

# Public Document Pack



Neuadd y Sir  
Y Rhadyr  
Brynbuga  
NP15 1GA

Dydd Llun, 28 Tachwedd 2016

## Hysbysiad o gyfarfod

## Pwyllgor Cynllunio

Dydd Mawrth, 6ed Rhagfyr, 2016 at 2.00 pm  
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

### AGENDA

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**Paul Matthews**

**Prif Weithredwr**

## CYNGOR SIR FYNWY

### MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:

R. Edwards  
P. Clarke  
D. Blakebrough  
R. Chapman  
D. Dovey  
D. Edwards  
D. Evans  
R. Harris  
B. Hayward  
J. Higginson  
P. Murphy  
M. Powell  
B. Strong  
P. Watts  
A. Webb  
A. Wintle

## Gwybodaeth Gyhoeddus

### **Mynediad i gopiâu papur o agendâu ac adroddiadau**

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

### **Edrych ar y cyfarfod ar-lein**

Gellir gweld y cyfarfod ar-lein yn fyw neu'n dilyn y cyfarfod drwy fynd i [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk) neu drwy ymweld â'n tudalen Youtube drwy chwilio am MonmouthshireCC. Drwy fynd i mewn i'r ystafell gyfarfod, fel aelod o'r cyhoedd neu i gymryd rhan yn y cyfarfod, rydych yn caniatáu i gael eich ffilmio ac i ddefnydd posibl y delweddau a'r recordiadau sain hynny gan y Cyngor.

### **Y Gymraeg**

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

# Nodau a Gwerthoedd Cyngor Sir Fynwy

## Cymunedau Cynaliadwy a Chryf

### Canlyniadau y gweithiwn i'w cyflawni

#### Neb yn cael ei adael ar ôl

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

#### Pobl yn hyderus, galluog ac yn cymryd rhan

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

#### Ein sir yn ffynnu

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

### Ein blaenoriaethau

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

### Ein gwerthoedd

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

# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 1st  
November, 2016 at 2.00 pm

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

County Councillors: R. Chapman, D. Dovey, D. Edwards, R. Harris,  
B. Hayward, J. Higginson, P. Murphy, M. Powell, B. Strong, A. Webb  
and A. Wintle

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Shirley Wiggam	Senior Strategy & Policy Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

Councillors D. Blakebrough, D. Evans and P. Watts

#### **1. Declarations of Interest**

County Councillor A.M. Wintle declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DC/2016/00771, as he is a Director of Monmouth Off-road Skate Park (MOSP).

#### **2. Confirmation of minutes**

The Minutes of the Planning Committee dated 4<sup>th</sup> October 2016 were confirmed and signed by the Chairman.

#### **3. APPLICATION DC/2015/01424 - CHANGE OF USE OF LAND TO PROVIDE GYPSY CARAVAN SITE CONSISTING SEVEN RESIDENTIAL CARAVANS AND ASSOCIATED DEVELOPMENT. LAND ADJACENT TO UPPER MAERDY FARM, LLANGEVIEW**

We considered the application and late correspondence, which was presented for refusal for the three reasons, as outlined in the report.

Councillor D.K. Pollitt, Chair of Llantrisant Fawr Community Council, attended the meeting by invitation of the Chair and outlined the following points on behalf of the community council:

- The application does not conform to the Local Development Plan (LDP).

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- The site had been the subject of a planning appeal in 2011. The Planning Inspectorate allowed the appeal on grounds of need so that the applicant could live with her immediate family. Strict conditions had been applied regarding the number (2) and type of caravans. The exact siting of those caravans, the names of the occupants of each caravan, the number of permitted vehicles on site (2) and the extent of ground cover allowed.
- Since that judgement, none of these conditions have been adhered to. The named occupants have never occupied the site, and the site has been largely unoccupied since that time. This negates the reason for need at the site.
- Immediately after the judgement services were put in place for three, not two caravans.
- The caravans on the site are neither the type permitted nor sited, as required.
- The site was initially covered with hard core. Following enforcement action some of this was removed but a pile of hard core has been left in one corner of the site.
- During the summer, this site was occupied by five caravans and seven vehicles.
- Some fencing work had been undertaken and the County Council's Enforcement officer was required to enter the site and ensure the removal of the caravans.
- In view of the past history, the community council considers that it cannot be certain how the development of the site will proceed if the application was approved.
- Access to the site is a long and narrow single lane track with no passing places. The lane is also prone to flooding.
- As there are no public transport services to the site, the increase in traffic of up to 14 vehicles, plus occasional touring vans, will put unnecessary strain on traffic flows and is contrary to Policy NV1.
- Previous attempts to transport caravans to the site have resulted in damage to hedges.
- The site is in open agricultural land and the application is contrary to Policies LC1, LC5 and S1 of the LDP.
- The development will adversely affect the local landscape and will be visible from the A449 and the slip road, especially in autumn and winter.
- The proposed development will cause significant change to the local character of the area. It is unsympathetically sited and fails to harmonise with the local area.

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- The community council is vigorously opposed to the planning application.

The applicant, Mr. T. Lee, attending the meeting by invitation of the Chair, outlined the following points:

- The intention of the planning application is for the applicant and his immediate family to live on the site.
- The applicant considers that the application should be approved, as it complies with the adopted Gypsy Sites Policy under development plan H8.
- The 2015 Gypsy and Traveller Accommodation Assessment establishes a need for at least eight further permanent residential pitches by 2021. This application would provide 40% of that need.
- The site is a suitable, sustainable location for a Gypsy Site. The case officer stops short of the relevant part of the previous appeal where the Inspector found that the site's location was agreed. Paragraph 26 of the circular which promotes a pragmatic approach to car born journeys in relation to gypsy site uses.
- In a rural context, the site is not particularly remote from the wide range of services which provide for the town of Usk, which is approximately two kilometres from the site and has a primary school within the town.
- There is also a bus stop within one kilometre of the site which would provide a service to the new secondary school in Monmouth.
- The Highway Authority has not objected to the application and there is no flood risk or other objections.
- There are no issues regarding residential amenity, as the site is separate from the nearest residents.
- The application is supported by a landscape enhancement scheme protected by TDA which provides the landscape visual assessment for the UDP.
- Since the previous appeal, no further site has been permitted which discloses the development plan failure, as the circular expects need to be met through the development plan via the allocation of the land for site and then for individual applications, such as this application.
- No land has been allocated despite the GTAA establishing the need. This is a matter to which substantial weight should be attached.
- In addition to this need, there is a need for the applicant and his family to be re-united on the same site because he has been unable to live at the Shirenewton site where he was raised. Since he reached adulthood, the policy on site is that one household can apply for a pitch. Cardiff also only has a number of caravans

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per pitch, so he is unable to put his caravan on his mother's pitch. The applicant would like to start his own family and as the main earner he has commitments to his existing family. There is a need for the family to be together as it is their culture and tradition. The applicant's family have been travelling in Monmouthshire for generations and considers that they will be an asset to the community.

