal site. Indeed, I was able to confirm at the time of my site inspection that, given the topography of the site, the significant proportion of land taken up by the siting of the caravan/ day room and the need for an area to park vehicles, there is sufficient doubt regarding the ability to provide a turning area to prevent such a matter from being left to the imposition of a suitably worded planning condition. The appellant contends that there is sufficient room to turn near the site access. However, the principle of locating a formal turning area within such close proximity to the junction with the carriageway, particularly given the aforementioned traffic speeds, represents a significant risk to the free flow of traffic and the safety of road users. I was also able to experience at the time of my site visit that the geometry and layout of the modest 'turning area' referred by the appellant is extremely difficult to negotiate, even in a modest sized car, particularly when seeking to approach the junction square on with the intention of achieving necessary visibility to the right towards Abergavenny. Indeed, by virtue of the geometry, gradient and overall layout of the access relative to the adjacent highway, I consider that the difficulties in approaching the carriageway in a perpendicular arrangement to further exacerbate the above visibility concerns.
14. Furthermore, it was confirmed at the Hearing that the site would be used for the stationing of a touring caravan and that it would be frequently accessed by the appellant's commercial vehicle. Such factors clearly serve to materially intensify the aforementioned concerns, not least because it increases the likelihood that reversing movements onto the B4521 would be necessary to either enter or egress the appeal site. I recognise the fact that only a single personal injury accident, which was minor in nature, has been recorded within the area. However, given that the land has not been in use as a residential site for a prolonged period of time, I do not consider such a matter to weigh heavily in favour of the proposal. Similarly, whilst I recognise the appellant's contention that the access to the site represents an existing access, I do not consider such a matter to weigh substantially in favour of the appeal, not least because I have not seen any evidence to indicate that the end use would result in similar traffic movements to that of the lawful fall-back position.
15. I therefore conclude that the proposed use of land as a single family traveller site in its current form represents a material threat to the free flow of traffic and highway safety along the B4521. I therefore find that it would conflict with Policy MV1: *Proposed Developments and Highway Considerations* of the adopted Monmouthshire County Council Local Development Plan 2011-2024 (adopted 2014) (LDP) which, amongst other things, states that developments that fail to provide a safe and easy access for road users will not be permitted. It would also conflict with Policy H8: *Gypsy, Traveller and Travelling Showpeople Sites* which, amongst other things, is permissive of proposals that have a safe and convenient access to the highway network and would not cause traffic congestion or safety problems.
16. In coming to such a conclusion, I have fully considered whether such matters could be effectively mitigated through the imposition of suitably worded planning conditions, including negatively worded Grampian conditions. However, given the fact that the development has already commenced, and bearing in mind the lack of any cogent evidence to indicate a realistic prospect of the necessary works being provided and maintained as required, I do not consider that such an approach would be meet the policy tests set out in WG Circular 016/2014: *The Use of Planning Conditions for Development Management* (2014). Indeed, in the absence of any worked out

solutions, I consider the suite of highways concerns to represent a significant risk to public safety which weighs substantially against the appeal proposal.

17. It is common ground that there is an established need for Gypsy and Traveller accommodation within the area. It is also common ground that there is a lack of suitable alternative sites for such a use and it would appear that the Council does not have a strategy in place that would provide for additional sites in the short term. The dismissal of the appeal would result in the direct loss of the family home and therefore displace the family members, none of whom have an alternative base. Such factors weigh significantly in favour of the proposal, particularly in light of the statutory duty placed upon the Local Authority by the Housing (Wales) Act (2014). In coming to this conclusion, I have been mindful of the fact that the failure to secure planning permission at the site could potentially result in the need for the appellant and his family to leave the area or take up an itinerant lifestyle. Such a situation would have clear and obvious implications for the family's ability to gain access to necessary facilities and services, and indeed their overall stability, which is of particular importance in this case given that the appellant has a young child.
18. The provisions of the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010 are therefore engaged. Specifically, Article 8 and Article 1 of Protocol 1 the European Convention on Human Rights, incorporated into the HRA, requires that decisions ensure respect for private and family life and the home, and to the peaceful enjoyment of their possessions. Given the protected characteristics of the appellant, due regard also has to be given to the equality aims set out in the PSED, whilst the rights of the children must also be seen within the context of Article 3 of the United Nations Convention on the Rights of the Child which requires that the best interest of the children shall be a primary consideration. Indeed, it is well established in law that no other factor should inherently carry greater weight in the decision making process than the best interest of the child.
19. In this case, it is clear that dismissing the appeal would interfere with the right to respect for private and family life and for the home, and to the peaceful enjoyment of their possessions. Furthermore, it would result in an interference with the best interest of the young child which directly aligns with that of the appellant. Nevertheless, such rights are qualified and interferences may be justified where they are proportionate and in the public interest. In this respect, I consider that the interference would be lawful and in pursuit of a well-established and legitimate aim that includes highway safety. I have already concluded above that the development materially undermines highway safety along the B4521 and that the threat to public safety is substantial. Indeed, I consider the identified harm and threat to public safety to outweigh the matters in support of the proposal, including the lack of available alternative sites and the personal circumstances described above that include the interferences with the human rights of the family and the best interests of the child.
20. I am satisfied that the legitimate aim of ensuring adequate levels of highway safety cannot be achieved by any other means that would have a reduced interference on such rights. In this respect I consider the interferences to be both proportionate and necessary. I have fully considered the possibility of granting a personal planning permission. However, given that I have already concluded above that the threat to public safety is not outweighed by the personal circumstances, I do not consider that such an approach would represent an appropriate solution. Similarly, given that a temporary planning permission would prolong the on-going threat to highway safety, I do not consider that such an approach would be justified, not least because I have not been provided with any indication that there will be a material change in circumstances in the foreseeable future.

