

Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 26 October 2020

Notice of meeting:

Planning Committee

Tuesday, 3rd November, 2020 at 2.00 pm
Remote Microsoft Teams Meeting

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 20
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
4.1.	Application DM/2019/01004 - Demolition of the existing dwelling and its replacement with an active living centre providing 18 high quality retirement apartments, communal living space, an extensive landscape strategy (including green roof) with a private landscaped courtyard plus pool and gym facilities. Greenfield, Merthyr Road, Llanfoist.	21 - 40
4.2.	Application DM/2019/02012 - Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure. Land To South Of Brewers Fayre Restaurant, Iberis Road, Llanfoist.	41 - 58
4.3.	Application DM/2020/00623 - Removal of condition number(s): 5, 6 and 12 relating to application DC/2015/01424. Land Adjacent Upper Maerdy Farm, Red Hill To The B4235, Llangeview, Usk.	59 - 66
5.	FOR INFORMATION:	
5.1.	The Planning Inspectorate - Appeal decision: Land at Myrtle Cottage, Caerwent Link, Caerwent.	67 - 72
5.2.	Appeal Decisions April 2019 - March 2020.	73 - 76

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

Public Information

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

Access to paper copies of agendas and reports

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

Watch this meeting online

This meeting may be viewed online by visiting the link below.

<https://democracy.monmouthshire.gov.uk/ieListMeetings.aspx?Committeeld=141>

This will take you to the page relating to all Planning Committee meetings. Please click on the relevant Planning Committee meeting. You will then find the link to view the meeting on this page. Please click the link to view the meeting.

Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

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 (revised version) (adopted July 2019)
- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017
- Affordable Housing Supplementary Guidance July 2019
- Infill Development Supplementary Guidance November 2019

National Planning Policy

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

- 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 by a favourable conservation status in their natural range.

Well-being of Future Generations (Wales) Act 2015

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

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

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its

area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

Equality Act 2010

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

Children and Families (Wales) Measure

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

Climate Emergency

In May 2019 Monmouthshire County Council declared a Climate Emergency with unanimous support from Councillors. The Cabinet Member for Infrastructure and Neighbourhood Services has been appointed as the member responsible for climate change and decarbonisation.

Tackling climate change is very important, because if the planet's temperature rises by 2°C there are risks of drought, flood and poverty, impacting on hundreds of millions of people. In Monmouthshire impacts that could happen include more extreme weather events (such as storms), water shortages, droughts, species loss and risk of flooding. Planning has a key role in addressing climate change through the promotion of sustainable development.

The Council has formulated a draft action plan which will be subject to Member approval and will form the Council's response to tackling this issue. Council decisions will need to take into account the agreed action plan.

Protocol on Public Speaking at Planning Committee

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below. **The conventional protocol has been modified to allow public speaking via pre-recorded videos.**

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

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

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

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

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application. This will also be via a pre-recorded video.

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

Once the request to speak has been registered by the Council the speaker must submit their pre-recorded video by midday on Monday before the Committee meeting. The video content must comply with the terms below and be no more than 4 minutes in duration. If the third party does not wish to record a video they will need to submit a script to the Council by the deadline above, that will be read out by an officer to the Committee Members at the meeting. The script shall contain no more than 500 words and shall also comply with the terms below.

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights
- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

The procedure for dealing with public speaking is set out below:

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- If applicable, the video recording of the representative of the community or town council will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the community or town council has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the objector's video recording will then be played to the Members (this shall be no more than 4 minutes in duration) Alternatively, if a third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the supporter's video recording will then be played to Members (this shall be no more than 4 minutes in duration) Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the applicant's (or appointed agent's) video recording will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to submit a video of their response of up to 5 minutes in duration.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - Speakers may speak only once.
 - Committee Members may then raise technical questions with officers.
 -
- Planning Committee members will then debate the application, commencing with the local member if a Member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.
- Where an objector or supporter or applicant/agent community or town council has spoken on an application no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the Committee unless there has been a material change in the application.
- The Chair's decision regarding a procedural matter is final.
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly.
- When the motion has been seconded the Chair shall identify the Members who

proposed and seconded the motion and repeat the motion proposed (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.

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

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 6th October, 2020 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, A. Easson, M. Feakins, R. Harris, J. Higginson, G. Howard, P. Murphy, M. Powell, A. Webb and S. Woodhouse

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Amy Longford	Development Management Area Team Manager
Mark Davies	Highway Development Manager
Denzil – John Turbervill	Commercial Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillor D. Evans

1. Election of the Chair

We elected County Councillor R. Edwards as Chair.

2. Appointment of the Vice-Chair

We appointed County Councillor P. Clarke as Vice-Chair.

3. Declarations of Interest

County Councillor G. Howard declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of applications DM/2019/01004 and DM/2019/02012 as he is a member of Abergavenny Civic Society and had taken no part in the consideration of these applications as a member of this society.

4. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 1st September 2020 were confirmed and signed by the Chair subject to the following amendments:

Application DM/2020/00234 – Page 3 – include an additional bullet point:

- The reason for refusal of deferral for a site visit was due to most Members knowing the Vinegar Hill area and the cost / delay as a result of Covid-19.

Application DM/2020/00883 – Page 12 – bullet point 5 be amended as follows:

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 6th October, 2020 at 2.00 pm

- That consideration of condition 3 be deferred to the next Planning Committee meeting to seek amended plans to demonstrate **whether or not** that up to four touring caravans can be accommodated on site plus space for parking and turning, as well as two park homes and utility blocks.

5. Application DM/2019/01004 - Demolition of the existing dwelling and its replacement with an active living centre providing 18 high quality retirement apartments, communal living space, an extensive landscape strategy (including green roof) with a private landscaped courtyard plus pool and gym facilities. Greenfield, Merthyr Road, Llanfoist

We considered the report of the application and late correspondence which was recommended for approval subject to the 15 conditions outlined in the report and subject to a Section 106 Legal Agreement.

Llanfoist Community Council, objecting to the application, had prepared a written statement which was read out to the Planning Committee by the Head of Planning as follows:

'Llanfoist Fawr Community Council has raised a number of detailed objections to this proposal during the relevant statutory consultation opportunities. These are documented and remain valid.

This said, the Community Council would like to submit this statement to Planning Committee to reinforce its objection to this application and to add emphasis regarding the sheer scale of the development.

Members of the Community Council considered it difficult to accurately appreciate the scale of the development and the impact on adjacent properties from various iterations of submitted elevation plans. On closer examination, it would appear that the scale of the development would be on a par with certain elevations of local commercial premises such as the Premier Inn and Waitrose. Clearly, this is unacceptable in the more traditional residential area of Llanfoist. The impact is exacerbated by an elevated location at the junction of the B4246 and B4269.

Furthermore, LDP 5.135 states: *'There is a need to ensure that all new development is of a high quality, sustainable and inclusive design and respects and enhances its surroundings. Development of an inappropriate scale and character will not be supported.'*

The Community Council would strongly argue that this development will not enhance its surroundings and is clearly of *'an inappropriate scale'* for the location i.e.: among smaller residential homes.

Members of Llanfoist Fawr Community Council would strongly urge refusal of this application.'

Mr. P. Rennie, objecting to the application, had prepared a video which was presented to Planning Committee and the following points were outlined:

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- The development is described as being an active living retirement apartment complex that is environmentally friendly, but it is none of these things.
- The luxury apartment block is for wealthy people over the age of 60.
- The scheme also demonstrates no genuine commitment to sustainability.
- This development was originally registered for planning permission in December 2018 on the last working day before Christmas. The Christmas break delayed notification to neighbours reducing the period of public consultation to the bare minimum before the statutory decision date.
- Residents complained that a large development required a public consultation and the developer was forced to withdraw the application. However, this was to reissue the proposals on a questionnaire. There was no attempt to explain the proposals or have any opportunity to raise questions. Residents were required to navigate many technical documents online.
- The application was submitted and proposals amended with revised proposals uploaded in June and October 2019 and in February and July 2020. There was no clear explanation of what changed and no attempt to address the fundamental principle the community objected to.
- It is important the Planning Committee looks back to objections received to the December 2018 planning application, as many people grew weary of re-submitting objections.
- It was considered that this alone should be enough to reject this application and it was requested that the process of consultation be undertaken meaningfully and community engagement be encouraged rather than avoided.
- The scheme is in a village bordering the National Park which has been noted by the landscape officer that it is out of scale.
- The scheme will result in mass excavations at great environmental cost and disruption to the community.
- The site already has planning permission for additional houses which could be built with the topography at lower environmental costs.
- There is no drainage scheme condition which is crucial.
- The scheme drawings and the perspectives are inconsistent. The plans show large gates at the entrances but are omitted from the perspectives. Is this a gated community or not? That would be an affront to the community.
- The Transport and Planning Officers failed to acknowledge that pedestrian and cycle routes between Llanfoist and Abergavenny have been made unsafe and

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unpleasant by traffic growth and are a deterrent to sustainable transport. Any additional traffic would be a problem.

- Planning Officers have responded to the Well-being of Future Generations Act with a standard paragraph of the dismissal.
- The objector and a number of residents have spent considerable time navigating unhelpful planning documents. He would rather spend this time working with the developer in consultation to produce a scheme that works for the community.
- Concern was expressed that elderly residents that have lived in the community have been marginalised and ignored by the developers.
- Most residents are content to see appropriate development in the community and will help to enable it when the developer shows respect for the community and environment.
- However, this proposal goes against the principles that should be upheld by the Planning Committee and it was considered that the application should be rejected.

Mr. P. Sully, applicant's agent, had prepared an audio recording which was presented to Planning Committee and the following points were outlined:

- The proposed scheme seeks to provide high quality sustainable residential development for older people (60+) where an element of care will be provided for residents.
- The proposals will result in an exemplar zero carbon design which will ensure a highly sustainable building, thereby helping address the Council's Climate Emergency. The scheme provides solar PV and a green roof which will provide biodiversity, drainage and decarbonisation benefits. All car parking spaces will have electric charging points, well in excess of PPW10 requirements, therefore reducing dependence on fossil fuels.
- In response to concerns raised during the application, the scale and massing has been significantly reduced. The southern gable end has been stepped back by two metres and the roof has been reduced at second floor level by creating a gap between the two wings.
- The tallest ridge of the roof has been reduced by 1.7 metres, meaning that the highest part of the scheme is lower than the existing dwelling, and lower than the extant consent on site for four dwellings. The building has been repositioned 3 metres further away from Merthyr Rd, thereby allowing more landscaping to soften the scheme. The extent of brickwork has also been reduced, with timber cladding included at upper levels to further soften the building.
- One of the main architectural features is the green roof, designed to reflect The Blorenges to the south. The roof slopes down towards the neighbouring boundary,

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thereby reducing its visual impact and improving the relationship to the surrounding street scene, all of which is in line with the applicant's highly sustainable agenda.

- A natural high quality material palette has been selected to integrate within the rural settlements and preserve and enhance the character and appearance of the landscape setting. This includes natural timber, light buff brick and the grass seeded roof.
- A substantial landscaping scheme is proposed within the site. This will include the retention of some on site landscaping with additional native species planted throughout the site to further soften the scheme from the street scene.
- A Management Plan has been produced which details how the site will be managed, with particular regard to car parking. The proposals relate to high quality older persons accommodation where an element of care will be available for the residents, therefore car ownership is far fewer than open market or affordable housing.
- 21 parking spaces are proposed on site for 18 units. Spaces are provided for carers and visitors as set out in 6.2.2 of the committee report, with spaces leased separately to residents, therefore those who do not own a car will not need a space. This will assist with parking management as there will be an appropriate balance between spaces available for residents, carers and visitors. The scheme also provides a better parking ratio than the recently approved McCarthy and Stone scheme on Tudor Road.
- The level of car parking is therefore sufficient and, with all spaces having charging points, is highly sustainable. The Council's Highways Officers have raised no objections. There will also be a financial contribution of over £100,000 for affordable housing for local needs.
- There are no objections to the scheme from the technical consultees and it is evident from the committee report that officers find all matters such as design, overlooking, sustainability, biodiversity, highways, landscape and green infrastructure acceptable and in accordance with the Local Development Plan (LDP). The Planning Committee were therefore requested to approve the application in line with officer's recommendation.

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

- With regard to the tree marked TN2 on some of the plans, the ecology report states that the large mature sycamore tree on the south west boundary of the site provides structural diversity with strands of Ivy possibly concealing more significant features that might provide moderate roosting suitability for bats. The tree was felled earlier this year despite it being identified for retention within the concept landscape proposals. This had been highlighted to the Case Officer in July 2020 but none of the supporting documents have been revised. The latest

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September 2020 versions of the site layout plan and ecological management plan still shows the tree in place months after its removal, which raises several issues.

- The written response from the Council's Biodiversity Officer is based on incorrect plans.
- Condition 12 requires a submission of evidence to demonstrate compliance with the ecological management plan. However, the plan is incorrect so cannot be complied with.
- Something outside the ownership or control of the developer cannot be subject to a condition and may not be relied upon as part of the scheme.
- The ecology plan proposes a substantial bat roof building under the canopy of the missing tree but since the tree is no longer there the mitigation must be re-assessed.
- The Biodiversity Officer's response states that it will be necessary to ensure the retention of dark corridors around the curtilage of the site protecting existing and new planting at the boundaries. This is to ensure the ecological functionality of the mitigation and enhancement features, particularly on the western side of the boundary.
- We cannot be sure of the ecological functionality and whether the bat roofs will be located in the most appropriate place or provide the necessary enhancement.
- The local Member had sought advice from an independent ecologist with experience in Planning who agreed that the local Member's interpretation is correct.
- Welsh Government has clarified that mitigation alone is not sufficient and schemes should be able to show and provide biodiversity enhancement. If not, they should be refused.
- Whilst the design of the building is favourable with the choice of materials, the green roof, the landscaping and the overall concept. If it were proposed for a location like West Gate then the local Member would have had little objection to the application.
- This large building is proposed to be the most prominent part of Llanfoist Village where the surrounding character is village like.
- Around Gypsy Lane, Woodland Crescent and Merthyr Road towards Govilon, there is nothing comparable within the street scene where all of the existing properties comprise of two storey houses or bungalows and a village hall.

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- Of all of the issues identified in objectors' correspondence and heard during the public meeting pre-Covid-19 there was a sense of disbelief about how something so large could be suitable.
- The local Member showed plans to the Committee indicating that the application would be at odds with the street scene.
- In July 2019 and February 2020 the local Member asked Planning officers for a north / south cross section to show the relationship of the apartment block with Merthyr Road and the dwellings on the opposite side. This was also requested by Llanfoist Community Council. However, this information was not provided. The local Member considered that this would be required to show the impact on the street scene in relationship of scale.
- The local Member showed drawing that he had prepared based on the applicant's scale drawings, measurements from GIS mapping and the datum levels of ridge heights given in the design and access statement. The elevations of the apartments facing towards Merthyr Road and Gypsy Lane are 49.4 metres and 51 metres respectively. The proposed building would be as wide and longer than the Premier Inns in Abergavenny and Monmouth, as wide as but longer and taller than County Hall, Usk and larger than the leisure centres in Monmouth, Caldicot and Abergavenny, to identify just a few.
- There can be no justification for supporting a development of this scale and footprint in this village location. It was considered that the scheme will contravene Policies DES1 – points b,c,d,e,g and l.
- Existing outline consent - The drawing appears to show the new scheme in a good, less impactful light, almost as betterment, but this is misleading. Presenting the mass of the five dwellings as if one continuous elevation close to the site boundary takes no account of perspective, intervening structures or landscaping. The dwellings will be set well in from the site boundary and those towards the centre of the site will be much less visible than suggested. The 2015 outline consent approved matters of layout, access and scale and landscaping and appearance were reserved. In respect of scale, this relates to the parameters of the dwelling. No elevation drawings were provided and no site surveys given to show ground levels pre or post development. The 2019 application to extend the outline consent by a further three years was approved in November 2019. Condition 1 identifies all matters as being reserved. This means that the comparison drawing is a representation of a situation that does not exist. There is no extant consent and no material weight should be given to it.
- The scheme represents major development in the centre of a rural settlement to which considerable representation has been received.
- It was considered that it was a mistake that the report did not reference the national sustainable place making outcomes.

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- It was considered that the development has not been demonstrated to be in accordance with national policy on place making.
- Some of the plans listed in the report include gated accesses for vehicles and pedestrians. The report advises that there will not be any gates.
- The management plan is out of date.
- Condition 14 appears to be unenforceable in respect of compliance with the out of date management plan. The condition contains no detail about how ongoing compliance will be measured and whether or not a breach could be identified.
- The plans presented are designed to show the development in its best light.
- The elevation of montage drawing present the scheme as being enveloped in trees. In order to be considered acceptable, the building has to be hidden.
- The original far too large proposal has been amended to try and make a still too large development acceptable.
- The ecological plans and supporting information is obsolete so biodiversity mitigation and enhancements cannot be guaranteed in accordance with national local policy contrary to policies S13 and NE1. Condition 12 is unenforceable, condition 14 is imprecise and also unenforceable. The scale, mass, appearance and design of the proposal is contrary to LDP Policy DES1. No consideration has been given to the national sustainable place making outcomes. The proposal appears to be in conflict with national and local planning policy.
- The local Member asked that the Committee consider refusal of the application for the following reason: By virtue of its massing, excessive scale, design and prominent position, the proposed development would be detrimental to the appearance of the site and surrounding street scene and would therefore result in an insensitive, intrusive and alien building which would fail to respect and assimilate the form, scale, siting and materials of its setting. In addition, the proposed scheme will be harmful to the outlook and privacy of neighbouring occupiers in an area characterised by high standards of privacy and lower density of development and would restrict long views towards the Blaenafon World Heritage Site. Furthermore, the proposed development is unable to demonstrate positive biodiversity mitigation or enhancement and protection of species of importance. Consequently, the development would not be in accordance with policies NE1, S13 and DES1 b,c,d,e,g and I of the Monmouthshire Local Development Plan.