The Head of Planning, Housing and Place Shaping informed the Committee that if the Committee were minded to approve the application then he would recommend that Members consider an additional condition that the names of the occupiers, the numbers of caravans on site, the siting, landscaping and the extent of development, as these are issues that are enforceable. However, the issue that that Committee needs to focus on is whether there is a need for this application. It was clarified that none of the proposed occupiers form part of the need identified via the GTAA.

Members expressed sympathy for the applicant. However, when moving away from the site, the difficulties identified with the site become clear. Taking into account the views of the Inspector at the previous appeal, he was clear that the site was only suitable for the number of caravans as agreed. This application goes against planning policy.

It was noted that officers have tried to speak with the applicant but has had no response. Therefore total clarity of the situation has not come forward. Also, there is a conflict between the views expressed by the applicant and the manager of the Cardiff site, as the views of both individuals differ greatly.

Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor R.J. Higginson that application DC/2015/01424 be refused for the three reasons, as outlined in the report.

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

For refusal	-	13
Against refusal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/01424 be refused for the three reasons, as outlined in the report.

#### **4. APPLICATION DC/2014/01185 - RESERVED MATTERS APPLICATION FOR THE ERECTION OF SEVEN DWELLINGS AND ASSOCIATED WORKS. LAND ADJACENT TO CLEARVIEW COURT, SHIRENEWTON**

We considered the application and late correspondence, which was recommended for approval subject to the 12 conditions, as outlined in the report.



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The Chair informed the Committee that the local Member for Shirenewton had been unable to attend the meeting but had expressed his apologies. He had also expressed his support for the application via late correspondence.

In noting the detail of the application, a Member expressed concern regarding the poor design of the affordable property which is a bungalow and that it does not have the same stonework as the proposed market houses. Concern was expressed that the back door comes off the lounge and not the kitchen.

The Head of Planning, Housing and Place Shaping informed the Committee that care has been taken in the design of the affordable bungalow. The stone features on the other plots are where there are bay windows or porch features. The affordable bungalow does not have these features. The headers and sills are located on the affordable bungalow and the materials are the same as the market properties. It was noted that there would need to be an addition of a porch canopy to meet DQR standards.

Contrary to what was proposed in the officer report, it was also noted that there was no need to omit the proposed Juliet balconies by way of a planning condition as they would not cause any more significant overlooking of neighbouring dwellings than a more conventional window.

Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2014/01185 be approved subject to the 12 conditions, as outlined in the report minus condition 7 and subject to the Delegated Panel agreeing design treatment, layout and DQR compliance of the affordable bungalow.

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

In favour of the proposal	-	13
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2014/01185 be approved subject to the 12 conditions, as outlined in the report minus condition 7 and subject to the Delegated Panel agreeing design treatment, layout and DQR compliance of the affordable bungalow.

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**5. APPLICATION DC/2013/00349 - A CHANGE OF USE OF THE PUBLIC HOUSE GROUND FLOOR TO A RETAIL USE AND A CAFE. CONVERSION AND ALTERATION OF THE FIRST FLOOR OF EXISTING PUBLIC HOUSE TO PROVIDE A FLAT. AMENDMENT TO THE DESIGN OF THE PROPOSED NEW DWELLINGS IN THE CAR PARK TO FORM A PAIR OF DUPLEX APARTMENTS. THE BRIDGE INN, BRIDGE STREET, CHEPSTOW NP16 5EZ**

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

The application had been presented to Planning Committee on the 4<sup>th</sup> October 2016 with a recommendation for approval. However, consideration of the application had been deferred to allow officers to liaise with the applicant to consider changing the design, as the Planning Committee felt that the form of the development was not in keeping with the character of the surrounding area. Members had requested a complete re-design. However, the applicant had considered that the present application was the best design solution.

It was noted that if the Planning Committee was minded to refuse the application on design grounds, a reason for refusal was offered below:

- The proposed new build element of the application is considered to present an unsympathetic design and provide an incongruous appearance in relation to the traditional, vernacular character of the surrounding built environment, designated as a conservation area. The proposal would fail to preserve or enhance the character and appearance of the Conservation Area, and would be contrary to Policy HE1 of the adopted Monmouthshire Local Development Plan.

In response to a question raised by a Member of the Committee regarding Policy TAN 15, the Head of Planning, Housing and Place Shaping stated that Planning Policy allows the Committee to approve residential development on Flood Zone C1 if it is a brownfield site, if it meets local Authority regeneration or employment initiative and if the consequences of flooding are acceptable. It was noted that Planning officers are satisfied in flood risk policy that this application complies.

The local Member for St. Mary's, attending the meeting by invitation of the Chairman, informed the Planning Committee that he recognised that additional work had been undertaken in respect of the application and acknowledged the serious consideration given by the Committee at the previous meeting. However, nothing of what he had said at the previous meeting has any reason to be changed. The application has been re-submitted with some additional work but it has not met the objections that he had brought to the meeting expressed on behalf of local opinion. Therefore, his views expressed at the previous meeting still apply.

It was noted that the design had not changed but had been better presented with coloured drawings. Therefore, some Members were now in agreement that the application, in its current form, was the best design for this site

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However, other Members still considered that the design was inappropriate and issues relating to parking had been ignored and considered that the application should be refused for the reason as outlined in the report.

Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DC/2013/00349 be approved subject to the conditions, as outlined in the report.

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

For approval	8
Against approval	5
Abstentions	0

The proposition was carried.

We resolved that application DC/2013/00349 be approved subject to the conditions, as outlined in the report.