21. The foregoing conclusions have been considered within the context of the other appeal decisions referred by the appellant, including Appeal Ref: 3155838 and Ref: 3144761. Nevertheless, I have not seen anything that indicates that the circumstances of those cases are directly comparable to those in this case. Indeed, the former decision clearly differs from this appeal because the Inspector found in that case that the proposed use had regard to the safe, effective and efficient use of the transportation network. Similarly, the public interest and the personal circumstances advanced in Appeal Ref: 3144761 clearly differ from this case. I do not therefore consider that such decisions justify a deviation from my overall findings.
22. Based on the foregoing, I conclude that the proposed development would materially undermine highway safety along the B4521 and therefore represent a significant risk to public safety. As set out above, the development therefore conflicts with Policies MV1 and H8 of the adopted LDP. Such harm is not outweighed by the collective arguments in favour of the appeal, including those relating to the need and supply of Gypsy and Traveller accommodation, the personal circumstances of the appellant and the interferences with the rights arising from the aforementioned legislation. For this reason, and having considered all matters raised, I conclude that the appeal should be dismissed.
23. In coming to this conclusion, 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 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and 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, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Peter Baines	Assisting Appellant
James Mochan	Appellant
Mary Price	Appellant's partner

FOR THE LOCAL PLANNING AUTHORITY (LPA):

Andrew Jones	LPA Case Officer
Christian Lowe	Highways Officer

INTERESTED PERSONS:

Brian Nash

DOCUMENTS

- 1 LPA – Letter of Notification
- 2 LPA – Suggested Conditions
- 3 Appeal Ref: APP/H6955/A/16/3144761

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/04/19

gan Mr A Thickett BA(Hons) BTP Dip
RAS MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 07.05.2019

Appeal Decision

Site visit made on 17/04/19

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

an Inspector appointed by the Welsh Ministers
Date: 07.05.2019

Appeal Ref: APP/E6840/D/19/3224266

Site address: Severn Farm, B4245, Portskewett, NP26 5TY

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Harry against the decision of Monmouthshire County Council.
- The application Ref DM/2018/01671, dated 5 June 2018, was refused by notice dated 20 December 2018.
- The development proposed is a two storey rear/side extension.

Decision

1. The appeal is allowed and planning permission is granted for a two storey rear/side extension at Severn Farm, B4245, Portskewett, NP26 5TY in accordance with the terms of the application DM/2018/01671, dated 5 June 2018, subject to the following conditions:
 1. The development shall begin no later than five years from the date of this decision.
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 following approved plans: SK1000, SK001, SK002, SK003, SK004, SK005.
Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.
 3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area and to comply with Policy DES1 of the LDP.

Main Issue

2. The main issue is the impact of the proposed development on the character and appearance of the area.

Reasons

3. Severn Farm lies in the open countryside between Caldicot and Chepstow. The landscape is relatively flat, with large fields and houses and farmsteads dotted

sporadically about. There is a large bungalow next door and other substantial houses nearby. The appellant proposes to construct a two storey extension to the side of the house with gables front and rear.

4. Policy H6 of the Monmouthshire Local Development Plan 2011-2021, adopted 2014 (LDP) states that extensions to dwellings in the countryside should be subordinate to the existing building, modest and respect or enhance the appearance of the existing dwelling. The Council's 'Replacement Dwellings and Extensions to Dwellings in the Countryside Supplementary Planning Guidance' (SPG) defines modest as an increase of 30% above the size of the existing dwelling. A larger volume will not normally be allowed unless it can be clearly demonstrated that there will be no harm to the landscape. The SPG goes on to state that an increase of more than 50% will not normally be considered to comply with Policy H6.
5. Severn Farm started life as a very small cottage which was previously enlarged by around 52% to its current size. The Council and appellant offer different figures for the extent to which the proposed extension would enlarge the existing dwelling but at 65% and 57% it is clear that the proposal exceeds the limits set in the SPG. The SPG was adopted following public consultation and I afford it significant weight. Nevertheless, it is only guidance and should not be applied slavishly. Further, the SPG states that where a dwelling has no particular merit or where its original character has been lost through previous extensions, the primary consideration will be the need to ensure that there is no significant harmful impact on the countryside.
6. The proposed extension cannot be described as subordinate to the existing building and the proposal therefore conflicts with Policy H6. However, having seen the photograph of the original small cottage, I don't think anyone would argue that the original character has been lost. The existing building is not unattractive but nor, in my view, does it have any particular architectural merit. The design of the proposed extension takes its cues from the existing dwelling. The form and finish of the resultant building would not be dissimilar to others nearby and I do not consider that the resultant building would have an adverse impact on the character and appearance of the area. Consequently, I find that that the proposed development complies with Policy DES 1 of the LDP and the SPG.

Conclusion

7. The conflict with Policy H6 is outweighed by the lack of harm to the landscape and for the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.
8. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of creating attractive communities.

Anthony Thickett

Inspector