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

- Concerns were raised regarding the restricted car parking spaces available with only six parking spaces available for 18 retirement apartments. The proposed parking provision is insufficient.

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- This site is not located within a town where there are amenities close by. Therefore, there is a greater reliance on having a car at this location.
- The proposed building is out of context to the street scene in terms of its mass and scale. Also, the building line is not in line.
- Parking space 9 is not 2.8 metres. It is 2.5 metres and is inaccessible. Therefore of the 21 spaces, there are only 20 in which a car could be parked.
- Parking provision beneath the building has 300mm wide columns at their entrance leaving only six inches on either side of the vehicle at the point of the columns which is considered to be impractical.
- This development does not have an internal connection corridor like similar developments elsewhere. The proposed development will be connected via balconies resulting in residents having to go outside in order to visit a neighbour on the development.
- Concern was expressed that disabled parking provision had not been addressed.
- It was suggested that consideration of the application be deferred in order to address the concerns raised before determining the application.
- Whist there are some good attributes to the scheme, such as the green roof and the timber cladding, there is an issue relating to the scale of the proposed development.

The Head of Planning responded as follows:

- The issue regarding the tree raised by the local Member would need to be investigated.
- The application has been through a rigorous design process in terms of the number of amendments that have been made to the scheme to ensure the mass and the scaling of the proposed building has been reduced.
- In terms of energy efficiency and sustainability of the proposed building, it is of a very high standard. The developers have stated that the building will be zero carbon with high credentials.
- The size of the plot is an efficient use of the scheme. There is a lot of green infrastructure on the site, a communal space for the wellbeing of residents. All provided to a high standard.
- In terms of the scale and massing, this matter has been debated internally and work has been undertaken with an urban designer to ensure that the mass of the proposed building has been reduced. There is a 23 metre intervening distance on the road. It is a prominent location on a corner plot with the development

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being a primal focal building on entering into Llanfoist. Planning officers consider that this would enhance the location in terms of place making, going forward providing an innovative sustainable development.

- With regard to the parking provision on the site, Planning Policy Wales policy is to move towards public transport provision and active travel links. Llanfoist is connected to Abergavenny and the wider area and there are public transport links already in place. Going forward, there is a need to consider sustainable developments in terms of transport movements with a view to there being less reliance on the car with more use of public transport.

The local Member for Llanfoist summed up as follows:

- This is the fourth iteration of the proposal which has been through numerous amendments.
- The scale of the proposed building is massive and inappropriate in this location and will have a negative impact on the street scene.
- It was considered that the scheme could not be amended to the point where it would satisfy the local Member, Llanfoist Community Council or local residents.
- The proposed scheme is unacceptable and should be refused due to its sheer scale.

It was proposed by County Councillor G. Howard and seconded by County Councillor S. Woodhouse that we be minded to refuse application DM/2019/01004 on the following grounds and that the application be re-presented to a future Planning Committee meeting for consideration with appropriate reasons for refusal:

Reason for refusal:

By virtue of its massing, excessive scale, design and prominent position, the proposed development would be detrimental to the appearance of the site and surrounding street scene and would therefore result in an insensitive, intrusive and alien building which would fail to respect and assimilate the form, scale, siting and materials of its setting. In addition, the proposed scheme will be harmful to the outlook and privacy of neighbouring occupiers in an area characterised by high standards of privacy and lower density of development and would restrict long views towards the Blaenafon World Heritage Site. Furthermore, the proposed development is unable to demonstrate positive biodiversity mitigation or enhancement and protection of species of importance. Consequently, the development would not be in accordance with policies NE1, S13 and DES1 b,c,d,e,g and I of the Monmouthshire Local Development Plan.

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

For refusal	-	10
Against refusal	-	2
Abstentions	-	0

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The proposition was carried.

We resolved that we be minded to refuse application DM/2019/01004 on the following grounds and that the application be re-presented to a future Planning Committee meeting for consideration with appropriate reasons for refusal:

Reason for refusal:

By virtue of its massing, excessive scale, design and prominent position, the proposed development would be detrimental to the appearance of the site and surrounding street scene and would therefore result in an insensitive, intrusive and alien building which would fail to respect and assimilate the form, scale, siting and materials of its setting. In addition, the proposed scheme will be harmful to the outlook and privacy of neighbouring occupiers in an area characterised by high standards of privacy and lower density of development and would restrict long views towards the Blaenafon World Heritage Site. Furthermore, the proposed development is unable to demonstrate positive biodiversity mitigation or enhancement and protection of species of importance. Consequently, the development would not be in accordance with policies NE1, S13 and DES1 b,c,d,e,g and I of the Monmouthshire Local Development Plan.

6. Application DM/2019/02012 - Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure. Land To South Of Brewers Fayre Restaurant, Iberis Road, Llanfoist

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

Mr. M. Gray, representing the applicant's agent, had prepared an audio recording which was presented to Planning Committee and the following points were outlined:

- Approval of the application would bring significant benefits to the locality providing 24 extra care units to be occupied by people over the age of 55. Research has identified that there is a critical need for this type of accommodation in Monmouthshire.
- 20 new jobs will be created directly linked to the proposal with significant further benefits for the supply chain.
- The expansion of the operation of Fox Hunters Care Home, a scheme in which the residents of Llanfoist have expressed support for both during the public consultation event in November 2019 and as evidenced by the number of significant letters of support for the application.
- The recommendation for refusal is made on the grounds of non-compliance with the allocation of the site for the purposes of Class B uses in the Local Development Plan (LDP).

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- All other matters have been responded to positively by statutory consultees.
- At the point of adoption of the LDP in 2014, the wider West Gate site was allocated for Class B purposes.
- There has been a material change in circumstances in respect of the format and use class of each approved development at the wider West Gate site.
- Consents on neighbouring sites have allowed for a hotel, two drive throughs, a pub restaurant and a care home. None of these would be classified as Class B use.
- In respect of potential uses for the site in accordance with its allocation, the comments from the Policy Department in the report acknowledges that an industrial use may no longer be suitable in terms of noise, working hours, traffic mix and associated movements of HGVs.
- The Covid-19 health crisis has had a direct impact on the property market in respect of the occupation of Class B floor space and planned construction projects.
- The Bank of England has predicted that the UK could face its deepest recession in over 200 years. It is therefore suggested that the proposed use of the site for the purposes of 24 extra care units owned and operated by the adjacent Fox Hunter Car Home represents a sensible use of the site. The proposed development will complement the existing care home in addition to providing high quality bungalow accommodation for those over 55.
- There is a critical need for additional extra care accommodation within Monmouthshire. Research undertaken has identified a substantial unmet need and major shortfall for extra care units within Monmouthshire. Researchers had identified a shortfall in supply of 397 units which is only likely to increase as time goes on. Whilst the proposed development will not comprehensively satisfy this requirement, it will make a vital contribution to the provision of such accommodation within Monmouthshire.
- To refuse the application would represent a significant missed opportunity to the detriment of local residents, prospective tenants of the accommodation and send a negative signal to operators who may seek to develop similar accommodation on alternative sites within the Council area.
- The applicant's agent asked that the Planning Committee considers approval of the application.

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

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- In this case the land to which Policy E1 applies is an area between the A465 to the north east, the Persimmon housing development to the south west, the waste transfer site to the south east and West Gate to the north west.
- The vast majority of this land parcel has been developed for non B Class uses all granted by Planning Committee on the basis of Planning officer recommendations for approval. A minor part of this site has been left.
- The local Member quoted from the December 2016 Planning Committee report for the Fox Hunter application. In doing so, given the economic position that we are currently in, the position has improved to the point where those considerations of 2016 are no longer valid.
- Looking at the land proposed to be retained for employment purposes, it was considered that by the time parts have been reserved for employee and visitor parking, circulation space for deliveries and HGVs, there will not be much space left to construct any units.
- The site would not be very attractive for the potential B Class users as it is now constrained and offers little flexibility or opportunity for expansion.
- The sensitivity of the surrounding residential land uses is a large factor and where limits and operating times and the potential for noise and pollution complaints could arise. It was considered that Policy E1 is of little material weight. The site or premises is no longer suitable or well located for employment use. Also, there will be substantial amenity benefits in allowing alternative forms of development at the site.
- No B Class use has come forward for the site.

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

- Approval of the application would allow for a better use of the land rather than the various Class B uses.
- The Covid-19 pandemic has altered the need for Class B development.
- Monmouthshire has a growing elderly population and there is a need to provide appropriate accommodation for our elderly people.
- No Class B planning applications have come forward to develop this area of land.
- There is a national demand for bungalows.
- The site has been allocated for B1 and B2 use. However, the site is located close to existing housing. In terms of office accommodation, since the Covid-19 pandemic, more people are working at home. Therefore, office space is no longer needed as much as pre- Covid-19.

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- Town centres could be used to provide office accommodation with flats above these premises.
- Approval of the application would be an asset to the area.

The Head of Planning responded as follows:

- The Local Development Plan (LDP) process provides for the allocation of land for different types of uses.
- The LDP is not just about providing houses but also about creating jobs within the County.
- It is necessary to maintain this type of land use in the longer term to ensure that the creation of jobs can happen.
- The proposed application does not provide an appropriate level of jobs which would be considered acceptable in terms of the LDP.
- There is demand for small units within Abergavenny. The Business Insight Manager has provided comments regarding this application outlining that there is demand.
- Preserving the land allocations to create sustainable settlements with job opportunities is critical.

It was proposed by County Councillor G. Howard and seconded by County Councillor M. Powell that we be minded to approve application DM/2019/02012 and that it be re-presented to a future Planning Committee meeting for approval with appropriate conditions.

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

For approval	-	11
Against approval	-	1
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to approve application DM/2019/02012 and that it be re-presented to a future Planning Committee meeting for approval with appropriate conditions.

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7. Application DM/2020/00883 - Variation of condition 3 of planning permission DM/2019/01480 to enable up to 4 touring caravans to be parked on site for the use permitted under planning permission DM/2019/01480, and removal of condition 4 (the limitation to a personal consent) from planning consent DM/2019/01480. Land Adjacent Sunnybank, A48 Crick to Parkwall Roundabout, Crick, Monmouthshire

We considered the report of the application and noted that the planning application had been considered by Planning Committee on 1st September 2020 where a split decision had been undertaken regarding the proposals to vary condition 3 and remove condition 4 of the previous planning consent DM/019/01480. The Planning Committee resolved to refuse the removal of condition number 4 and agreed with the officer recommendation to reword the condition accordingly as outlined in the report of the application. This element of the application has been determined.

The Planning Committee deferred consideration of the variation of condition 3 which seeks to enable up to four touring caravans to be parked on site for the use permitted under planning permission DM/2019/01480. This element of the application had been deferred to seek amended plans to demonstrate whether or not that up to four touring caravans could be accommodated on site plus space for parking and turning, as well as two park homes and utility blocks.

The recommendation of officers is that the variation of condition 3 is approved to allow the site to accommodate up to four touring caravans at the site as outlined in the previous report of the application.

Should Members not accept that recommendation, the report offered two reasons for refusal of the variation of condition 3, outlined below:

1. The siting of touring caravans at the site would represent an overdevelopment of the site that would have an unacceptable impact on the visual amenity of the area. The development is therefore contrary to Policies DES1 (b) (c) (e), EP1 and LC5 of the adopted Monmouthshire Local Development Plan.

2. The siting of touring caravans at the site would have an unacceptable impact on highway safety given the inability for the caravans to be towed from the site safely contrary to the requirements of Policy MV1 of the Monmouthshire Local Development Plan.

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

- The decision today is to determine whether four touring caravans could be added to the site.
- The local Member considers that nothing has changed since the original application.

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- To allow the four touring caravans is still an over development of this modest site with added visual amenity issues.
- The local Member is pleased that the caravans are located at the top of the site and that scale plans have been provided.
- The application site is a field in front of the Border Waste Crick site which is a shared joint access of the A48 Road. The application site area is enclosed by a gate and timber fencing.
- The land at the back of the application site is the former Border Waste Crick site consisting of a former quarried area which leads to a field next to the motorway. It is presumed that the access is still owned by the original owner as the applicant only has a right of access over it. There is no other access to the Border Waste land at the rear as it is next to the Motorway.
- The land at the front area is positioned on a gradient falling from north to south and is defined by an embankment to the north and along part of the western boundary and a mature hedge to the east. Access is gained via an existing driveway leading from the A48 to the south west of the site over which the applicant has a right of access.
- In view of the gradient, the flat plateau area at the top is where the two park homes are situated. The problem with this slope means that the depth of the area for development is limited.
- The three bedroomed park home is 13.4 metres long resulting in only about 4.5 metres of depth left of the total of 18 metres width. Two of the touring caravans are located below the three bedroomed park home on the plan and are close to the timber fence. Each touring caravan is approximately 2.5 metres wide on the plan. According to the plan, this means that the caravans are located within two or three metres of each other.
- There is a slight downward slope in the land to the timber fence which is close to within a metre of where the two caravans may be located at the bottom edge of the flat plateau area.
- Most of the Welsh Government Planning Guidance on gypsy and caravan site design is in relation to council sites which tend to have generous pitch sizes. The local Member quoted from paragraph 61 of the Welsh Government Planning Circular 005 2018, which is a planning circular for Gypsy, Traveller and Show People sites, published in June 2018 and is mentioned as a policy consideration in this Committee report. The document states that caravans must be spaced at least six metres from any other caravan but the distance can be reduced to a minimum of 5.25 metres with fire related materials cladding being added. The plan shows that these distances are not possible at this site as the caravans are within two or three metres of each other.

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- There has already been a reported incident of alleged arson in relation to this site when operating as stables with the timber fencing having shown areas of charring.
- The caravans at the bottom of the three bedroomed park home are close to the timber fencing. The parking is located at the top of the site with the overflow parking on the south west area of the site.
- The access land also appears to have the cesspit septic tank in the same parking area.
- It is unclear how the joint access will be maintained. The model standards for caravans which the planning Circular refers to, also states that the plans supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.
- The local Member had dimensions from the previous application of the three bedroomed park home which is 44 feet by 20 feet equivalent to 13.4 metres long by 6.09 metres as opposed to a width of 4 metres.
- The local Member considers that the site is overdeveloped in line with the original Planning Committee decision from an examination of the plans supplied by the applicant.
- To have an extra four touring caravans results in an overdevelopment of the site as overflow parking will be on the access area, potentially blocking the joint access for the Border Waste site with added highway safety and visual amenity concerns.
- The local Member considered that it would have been more appropriate if the applicant had restricted the application to just two touring caravans on the embankment area at the top of the site, which would have been more reasonable for this modest site. One per mobile home which together with parking provision and an amenity block is what a pitch is normally seen as. Not twice the number of caravans to mobile homes.
- The site is not large enough taking account of its topography.
- The local Member considered that the application should be refused.

The Head of Planning responded as follows:

- This is a private site that the Authority has allowed for gypsy and traveller use for a family to have a home.
- As an Authority, we have a duty to provide an appropriate level of accommodation which meets the cultural heritage of the gypsy and traveller community. This is achieved via this planning application.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 6th October, 2020 at 2.00 pm

- As a Council, we have allowed for two park homes to be located on this site for gypsy and traveller use. However, we have not allowed any touring caravans to be used on the site which is a part of the cultural heritage of the gypsy and traveller community.
- Evidence has been provided to show that the site can be justified to accommodate up to four touring caravans.
- In the south of the site there is a 10 metre by 28 metre area. In the top section of the site there is an 18 metre by 24 metre area. In the turning area there is a 16.7 metre by 14.65 metre area. Therefore, there is ample space to manoeuvre a caravan within the turning area and to move it within the application site without any harm to highway safety.
- In terms of the fire regulations, this is a private site. The applicant would be required to obtain a caravan licence from the Environmental Health Officer.
- The touring caravans would only be used by the family.

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

- This is a private site which is allowed to have touring caravans parked on it.
- It has been demonstrated that there is ample room to accommodate up to four touring caravans.