#### **6. APPLICATION DC/2016/00771 - MINOR AMENDMENT TO PREVIOUS APPLICATION DC/2014/00412 - CHANGE LIGHTING BOLLARDS TO 4M HIGH STREET LIGHTS. FIELD OPPOSITE MONMOUTH FIRE STATION, ROCKFIELD ROAD, MONMOUTH**

We considered the application and late correspondence, which was recommended for approval subject to the 13 conditions, as outlined in the report.

The local Member for Drybridge, also a Planning Committee Member, informed the Committee that the proposed 4m high street lights will be located in a conservation area and will be visible from Osbaston. The existing low level bollards were erected so that the lighting from the car park would not shine into the skate park allowing skaters to use the park late at night. Concern was expressed that two of the proposed 4m high street lights would shine light into the park. Concern was also expressed that the Monmouth Offroad Skate Park (MOSP) had not been consulted in respect of this application.

It was considered that a condition could be added to ensure that the street lights are screened to prevent light shining into the skate park.

Having considered the report of the application and the views expressed, it was proposed by County Councillor A. Webb and seconded by County Councillor P. Murphy that application DC/2016/00771 be approved subject to the 13 conditions, as outlined in the report and subject to an additional condition that the street lights are screened to prevent light shining into the skate park.

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

In favour of the proposal	-	12
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Against the proposal - 0  
Abstentions - 1

The proposition was carried.

We resolved that application DC/2016/00771 be approved subject to the 13 conditions, as outlined in the report and subject to an additional condition that the street lights are screened to prevent light shining into the skate park.

**7. APPLICATION DC/2016/00415 - OUTLINE APPLICATION FOR THE CONSTRUCTION OF 8 DWELLINGS INCLUDING 5 AFFORDABLE UNITS. LAND ADJACENT TO THE B4293 AND CHURCH ROAD, LLANISHEN**

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

In noting the detail of the application, in that it was an outline application with all matters reserved, Members expressed their support but expressed the following points:

- Access to the development was tight and needed to be addressed to improve visibility which could be addressed at reserved matters stage.
- The design of the proposed properties was important which may be addressed at reserved matters stage.
- That a Section 106 Agreement secures the affordable housing units.
- When final approval is achieved, officers should encourage the applicant to commence building as soon as possible.

It was proposed by County Councillor Higginson and seconded by County Councillor A. Webb that application DC/2016/00415 be approved subject to the conditions, as outlined in the report and subject to a Section 106 Agreement to secure the affordable housing units.

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

For approval - 13  
Against approval - 0  
Abstentions - 0

The proposition was carried.

We resolved that application DC/2016/00415 be approved subject to the conditions, as outlined in the report and subject to a Section 106 Agreement to secure the affordable housing units.

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**8. APPLICATION DC/2015/01591 - 10 FREESTANDING ADVERTISING SIGNS AT  
VARIOUS LOCATIONS. MULTIPLE SITES IN CALDICOT, CRICK, ROGIET AND  
UNDY**

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

In response to a Member's question, it was noted that the content displayed on the proposed notices would be controlled by the Highways Department.

Some Members expressed concern that approval of the application would result in the highways verges becoming cluttered. Also, such signs would be difficult for motorists to read. Pictures rather than text would be a better option. However, some Members expressed their approval of the application, as there was demand for freestanding advertising signs in this region. The signs would be erected on grass verges surrounded by wild flowers.

It was therefore proposed by County Councillor R.J. Higginson and seconded by County Councillor M. Powell that application DC/2015/01591 be approved subject to the conditions, as outlined in the report.

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

For approval	11
Against approval	1
Abstentions	1

The proposition was carried.

We resolved that application DC/2015/01591 be approved subject to the conditions, as outlined in the report.

**9. APPLICATION DC/2015/01592 - FREESTANDING SIGNS AT VARIOUS  
LOCATIONS ALONG THE A472. MULTIPLE SITES ALONG THE A472 NEAR  
USK**

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

The local Member for Llanbadoc, attending the meeting by invitation of the Chairman, informed the Committee that she did not support this application on safety grounds, as the A472 was already a busy road and freestanding signs would likely distract motorists. It was suggested that existing bus shelters could be used to accommodate notices, which in turn would be a cheaper option.

Having received the report of the application and the views expressed by the local Member, some Members expressed their support for the local Member. However, other Members expressed their support for the application.

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It was proposed by County Councillor R.J. Higginson and seconded by County Councillor M. Powell that application DC/2015/01592 be approved subject to the conditions, as outlined in the report.

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 to approve application DC/2015/01592 be approved subject to the conditions, as outlined in the report.

**10. APPLICATION DC/2015/01593 - 8 NO. FREESTANDING SIGNS. MULTIPLE SITES ALONG A4810 (EASTERN ACCESS ROAD), NEAR MAGOR**

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

In noting the detail of the report of the application, it was proposed by County Councillor R.J. Higginson and seconded by County Councillor M. Powell that application DC/2015/01593 be approved subject to the conditions, as outlined in the report.

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

For approval	-	10
Against approval	-	1
Abstentions	-	2

The proposition was carried.

We resolved that application DC/2015/01593 be approved subject to the conditions, as outlined in the report.

**11. APPLICATION DC/2015/01594 - 6 NO. FREESTANDING SIGNS. MULTIPLE SITES A48 / CHEPSTOW**

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

The Committee was informed that the application referred to a request for consent for a total of six freestanding signs at the following locations along the A48 in the vicinity of Chepstow and Caerwent:

- Two signs to be located at A48 near Parkwall Roundabout (referred to as Signs 1-2).

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- One sign to be located at A48 near Chepstow Garden Centre (referred to as Sign 3).
- One sign to be located at Wye Valley Link Road on the approach to High Beech Roundabout, Chepstow (referred to as Sign 4).
- Two signs be located at A48 Caerwent, between Dinham Road and Pound Lane (referred to as Signs 5-6).

A Member expressed concern regarding Sign 3. This location would be inappropriate for freestanding signs as it would distract motorists at this already busy section of the highway. It could also encourage flyposting at this location.

The Chairman invited County Councillor P. Farley to address the Planning Committee in respect of this application, as he was a Chepstow Member. The Member expressed concern that the applicant was the Monmouthshire County Council's Highways Department which also provides the technical advice for this application. This process has not been challenged. Surveys undertaken by the Highways Department have not been made available for scrutiny purposes. The Town Council and local residents have also made considered comments against the application. Concern was expressed that the Authority has not taken heed of the views expressed against this application.

In response, the Head of Planning, Housing and Place Shaping informed the Committee that the application has come from the Highways Authority but it is a separate team to the team that comments on planning applications. Therefore, Planning officers have looked at the advice received. The audits are publically available on the County Council's website.

It was noted that the content of the signs would be controlled via the Highways Department.

The local Member for Shirenewton had indicated his support for the application via late correspondence.

The local Member for Caerwent, also a Planning Committee Member, expressed his concern regarding signs 5-6 being located on the central reservation of the A48 and considered that these should be removed from the application on safety grounds.

Having considered the application and the views expressed, it was proposed by County Councillor D. Dovey and seconded by County Councillor A. Webb that Signs 1, 2 and 3 of application DC/2015/01594 be approved subject to the conditions, as outlined in the report.

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

For approval	13
Against approval	0

## MONMOUTHSHIRE COUNTY COUNCIL

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Abstentions            0

The proposition was carried.

It was proposed by County Councillor R. Harris and seconded by County Councillor R.J. Higginson that Sign 4 of application DC/2015/01594 be approved subject to the conditions, as outlined in the report.

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

For approval	7
Against approval	5
Abstentions	1

The proposition was carried.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R.J. Higginson that Signs 5 and 6 of application DC/2015/01594 be refused on the grounds of amenity and highway safety.

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

For refusal	10
Against refusal	0
Abstentions	3

The proposition was carried.

We therefore resolved that.

- (i) Signs 1, 2 and 3 of application DC/2015/01594 be approved subject to the conditions, as outlined in the report;
- (ii) Sign 4 of application DC/2015/01594 be approved subject to the conditions, as outlined in the report;
- (iii) Signs 5 and 6 of application DC/2015/01594 be refused on the grounds of amenity and highway safety.

#### **12. Appeal decision - Pwll-y-Cath, Newchurch, Chepstow**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 23<sup>rd</sup> August 2016. Site: Pwll-y-Cath, Newchurch, Chepstow, NP16 6DJ.

The appeal was allowed and Planning permission was granted for the demolition of the existing dwelling and replacement with a new residential dwelling with associated access, curtilage and landscaping works at Pwll-y-Cath, Newchurch, Chepstow, NP16



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6DJ in accordance with the terms of the application, reference DE/2014/01489, dated 28<sup>th</sup> November 2014, and the amended plans submitted with it, subject to the conditions.

**13. Appeal decision - The White House, Llanvair Kilgeddin**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 23<sup>rd</sup> August 2016. Site: White House Farm, Llanfair Kilgeddin, Abergavenny, NP7 9BB.

The Appeal had been dismissed.

**14. Appeal decision - Monahawk Barn, Hazeldene, Mitchel Troy Common**

The Committee noted that the appeal had been withdrawn.

**15. Appeals received - 21st September 2016 to 20th October 2016**

We noted the appeals received.

**The meeting ended at 4.40 pm**

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DC/2012/00754

**PROPOSED DEMOLITION OF EXISTING VICARAGE AND THE CONSTRUCTION OF A NEW VICARAGE AND DEVELOPMENT OF 11 NEW HOUSES INCLUDING FOUR UNITS OF AFFORDABLE HOUSING - AMENDED SCHEME FEATURING REVISED PARKING ARRANGEMENT, REVISED ELEVATIONS, REVISED ECOLOGICAL ASSESSMENT, STRUCTURAL ENGINEER'S REPORT AND GROUND INVESTIGATION (CONTAMINATION) REPORT**

**38 HILLCREST ROAD, WYESHAM, MONMOUTH, NP25 3LH**

**RECOMMENDATION: APPROVE**

Case Officer: Philip Thomas  
Date Registered: 16.09.2016

**1.0 APPLICATION DETAILS**

1.1 This application is a long-standing proposal that was deferred by Members at the Committee held on 5<sup>th</sup> November 2013 to allow officers to liaise with the applicant regarding amendments to the design of the houses, parking provision to comply with the Council's adopted guidelines, to obtain the observations of Highways, to receive a contamination report and a report on the stability of the land.

1.2 In addition, a further ecological report has been carried out, as requested by Natural Resources Wales (NRW) and the Council's in-house Ecologist. The layout has also been revised so that the proposed dwellings on plots 1-3 and 6-7 have been set back so that they are at least 21m from habitable room windows relating to existing dwellings at 10 and 12 Hillcrest Avenue that face west towards the site. The proposed elevations have been changed to feature more conventional porch/ canopies, brick sub-sills and header courses and a soldier brick course that runs around the entire external walls at the level of the ground floor window header. External finishes proposed are brickwork walls, painted timber windows and plain tiles to the roofs.

1.3 Owing to the adoption of the LDP since the original submission, the proposal now features four affordable housing units in compliance with current policy (under the previous UDP policy only two units of affordable housing were proposed). The affordable units would be located at plots 8-11.

1.4 The previous report is attached as an Appendix to this item.

**2.0 RELEVANT PLANNING HISTORY**

The site which has been disused for some years was last occupied by Western Power as their site compound. Previous uses include a waterworks depot and a brickworks.

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

S1 The Spatial Distribution of New Housing Provision  
S2 Housing Provision  
S4 Affordable Housing Provision

S7 Infrastructure Provision  
S13 Landscape, Green Infrastructure & the Natural Environment  
S16 Transport  
S17 Place Making & Design

#### Development Management Policies

H1 Residential Development in Main Towns, etc.  
SD2 Sustainable Construction and Energy Efficiency  
SD4 Sustainable Drainage  
G11 Green Infrastructure  
NE1 Nature Conservation and Development  
EP1 Amenity & Environmental Protection  
DES1 General Design Considerations  
MV1 Proposed development and Highway Considerations

## **4.0 REPRESENTATIONS**

### 4.1 Consultations Replies (since the application was deferred by Members in November 2013)

Monmouth Town Council (original observations) recommends refusal of the application on the basis that it is considered to be an overdevelopment of the site with concerns over site access and increased traffic issues on nearby residents and the wider highway network.

MCC Highways - This application has been the subject of long discussions and varied amended designs.

The highway layout for access has been evolved over the last four years and the plan as presented depicts the layout agreed as most acceptable for future highway adoption.

The internal highway design is supported in principle as being reasonable.

Since the initial layout and amendments, the discussion over drainage outfall has been set in the background. With legislation changes, and the recommendations for site surveys and borehole investigations, I would be requesting highway drainage to be part of this survey to help support the safe disposing of highway surface water within the site area.