The local Member summed up as follows:

- Approval of the application would result in overdevelopment of the site.
- This would result in overflow parking with the cess pit tank located on a joint access to which the applicant only has access to. This could block access to the highway.
- In terms of the definition of a pitch, the Monmouthshire County Council Gypsy and Traveller Pitch allocation policy states that a pitch is an area described to accommodate one household and includes an amenity block, mobile home, spaces for parking and touring caravan. The Welsh Government designing gypsy and traveller sites provides a similar definition of a pitch but indicates that mobile home and static caravan are alternatives to each other. The Monmouthshire County Council definition of a pitch refers to a pitch of a single caravan for each mobile home, not two caravans per mobile home which is being asked for on this modest site. Therefore, Monmouthshire County Council has eight pitches that it needs. If two caravans were added to this site as opposed to four caravans then this would cover the normal standard for two pitches. The Council could still meet its obligations and deal with the issue of wanting caravans but without having four on the site.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 6th October, 2020 at 2.00 pm

- Concern was expressed that the two caravans would be sited within one metre of the sloped embankment at the top of the site where the timber fencing is located.
- We as an Authority have a duty to consider the safety of residents who live on the site.
- It would be more appropriate to have two caravans on the site.
- The first report had indicated that the site should be limited to the two park homes and the site should not be used for touring caravans as more than two park homes on the site would intensify use and would constitute unjustified development relative to the identified demand facilities evidenced by the Council's Gypsy and Traveller accommodation assessment. The increase in development would be unacceptable with regard to visual impact on the character and appearance of the application site and wider area in compliance with Local Development Plan (LDP) policies S13, S17, EP1 and DES1.
- The local Member requested that the Committee refuses the application based on the grounds set out in report of the application.

The Head of Planning responded as follows:

- With regard to the pitches, the site has been given for gypsy and traveller use and the Authority has allowed for the provision of a three bedroomed unit and a two bedroomed unit park home to be located on the site for a family.
- This application is requesting for up to four touring caravans to be stored and used as auxiliary accommodation to the two mobile homes.
- By not allowing this site to accommodate any touring caravans the Authority would be going against the advice within the gypsy and traveller design guidance with regard to providing appropriate accommodation for the gypsy and traveller family.
- With regard to the pitches, the original planning application was for additional pitches for the extended family. This has been defined for the applicant and his son. The condition is being retained to ensure that it is kept for that purpose.
- The application is not for the provision of any additional pitches, neither is it for any additional family members.
- The site is significantly large enough to accommodate up to four touring caravans.
- The Highways Department has considered the highways safety elements of the site.
- There is no valid planning reason to refuse this application.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Microsoft Teams Meeting on Tuesday, 6th October, 2020 at 2.00 pm

It was proposed by the local Member, County Councillor L. Brown that application DM/2020/00883 be refused on the grounds set out in report of the application. However, this was not seconded.

It was proposed by County Councillor R. Harris and seconded by County Councillor M. Powell that application DM/2020/00883 be approved, as follows:

That the variation of condition 3 is approved to allow the site to accommodate up to four touring caravans at the site as outlined in the previous report of the application.

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

For approval	-	9
Against approval	-	2
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2020/00883 be approved, as follows:

That the variation of condition 3 is approved to allow the site to accommodate up to four touring caravans at the site as outlined in the previous report of the application.

8. The Planning Inspectorate - Appeal Decision: Land at Lower Cwm Farm, Brynderi Road, Brynderi, Llantilio Crossenny, Abergavenny, Monmouthshire

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Lower Cwm Farm, Brynderi Road, Brynderi, Llantilio Crossenny, Abergavenny on 10th August 2020.

We noted that the appeal had been dismissed.

9. New Appeals received - 1st July to 28th September 2020

We noted the new appeals received between 1st July and 28th September 2020.

The meeting ended at 4.32 pm.

Application Number: DM/2019/01004

Proposal: Demolition of the existing dwelling and its replacement with an active living centre providing 18 high quality retirement apartments, communal living space, an extensive landscape strategy (including green roof) with a private landscaped courtyard plus pool and gym facilities.

Address: Greenfield, Merthyr Road, Llanfoist

Applicant: Ikaria Development Ltd.

Plans: Block Plan 400 - P - 002 - P4, Site Plan 400 - P - 003 - P4, Floor Plans - Proposed 400 - P - 101 - P4, Floor Plans - Proposed 400 - P - 102 - P4, Floor Plans - Proposed 400 - P - 103 - P4, Floor Plans - Proposed 400 - P - 104 - , Elevations - Proposed 400 - P - 201 - P4, Elevations - Proposed 400 - P - 202 - P4, Elevations - Proposed 400 - P - 203 - P4, Elevations - Proposed 400 - P - 204 - P4, Cross Section 400 - P - 301 - P2, Other 400 - P - 900 - P3, Other 400 - P - 901 - , Block Plan 400 - S 002 - , Site Plan 400 - S 003 - , Floor Plans - Existing 400 - S 101 - , Floor Plans - Existing 400 - S 102 - , Elevations - Existing 400 - S 201 - , Elevations - Existing 400 - S 202 - , Location Plan 400 - S 001 - , Landscaping Plan Landscape Visual Appraisal - GRE_002 REV B, Ecology Report Ecological Appraisal Protected Species Surveys - 22/10/19, Landscaping Plan Concept Landscape Design (Stage 2) - GRE_001 REV E, Other Management Plan - , Landscaping Plan Concept Landscape Proposals - ,

RECOMMENDATION: REFUSE

Case Officer: Ms. Kate Bingham
Date Valid: 18.07.2019

This application was resolved to be refused by Members at the meeting of Committee held on 6 October contrary to the officer recommendation.

In the meantime the applicants submitted additional ecological information to address one of the concerns raised by Members, namely the lopping of a sycamore tree on the boundary of the site.

Comments from the Council's ecologist in response to the amended information is here:

"Bats

Further to my previous comments we have received updated information that the Sycamore tree identified in the original ecology submission as having bat potential, had been reduced to 4m in height. It is not clear whether these works were undertaken under a suitable method statement and there is potential that a wildlife crime was committed. The tree was marked for retention and formed part of a retained green corridor to the south. In order to compensate for this loss, updated plans have been received that identify that a replacement tree will be provided, this will need to be a specimen of semi mature or extra heavy standard and appropriate maintenance regime will need to be provided.

The updated information also provides that compensation for the loss of bat potential will be provided with three additional bat tubes added, one to the bat mitigation building and two to the southern elevation. We will need further details of the specification and positioning of these features, however this information could be sought by condition if you are minded to approve. As per my previous comments it will be necessary to ensure the retention of dark corridors around the curtilage of the site protecting existing and new planting at the boundaries of the site. This is to ensure the ecological functionality of the mitigation and enhancement features to be installed. It is requested that the proposed lighting scheme is submitted to the LPA for approval to ensure sensitive lighting solutions are utilised and light spill impacts minimised."

The reason for refusal is offered below and does not include the ecological concerns raised by the Local Member as these have been addressed and resolved on the advice of consultees.

Reason for refusal:

“1. By virtue of its massing, excessive scale, design and prominent position, the proposed development would be detrimental to the appearance of the site and surrounding street scene; and would therefore result in an insensitive, intrusive and alien building which would fail to respect and assimilate with the form, scale, siting and materials of its setting.

In addition the proposed scheme would be harmful to the outlook and privacy of neighbouring occupiers, in an area characterised by high standards of privacy and lower density of development, and would restrict long views towards the Blaenavon World Heritage Site.

Consequently, the development would not be in accordance with Policies S13, S17 and DES1 b), c), d), e), g) and l), EP1 and LC2 of the Monmouthshire Local Development Plan.”

If Members are minded to support the proposal a further condition covering the comments of the Council’s ecologist would added to the decision notice.

The previous report and officer recommendation are a set out below.

PREVIOUS REPORT

1.1 Site Description

1.1.1 The application site is located within the village of Llanfoist which is designated as a Rural Secondary Settlement under Strategic Policy S1 of the current Local Development Plan (LDP). Greenfields, is situated at the junction of Merthyr Road and Gypsy Lane. It is a full application that proposes the demolition of a single existing detached dwelling replacement with 18 retirement apartments, communal living space and a landscaped garden area and courtyard. The site as existing comprises one rendered two storey detached dwelling with triple garage at the centre of a large garden which is accessed via a tarmac drive from Merthyr Rd. The site currently has extant permission for four additional 4/5 bed dwellings.

1.2 Value Added

1.2.1 In response to concerns raised by local residents, the Community Council, the Abergavenny Civic Society and Planning Officers, the overall scale and massing of the proposed design has been significantly reduced since the original application. The second floor penthouse apartment has been omitted from the north east corner, reducing height, and the length of the east facing elevation by introducing some smaller single bed apartments into the design. To further limit the impact of the east facing elevation, the massing at second floor level has also been reduced in two areas; firstly the gable end to the South has been stepped back by 2 metres and secondly the roof of the atrium has been reduced to second floor level creating a gap between the two wings of the building.

1.2.2 The tallest ridge of the roof form has been reduced by 1.7m, significantly reducing scale of the building at its most visible point and the proposed building has been re-positioned further away from the Merthyr Rd. site boundary by approximately 3m. This has the benefit of allowing larger scale tree planting to be introduced along the north elevation creating a thicker screening belt between the road and the proposed building.

1.2.3 To further reduce visual impact, the extent of brickwork has also been reduced at the gable ends and at the northeast corner. The use of timber cladding at the upper levels of the building will soften the building's appearance, helping it to blend into the surrounding landscape and reducing impact. Further efforts have also been made to demonstrate the visual impact the proposal will have on the site in comparison to the extant scheme of 4 x 4/5 bed dwellings. An additional drawing has been created overlaying the outline of the extant scheme which demonstrates comparable scale and visual impact (drawing '400 -P - 900').

1.2 Proposal Details

1.2.1 It is proposed to demolish the existing dwelling on the site and replace it with 18no. apartments limited to accommodating people over 60 years of age and includes communal living space and landscaped private grounds. The apartments will comprise of 16no. 2 bed apartments and 2no. 1 bed apartments. Vehicular access is proposed to be provided from Gypsy Lane with the existing access of Merthyr Road being closed. 21 off-road parking spaces are also proposed together with extensive landscaped grounds. The scheme also incorporates a mobility scooter store, plant room and refuse store close to the main access area. It is proposed for the building to be built through sustainable modular construction targeting a net zero carbon build. The total site is roughly 4194 sq.m of which the building occupies 270 sq.m, the remainder being private garden.

1.1.2 Being for people aged over 60 only the apartments will benefit from the following:

- Wheelchair accessible
- 24-hour Emergency alarm system and monitoring
- CCTV camera entry system,
- Built to Lifetime Homes Standards.
- Communal facilities, lounge & kitchen, health/leisure
- Minimum 2-hour care per week for residents, whether required or not on entry, included in monthly charge.
- Apartment's designed to include specialist features.
- Provision for private external 24-hour care if required.
- House Warden available to assist.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/02090	Demolition of the existing dwelling and its replacement with an active living centre providing 18 high quality retirement apartments, communal living space, an extensive landscape strategy with a private landscaped courtyard plus pool and gym facilities.		25.06.2019

DM/2019/01502	Modification of condition no. 2 of planning consent DC/2015/00811. This application seeks to extend the time for submission of reserved matters to enable details to be submitted within the next 3 years.	Pending Section 106	
DC/2015/00811	New residential development on the land surrounding Greenfield House for four additional 4/5 bed properties	Approved	20.12.2016
DC/2006/01709	Erection of 3 houses in the garden of the existing house 'Greenfields'.	Approved	21.09.2007
DC/2006/00561	Renewal of permission for application M/5551 (first floor extension over existing garage to provide residential flat)	Approved	13.09.2006

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

- H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
- DES1 LDP General Design Considerations
- LC5 LDP Protection and Enhancement of Landscape Character
- MV1 LDP Proposed Developments and Highway Considerations
- NE1 LDP Nature Conservation and Development
- GI1 LDP Green Infrastructure
- SD4 LDP Sustainable Drainage
- SD2 LDP Sustainable Construction and Energy Efficiency
- LC2 LDP Blaenavon Industrial Landscape World Heritage Site

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future

Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llanfoist Community Council - Recommend refusal. The consensus view of Members who responded is that the revised proposals contained in this re-consultation do not alleviate previous objections raised.

Previous comments:

- * Members remain disappointed that there has been minimal attempts to consult directly with the Community Council during the planning process to date.
- * The scale, height and composition of the proposed design is not considered acceptable and/or sensitive for a development at the centre of Llanfoist.
- * The Management Plan with car parking provision of 21 spaces is still considered inadequate for the size of the development. The demographic of the target residents and size of the apartments is likely to (i) attract more than one vehicle per apartment (ii) attract family visitors, and (iii) as the age and care needs of the residents increase (as highlighted by future proofed design features to allow apartment upgrades for wheelchair access) parking provision for care needs will also be required.
- * The height of the proposed building(s) present privacy issues by overlooking existing neighbour properties.
- * The access point (off B4269 Gypsy Lane) will cause considerable traffic congestion throughout both a construction phase and thereafter. There are already significant congestion problems in this area particularly during school and business "rush hour" periods. It should also be noted that the B4269 is the diversionary route when the A4042 is closed at Llanellen bridge due to flooding. This diversionary route will become even more critical when A&E Services are discontinued at Nevill Hall Hospital and transferred to the new facility at Llanfrechfa.
- * Members note that Mon CC Highways have raised a number of objections which have been countered by a Technical Note on behalf of the applicant. Members of the Community Council share many of the concerns raised by Mon CC Highways and are not satisfied that the Technical Note addresses them adequately.
- * Members consider that Llanfoist has already reached a development saturation point. This proposal constitutes over development.

MCC Highways - No objection subject to conditions.

The applicant in response to highway observations and comments provided on 1st August 2019 provided a highway rebuttal dated 22nd August 2019 that was proceeded by a meeting with the applicant and planning and highway colleagues on the 3rd September 2019. Revised drawings and a management plan have been subsequently submitted in part to address the concerns raised regarding car parking, servicing provision, waste collection and the means of access.

MCC Landscape and Green Infrastructure - No further objection to the proposal from a landscape and GI perspective subject to conditions.

MCC Biodiversity - No objection subject to conditions.

MCC Housing Officer - 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 affordable housing won't be provided on site, the calculation of the financial contribution that will be required is £107,184.

MCC SAB - The proposed scheme will require a sustainable drainage system designed in accordance with Welsh Government Standards for sustainable drainage.

SEWBRc Search Results - Bats and Great Crested Newts recorded within the vicinity of the site.

5.2 Neighbour Notification

Representations from 56 households received.

55 object on the following grounds:

1. Close to adjoining properties/Loss of Privacy/Noise nuisance:

None of the graphics demonstrate the view from The Old Rectory which has close and direct sight of this plot.

Loss of privacy for houses on Briardene and Gypsy Crescent and Orchard Lea.

As a neighbour I will suffer loss of privacy, noise intrusion and probable loss of value to my property.

The north elevations onto Merthyr Road are exceedingly dominating over existing properties.

There is a bedroom window at the West end of the elevation that seems to be less than the required 21m from the overlooked windows in Llanfoist Cottage.

The development of the buildings would cause significant noise, which would be heard from my property (on Briardene).

2. Inadequate access and parking provision

The new proposed parking for the residents is inadequate as most will have cars not the contemplated 6 as mentioned.

The traffic egress is onto a school walking route on a hill with poor visibility where traffic already queues every day.

Treacherous access in snowy conditions.

Existing access on Merthyr Road should be retained and the building should be pushed back to the south of the site.

Concern about service vehicles and refuse collections blocking the entrance.

The developers should have to provide a shelter for the bus stop outside the site.

Consideration of driverless cars should be included.

Family visits are expected on holidays and weekends. Because the property does not accommodate adequate visitor parking, the visitors will park on adjacent streets. St Faith's Close and the other parallel road are likely to be popular offsite parking zones for visiting families.

3. Increase in traffic and pollution

Need to consider the effect that the 100+ Grove Farm housing development may have on traffic converging at the Llanfoist mini-roundabout will have.

Health and safety issues regarding the pedestrian access to the village school would be concerning.

The top storey should be abandoned and that there should be a third less apartments which would reduce the traffic congestion to and from the development.

Extra traffic adding to longer queues at certain times of the day with added pollution.

The covering letter states that potential residents who own a car but are unable to rent a parking space will not be able to become resident until a parking space becomes available, so they will not be parking their car on the public road. Doubt how this can be enforced.

This construction project will likely disrupt the Llanfoist community for more than a year including road closures for the installation of energy, water/sewer and communication utilities; each closure typically lasting several days, if prior history of such work on Merthyr road is an indication.

Construction workers at the site will likely drive to the site, parking in the adjacent streets resulting in unacceptable parking and driving congestion. Construction workers are likely to park in Briardene, St Faiths Close, Gypsy Cres and Thomas Hill Close.

Noise and dust pollution will also be an issue during construction. Methods to mitigate these problems should be addressed in the application.

4. Out of keeping with character of area:

The development is out of character with what survives of the local village character.

Resembles a large office block, more appropriate for an industrial estate than a residential area.

The proposed building is incongruous and would stand out rather than blend in with the local properties: it does not 'respect local distinctiveness'.

The proposed building is in juxtaposition to the character of the site and its surroundings and does not 'respect the character of the site and its surrounding'.

The proposed building would detract from the existing built environment, which is small residential properties, and does not conform to the need 'to protect and enhance the natural, historic and built environments'.

The building's prominent location will dominate the entry to the village.

This design is more suited to a city.

The replacement of an art-deco residence, with a warehouse- like condominium, however empathetic the landscaping, will not conceal this monstrous 'carbuncle', which would be utterly out of keeping with its environs.

The site is elevated and the proposed building, even with reduced height on the latest proposal, would dominate the area.

This development will be a blot on the landscape and an eyesore to an already over developed village which is losing its identity.