The design of the highway layout needs slight amendment with the driveway crossovers being highlighted as crossing highway footways, thereby having a continuous footway or marginal strip around the length of highway.

I am pleased to see the closure of the existing access, this must be annotated on plan as a permanent closure for highway safety reasons.

The development should be constructed to adoptable standards. And adopted under a highway agreement.

MCC Tree Officer – has assessed the submitted Tree Survey and Arboricultural Constraints Report and is in broad agreement that the smaller tree species to be lost as a result of the development are of lower quality and can be mitigated by new planting. Larger trees (three oaks and an ash) can be retained protected during the course of development – conditions are advised to be applied.

Natural Resources Wales - Further to our letter dated 8th February 2016, we remove our objection subject to suitable conditions being attached to any planning permission your Authority is minded to grant.

European Protected Species (Bats, Great Crested Newts and Dormice)

We note the submission of the following documents:

- 'Ecological assessment of a proposed building site at Hillcrest Road, Wyesham, Monmouth, NP25 3LH' dated 28 September 2012;
- 'Proposed mitigation for bats at a proposed building site at Hillcrest Road, Wyesham, Monmouth, NP25 3LH' dated November 2013; and
- 'Further ecological assessment of a proposed building site at Hillcrest Road, Wyesham, Monmouth, NP25 3LH' dated June - August 2016; all by Michael Worsfold.

We previously objected to the application pending revised proposals and further information regarding bats, dormice and great crested newts. Following the receipt of the results of further bat survey, including survey of trees on site, and further assessment of the likelihood of the presence of dormice and great crested newts, we are now in a position to remove our objection.

We note that a likely maternity roost of soprano pipistrelle bats was discovered to be present in the building to be demolished. It was not deemed likely that dormice or great crested newts would be affected by the proposed development.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or 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; and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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

On the basis of the information provided, we are of the view that the proposed development is likely to give rise to the need for a European Protected Species licence application. However, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, provided that suitable mitigation measures are implemented.

Therefore, we do not object to the proposal, subject to:

- The scheme being implemented in accordance with the mitigation measures described in the above bat mitigation scheme, secured through planning conditions and/ or a Section 106 agreement; and
- Inclusion of a planning condition on any planning permission that prevents the commencement of any development works which could affect structures that contain bat roosts until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/ development to go ahead.

We may wish to discuss aspects of the proposed mitigation with the applicant in more detail during the European Protected Species licence application stage. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Land Contamination (NRW response Feb 2016) - We consider that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

The developer should address risks to controlled waters from contamination at the site, following the requirements of Planning Policy for Wales and the Guiding Principles for Land Contamination (GPCL).

MCC Ecologist - Previously, I had recommended a number of conditions relating to nesting birds, reptiles and bats (I have updated these below). I understand that on the recent Pwll y Cath DC/2014/01489 appeal decision that the Planning Inspector decided not to use the planning condition requiring evidence of a NRW licence. WG insist that the planning circular (Planning and The Conservation (Natural Habitats etc.) Regulations 1994 (SI 1994 / 2716)) recommending the condition's use in relation to the licence is still relevant and I note that NRW have required the use of a planning condition relating to a licence in their consultation response. Therefore, I recommend that such a planning condition is included on any planning consent for this site.

Please ensure that the Landscaping scheme which includes the reptile mitigation is included as an 'approved plan'.

Please use planning conditions to cover the following:

#### Nesting Bird Condition

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

Reason: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

#### Evidence of submission of bat licence

The hereby permitted works shall not in any circumstances commence until the local planning authority has been provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity / development to go ahead.

Reason: To allow the LPA to comply with Regulation 9 (5) of the Conservation of Habitats and Species Regulations 2010.

#### Method statement (Bats)

No development (including, for the avoidance of doubt, any building work, stripping or demolition) shall take place until a protected species (bats) method statement for works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include, as a minimum:

- a) the purpose and objectives for the proposed works;
- b) a timetable for implementation demonstrating that works are aligned with the proposed phasing of construction;
- c) measures to avoid killing and injuring bats during works;
- d) the use of materials (such as timber and roofing membranes);
- e) details of the persons responsible for implementing the works;
- f) the positioning, size, type and location of bat roosting provision;
- g) the positioning and size of entrances of bat mitigation; and

The works shall also be carried out in accordance with the approved details and the development shall be implemented in accordance with the recommendations set out in the submitted report 'Proposed mitigation for bats at a proposed building site at Hillcrest Road, Wyesham Monmouth NP253LH' prepared by Dr Michael Worsfold & Eileen Bowen dated June - August 2016.

Reason: To comply requirements under the Conservation of Habitats and Species Regulations 2010.

Method statement other protected species (Reptiles)

No development shall take place (including any demolition, ground works, site clearance) until a method statement to prevent killing or injuring Reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives
- c) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To comply with the Wildlife and Countryside Act 1981 and Environment (Wales) Act 2016.

Information notes are also suggested by the Council's Ecologist and are set out as Informatives at the end of this report.

MCC Specialist Environmental Health Officer - I first looked at this in 2013 and due to data held on our historic mapping (and based on anecdotal evidence from local residents) it was possible that the site contained a level of contamination.

As such I recommended Contaminated Land planning conditions.

With this updated application the developer has commissioned a contaminated land site investigation to be undertaken by Environmental Management Solutions (EMS4435b – 14/10/2015) that included soil sampling and asbestos screening.

The investigation did identify contamination at levels above the relevant screening values, and also proposed some potential remediation measures including removal of contaminated soils where present in thin layers, elsewhere importing 600mm of clean soil as a cover layer with a membrane separating the contaminated made ground (and include a provision included on property deeds to notify future home owners of the membrane), redesigning the layout of the site to position the access road over an area of deep made ground on the west of the site, and installing all properties with a gas and vapour membrane instead of the regular damp proof membrane. In addition various health and safety measures would be required by construction workers during the development due to the presence of asbestos fibres and PAH, as well as dust suppression measures to prevent fibres becoming airborne and air sampling.

The report also recommends further sampling be undertake to further investigate the western area of the site, through use of boreholes and trial pits.

I would recommend that the developer provides further justification for the sampling frequency undertaken. Three of the features on the site (two filter beds and reservoir) were targeted for sampling, but there is no explanation for the rate of sampling on the rest of the site.

It appears the majority of contamination (including all identified asbestos) is limited to the south western part of the site, as a result of the infilling of the filter beds, reservoir and water tank.

However as the site appears to have had some un-licensed/un-recorded uses and potentially some refuse disposal; and because made ground has been found across the majority of the site, together with asbestos containing materials and loose asbestos fibres, I would recommend that additional sampling and asbestos screening be undertaken, as well as the delineation sampling mentioned above. Or if this is not considered necessary by the consultant that they expand upon their chosen sampling methodology, as mentioned above.

With regard to the remediation proposals – the report is not intended to be a standalone Remediation Strategy, therefore the recommendations in it are not given in great detail. Therefore I would recommend that a full remediation strategy be submitted by the developer following submission of any further site investigation report. In addition I would recommend that a procedure be developed for moving/disturbing soils to ensure asbestos fibres are not made airborne, and that all undiscovered asbestos containing material is left undamaged and removed from site appropriately.

Subsequent response from Specialist EHO – I am happy that the consultants employed a recognised sampling frequency based on the British Standard, and that they intend to undertake additional sampling.

From the initial site investigation they have submitted what they have found so far is (in my opinion) capable of being remediated to make the site safe for future users and neighbours. However if you would be more comfortable asking for the additional site investigation before [determination] I certainly do not have an issue with that.

MCC Structural Engineer - I have inspected the information provided and agree that the location of the development does not appear to have a negative influence on the wall. However, I concur with Martyn Peters regarding the benefit of preparing an additional Site Investigation. This Report will confirm the stability of the slope and the ground makeup together with picking up potential contaminants.

#### 4.2 Neighbour Notification

Objections from 20 local households (some have written more than once) and an email objection from an AM candidate citing the following:

- Concern the site was cleared removing areas of ecological interest including trees;
- Increase in traffic from the development would be unacceptable given local road conditions leading to further congestion;
- Contamination on the site needs to be properly investigated;
- Veracity of Stability report is questioned;
- Overlooking from new dwellings and new vicarage towards existing properties in Hillcrest Road and Wyesham Road reducing amenity;
- Reduction of natural light for existing dwellings as a result of the proposed new dwellings;
- Proposed new road would be close to existing dwellings, harming amenity and exhaust fume affecting health;
- Many of the residents nearby do not work due to age or illness and would experience the health risks of this development (contaminants in the ground being released into the air during construction) being at home for long periods;
- Debris deposited by construction traffic could also contain contaminated material;
- The existing cul-de-sac would be changed to a through road with more traffic, noise disturbance and parking demands;
- Insufficient parking for the vicarage which may attract visitors for meetings;
- Dangerous access for neighbours at nos. 36, 40 & 42 Hillcrest Road owing to proximity to the proposed new junction off the hammer head to the new houses;



- Proposed planting at the head of the cul-de-sac would reduce forward visibility for drivers coming up the hill (Wyesham Road) and would reduce their reaction time in identifying the driveway access to Crantock on Wyesham Road;
- No acoustic measures proposed to reduce noise from vehicles accessing the proposed houses;
- Local land slippage could be exacerbated by the proposed development which will remove vegetation and increase run-off;
- Site should be left to nature;
- Inadequate bat survey;
- Over-development of the site;
- Concern regarding the effects of construction traffic on living conditions of local residents; potential damage from such vehicles to local residents' parked cars;
- It is alleged there is a natural spring under the site which needs to be taken into account when considering land stability issues;
- Additional sewage flows will add pressure to an aging sewerage system

## **5.0 EVALUATION**

As this application was deferred by Members in November 2013 the key issues to be considered are:

- An assessment of the principle of development having regard to LDP policy;
- Proposed layout and design (including impact on neighbour amenity);
- Parking and access;
- Contamination;
- Land stability;
- Biodiversity;
- Affordable housing

### **5.1 Principle of the proposed development**

5.1.1 The site is located within a sustainable location in the built up area of Wyesham, close to places of work, schools, shops and other services, and is a brownfield site. The principle of development for housing on this land is supported by LDP policies S1, S2 and H1. The proposal is therefore acceptable in principle subject to detailed matters, including layout, design, access and land contamination issues.

### **5.2 Layout & Design including impact on neighbour amenity**

5.2.1 The scheme has been amended following Members' concerns and the design of the houses has been revised to provide more detail as explained in par. 1.2 above. The proposed elevations now provide sufficient features of interest, including sills and headers, a soldier course and porch canopies, to be considered acceptable. The precise finishing materials would be conditioned to ensure the bricks used are appropriate given local colours and textures and that the roof tile is appropriate in colour and profile.

5.2.2 The proposed housing units on plots 1-3 and 6 & 7 have been set back into their respective plots so that the distance between the habitable room windows on their front elevations looking towards existing houses to the east is at least 21m. There would be a degree of overlooking of gardens of existing dwellings to the east from first floor windows of the proposed dwellings, but the distances of at least 17-18m are considered reasonable in this urban context where there is already some overlooking of gardens by existing neighbouring dwellings; moreover, the proposed landscaping scheme shows sections of new hedging to be planted to supplement the existing hedge along the eastern boundary of the site that should provide additional screening, especially if left to grow to 2m high or more. There is a need to

ensure the upper two panes of the two first floor windows to bedroom 1 of the replacement vicarage are obscure-glazed to prevent overlooking of existing dwellings and gardens to the east.

5.2.3 The scale, layout and density of the proposal is considered reasonable in the context of the wider residential area and it is noted that Members did not raise this as a concern when the proposal was considered in 2013.

### 5.3 Parking and Access

5.3.1 The proposed off-street parking now complies with the Council's adopted Parking guidelines (unlike the proposal initially proposed). The proposed road layout off the existing cul-de-sac has been assessed by Highways and despite the concerns from local residents it is considered that the layout would be safe and allow good access and egress for the new properties without harming the safe use of the existing road network for existing users. The bend in the proposed estate road to the north-east of the proposed replacement vicarage would limit the speed of cars approaching the junction with the existing cul-de-sac, supporting highway safety. The cul-de-sac would have a turning area to help cars and service vehicles turn and leave the site in a forward gear. The proposal is acceptable in terms of access and parking. Construction traffic movements and their impact on neighbour amenity would be controlled by a Construction Management Plan which can be conditioned.