No consideration has been given to the vernacular scale and this development represents a huge departure from the grain of existing development.

5. Over development:

The LDP Policy S1 does indeed define Llanfoist as a 'Rural Secondary Settlement'. However, Policy S1 also makes clear that Llanfoist is specifically excluded from new housing development.

The Secondary Rural Settlements of Usk and Llanfoist have made a disproportionate contribution to recent housing development in the County, which the new housing allocations seek to avoid.

Even though Llanfoist is now listed as a 'Rural Secondary Settlement' in the latest LDP, it should not be forgotten that Llanfoist is still in actuality a village and not a suburb of Abergavenny, and should be treated as such.

A density of eighteen residences here can be seen as indicative of the overdevelopment.

The building is high and overbearing.

Why is it considered desirable to have a 'statement building' in this village?

6. Strain on existing community facilities:

There is already pressure on local services (health provision in particular) and this development will increase that pressure.

We already have facilities for our elderly residents and don't need any more.

An influx of so many residents will not be of any benefit to Llanfoist which is already overdeveloped

The development will add extra pressure on the local services of health care and social services.

7. Affect local ecology:

To make room for the proposed development it would be necessary to cut down mature trees which would do nothing for the improvement of the environment.

Concerned by the environmental impact of this proposal, a green roof is no compensation for the inevitable destruction caused to mature trees and land.

What is the carbon footprint of the development?

This is one of the few areas where great crested newts are to be found.

8. Other:

Need affordable houses for local families.

Why is the existing dwelling being knocked down? This would represent the loss of a significant property that is currently an asset to the village.

Increase in danger of flooding.

Not enough info given on application.

The inclusivity of the proposal mitigates against integration with the community and demonstrates a disregard for village culture and environment.

There is also a potential glut of like accommodation within a one mile radius of the proposed site.

There is no need for this type of housing and that the need for affordable housing for younger people and families is a much higher priority.

Likely to affect the value of my property and my ability to sell the property in the future because no one would choose to live next door to it.

Arguments of how 'useful' or appropriate the new design is should be looked at more closely, as in reality this is no more than an attempt to remove an existing dwelling and use the land to make as much money as possible.

This proposal is an unsustainable and anti-community in concept.

This proposal offers little in additional accommodation above the extant permission for new houses yet will be hugely more resource intensive and disruptive to the community to construct with a very extensive excavation of the site required.

It is a car based development which is shown the lack of pedestrian links to the site other than the main entrance. It is therefore against MCC's policy to challenge climate change.

Also plenty of retirement scheme properties are already in progress, with the capacity of some existing retirement properties also suggests we probably don't need any more at present.

Suggest that MCC Planning Committee undertake a site visit to the junction of Gypsy Lane and Merthyr Road in order to view the location, context and scale of this proposal.

Should consider solar panels instead of green roof.

The application should be rejected pending in-person consultation with residents of the Llanfoist community at scheduled meetings at the St. Faiths Parish Hall, the Llanfoist OAP Hall and the Llanfoist Village Hall among other locations.

More open space needed on development.

One representation in support:

I am greatly in favour of any development that provides accommodation, so badly needed, particularly in the Abergavenny area. The information supplied on the web site is small but what there is of it sounds good, being of excellent quality and I wish the application all the best in being accepted by the planning department.

5.3 Other Representations

Abergavenny & District Civic Society - No objections.

In July last year we recorded an objection based on highway grounds. Your Highways Section objected in August, but conditionally withdrew its objection in December. In view of that and the considerable design improvements achieved since the initial submission, I confirm that the Society now has no objection to the application. Our members may have divided opinion on the style and scale of the development but on balance we consider that it adequately satisfies LDP policies.

5.4 Local Member Representations

Cllr Howard - In the unlikely event that there are less than 5 objections, I would like to call this to committee, on the basis of scale, design and neighbour amenity. Should you decide to recommend refusal, then I would be happy for it to be delegated.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

The site is within the village of Llanfoist which is designated as a Rural Secondary Settlement under Strategic Policy S1 of the LDP. The principle of new residential development within the settlement is therefore acceptable under Development Management Policy H1 of the LDP subject to detailed planning considerations and other LDP policies. The relevant policies are listed above and are discussed below.

6.1.2 Good Design/ Place making

Policy DES1 of the LDP relates to design and states that:

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;
 - 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.

Concerns were raised at the time of the pre-application consultation and original planning application in relation to the scale of the proposed building and its impact on the surrounding area. To address these concerns, the amendments and improvements have been incorporated into the design as described in Paragraph 1.2 of this report.

The existing site is a mature garden laid to lawn with mature trees and shrubs and the majority of the planting will need to be removed to facilitate the development. The proposed landscape scheme looks to mitigate the loss of trees with new tree and shrub planting (including along the site frontage on Merthyr Road) intended to soften the building within the site context. The existing hedge will also be retained, regenerated and strengthened.

The proposed new building will be roughly 'L' shaped and be two stories in height with the addition of a lower ground floor level on the south eastern elevation that will be used for car parking. The majority of this element will be screened from view by the existing boundary hedge. The proposed design is for a partial two and three storey building with varying floor datum that respond to the existing landscape and context, and on that basis the building will not always be visible as three storeys.

The proposed new building has the following maximum heights:

Highest Ridge Height (Merthyr Road): 9.3m

Eaves Height (Merthyr Road) 6.8m

Highest Ridge Height (Gypsy Lane): 10.1m

Highest Eaves Height (Gypsy Lane): 9.7m

The site topography ranges from a high of +63.49 in the south east corner to a low of +57.04 in the north east of the site providing a maximum level change of 6.45m. The nature of this sloping ground could potentially cause issues for those with limited mobility making the site less accessible by virtue of the need for steps. However, this has been addressed in the design by levelling off the high part of the site to improve the accessibility of the building and also its relationship with its surroundings. The drawings provided by the applicant shows that the proposed building will be set down into the ground on the southeast. The proposed eaves height of the new building will be no higher than any of the neighbouring dwellings once the ground levels have been adjusted. The 3D views are plotted at eye level in relation to the existing road datum, so the 3D images provide an accurate impression from a pedestrian's perspective at each location.

One of the main architectural features of the proposed building is a green roof, designed to reflect the topography of The Bloreng to the south of the site. The roof slopes down towards the neighbouring boundary reducing the visual impact adjacent occupants, and improving the relationship to the surrounding street scape. The green roof has been introduced with the purpose of softening the appearance of the proposal into the surrounding landscape. The sustainable design feature also further boosts ecology and sustainable drainage on the site.

On the front elevations there will be walkways to the apartments with projecting timber posts supporting the roof. These will cast shadows across the façade which should help to break up the massing and soften the impact of the building form. The use of these timber posts was drawn from the modern Llanfoist Fawr Primary School opened for use in 2008. It is intended that the communal walkways leading to individual apartments will include a series planter boxes integrated into the metal balustrades. The planters will allow boreal coniferous forest planting that can survive colder winters such as clematises and climbing roses etc. The plants will be encouraged to climb using a series of thin gauge stainless steel wires that span between timber columns. Irrigation will be managed so that planting will be maintained to a high standard throughout the year.

In terms of materials, a natural colour palette is proposed which aims to integrate the proposal into the landscape setting. The proposed buff brick proposed at the corner and base of the two wings is intended to visually hold the lighter timber elements together in the landscape. Brick is a material used throughout the existing residential developments of Llanfoist and the use of it reflects the domestic nature of the building's function as well as being in keeping with the existing dwellings in the area. Breaking up the volume using the different materials and recessed walkways together with the 'gap' created reduces the overall mass. Climbing plants over the brickwork are also proposed. The entire roof will be finished with a sedum roof which will further soften the impact of the building when viewed from the surrounding hills.

Although still clearly a building that is different in architectural character and size to that of the residential dwellings and some commercial units in Llanfoist, the proposed amendments, retained green roof with a well-considered and executed landscape scheme will result in a high quality designed building. It is therefore considered that the development would not significantly create an adverse visual impact the street scene or wider area, subject to the delivery of the proposed landscaping i.e. using hedging, semi mature tree planting and retention and protection of existing trees where proposed.

On balance therefore, it is considered that the proposed development complies with LDP Policy DES1.

6.1.3 Impact on Amenity/ Promoting Healthier Places

The building has been designed to orientate all balconies and external areas towards the Blorege in order to reduce any potential overlooking issues with neighbouring properties on Merthyr Road and Gypsy Lane. The line of trees to be planted along Merthyr Road will further manage overlooking of houses on the opposite side of Merthyr Road in the longer term.

There will be a distance of at least 18m from the front elevation of the building facing Merthyr Road to the boundaries of the existing houses opposite on Briardene and over 21m between building elevations. On Gypsy Lane there is a distance of approximately 31m between the elevation of the proposed new building and the existing property across the road (Springhill). In terms of overlooking, between the nearest balcony on the rear of the building and the side elevation of Orchard Lea there will be a distance of approximately 22m (14m to the boundary). There are no windows proposed on the other end of the proposed building on Merthyr Road except for a bathroom and here there will be 8m between the proposed building and the boundary. The distances are considered to be great enough to ensure that there will be no loss of privacy for any local residents. The new tree planting will further screen the boundaries of the site from views both in and out.

The application site is considered to be large enough to absorb the building without it having any overbearing impact on existing neighbouring occupiers and it is considered that the proposed development meets the requirements of LDP Policy EP1 in relation to local residential amenity.

6.1.4 Sustainable Management of Natural Resources

The proposal has been designed to a high standard of sustainability in both the construction and end use of the building, minimising energy use and maximising efficiency. The building is proposed to be constructed using modular offsite timber manufacturing, thereby reducing on site construction time. Sufficient wall and roof depth has been designed for a very high performance thermal envelope with enhanced levels of thermal insulation maximising energy efficiency and providing sufficient thermal mass to mitigate overheating. Low impact materials (local, renewable, enduring) have been specified for the new building -brick, naturally durable timber and zinc. All of the timber will be FSC certified and treated with non-toxic wood treatments such as boron compound preservatives.

Spaces have been oriented for maximising passive solar gain. Windows provide natural cross ventilation wherever possible. In the internal courtyard it is proposed that horizontal planted trellises above the ground floor flats provide both privacy and shading to reduce solar gains in the summer months. The sustainability of the building over time has also been considered by designing to lifetime home standards with generous spaces which are adaptable to future change. The southern roof has the potential for future addition of photovoltaic panels if required in the face of climate change.

In terms of water, it is proposed that water usage be minimised by the specification of very efficient low water use fittings. Climate change adaptation has also been considered including solar shading, natural ventilation, consideration of drought resistant plant species, designing rainwater goods to cope with increased rainfall levels, and SuDS.

The provision of cycle storage and a proposed pedestrian connection to the local bus stop and further pavement networks will help to promote sustainable modes of transport. Where vehicle use is necessary all of the parking spaces will offer electric charging points to promote sustainable transportation.

All of the above measures are welcomed and meet the requirements of LDP Policies S12 and SD2.

6.2 Active and Social Places

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

The site is considered to be well positioned in relation to the sustainable transport options. Bus stops are located in what are considered reasonable walking distances from the site and the frequency and destinations of services available are reasonable and access by local bus to Abergavenny Town and the bus and rail stations. The site is also located approximately 2.6 km from the rail station providing access to Hereford, Cwmbran, Newport, Cardiff and beyond. The highway authority also consider that the site is reasonably well located to take advantage of existing walking and cycling infrastructure that although predominantly located on strategic traffic

routes does provide connectivity with existing attractors and destinations such as the Llanfoist Post Office, Waitrose supermarket, bus stops and Abergavenny town centre. The location of the proposed development is therefore considered to meet the requirements of PPW10 in relation to the Sustainable Transport Hierarchy.

6.2.2 Access / Highway Safety

The development proposal will involve closing off the existing vehicular access to/from Merthyr Road public highway with a new pedestrian and vehicular access being provided off Gypsy Lane. The overall width of the access has been reduced, the pedestrian and vehicular use has been separated and defined and the gates have been removed. The removal of the vehicle gate enables all vehicles requiring access and egress to do so without the need to open and close gates thus reducing the likelihood of vehicles obstructing the public highway.

21 car parking spaces are proposed and allocated as follows;

6 spaces allocated to residents

1 space for the House Warden/Manager

7 spaces for day to day servicing and external health providers, cleaners, etc.

7 visitor spaces

The House Warden/Manger will manage and control the day to day vehicle movements in and out of the facility, for instance tenant's deliveries will be restricted to one at any given time. A parking permit scheme will also be administered by the House Warden on an ongoing basis and each resident successfully applying for a permit will enter into an Agreement under which they will pay an annual permit fee. Permits will be made available to residents on a first come first served basis and therefore once permits have been issued for all spaces on a development a waiting list will be created, strictly in order of receipt of application.

The remainder of the spaces (15 spaces) will be available for Staff and Visitors. One of these car parking spaces will be reserved and clearly marked for the House Manager and must be kept clear at all times. As such, there will be 14 spaces remaining for staff and visitors. In terms of other staff visiting the site, this will be managed by the House Warden to ensure that there is not a conflict with all staff attending site at the same time. Visitors & Maintenance Staff need to sign in and give their vehicle registration number to the House Warden. Despite these management procedures, this management plan has assessed the maximum number of staff likely to be attending site at any one time in order to ascertain the likely number of spaces available for visitors. The staff attending the site will be as follows:

* Emergency Care - The emergency carer will provide care for more than one individual, therefore it is unlikely that more than three carers will be present at any particular time. As such the maximum number of emergency care vehicles on site at the same time will be three.

* Grounds Maintenance - Ground Maintenance will be advanced once a month and will require one car parking space. As such the maximum numbers of ground maintenance vehicles at the site will be one.

* Cleaners - 2 Cleaners will visit site twice a week and will clean communal areas as well as residents dwellings as necessary. As such the maximum numbers of cleaners vehicles at the site will be two.

* Deliveries - Deliveries will be managed by the House Warden and as such only one delivery vehicle will attend site at any one time. As such the maximum numbers of delivery vehicles at the site will be one.

It is therefore evident that the number of staff visiting the site at any one point will be fewer than 7 meaning that there will be at least 7 spaces available for visitors at all times. 7 visitor spaces is considered to be sufficient to serve the development.

It is acknowledged that the applicant actively promotes and encourages healthy lifestyles and will look to minimise the reliance on the domestic car by restricting the number of dedicated car parking spaces to six in total on a first come first served basis. This does not control or more importantly restrict tenant's vehicle ownership but just restricts the ability to park on site. Provided that the Management Plan is implemented and amendments to the parking layout, parking space dimensions and the distance between spaces it is considered that the parking is now in compliance with the Council's adopted standards.

No dedicated turning area has been indicated and the applicant has indicated in the supporting Management Plan that deliveries will be managed by the house Warden/Manager restricting only one delivery on site at any one time. The Management Plan also states that those residents requiring to move in or out will need to provide 72 hours' notice prior to moving so that the onsite management team are able to advise other residents and maintenance operations of likely short-term minor interference with the on-site car parking arrangements. All residents will be notified that moving into the development will be undertaken from the onsite access road and car parking bays and there will be a vehicle size restriction of 7.5t Box Van maximum. These restrictions for a development of 18 apartments (17 two bedroom and 1 three bedroom) is in the opinion of the highway authority unrealistic and service vehicles in excess of 7.5T are likely to require access on a fairly frequent basis. Officers are satisfied that there is space within the site to achieve this and therefore, should the application be approved, it is recommended that a suitably worded condition is used to ensure that the car park is laid out to accommodate the area required to enable service vehicles to turn around.

The applicant's ethos to create sustainable developments that encourage an active lifestyle promoting sustainable travel by walking and cycling and siting developments so that public transport is reasonably accessible to residents on foot is noted. The applicant has produced a management plan together with measures that will be implemented to reduce reliance on the private car. This would have to be suitably conditioned.

The impact on the proposal on traffic is detailed in Section 4.16 of the Transport Statement which states that "it is considered unlikely that the proposals would generate more than say 2 two way vehicle movements per apartment per day on average or 36 two way movements per day". In light of the parking and access restrictions that are to be implemented through the Management Plan, this predicted level of traffic is accepted and will not lead to a real deterioration in highway safety or capacity in the local area that would justify refusal of the application on highway grounds subject to the conditions suggested (below).

6.3 Productive and Enterprising Places

Not applicable to this application due to the type of development proposed.

6.4 Distinctive & Natural Places

6.4.1 Landscape/ Green Infrastructure

The submitted Landscape and Visual Impact assessment GRE-002 Rev A Oct 2019 is relatively comprehensive and has highlighted that from elevated near distance receptor locations that the proposed built form set within the context of the urban development of Llanfoist is likely to have a relatively low impact on the landscape sensitivity of the canal corridor, elevated Blaenavon Industrial Landscape World Heritage site and associated public rights of way and national trails i.e. hills tramroad, NCN and the link to canal cottage.

From the accompanying elevations, photomontages and layout plans, it is apparent that the main impact of the proposed building will be upon the visual amenity of the Merthyr road and Gypsy Lane corridors as viewed from road and path users as well as adjacent and nearby residential dwellings. The amended designs as recently submitted have responded more effectively to concerns raised by reducing the overall appearance and mass of the building through reductions of units to create second floor set back, reduction in eastern elevation length, step back of northern elevation, re-configured roof alignment, a break in the eastern elevation aspect with a view 'through' the building, reduction in height as well as reducing expanse of stonework to the eastern and northern elevations with an increase in naturally durable timber and architectural textures on eastern and northern facing elevations as shown in plan ref 400-P-203-P5. Elevations have additional proposed vegetation in the form of climbers and support within the context of the ground and first floors.

The majority of the existing garden trees and shrubs will have to be removed to facilitate the development. Many of these are not native trees and include two large Douglas Firs and a Lawson Cypress tree (both native to North America). There will be extensive new planting of trees to replace those lost. The proposed new trees will be more domestic in scale and more appropriate to the wider landscape in terms of species including two larger Sycamore trees on the north east and north west corners of the building and new tree planting between the building and Merthyr Road. New tree planting to provide woodland areas are also proposed around the

periphery of the site to screen/soften the impact of the building on the street scene and also provide privacy for the future occupiers as well as the existing neighbouring dwellings. The proposed new communal garden is to include wildlife friendly perennial planting and species rich grass areas/lawns. The proposed new extensive planting would add to the biodiversity of the area as well as add to the visual amenity of the wider area.

It is therefore considered that the proposed development will not have an adverse effect on the layout of the Llanfoist settlement in this location and complies with LDP Policies LC5 and GI1.

6.4.2 Historic Environment

The application site is visible from the canal corridor, elevated Blaenavon Industrial Landscape World Heritage site and associated public rights of way and national trails i.e. hills tramroad, NCN and the link to canal cottage. However, views from these points are limited and the proposed green roof will further reduce the visual impact of the building when viewed from these areas. As such it is considered that the proposed development will not adversely affect the World Heritage Site and therefore accords with the requirements of Policy LC2 of the LDP.

6.4.3 Biodiversity

Further to requests for additional information, an updated ecology submission has been received that was informed by a further inspection of the site on the 17th January 2020. The council's Biodiversity Officer is now satisfied that the ecological justification and further update inspection addresses previous concerns.

Further details in respect of the bat roost mitigation building and the ecological mitigation were received 10.09.2020. These revisions are considered to be acceptable pending the inclusion of conditions to secure implementation, management, and appropriate controls on restricted access to the bat mitigation building. It will also be necessary to ensure the retention of dark corridors around the curtilage of the site protecting existing and new planting at the boundaries of the site. This is to ensure the ecological functionality of the mitigation and enhancement features to be installed, particularly on the western side of the development boundary. It is suggested that a condition is included requiring a lighting scheme is submitted to the LPA for approval to ensure sensitive lighting solutions are utilised and light spill impacts minimised.

The updated ecology submission also addresses previous concerns in respect of Great Crested Newts, it is considered that subject to securing a Construction Environmental Management Plan (CEMP) via condition, successful implementation of the ecological mitigation plan and provision of a GI Management Plan, that Great Crested Newts can be appropriately protected during construction and enhancements for this species secured by the planning consent.

In terms of enhancement, the concepts provided within the document "Concept Landscape Proposals 4.1a Biodiversity & Green Infrastructure - Habitat Creation" are positive. The landscape details will be secured by appropriate planning condition.

6.4.4 Flooding

The site is not within a flood zone and there is no known flooding of the site.

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

Infiltration testing has not yet been carried out, so two drainage strategies have been produced; one assuming infiltration rates are suitable for the use of soakaways on site, the other assuming they are not. If infiltration is suitable, permeable paving can be used on site as both storage and infiltration device. A volume of 170m³ is required and is available below the car parking areas. This has been calculated based on low infiltration rates so could be reduced if testing shows higher rates on site. If infiltration is not suitable, controlled discharge to an existing surface water sewer to the east of the site is available with 115m³ attenuation within permeable paving preventing flooding onsite. Permeable paving will offer filtration of surface water runoff to aid water quality leaving the site. A condition requiring surface water drainage details to be submitted and agreed, then implemented should be included on any consent.

As the scheme was submitted post 7th January 2019, the scheme will require also SAB approval from Monmouthshire's SAB authority.

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

6.5.1 Llanfoist Fawr Community Council have commented that their Members remain disappointed that there have been minimal attempts to consult directly with the Community Council during the planning process to date. In this respect a Pre-application Consultation exercise was undertaken which is designed to engage the local community prior to the formal application being submitted.

6.5.2 The Community Council and local residents also consider the scale, height and composition of the proposed design unacceptable and/or sensitive for a development at the centre of Llanfoist. The issue of design including the massing of the building is addressed in section 6.2.1 of this report.

6.5.3 Issues relating to car parking and access are also addressed in section 6.2.2 of this report and it is worth reiterating that the council's Highway Engineers have no objection to the proposal following the submission of further information relating to the management of parking and deliveries. In terms of the amount of parking spaces provided, there are a number of important material considerations that justify the reduced number of spaces proposed for the scheme compared with normal standards for residential development. One must give weight to the nature of the accommodation for elderly persons, not all residents would have a private motor vehicle and would be even more unlikely to have two vehicles. It is acknowledged that the Greenfields site is not in a town centre location, however, its non-car accessibility has been identified as being good/reasonable with the associated potential to reduce the use of the private car. A slightly greater parking provision for the Greenfields site (1 space per 0.9 apartments compared to 1 space per 1.2 apartments at the recently approved McCarthy and Stone development on Tudor Road) addresses this locational issue. Taking all of the above into account, it is maintained that the provision of 20 parking spaces for the 18 retirement living apartments proposed for the Greenfields site is appropriate.

6.5.4 Disruption during the construction phase would not be a reasonable reason for refusal. However, this can be minimised through a well-considered Construction Traffic Plan which is suggested as a condition on any consent.

6.5.5 In terms of loss of privacy, distances between balconies/windows and any neighbouring dwellings are considered to be acceptable to avoid overlooking (see section 6.1.3).

6.5.6 Objections were also received on the basis that Llanfoist has already reached a development saturation point and this proposal constitutes over development. Whilst the current LDP has not allocated any land for large scale new houses, Llanfoist is designated as a Rural Secondary Settlement due to it being sustainable in terms of public transport links and services. Strategic Policy S1 sets out those settlements that will be the primary focus for new housing developments in the County. Town and Village Development Boundaries have been drawn around these settlements of which Llanfoist is one. There will be a presumption in favour of new residential development within these boundaries, subject to detailed planning considerations. A development of 18 one and two bedroom apartments is considered to be small scale and will have a limited impact on the area in terms of additional pressure on local services.

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 It is considered that the proposed development will not have an adverse effect on the layout of the Llanfoist settlement in this location. The development is of high standard of design and it would not have an unacceptable visual appearance on the area. The development would not cause any loss of amenity for local residents. Access, parking and traffic generation have also been considered and deemed to be acceptable by the council's Highway Officers. Sufficient

information has also been provided for the Local Planning Authority to consider the 'Three Tests' under the Conservation of Habitats and Species Regulations 2017 and appropriately fulfil the wider duties under that same legislation and the Wildlife and Countryside Act 1981 & Environment (Wales) Act 2016.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

A contribution of £107,184 towards the provision of affordable housing in the local area.

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 (including ground works, vegetation clearance) until a Contractor's Construction Environmental Management plan has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

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

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended)

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

- a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan.
 - a. Boundary buffers
 - b. Retained and new hedgerows
 - c. Green corridors
 - d. Water bodies and any SUDS related features and green engineering
 - e. Grassland
 - f. Bat roosting and Bird nesting provision
- b) Opportunities for enhancement to be incorporated
 - a. Management of Grassland and any waterbodies / SUDS habitats for botanical species diversity and protected species including great crested newts and reptiles
 - b. Management of hedge boundary buffer strips and new planting to increase and maintain diversity and screening
 - c. Management and monitoring of the Bat roosting provision
 - d. Management of retained and new trees for good arboricultural practice
 - e. Maintain habitat connectivity through the site for protected species
 - f. Management of the green roofscape
- c) Trends and constraints on site that might influence management of above features.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

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

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

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

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

6 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP.

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

IN

7 No development may commence until details have been submitted to and approved in writing by the planning authority indicating an area set aside for the turning of service vehicles

and an area laid out in front of the building to enable emergency vehicles to have direct access to the buildings main entrance.

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

IN

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

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

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

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

10 Prior to occupation of the building, a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation.

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

11 Bat mitigation building as specified "400 - P - 003 - P7-DEVELOPED - Site Plan, 400 - P - 211 - P1-DEVELOPED - Lesser Horseshoe Bat Roost Details dated 10.09.2020 by Casa Architects and Ecological Mitigation Plan_Sept 2020 and Proposed bat roost_Greenfields Sept 2020 dated 9.09.2020 by Crossman Associates" to be maintained in perpetuity, accessible only by licensed bat ecologists for monitoring and maintenance purposes in accordance with agreed GI Management Plan. The door shall be of steel frame and timber clad construction and fitted with a mortice deadlock.

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

12 The Ecological Mitigation plan dated 9.09.2020 by Crossman Associates shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the building.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1

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

- a) lighting type, positioning and specification
- b) measures to minimise light spill from glazed areas
- c) drawings setting out light spillage in key areas for bats based on technical specifications

The strategy must demonstrate that bat mitigation entrances are not illuminated and allows dark corridors for bats. The scheme shall be agreed in writing with the LPA and implemented in full.

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

14 The site shall be managed in accordance with the details provided in 'Ikaria Lifestyles - Management Plan (16 October 2019) only.

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

15 No development shall take place until a scheme of 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 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

2 Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

Application Number: DM/2019/02012

Proposal: Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure

Address: Land To South Of Brewers Fayre Restaurant, Iberis Road, Llanfoist

Applicant: Foxhunter Estates Ltd & Johnsey Estates UK Ltd

Plans: Site Plan 4874 - PL03(B) - (PROPOSED SITE PLAN), Landscaping Plan 4874 - PL04(B) - (HARD LANDSCAPE), All Drawings/Plans 4874 - PL05 - (HOUSE TYPES), Location Plan 4874 - LP01 - (SITE LOCATION PLAN), Landscaping Plan 760 01 REV C - (LANDSCAPE STRATEGY), Other 2019-12 - PHASE 1 SURVEY, Site Plan 4874 - PL01 - (EXISTING SITE PLAN), All Drawings/Plans 4874 - PL02 - (SITE ANALYSIS), All Drawings/Plans 4874 - PL06 - (HOUSE TYPES F2), All Drawings/Plans 4874 - PL07 - (HOUSE TYPES G1), All Drawings/Plans 4874 - PL08 - (HOUSE TYPES G2), All Drawings/Plans 4874 - PL09 - (HOUSE TYPES G3), All Drawings/Plans 4874 - PL10 - (HOUSE TYPES G4), All Drawings/Plans 4874 - PL11(A) - (HOUSE TYPES H1), All Drawings/Plans 4874 - PL12 - (HOUSE TYPES H2), All Drawings/Plans 4874 - PL13 - (TYPES L PLANS), All Drawings/Plans 4874 - PL14 - (TYPES L1 - ELEVATIONS), All Drawings/Plans 4874 - PL15 - (TYPES L2 - ELEVATIONS), Other 4874 - PL16 - (BOUNDARY WALL SIGNAGE), Other 4874 - PL17 - (VISUAL 1), Other 4874 - PL18 - (VISUAL 2), Other 4874 - PL19 - (VISUAL 3), Other 4874 - PL20 - (VISUAL 4), Transport Assessment TRANSPORT STATEMENT - , Ecology Report 200619 1075 GCN V1 - GREAT CRESTED NEWT REPOR,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham
Date Valid: 06.01.2020

This application was presented to Planning Committee at the request of the Local Member

1.0 APPLICATION DETAILS

This application was reported to Planning Committee on 6th October 2020 with a recommendation for refusal. Members did not accept this recommendation and deferred the application to be approved with conditions, which are set out below:

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

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

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

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

3 No development shall take place (including ground works, vegetation clearance) until a Contractor's Construction Environmental Management plan has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:

a) Risk assessment of potentially damaging construction activities.

b) Identification of "protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce

impacts during construction.

- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

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

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and to safeguard semi-natural habitats adjacent to the site.

4 No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety and local residential amenity and to ensure compliance with LDP Policies MV1 and EP1.

5 No part of the development hereby permitted shall commence until:

- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011+A2:2017, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

measures for their protection in the course of the development.

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

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

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

8 A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the Management Plan shall include the following;

- a) Description and evaluation of Green Infrastructure assets to be managed.
- b) Trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The management plan shall demonstrate how the scheme considers the predicted impacts of climate change during the course of the plan period including; measures to minimise the carbon footprint of plan implementation and climate change mitigation measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action

REASON: To provide long term management of habitats for protected and priority species and to maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, G11, NE1, EP1 and SD4

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

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

10 Prior to the commencement of development (except ground clearance and preparation) an updated noise survey shall be submitted to and approved in writing by the Local Planning Authority. This noise assessment shall detail the measures taken at all residential premises (e.g. appropriate ventilation/levels of sound insulation present) to achieve the standards laid down in BS 8233:2014. This shall set out appropriate internal and external noise levels for Bedrooms, Living Rooms, Dining Rooms and Gardens for the day time (07:00 - 23:00) and night time (23:00 - 07:00). The development shall be carried out in accordance with the updated and agreed noise survey report.

REASON: In the interests of residential amenity in accordance with LDP Policy EP1.

11 The development shall be implemented in strict accordance with Wharton Natural Infrastructure Consultants Great Crested Newt Survey and Mitigation Report, Land at Iberis Road, Llanfoist, Monmouthshire dated 19 June 2020 and Wharton Natural Infrastructure Consultants Pond Design plan 200917 1075 POND Plan No V1 E003.

REASON: To safeguard protected species in accordance with the Conservation of Habitats and Species Regulations 2017.

12 No development shall take place until a Protected Species Mitigation Strategy addressing Great Crested Newt has been submitted to and approved in writing by the local planning authority. The Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The mitigation strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To safeguard protected species in accordance with the Conservation of Habitats and Species Regulations 2017.

13 i) The units hereby approved shall be used solely for extra care homes within Class C2 of the Town and County Planning (Use Classes) Order 1987 (as amended).

ii) The extra care accommodation hereby approved shall be occupied by persons aged 55 years or older, and shall be used solely for extra care accommodation in association with and as part of the existing care home, currently known as Foxhunters Care Home.

REASON: For the avoidance of doubt as to authorised use of close care units.

INFORMATIVES

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

2 Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

3 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk
This facilitates a registered address with the Royal Mail and effective service delivery from both

Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

4 Please note that Great Crested Newts are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual newts from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If great crested newts are found during the course of works, all works must cease and Natural Resources Wales contacted immediately.

5 Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately

The previous report and recommendation are below.

PREVIOUS REPORT

1.1 Site Description

This application relates to an area of land adjacent to the existing Foxhunter Care Home in Llanfoist. The plot sits to the immediate south and south east of a Brewers Fayre pub, McDonald's restaurant, Premier Inn hotel and Costa Coffee unit. To the south of the site is a large-scale residential development (Ffordd Sain Ffwyst) and a lagoon area. The area is allocated as employment land in the current Local Development Plan (SAE1 Westgate Business Park).

1.2 Value Added

Amendments to the proposed landscaping and planting have been made to improve their biodiversity value:

Planting of the wildlife pond with plants suitable for GCN (species taken from the GCN conservation handbook; excluding water soldier).

Installation of solitary bee bricks in the southern elevation of properties,

Installation of integrated sparrow terraces and swift boxes to appropriate elevations
Inclusion of a hibernacula immediately adjacent to the wildlife pond, which will be seeded with nectar and pollen rich species to act doubly as a butterfly bank.
Wildflower seeding around the wildlife pond with ephemeral seeding on its sloping banks.
Inclusion of integrated bat boxes to properties along the southern and western boundaries.

1.3 Proposal Description

It is proposed to construct 24no.extra care units (Class C2 Use) together with a new access, car parking and landscaping. The extra care development is to be operated by Dormy Care Communities who also run the adjacent Foxhunter care facility to the east of the application site. The extra care bungalows are proposed to form an extension to this. The principle support for the residents of the bungalows is proposed to be from the on-site community manager. The proposed development will also benefit from its close proximity to the Care Home with a range of leisure facilities and 24 hour emergency support.

The development will comprise the following:

8No. 1 Bedroom Units
10No. 2 Bedroom Units
4No. 2 Bedroom Units
2No. 3 Bedroom Units

The proposed site layout shows 24no. units of varying types arranged around a central access road. All of the proposed units will be bungalows except for 2no. dormer bungalows and 4no.units with a two storey element. It is anticipated that one of the dwellings will be occupied by a Community Manager who will live on site.

It is proposed that the properties will be occupied by those over the age of 55. It is considered that the following elements identify why the proposed development would comprise a Class C2 use:

There will be a link between the care home in respect of use of facilities and potentially a cinema club;
Each property will benefit from an internal alarm system linked to the Community Manager;
The properties will benefit from fully accessible kitchens and will be designed with elderly residents in mind;
Residents will be required to pay a service manager charge;
The units are not to be for sale on the open market and could be restricted by a S106 obligation requiring occupants to be either in need of a specified level of care or in receipt of a specified minimum package of care services and/or above a specified minimum age;
Eligibility criteria will need to be met prior to occupancy which will include undertaking an initial assessment of care needs with regular reviews and monitoring; and
Given the additional costs involved in paying for care and accommodation, the units are highly likely to be occupied by those in genuine need of care as opposed to the more general public.

The distinguishing feature of C2 establishments is the provision of personal care for those who need it. Where extra care units are restricted to those in need of care by reason of old age, such as the proposed scheme, the proposed use would fall within the definition of Class C2.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2019/02012	Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure.	Pending Determination
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design
S9 LDP Employment Sites Provision

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
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development
LC5 LDP Protection and Enhancement of Landscape Character
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

Llanfoist Fawr Community Council - Recommend approval. Members supported the Housing Officer's recommendation of 8 affordable dwellings.

Natural Resources Wales - We consider that there is insufficient information with this application to confirm the likely impacts of the proposals on GCN and to be satisfied that the proposals are unlikely to result in a detrimental impact to the maintenance of their favourable conservation. Final comments in respect of revised information shall be reported in Late Correspondence.

Welsh Government Transport - No observations to make in relation to the A465 Trunk road.

MCC Planning Policy - The current application is considered premature as it is contrary to the current LDP (2014-2021) land allocation as it is an allocated employment site (SAE1 d) and this contrary to policy S9 'Employment Sites Provision' and policy E1 - Protection of Existing Employment Land.

It is noted that there has been recent pre-application advice (DM/2019/01545) and it advised in the response by the planning policy team that the proposal is not in accordance with the current LDP and to pursue the site via the candidate site process, which we are reviewing as part of the Replacement LDP (RLDP) 2018-2033 (previous response set out below for ease of reference). As part of the RLDP 'Employment land Review' we are currently within the process of assessing why some employment sites have not come forward and as part of this review we will be looking to de-allocation, reallocate and provide new employment sites in an evidenced and full considered plan led way.

This stance is further embedded in PPW 10 and recent correspondence from the Welsh Minister who states in a recent letter 'Planning Policy Wales (PPW) Edition 10 sets placemaking at the heart of our planning system. It is now a key consideration when making development plan and development management'. 'It is essential that Local Development Plans (LDPs) are produced and reviewed and their land-use allocations are delivered in line with community expectations'.

It is acknowledged a 'marketing and demand report has been submitted by Sutton Consulting Ltd (dated July 2019)' has been submitted as part of the application and this will need to be considered by Development Management on whether the findings of this report can outweigh the plan-led allocations as adopted within the current LDP.

It is noted the report concludes 'in general terms, new speculative development has not proved viable in this location and would require the support of the public sector either through intervention funding or direct build. Any such developer interest in the subject site has not progressed due in part to lack of intervention funding to facilitate such as scheme.'

Planning Policy agrees with the funding that to attract B1/B2 uses MCC needs to be actively involved and needs to attract growth and maximise opportunities through the City Deal partnership and provide appropriate land in the right locations. This is what is currently being researched and undertaken with the new LDP process.

The planning policy team therefore object to a non-B1/B2 use at this site as it is currently premature, and it is recommended the site is considered for alternative employment uses, such as the mixed use (as submitted as a candidate site) via the candidate site process for the new RLDP.

MCC Business Insights Manager - To date development on the site has been confined to the construction of hospitality and accommodation businesses and a care home. However, even before development began on this site, demand for B1 and B2 employment units in Abergavenny exceeded supply. This continues to be the case and results in businesses having to move outside of the county to find suitable premises to enable them to grow.

It is vital that Abergavenny can develop a wider range of B1 and B2 premises to accommodate growing businesses and attract new ones. On the face of it, this site seems well suited to B1 uses.

Whilst I recognise the benefit of developing extra care units of this kind and the fact that this project will create a degree of new employment, I am afraid that I object to the proposed development on this site, for the reasons given above and the fact that the application is effectively a residential application submitted in respect of an allocated employment site.

MCC Environmental Health - The current application has re-used the 2013 Contaminated Land site investigation by Earth Science Partnership that was undertaken for the full development site. However, that report needed further actions needed including further gas monitoring, and is not

specific to the parcel of land or end use proposed.

Some further work was undertaken for the Care Home development in 2016/2017 but I had not received the additional reports I needed to be able to consider that site suitable for its end use and to discharge its planning conditions. I believe that the below comments and issues are directly applicable to the new site, as it is on neighbouring land. As such I do not think the 2013 site investigation used in the planning application is suitable and further site investigation is required (similar to that highlighted in my emails) and therefore would recommend that the following be taken into account:-

Contaminated Land

I would recommend that a site investigation/risk assessment procedure be undertaken by the developer in accordance with CLR11 "Model Procedures for the Management of Land Contamination". Should the Planning Authority consider it appropriate to grant planning approval prior to a contaminated land site investigation I would recommend that suitable conditions be attached to ensure that the site is fully investigated and, if necessary, remediated to ensure the protection of public health.

MCC Highways - No objections subject to condition requiring a Construction Method Statement.

MCC Landscape/GI - No objection in principle to the proposed development. Conditions required should the application be approved. Also the following financial contributions to be secured via a S106 agreement:

1. Offsite recreation: Based on £3,292 / dwelling x 24 = £79,000. To be used for improvements to recreation and green infrastructure provision within a one-mile radius of the site.

GI Bond provisions:

1. A sum of £1,500 to contribute to improvements to the local PROW network, which would include GI improvements, which may be impacted upon as a result of the proposal.

2. A sum of £1,500 to develop a GI Management Plan for a linear park and adjacent wildlife pond

MCC Biodiversity - These comments are in reference to both GCN, biodiversity enhancement and landscape. There are several locations where access for management and protection of ecological proposals may need to be in place.

We are relatively happy with the overall landscaping subject to some more landscape specifications and detail and landscape / GI management plan. We will want these details prior to determination of the application. Please see guidance on preparation of GI Management Plans attached.

Nest / roost box /brick proposals are considered to be acceptable as an enhancement scheme Plot 1: blue line highlights native shrub planting with hedgehog shelters / Hibernacula and butterfly banks. Very good but needs to be able to be accessed, managed and monitored effectively. Access through fence for hedgehogs needs to be identified too including beyond the site to the south and presumably east into foxhunter care home grounds. It will be important for the benefit of hedgehogs that any GI and ecological management / landscape management plan takes into account a holistic approach to hedgehog habitat management including in adjoining premises and open areas i.e. foxhunter care home GI management plan and linear park GI management plan and persimmon homes if there is one.

The pond is too isolated. The S106 shows it connected to a north/south vegetation corridor. We need to see improved habitat links between the wildlife pond near plots 9, 10 & 13 and native species / link to linear park between plots 5 and 6. Consider rationalisation of paths between plots 13 and 6 to create more well-connected habitat.

Detailed pond design needs to be provided so that we can ascertain its suitability for GCN.

Ephemeral species planting we assume to be herbaceous. It would be good to have pollinator value species with all year interest / value i.e. a balance of aesthetics, herbaceous, semi evergreens, bulbs as opposed to bedding plants.

Awaiting final comments on updated landscaping/ecology plans at time of preparing this report. These shall be reported in Late Correspondence.

MCC Housing Officer - Although it is a specialist housing provision there is high housing need amongst the over 60's in Abergavenny so this is an opportunity to acquire suitable housing for older persons. I am comfortable with housing acquiring the units and have no expectation of using the facilities on offer, we would use the properties as general needs older persons housing.

SEWBReC Search Results -Records of Great Crested Newts recorded locally.

5.2 Neighbour Notification

No comments received.

5.3 Other Representations

Abergavenny & District Civic Society - The application lies within an area allocated in the present Local Development Plan for 'industrial and business' uses (classes B1, B2 and B8) in the LDP. The Council has of course permitted a number of developments in the allocated area that are in other use classes, though they have created a significant number of new jobs. Despite the applicants' attempt to minimise the effect of losing this employment site, it is the best located and only substantial and available serviced site for industrial and business uses in the Abergavenny area. The Society and other groups in the area attach a high importance to attracting new employment to the town in order to reduce its unsustainable dependence on commuting to work elsewhere. We must therefore object to the use of the land for the proposed purpose, notwithstanding the need for this type of housing in the local area. The applicants' interpretation of LDP Policy E1 requires close scrutiny, especially as the proposed job creation is very low.

The applicants go to a lot of trouble to justify the application of Use Class C2 rather than C3. We have no views on that, but do note that only one new job, an on-site manager, will be directly created. Linkages with the adjoining care home are referred to, but this relationship is not necessarily assured in the future.

We recognise that the planning authority may be persuaded that the history of decisions on the Westgate site is such that its purpose and character has changed and that residential use of the application site is acceptable. Therefore, we make the following comments on the submitted plans:

- The Planning Statement refers to a Design and Access Statement but this is not available online. We therefore have no explanation of the designer's approach to the site. The layout is introspective rather than taking advantage of the views of the Blorenges and the Little Skirrid. It would also have been better to repeat the Persimmon development by facing homes to the green infrastructure corridor originally intended as a buffer between housing and industry.
- Some of the units seem unreasonably distant from parking areas, especially bearing in mind the nature of the occupants.
- While the elevational treatment of the homes is quite appealing, it is unfortunate that no attention appears to have been paid to LDP Policy SD2. Energy efficiency should be especially important in extra care homes.
- While the green corridor has now grassed over, the owners should be asked to introduce some planting to assist wildlife connectivity.

5.4 Local Member Representations

Cllr G Howard - Requests that the application is considered by Planning Committee.

6.1 EVALUATION

6.2 Strategic & Spatial Choices

6.2.1 Strategic Planning/ Development Plan context/ Principle of Development

The site is allocated for employment uses (specifically B classes). LDP Policy E1 states that:

Proposals that result in loss in employment land will only be permitted if:

- a) The site or premise is no longer suitable or well located for employment use;
- b) a sufficient quantity and variety of industrial sites or premises is available and can be brought forward to meet the employment needs of the County and the local area;
- c) there is no viable industrial or business employment use for the site or premises
- d) there would be substantial amenity benefits in allocating alternative forms of development at the site or premises;
- e) the loss of the site would not be prejudicial to the aim of creating a balanced local economy, especially the provision of manufacturing jobs

Exceptionally planning permission may be granted for a change of use of existing employment land when the above criteria are not fully complied with if:

- (i) the proposal is for small scale retail uses which are ancillary to the main business/industrial activity; or
- (ii) small scale service activities of an industrial nature which are not suited to the high street and involve the sale, service or repair of vehicles or machinery.

The amount of employment land allocated for B Uses within Abergavenny/Llanfoist is extremely limited and it is acknowledged by the Council's Business Insights Manager James Woodcock that there is current demand for B1/B2 sites within this part of the County. The Asbri Planning Statement (November 2019) submitted by the applicant calculates that the development of the application site will represent 35% of the remaining development land identified in Policy SAE1, leaving 1.83 ha available within Abergavenny / Llanfoist. The applicant also argues that there is a significant supply along the Heads of the Valleys and the Welsh Government is seeking to acquire land at Cwrt-y-gollen, Powys for employment purposes. Notwithstanding this, the site is serviced and therefore currently presents an attractive and viable site for B1/B2 employment investment and its loss would therefore have a significant impact on the current supply of employment land within the Abergavenny area.

With the development of the Foxhunter care home, Whitbread Premier Inn & Brewer's Fayre, McDonalds and Costa Coffee, it could be argued that there has been a material change in circumstances in terms of the format and use class of each development on Westgate Park. The proposed scheme is intended to provide scale and critical mass to the existing care home development and create a use which is complementary to the neighbouring development. The Westgate development has matured into a mixed use scheme, which includes residential dwellings, a hotel, restaurant and a care home. The last remaining site provides an opportunity to secure a complementary use which would enhance the overall site. An industrial use (B2) may no longer be suitable in terms of the likely noise, working hours, traffic mix and associated movements of Heavy Goods Vehicles. However, offices may be less disruptive although future demand for this type of use is uncertain.

The existence of the other non -Class B uses that have been approved within the allocated employment site is acknowledged, in particular the Foxhunter Care home which this application proposes to extend. However, this development was determined prior to the introduction of PPW 10 where there is now a stronger emphasis on a plan led system to deliver in an evidenced way through the Replacement LDP, and the Council does have evidence that B1/B2 use sites are required within the locality. As such, it is not considered that this application meets the requirements of PPW10.

The applicant has argued that the Covid-19 health crisis has had a direct impact upon the property market through the disruption of both existing property transactions and proposed development and construction projects. The crisis has had an immediate impact on the use of employment floor space with an enforced increase in remote working, assisted by the greater use of technology.

This may lead to structural change in the office market, with increased home working arising from the Covid crisis and greater flexibility in future business planning. The predicted economic downturn may also weaken developer and investor appetite. This may come to pass but it is still held that the proposal should be pursued through the development plan process rather than as a standalone planning application.

In light of the above and on balance, it is considered that the proposal does not satisfy criteria (a), (b), (c) and (e) of LDP Policy E1.

Other detailed policy considerations in relation to design, landscape, biodiversity and highway considerations are applicable and are considered below.

6.2.2 Good Design/ Place making

The dwellings will be a mixture of bungalows and two storey dwellings. They will largely use the same materials where possible and have been designed to match the existing care home. Individual designs for uses are shown however, the majority will comprise:

Roof - Grey Tiles to match the care home
Main Brick - Red Multi to match the care home
Detail Coursing - Buff brick to match the care home
Render - Cream

The proposed scheme is to incorporate measures to reduce potential adverse effects on landscape character and visual amenity. Some of these measures will bring about immediate benefit, but those which involve tree or hedge plantings may take some years to become fully effective. In the case of tree and hedge plantings for this development, these are not estimated to reach a measure of maturity until 15 years have passed; however, the required height and density to be sufficiently effective for screening views may be achieved much sooner if they were to be well cared-for and the soil and weather conditions are favourable.

The mitigation measures incorporated are as follows:

Removing the mound of soil burden and rationalising the levels across the site;

Allowance for a buffer zone/open space link and pedestrian route between the proposed development and the existing housing to the south.

The proposed buildings to be arranged around open garden courts to encourage social interaction within a healthy and attractive setting;

Individual gardens to be enclosed by low hedging/fencing for privacy/separation from surrounding developments;

Structural planting of indigenous native tree, shrub and wildflower/clover species that, together with the Green Infrastructure open-space provision, will offer food for birds and bees and provide a wildlife/habitat link from the open space/marsh area to the south-east and the wedge of open space to the west;

Setting-out an avenue of trees along the northern edge of the site to offer amenity to road users and visitors to the hospitality units, and to add some screening/softening of the new development for the limited views from the north

Materials on the building facings and in external spaces to match with those employed on the adjacent Care Home;

SUDS provision to harvest and control storm water run-off in the form of planters on downpipes and depressions in grass areas where appropriate, as well as storage crates beneath parking areas.

Creating a pond for both amenity and an additional habitat for aquatic wildlife and flora;

The planting of trees and shrubs where possible on the site to offer shade, shelter, and screening, to provide an additional refuge and foraging for birds, and to assist with visual integration with surrounding sites;

The lighting proposals for the Development to incorporate luminaires with full horizontal cut-off shields to reduce light spill and the brightening of the night sky.

It is considered that the proposed units and associated roads, gardens and shared spaces have been designed so as to ensure assimilation with the wider built context. It should also be noted

that this site has implemented planning permission allowing for B class uses and is allocated as such in the LDP. It is considered that the proposed use has been designed so as to ensure the impact in visual terms, particularly when viewed from the World Heritage Site, represents a betterment when compared with the potential use of it within classes B1/B2/B8.

6.2.3 Impact on Amenity/ Promoting Healthier Places

The proposed application site is separated by the commercial properties to the north by a service road and from the existing houses to the south by an approximately 20m wide linear park. As such there will be a distance of over 21 metres between any habitable windows on existing dwellings and the proposed new bungalows/houses. Only one bungalow and the access road are proposed on the boundary with the existing care home.

The residential/care use of the application site is considered to be compatible with the existing care home and the housing to the south and is also well separated from the commercial uses to the north. The layout of the proposed dwellings encourage the use of shared outdoor areas and natural surveillance but each property will have a private garden and there will be no overlooking between properties.

The proposed development is therefore considered to meet the requirements of LDP Policy EP1 and will not harm local residential amenity.

6.1.5 Sustainable Management of Natural Resources

The MCC LDP indicates that new developments will be expected to incorporate reduced energy demand and energy efficiency through respectively both passive design and the building fabric. The layout and design of new developments should ensure that passive design principles as set out in Figure 11 of TAN22: Planning for Sustainable Buildings, are fulfilled. The building fabric relates to the materials comprising any part of the building; walls, floor, roof etc. A list of low or zero carbon (LZC) technologies is presented in Figure 12 of TAN22.

PPW 10 5.7.8 states that the benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance and encourages the planning system to:- 'facilitate the integration of sustainable building design principles in new development'.

The proposed landscaping to help to reduce rainwater run-off and improve air quality by using appropriate species and materials selection is supported. Appropriately located tree planting and rain gardens will also assist with any SuDS infrastructure.

6.2 Active and Social Places

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

The site is accessible by a range of transportation options. Bus stops are located within 300 meters of the site on Merthyr Road (B4246) with the following services provided:

Service No 3 - Destination - Brynmawr
Service No 47 - Destination - Abergavenny
Service No X4 - Destination - Cardiff

Abergavenny railway station is 1.5km to the east of the site. Services from the station operate along the Welsh Marches Line between Newport and Crewe, calling the following main destinations (Cwmbran, Pontypool, Abergavenny, Hereford and Shrewsbury) among a series of smaller towns and villages.

The site is therefore considered to be sustainable and rates highly within the Sustainable Transport Hierarchy set out in PPW10.

6.2.2 Access / Highway Safety

Vehicular and pedestrian access is proposed via the existing roundabout serving Iberis Road adjacent care home and McDonald's restaurant. 34 car parking spaces will be provided within the site.

The traffic impact from the overall development site was considered as part of the outline application (DC/2008/00818) and appropriate mitigation measures were agreed and implemented through local highway improvements to accommodate the traffic generated from the whole development site. The traffic associated with the application site therefore has already been considered and approved. A new transport statement has been prepared in support of the proposed development, which demonstrates that the traffic generated from the proposed care home development will in fact be less than that generated from the initial approved commercial development.

The Westgate development site consists of a purpose built commercial access road to provide vehicular access to the individual commercial development plots. The estate road consists of a main spine road and 2 roundabouts with access spurs to the respective development plots. The application site is located directly off the south spur of the south-eastern roundabout. Access to the application site is proposed directly from the south roundabout spur.

The proposed estate road serving the care development is designed as a private gated access road which has been set back from the roundabout to avoid queuing traffic.

The proposed car parking provision for the 24 care units is 34 car parking spaces for residents and visitors. This is considered to be acceptable and in line with the Monmouthshire Parking Standards 2012. Pedestrian movement from the site has been considered and a gated pedestrian link has been created to link to Ffordd Sain Ffwyst.

In light of the aforementioned, there are no highway grounds to sustain an objection to the application and the development is considered to comply with LDP Policies S16 and MV1.

6.2.4 Community Facilities

Although not specifically a community facility as defined in the LDP, private housing with an element of care will benefit the wider community which is known to be aging in the County.

6.2.5 Recreational Spaces

Recreational space will be provided in the form of two areas within the site. Pedestrian links to the wider footpath network have also been included.

6.3 Productive and Enterprising Places

6.3.1 Economic Benefits

Given the provision of care will be determined by the resident's specific requirements, it is difficult to determine the number of jobs which are likely to be created as a result of the proposed development. Notwithstanding, it is considered that circa 20 positions will be created. However, the benefits in terms of job creation are likely to be best felt by the supply chain via the provision of care services where required.

6.4 Distinctive & Natural Places

6.4.1 Landscape/ Visual Impact

Policy LC5 of the LDP refers to the protection and enhancement of landscape. This policy states:

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

a) Causing significant visual intrusion;

- b) Causing significant adverse change in the character of the built or natural landscape;
- c) Being insensitively and unsympathetically sited within the landscape;
- d) Introducing or intensifying a use which is incompatible with its location;
- e) Failing to harmonise with, or enhance the landform and landscape; and /or
- f) Losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both the built and natural environment.

Although the Monmouthshire Landscape Sensitivity and Capacity Study had assessed in 2009 that the site and its environs had a high medium sensitivity to development, so were the vast majority of land parcels throughout the fringe of Abergavenny and Llanfoist. Over many of these land parcels, including the environs of the site, there has been development over recent years. The development site is now an isolated disused piece of land, the last remaining plot within an area that has otherwise been developed. In terms of landscape character and value, the site itself is devoid of trees and other elements of landscape importance.

The Westgate area of Llanfoist, Abergavenny, in which the development site is located, was subject of a Green Infrastructure Study in 2015 in order to ensure Green Infrastructure was preserved and improved, whilst identifying development potential. The strategy/proposals from the study include:

1. A proposed linear park will link new planting and existing trees and hedgerows to provide green corridors using locally sourced native species;
2. A Management Plan will be drawn up for infrastructure planting to be managed by Management Company
3. Interlinked ponds and terrestrial habitat for Great Crested Newts will ensure flourishing of populations. Ecologist will be retained to oversee construction and management of proposals and provide on-call services
4. Study has been undertaken to assess groundwater and suitability of SUDS; permeable paving is proposed within residential area; soakaways not suitable for this site.

The application site is located circa 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which includes the slopes of The Blorenge. The landscape is assessed as part commercial, part residential sub-urban character, with influences from hospitality enterprises, care facilities and transport interchange/routes, and visual enhancement offered by the views to the surrounding mountain and hillside ranges.

The principal impact of the development will more significantly be felt by the occupants of the Persimmon housing development to the south and current users of the Westgate site especially the GI corridor (linear park) between the proposed development and the existing housing development. The LVIA submitted with the application concludes that there will be limited adverse effects on the landscape character and visual amenity. This has been broadly accepted by the council's Landscape and GI Officer on the assumption that the landscape mitigation proposed is fully implemented as per Landscape Strategy. On balance therefore it is considered that there would be neither detriment to the character of the local landscape, nor any major harm to views from the wider landscape or Public Rights of Way, or to views from neighbouring residential properties in the long term and the development therefore complies with LDP Policy LC5.

6.4.4 Green Infrastructure

The range of wider functions have been identified through the LVIA and DAS. The applicant seeks to provide further connectivity to the wider footways and PROW network via a secondary pedestrian gate to the west of the site. This is welcome, however further clarification is sought to show how pedestrian access through the site will be managed. This could be included in a Green Infrastructure Management Plan that can be conditioned should Members of Planning Committee resolve to approve the application.

6.4.5 Biodiversity

In accordance with PPW 10, the protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision, and LDP policy NE1. This should be informed by relevant ecological assessments, included as GI opportunities for the site and subsequently to ensure long-term functionality detailed management prescriptions will need to be provided as part of a GI management plan.

6.4.6 Flooding

The site is not within any designated flood zone.

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

Any future development of the site, such as creation of new surfaced parking or new paths, will require SAB consent.

6.4.8 De-risking (contamination issues)

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

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

6.6 Conclusion

6.6.1 The proposed development is considered to be compatible with the surrounding area in terms of residential amenity. Wider landscape impacts would also be limited. The location is also considered to be sustainable in terms of transport and access and parking arrangements are acceptable. However, it is considered that the loss of employment land has not been justified and as such, the application is premature and should be pursued through the Replacement Local Development Plan process.

7.0 RECOMMENDATION: REFUSE

Reasons for Refusal:

1. The proposed development would result in the unjustified loss of allocated employment land (SAE1d) and is therefore contrary to Policies S9 (Employment Sites Provision) and E1 (Protection of Existing Employment Land) of the adopted Monmouthshire Local Development Plan.

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Application Number: DM/2020/00623

Proposal: Removal of condition number(s): 5, 6 and 12 relating to application DC/2015/01424.

Address: Land Adjacent Upper Maerdy Farm, Red Hill To The B4235, Llangeview, Usk

Applicant: Mr Tom, Barley & Johnny Lee, Lee & Owen

Plans: Location Plan AVH 62001D - , Site Plan AVH 620 02B - , Floor Plans - Proposed AVH 620 04B - Plots 1 and 2, Elevations - Proposed AVH 620 05E - Plots 1 and 2, All Drawings/Plans AVH 620 03D - Plot 3,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young
Date Valid: 18.05.2020

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

1.0 APPLICATION DETAILS

1.1 Site Description

The application site relates to part of a long field which hugs part of the southbound slip road of the Usk interchange on the A449 trunk road. The site covers an area of 0.9 hectares and is surrounded by mature hedgerows. An application for use of the site as a permanent base for an extended Romany Gypsy family was allowed on appeal in 2011. This allowed two pitches by the entrance to the site. In allowing the appeal, the Inspector agreed that the use of the site should be limited to the appellants only and not extended to all gypsies and travellers. In 2016 further planning permission (DC/2015/01424) was also subject to appeal which granted permission for a further 5 pitches, subject to conditions.

This application seeks permission to vary the details of the siting and the buildings for plots 1, 2 and 3 as requested via conditions applied by the Inspector, notably 5,6 and 12 of DC/2015/01424.

At the time of the site visit on the 24th June 2020, there was an existing access into the site, a mobile home, two touring caravans, one day room for plot 3 under construction and a shed also under construction. The use of the site seems not to have properly commenced and if it is not occupied, it has been used no more than on a sporadic basis.

1.2 Value Added

Officers have worked with the applicants to ensure that the application is of an appropriate standard and has adequate information for determination.

1.3 Proposal Description

This current application seeks to amend the layout, siting of caravans and utility/dayrooms and landscaping on Plots 1, 2 and 3 in order to improve the welfare facilities for the residents. These proposed changes therefore affect Conditions 5, 6 and 12 of the 2017 appeal decision (DC/2015/01424) and the changes agreed in DM/2019/01223.

It is proposed to increase the size of the day rooms for plots 1, 2 and 3. The size of the approved day rooms for plots 1 and 2 was 3.3 metres by 4.9 metres giving a total floor area of 16.4 square metres of utility room for each plot. Their size do not meet the minimum size recommended set out in WG Gypsy and Traveller Site design guidelines. It is proposed that plots 1 and 2 have single storey day rooms/ treatment rooms measuring 12m by 8m with a total floor area of 96 square metres each. Internally, the proposed building is shown to provide a bespoke day room with basic kitchen/utility facilities, a bathroom and separate medical treatment room. The treatment room area has an area of some 12.5 square metres out of a total floor area of 76 square metres. The additional space is required for specific medical needs of the applicant.

The day room for plot 3 was increased in size to 8 by 5 metres under a previous NMA DM/2019/01223. Plot 3 is currently under construction. The current proposal includes a further increase in size to approximately 9.5m by 6.5m, with a floor area of 61 square metres. In order to accommodate these changes the layout and orientation of the site will be altered.

It is important to note that there is an unauthorised outbuilding being constructed on the site, but this does not form part of the current application. The suitability of this structure will be considered under a separate application and is the subject of a separate enforcement case.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00959	Discharge of conditions 4,5,6,7,8,12 and 14, - change of use of land to private gypsy caravan site consisting of 7 no. residential caravan and associated development - original application DC/2015/01424 and appeal 3168486	Split Decision	02.05.2019
DM/2019/00801	Non material amendments in relation to planning permission DC/2015/01424 - to re-orientate and increase the size of the previously approved utility / day room.	Application returned	
DM/2019/01223	Variation of condition no. 6 of application (DC/2015/01424) to seek an amendment to the orientation and scale of one of the authorised day/utility rooms located towards the centre of the site. Also details for the safeguarding of the water main and details of the foul and surface water	Approved	28.02.2020
DM/2020/00510	Modification of conditions 5, 6 and 12 relating to application DC/2015/01424 (APP/E6840/A/17/316848).	Application Returned	
DM/2020/00623	Removal of condition number(s): 5, 6 and 12 relating to application DC/2015/01424.	Pending Determination	

DC/2014/00659	Change of use of land to a private gypsy and traveller caravan site comprising of 5 no. pitches.	Withdrawn	
DC/2015/00357	The change of use of land to a private gypsy caravan site consisting of 7 no. residential caravans and associated development.	Withdrawn	
DC/2015/01424	The change of use of land to a private gypsy caravan site consisting of 7 no residential caravans and associated development.	Refused	02.11.2016

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Development Management Policies

Policy H8 Specifically refers to the delivery of sites for Gypsy, Traveller and Travelling Showpeople sites stating that where a need is identified sites will be permitted subject to a set of key criteria.

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.

Welsh Government Circulars

Gypsy and Traveller sites advice set out in Circular 05/2018.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llantrisant Fawr Community Council - No reply to date

NATS (Air Traffic)

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

5.2 Neighbour Notification

Letters of objection received from 5 addresses which all raise similar issues these include;
The proposals will have a detrimental effect on local ecology
A concern over an increase in traffic, caused by the potential increase in occupancy on the site.

A concern over an Increase of pollution caused by the increased traffic movements to and from the site.

That the development is out of keeping with character of area

There is a general dislike to the proposal and a reference to all of the objections submitted under the original application DC/2015/01424. The principle of the use of the site for Romany Gypsies is objected to. There are concerns that this is now an attempt to enlarge the site to an unsuitable level which will put a strain on the facilities necessary to serve the site. This gradual expansion gives cause for concern that, it will over time, become a sizeable traveller site with all the problems that will entail in a rural area on a road as narrow as the B4235.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The principle of using this site as a private gypsy site for 7 plots has already been established with planning permission granted on two separate occasions for the use of the site for 2 and then 7 pitches. This has been considered and assessed against the relevant national and local planning policies, twice by independent inspectors who both approved the use and current capacity of the site. The principle of the use has been established and is not under consideration here. Therefore objections received in relation to the principle have not been taken into account. The current application is only concerned with increasing the size of the day rooms and the altered layout of the site for three of the approved seven plots.

6.1.2 Paragraphs 3.42 – 3.51 of the 'Designing Gypsy and Traveller Sites' Guidance relates to the provision of amenity blocks with a diagram provided at Annex 2 providing an example illustration of how this could be designed. Whilst this guidance was written as a guide for the delivery of Local Authority owned Gypsy and Traveller sites, the parameters set out in the guidance have been considered to provide a suitable starting point for the delivery of appropriate facilities on this site. The guidance provides a recommended minimum floor space of 23 square metres, however there is no maximum. It also recommends that such buildings should be constructed to building regulation standards and that 'Detached or semi-detached designs should be appropriate'. Having a residential appearance will enhance the look of the pitch and the general aesthetic of the site.

6.1.3 The size of the proposed day rooms is above the minimum standard recommended by the guidance but plots 1 and 2 also include treatment rooms required to support the applicant's medical health. Medical information has been provided to substantiate this. The size and internal layout of the utility/day room unit on Plot 3 is commonly accepted on gypsy sites. Paragraph 3.44 of the above Guidelines advises that the prospective occupiers of a site may determine the final details of amenity block plans, which might include different sized rooms or have particular needs which require adaptations.

6.1.4 Paragraph 3.45 is particularly relevant and states, 'The construction and layout of the amenity block should take account that some users may have special requirements, for example disabled users and the elderly can find steps hard to manage if using a walking aid or wheelchair. All new blocks should have access ramps rather than steps (or both). Further adaptations may be required to amenity blocks which will be allocated to disabled residents. Amenity blocks should be designed in such a way that will allow for adaptations to be made in the future to accommodate disabled and/or elderly residents.' The utility block for Plots 1 and 2 has therefore been designed to meet the current and future requirements of the applicants. It is intended that the applicants sleep in their static caravans of which there will be one per plot, and that they will use the dayrooms for cooking, dining, washing and medical treatment.

6.1.5 It is acknowledged that the size of the amenity blocks now proposed are towards the upper limits of acceptability. However, the proposals relate only to an increase in size and not an increase in the number of pitches. As the guidance supports the need to provide suitable accommodation for the occupants, and evidence has been provided in this respect, the consideration is therefore the

visual impact on the surrounding environment of the enlarged buildings. The impact of the development in the landscape was considered acceptable by the Inspector referring to the context of the site at the intersection of the Usk A449 interchange concluding that the 'overall harm to character and appearance would be modest and localised'. It is not considered that the proposed increase in size conflicts with this assessment.

6.2 Sustainability

Increasing the size of the day rooms does not have an impact on sustainability. As stated the site already has permission for 7 plots. There is no evidence to suggest that increasing the size of the day rooms will affect the number of car journeys to the site or the number of people using the site. It is considered that the change in size of the proposed buildings will have a neutral impact on car borne traffic movements.

6.2.1 Good Design

Policy DES1 of the LDP states that all development should be of high quality sustainable design and respect local character and distinctiveness. Plots 1 and 2 would have L shaped day rooms, which would have the appearance of a modern bungalow. Plot 3 also appears as a modern bungalow. There would be blue/grey slate on the roofs and the external walls would be of smooth painted render. The structures are single storey being 4 metres in height to the ridge and as such they are not visually prominent when viewed in the wider landscape especially as the site is surrounded by mature hedgerows. The design of the day rooms is very similar to those approved under the previous applications, the changes mainly relate to the size and orientation of the buildings. Therefore the overall change is considered acceptable and conforms with the objectives of Policy DES1 of the LDP.

6.2.2 Place Making

PPW 10 states that good design is fundamental to creating sustainable places where people want to live work and socialise. The special character of an area should be central to its design. In this case the layout, form, scale and visual appearance of the development does engage with its surroundings. Increasing the size of the day rooms does not impact on a sense of place which has been created and approved under the previous applications. In addition there is no public access to the site and the alterations will not be discernible when viewed from outside the site, having little impact on the wider public realm. The proposed access road stays in the same place and the location of the individual plots stay the same. It is the location of the static caravans and the associated day rooms that alter slightly. The alterations are not so significant that they would impact on the wider landscape. The proposed alterations as proposed are considered to be satisfactorily assimilated into the landscape and comply with the objectives of policies LC1 and LC5 of the LDP. The proposed alterations to increase the size of the day rooms for plots 1, 2 and 3 would not have an unacceptable adverse impact on the surrounding landscape.

6.2.3 Green Infrastructure

The proposal will alter the approved landscaping plan. In order to accommodate the larger day rooms, some additional hedgerow within the site will be removed however this is not considered to have a sufficiently detrimental visual impact on the character of the landscape to warrant refusal.

6.3 Impact on Amenity

6.3.1 Opposite the entrance to the site is a detached property known as The Yews. The proposed day rooms are approximately 170 metres from The Yews. It is considered that the increase in the size of the day rooms will have no impact on the residential amenity of the occupiers of the Yews given the distance between them and the intervening boundary treatments. There will be no loss of privacy or overbearing impact as a result of the alterations as proposed. Therefore it is considered that the proposal accords with the objectives of policies DES1 and EP1 of the LDP. It is important to note that the buildings were originally approved by an independent Inspector and that this application is for alterations to the approved scheme. It is considered that these proposed alterations

will not have any detrimental impact on the residential amenity of the neighbouring properties, given the intervening distances and boundary treatments. As stated it is considered that there will be no increase in traffic movements as a result of the alterations and it will not result in more people using the site. There are no other residential properties close enough to the proposed site to be significantly adversely affected by it. The residential properties at Upper Maerdy Farm are at least 170 metres from the site and so the resultant changes are not considered to have a detrimental effect on neighbouring residents.

6.4 Highways

6.4.1 The alterations to the size of the day rooms and the slight alteration to the layout of the plots will not impact on the existing vehicular access into the site or affect the parking provision within the site. The alterations will not lead to a more intensified use of the site.

6.5 Foul & Surface Water Drainage

The details of the foul water and surface water drainage from the site were agreed under a previous application DM/2019/01223. The altered scheme will have to comply with the SuDS regulations.

6.6 Response to the Representations of Third Parties

6.6.1 The majority of the objections received from third parties relate to the principle of the development. This has been fully considered on two separate occasions and is already established. The principle of the development is not a consideration of this application. It is not considered that the alterations as proposed will increase the number of people using the site or the number of vehicular movements or pollution. Increasing the size of the day rooms and slightly altering the layout of the plots will only have a minimal impact on ecology and the landscaping, which for the above reasons is considered acceptable. There is no suggestion that the alterations will alter the nature of the site or allow it to become a general, unregulated gypsy site

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.

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 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.

3 The occupation of the site shall only be by Gypsies and Travellers as defined by paragraph 2 of WG Circular 05/2018

REASON: This site is only allowed as a Gypsies and Travellers Site.

4 There shall be no more than 7 pitches on the site and on each of the 7 pitches hereby approved no more than one static caravan as defined in the Caravan Sites and Control of Development Act 1990 and the Caravan Sites Act 1968 shall be stationed on the site at any time.

REASON: To prevent over development of the site.

5 The development shall only take place in accordance with the scheme approved by Welsh Water for safeguarding the water main through the site in perpetuity. No operational development, structures or fences are to be erected within an easement of 6.25 metres of the centre of the mains water pipe/

REASON: To protect the integrity of the water main.

6 Any material change to the position of a static caravan or its replacement by another mobile home in a different location , from that approved on the layout plan AVH 518 (B) 01, shall only take place in accordance with details submitted to and approved in writing with the Local Planning Authority

REASON: To ensure a satisfactory form of development is retained on the site.

7 The development shall be carried out in strict accordance with the Delivery and Construction Management Plan by Hurlstone Partnership approved under Discharge of condition application DM/2018/00959. The Delivery and Construction Management Plan shall be adhered to throughout the delivery and construction period.

REASON: To protect highway safety.

8 The development shall be carried out in strict accordance with the foul and surface water drainage details set out in Appendix A of the Planning Statement by Hayston Developments & Planning Ltd - Client: Mr Tom Lee dated 29/07/19. . The proposed drainage scheme shall be completed before any of the caravans hereby approved are occupied.

REASON: To ensure adequate drainage of the site and to prevent flooding.

9 Notwithstanding the provisions 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 fences, gates or walls and no buildings, containers or other structures shall be erected or brought onto the site other than those expressly authorised by this permission.

REASON: To ensure a satisfactory form of development.

10 No commercial activities shall take place on the land, including the storage of materials.

REASON: This is a private Gypsy and traveller site.

11 No vehicles over 3.5 tonnes shall be stationed , parked or stored on the site.

REASON: To protect residential amenity.

12 The development shall take place in accordance with the approved landscaping plan and the Landscape Management Plan
TDA.2137.C.12.18 rev C

REASON: To protect the visual amenities of the area

13 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.

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/09/20

gan **A L McCooey, BA MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19th October 2020

Appeal Decision

Site visit made on 08/09/20

by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 19th October 2020

Appeal Ref: APP/E6840/A/20/3255619

Site address: Myrtle Cottage, Caerwent Link, Caerwent, NP26 5AZ

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Gail Harris against the decision of Monmouthshire County Council.
 - The application Ref: DM/2019/01948 dated 2 December 2019, was refused by notice dated 11 March 2020.
 - The development proposed is the conversion and extension of a double garage under construction to a detached bungalow at the rear of Myrtle Cottage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The principle of development in terms of whether the proposal complies with national and local policies that seek to control the location of development;
 - Whether the proposal would preserve or enhance the character or appearance of Caerwent Conservation Area; and
 - Whether the location, design and appearance of the proposal would contribute to a high-quality sense of place and would respect the local distinctiveness and character of the historic area of Caerwent.

Reasons

3. The appeal site comprises part of the rear garden of the property and contains a partially constructed garage. The site is accessed off School Lane and a new access (approved for the garage) and two car parking spaces would be provided. The site is enclosed by fencing, a stone wall to the rear and hedges. There are a number of outbuildings and garages in other gardens adjoining the site. There are extensive excavated remains of Roman shops adjoining the site to the west behind the rear stone wall. The plans provide for a bungalow to be constructed on the site of the garage. It would have a low ridged roof with a front gable projection. The maximum height is shown as 4.4m. The building would occupy most of the plot width.
-

4. Planning permission was granted for the garage in 2012. In 2014 an application for a dwelling on the site was refused and a subsequent appeal was dismissed in 2015.

The principle of development

5. Policy S1 of the Monmouthshire Local Development Plan (LDP) defines the locations suitable for development by the designation of development boundaries around settlements and states that outside these boundaries open countryside policies will apply. Residential development would only be allowed for acceptable conversions of existing buildings, sub-division of dwellings or Rural Enterprise dwellings¹. Policy LC1 restricts development in the open countryside to specified uses such as agriculture, forestry, tourism, etc. The proposal does not meet Policy LC1 as it is not related to any of the specified uses. Policy H1 defines the development boundaries for settlements. In the case of Caerwent, the boundary has been drawn to exclude the Roman town. General development within the Roman walls is not permitted by virtue of Policy HE4.
6. The site is within the Roman town walls and is outside the development boundary for the Severnside settlement of Caerwent as defined under Policy H1. The proposal is not for the conversion of an existing building as the garage on site has not been completed and the proposal would be considerably larger than the approved garage. The proposal is not for a Rural Enterprise dwelling or related to the sub-division of a dwelling. The proposal does not therefore meet the terms of Policies S1 and LC1.
7. There is a modest range of services available in the local area comprising a post office, a pub and some community facilities. Occupants of the proposal would rely on a car to access all other services. The appellant refers to the previous appeal decision acknowledging that the site was within the built form of the village. However, the LDP policies do not allow for infill proposals outside the development boundaries. Policy H3 does allow for infill development in defined minor villages. The site is in a Severnside settlement and not a defined minor village. Policy H3 does not therefore apply to the proposal. Paragraph 3.56 of Planning Policy Wales (PPW) is cited by the appellant as if the reference to infill development in villages was a change in policy since the previous appeal decision. In fact, this expression of policy has remained largely unchanged in successive editions of PPW.
8. Policy HE4 continues the long-established policy of restricting development in the Roman town of Caerwent in order to ensure that the remains of the Town are left undisturbed and that its special character and openness is preserved. Whilst there is no archaeological objection to the proposal, the aim to preserve its special character and openness is relevant and reinforces the development boundary as defined by Policy S1. I shall consider the effect on the Conservation Area below.
9. Having considered all the evidence, I conclude on this issue that the proposal would not comply with Policies S1, H1, LC1 and HE4. The development boundary has been carefully drawn and approval of this proposal would undermine the settlement hierarchy and spatial strategy of the LDP. The modest contribution that the proposal would make to housing supply in the area does not outweigh the policy objections in the current LDP, which is the statutory plan for the area.

¹ As set out in Technical Advice Note 6 Planning for Sustainable Rural Communities

Impact of the proposal on Caerwent Conservation Area

10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to desirability of preserving or enhancing the character or appearance of a Conservation Area. PPW states that there will be a strong presumption against the grant of planning permission for development that conflicts with this statutory duty. LDP Policy HE1 reflects the statutory duty and refers to the importance of views into and within the Conservation Area. Development should reflect the best architectural qualities, design and materials of the surrounding buildings. The importance of open spaces and settings is also emphasised.
11. The Council published a Conservation Area Appraisal in 2016. Its overarching aim is to preserve and enhance the character and appearance of Caerwent Conservation Area and to provide a basis for making sustainable decisions about its future management. As the Conservation Area is large the appraisal document divides it into character areas. The appeal site is within Character Area 5: Later Village Development (including visible archaeology). Character Area 5 contains the best of the visible Roman remains in Caerwent. Paragraph 7.3.26 of the Appraisal is quoted by the appellant. As this is a descriptive paragraph about the variety of buildings in the area, it doesn't detract from the references to open spaces in the Appraisal itself, in the Council's case or in the previous appeal decision. The houses are generally two storey or one and a half storey, set on the roadside with generous open gardens. The open spaces are an important characteristic of this part of the Conservation Area.
12. The proposed bungalow would be of low elevation and modern design. It would not respect the character of the existing dwellings in this part of the Conservation Area. The height, form, design and detailing of the proposal would not preserve or enhance the character of the Conservation Area. The proposal would also introduce a new dwelling onto a small plot that would not complement the historic settlement pattern in this part of the Conservation Area, as defined in the Conservation Area appraisal. The sense of openness and views across the site from Pound Lane and School Lane would be adversely affected by the proposal.
13. The approved garage is considerably smaller than the proposal and was approved as an outbuilding to Myrtle Cottage. The proportions of the proposal and associated parking areas would detract from the character of the Conservation Area. The dwelling would be larger and erode openness and obscure more of the views than the approved garage.
14. I have taken into account the other examples of development in the Conservation Area provided by the appellant. The Chapel on School Lane is referred to in the appraisal as an important unlisted building and its design and materials are appropriate to its age and function. Whilst one example of a bungalow is provided, this is in a very different part of the Conservation Area and the circumstances of its approval are not provided. The scheme at Byeways was for the conversion of an existing stone building involving only a very modest extension. Conversions to residential use are acceptable under the above LDP policies. The re-use of a stone building would not be directly comparable to the proposal in terms of the impact on the Conservation Area. The appeal proposal is for a new dwelling that is larger than the approved partially constructed garage. The other examples of development over the years are not comparable to the proposal in terms of type, form or location and do not justify the approval of development that adversely affects the Conservation Area.

15. I note that the previous appeal decision did take explicit account of the approved garage at paragraph 21. There is therefore no change in circumstances as argued by the appellant.
16. For the reasons given, I conclude that the proposal would fail to preserve or enhance the character or appearance of Caerwent Conservation Area contrary to Section 72 of the Act. The proposal would also be contrary to national policy and guidance and would not meet the criteria in Policy HE1 of the LDP.

Placemaking and Design Issues

17. PPW emphasises the importance of placemaking and good design of development in keeping with the surroundings. This is an important consideration under the Well Being of Future Generations (Wales) Act 2015 (WBFGA). Strategic Policy S17 requires development to promote high quality design which respects local distinctiveness in order to protect and enhance historic and built environments. Policy DES1 requires that all new development contribute towards a sense of place, respecting the form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings. For the reasons given above I conclude that the proposal would have an adverse impact on the character of the Conservation Area and views of the historic environment. The layout, design and appearance of the proposal is not in keeping with the quality buildings that surround the site and would not reflect the traditional design of the dwellings in this part of the Conservation Area. I have taken the approved garage on the site and the examples of other developments into account in assessing the impact of the proposal. I conclude that the proposal would be contrary to the criteria of Policy DES1 and the provisions of Policy S17 of the Local Development Plan for the reasons given.

Other matters

18. The appellant is concerned by an apparent change of opinion between the application and appeal on the part of Cadw. The original consultation reply from Cadw related to the impact on the Scheduled Ancient Monument (SAM) only. It is clear that it did not relate to the impact on listed buildings or the Conservation Area. After careful consideration no objection was raised to the impact of the proposal on the setting of the SAM. The consultation reply for this appeal provides an opinion on the impact of the proposal on the Conservation Area, which is a different matter. There is no change in stance in these circumstances.
19. The impact on the SAM was assessed in the submitted archaeological evaluation. The SAM contains significant Roman features, which may have been encountered during further excavations beyond the footprint of the approved garage. Glamorgan Gwent Archaeological Trust recommended conditions requiring a programme of archaeological work and a watching brief. Subject to such conditions, no objection was raised in terms of the impact on the SAM. Cadw has no objections on these grounds either.
20. Policy S4 of the LDP requires all housing developments to contribute to affordable housing. Single dwellings are required to make a financial contribution and the amount will depend on the size and location of the proposed dwelling. The Council committee report states that the financial contribution required for this dwelling would be £4,640 that would be secured through a section 106 Legal Agreement. No such agreement has been submitted. However, as I am dismissing the appeal, I do not need to address this matter.

Conclusion

21. Having considered all relevant matters, I conclude that the appeal should be dismissed for the reasons given. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the WBFGA. I have had regard to advice in PPW Chapter 6 on Distinctive and Natural Places and the ways in which distinctive and natural places contribute to the seven goals of the Act². I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' revised well-being objectives to build healthier, more resilient communities and environments

A L McCooey

Inspector

² As set out in pages 118 and 120 of PPW

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Appeal Decisions April 2019 – March 2020

Application No	Site	Proposal	Procedure	Decision	Decision Date
DC/2017/01375	Ty Carol Barn, Nant-y-Derry, Goytre NP4 0AA	Change of use from agricultural to transport yard. Extension to existing transport yard to accommodate an additional 6 tractor units and 3 trailers	Written Representations	Dismissed	11/09/2019
DC/2018/00205	Land Adjacent Ty Coedwr, B4521, Pont Gilbert To Hill House, Llanvetherine, NP7 8PY	Retention of material change of use of land to a one family traveller site, including the stationing of 1 caravan, day room, full drainage.	Hearing or Public Inquiry	Dismissed	25/04/2019
DM/2018/01050	Land off Monmouth Road, Raglan	Residential development of up to 111 dwellings, new vehicular access from Monmouth Road and emergency vehicle access to Station Road, public open space and associated landscaping, engineering and infrastructure works	Public Inquiry	Dismissed	03/10/2019
DM/2018/01228	Ty Mymwent, 2 Denbury Mews, Usk, NP15 1FB	Retrospective application for the installation of double glazed uPVC hinged windows installed in 2016	Written Representations	Dismissed	04/04/2019
DM/2018/01459	Magor Pill Farm, Whitewall, Magor, NP26 3EE	Change of use of 4 No. bays from agricultural to B2/B8 uses including cladding 2 No. bays on eastern elevation of existing building to include roller shutter doors	Written Representations	Dismissed	07/10/2019
DM/2018/01610	New Dwelling In The Grounds Of 24 Belgrave Road, Abergavenny	Proposed new dwelling	Written Representations	Dismissed	18/09/2019

Application No	Site	Proposal	Procedure	Decision	Decision Date
DM/2018/01671	Severn Farm, B4245 Parkwall to Caldicot, Portskewett, Caldicot, NP26 5TY	A two storey rear/side extension to provide a further bedroom and amenity space for a large family	Hearing	Allowed	07/05/2019
DM/2018/01784	72 The Close, Portskewett, Caldicot, NP26 5SN	Erection of two, two bedroom semi-detached houses	Written Representations	Dismissed	19/06/2019
DM/2018/01872	Land rear of Rosebrook, Watery Lane, Monmouth	Three new detached market dwellinghouses with associated garage(s), car parking, access driveways and landscaping	Written Representations	Dismissed	13/09/2019
DM/2019/00027	26 St George Road, Chepstow, NP16 5LA	Completion of existing wooden structured conservatory on the rear balcony of the house: New build - extending part of the current balcony at the rear of the house to incorporate a Juliette balcony to give a walkway (approx. 70cm wide) to front conservatory	Written Representations	Allowed	10/10/2019
DM/2019/00218	Land At Yew Tree Cottage, Raglan	2 bedroom bungalow on site of previously demolished dwelling	Written Representations	Dismissed	07/10/2019
DM/2019/01439	Barn Conversion at 33 Kymin Road, Monmouth, NP25 3SE	Removal of Condition 3 from previous application	Written Representations	Dismissed	17/03/2020
DM/2019/01613	10 Yew Tree Wood, Bayfield, Chepstow, NP16 6AZ	Proposed single storey side and rear extension; proposed raised timber deck and new rear access gate	Written Representations	Dismissed	12/03/2020
DM/2019/01855	Ty Cedrwydd, Llandegveth, NP18 1HX	Erection of timber pergola with adjacent brick built BBQ and bread oven	Written Representations	Dismissed	06/12/2019

Application No	Site	Proposal	Procedure	Decision	Decision Date
E18/194	Ty Mymwent, 2 Denbury Mews , Usk, NP15 1FB	Appeal against enforcement notice	Written Representations	Dismissed	04/04/2019

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