### 5.4 Contamination

5.4.1 One of the reasons the application was deferred was to enable a contamination assessment to be undertaken, the site being occupied by historic uses and uncontrolled disposal of waste that meant the site was likely to contain some level of ground contamination. This investigation has been carried out and the results have been assessed by the Council's Environmental Health Officer who specialises in contaminated land issues. The report indicates that after sampling and asbestos screening across the site, the majority of contamination (including all identified asbestos) is limited to the south-western part of the site, as a result of the infilling of the filter beds, reservoir and water tank. However as the site appears to have had some unlicensed or unrecorded uses and potentially some refuse disposal and because made ground has been found across the majority of the site, together with asbestos-containing materials and loose asbestos fibres, the Specialist EHO recommends additional sampling and asbestos screening be undertaken. The EHO is also satisfied with the frequency of sampling undertaken in the site investigation.

5.4.2 The Council's EHO has commented that what the site investigation has found so far is capable of being remediated to make the site safe for future users and neighbours. This is sufficient to enable planning permission to be granted but any approval would need to be subject to planning condition(s) requiring further site investigation and a full remediation strategy. Furthermore any Construction Management Plan (referred to in par. 5.3.1 above) would have to dovetail with any mitigation proposals to indicate how works on site would be undertaken to avoid the release of contaminants to the air or to surrounding soils, water sources or any other pathway or receptor and that all undiscovered asbestos containing material is left undamaged and removed from site appropriately.

5.4.3 It is concluded that it would be reasonable to grant planning permission on this basis, and additional conditions setting out the need for further investigation work are recommended below.

### 5.5 Land Stability

5.5.1 A Structural Report has been submitted which has been vetted by the Council's in-house Structural Engineer. Although there is concern from residents regarding land slippage and impacts on the old retaining wall above Wyesham Road to the west of the site, the Council's Structural Engineer concludes that the proposed location of the new houses would not be likely to have an adverse impact on the wall - there is a gap on average of around 25m between the proposed rear elevations of the dwellings and the retaining wall. The Structural Engineer who carried out the report recommended additional site investigation work to confirm the stability of the slope above the wall and the ground makeup together with picking up potential contaminants. The responsibility of developing the site safely lies in the hands of the developer. It is not the role of the planning authority to safeguard adjoining land whether it is public land or not. Any damage to the retaining wall or slippage of adjoining land resulting from the development would be the responsibility of the developer as a civil matter. The additional survey work would help the developer decide on how to develop the site safely and to verify whether any further engineering features are needed to ensure ground stability. However, there is no evidence to argue that there is an impediment to the application being approved on the basis of land instability.

## 5.6 Biodiversity

5.6.1 Additional survey work has been undertaken by the applicant and NRW and the Council's Ecologist now consider the proposal acceptable subject to conditions set out below. A temporary bat roost would be provided on site before the demolition of the existing vicarage and then subsequently a permanent roost would be provided in the roof space of the replacement vicarage. A separate protected species licence would be required from NRW to undertake these works. In respect of the tests set out in the Conservation of Habitats and Species Regulations 2010 (as amended):

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; *the proposals would provide much needed homes, including affordable ones in accordance with development plan policy and are therefore of overriding public interest;*
- ii. There is no satisfactory alternative; *the proposal is site specific and there are limited opportunities for brownfield development in the locality;*
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range; *mitigation is proposed in the form of alternative roosting provision to maintain the local bat population.*

5.6.2 Despite the comments from NRW and the Council's Ecologist, it is now recommended practice (as advised by the Planning Inspectorate) not to condition the need to provide evidence of the EPS licence as this would duplicate other legislation and would not meet the tests for a valid condition in the WG Circular 016/2014: 'The Use of Planning Conditions for Development Management'. Thus, an informative is proposed instead.

## 5.7 Affordable Housing and s106 requirements

5.7.1 There are four affordable housing units being offered which meets the 35% requirement set out in Policy S4 of the LDP. The scale of development is limited so no further planning requirements are sought via a s106 agreement and moreover none were requested from the applicant when the application was presented to Committee previously.

**6.0 RECOMMENDATION: APPROVE subject to a s106 agreement to secure four units of affordable housing on site.**

Conditions:

1. This development shall be begun within 5 years from the date of this permission.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.
3. Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.
4. No development shall commence until details of the means of enclosure of the development, including their design, height and materials, have been submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the dwellings are completed or occupied whichever is the earlier and shall be retained in perpetuity.
5. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the dwellings are first occupied.
6. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

7. No development (including, for the avoidance of doubt, any building work, stripping or demolition) shall take place until a protected species (bats) method statement for works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include, as a minimum:

- a) the purpose and objectives for the proposed works;
- b) a timetable for implementation demonstrating that works are aligned with the proposed phasing of construction;
- c) measures to avoid killing and injuring bats during works;
- d) the use of materials (such as timber and roofing membranes);
- e) details of the persons responsible for implementing the works;
- f) the positioning, size, type and location of bat roosting provision;
- g) the positioning and size of entrances of bat mitigation; and

The works shall also be carried out in accordance with the approved details and the development shall be implemented in accordance with the recommendations set out in the submitted report 'Proposed mitigation for bats at a proposed building site at Hillcrest Road, Wyesham Monmouth NP253LH' prepared by Dr Michael Worsfold & Eileen Bowen dated June - August 2016.

Reason: To comply requirements under the Conservation of Habitats and Species Regulations 2010.

8. No development shall take place (including any demolition, ground works, site clearance) until a method statement to prevent killing or injuring Reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives
- c) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To comply with the Wildlife and Countryside Act 1981 and Environment (Wales) Act 2016.

9. Prior to works commencing on site a Construction Management Plan (CMP) shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved CMP.

10. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

The results of the site investigation shall be made available to the local planning authority before any development begins. If contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

11. Prior to the commencement of the development the following shall be implemented:

i) Rigid immovable fencing in accordance with British Standard 5837:2012 Trees in relation to Design, Demolition and Construction Recommendations (BS 5837) shall be installed around each retained tree as detailed in the Tree Survey and Arboricultural Constraints Report, in order to establish a root protection area (RPA). No excavations, storage of materials or plant, lighting of fires, mixing of cement or any other activity deemed to be potentially harmful to trees shall be permitted within the RPA.

ii) Signage shall be displayed on the protective fencing with wording Construction Exclusion Zone – Keep Out or similar wording.

iii) Where any excavation is required within the RPA prior to that excavation taking place the applicant shall submit for approval an Arboricultural Method Statement (AMS) in accordance with BS 5837 detailing appropriate measures that will be utilised to prevent damage to the retained trees; the works shall be carried out in accordance with the approved AMS.

iv) A scheme of access and facilitation pruning to retained trees shall be agreed in writing with the Council's Tree Officer prior to that work taking place; the work shall be carried out in accordance with the approved scheme.

v) Details of ground protection measures in accordance with BS 5837 where access to the west of the new vicarage and Housing Unit 1 is required, shall be submitted to and agreed with the Council's Tree Officer; the work shall be carried out as approved.

vi) No development, including demolition, shall commence until an Arboriculturalist has been appointed, and agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for:

a) Supervision and monitoring of the approved Tree Protection Plan;

b) Supervision and monitoring of the approved tree felling and pruning works;

c) Supervision of the alteration or temporary removal of any Barrier Fencing;

d) Overseeing working within any Root Protection Area;

e) Reporting to the Local Planning Authority;

f) The Arboricultural Consultant shall provide site progress reports to the Council's Tree Officer at intervals to be agreed prior to any tree works commencing.

Reason: To protect valuable Green Infrastructure Assets in compliance with Policy GI 1 of the Local Development Plan.

12. The two lower panes of each of the two windows of Bedroom 1 of the approved replacement vicarage shall be obscure glazed and shall remain as such in perpetuity.

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 dwellings 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.
14. There shall be no vehicular access to the site directly off Wyesham Road.
15. Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority
  - (a) stating the date on which the development is to begin;
  - (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").

Informatives:

1. It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.
2. Bats – Please note that Bats are protected under The Conservation of Habitats and Species (as amended) Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not.
3. We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2) e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.
4. If bats are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.
5. Nesting birds– Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs.
6. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.
7. Reptiles – 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.
8. The observations of Dwr Cymru-Welsh Water dated 4<sup>th</sup> April 2013 are attached for the developer's attention: <http://idox.monmouthshire.gov.uk/WAM/doc/Correspondence-302831.pdf?extension=.pdf&id=302831&appid=1001&location=VOLUME4&contentType=application/pdf&pageCount=4&sid=>
9. 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.

10. 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](http://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.

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**DC/2012/00754**

**PROPOSED DEMOLITION OF EXISTING VICARAGE AND THE  
CONSTRUCTION OF A NEW VICARAGE AND DEVELOPMENT OF 11 NEW  
HOUSES**

**38 HILLCREST ROAD, WYESHAM**

**RECOMMENDATION: APPROVE**

Case Officer: Ann Yearsley

Date Registered: 21/01/2013

**1.0 APPLICATION DETAILS**

- 1.1 The application relates to a proposal to demolish the existing vicarage at Hillcrest Road, Wyesham and the construction of a replacement vicarage together with the development of eleven new houses, two of which will be affordable homes, on land formerly occupied by Western Power. The land in question is currently in an unkempt condition, being overgrown with trees and scrub vegetation. It constitutes a brownfield site, situated within the development boundary of Wyesham.
- 1.2 The application, which was the subject of detailed pre-application discussions involving both the Council's Highway Engineer and Tree Officer, is supported by a Design & Access Statement, Code for Sustainable Homes Report, and both a Tree and Ecological Survey.

**2.0 RELEVANT PLANNING HISTORY**

The site which has been disused for some years was last occupied by Western Power as their site compound. Previous uses include a waterworks depot and a brickworks.

**3.0 UNITARY DEVELOPMENT PLAN POLICIES**

ENV1 General Development Considerations  
DES1 General Design Considerations  
H3 Settlement Boundary  
ENV5 Pollution  
DES5 Existing Trees/Hedgerows and Development  
DES7 Protection of trees  
DES8 Nature Conservation and Development  
DES9 Design for Wildlife  
MV11 Traffic Management measures

**4.0 REPRESENTATIONS**

- 4.1 Consultations Replies

Monmouth Town Council recommends refusal of the application on the basis that it is considered to be an overdevelopment of the site with concerns over site access and increased traffic issues on nearby residents and the wider highway network.

Welsh Water - has no objection to the proposal and they recommend the attachment of appropriate conditions and advisory notes to ensure that there is no detriment to existing residents or the Environment. In terms of sewerage treatment, no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site. No problems are envisaged with the water supply for the development.

Environmental Health - has commented on the application following a desk top study which identified that historic use of the site might have resulted in contamination. In this respect historical maps have identified that the site has previously been used as waterworks and brickworks. In addition maps have identified a reservoir and two filter beds and a tank associated with the water works. It is indicated that there is anecdotal evidence from local residents that the site was used by the former Mayhill Sawmills to dispose of sawdust and waste associated with the demolition of prefab bungalows (which it is claimed potentially contained asbestos containing materials). Therefore an appropriate land contamination investigation is required together with and identification of any necessary remediation and it is recommended that appropriate conditions are attached to any planning permission.

Highways - have been involved in discussions with the Developer/Architect in respect of the access route to the site. The original submission incorporated an extension to Hillcrest Road, retaining the existing hammerhead which would have resulted in a number of shared surfaces. There was local opposition to this which resulted in further consideration by Highways in conjunction with the architect /agent. This led to the proposed access into the new development being altered in May 2013 and a re-consultation of the nearby neighbours was carried out on 11<sup>th</sup> June 2013.

Gwent Wildlife Trust - issued a holding objection initially on the basis that there was considered there to be several biodiversity and protected species issues, including matters regarding bats, reptiles and badgers, all of which are protected species. Furthermore the western boundary of the site forms part of a wildlife corridor which extends from the river to the countryside north of Mayhill. Reference is made to Policy NC6 which states that development that would have a significant adverse effect on the integrity of or continuity of landscape features of major importance for the migration, dispersal and genetic exchange of wild species, will only be permitted if mitigation or compensatory measures are put in place. Measures therefore need to be put in place to protect the wildlife corridor from damage and disturbance.

MCC Ecology Officer - Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision. I await some further information with regards to bat mitigation which is expected imminently.

Natural Resources Wales – response awaited. Any received in the interim will be reported as late correspondence.

## 4.2 Neighbour Notification

A consultation was originally forwarded to interested parties on 29<sup>th</sup> January 2013. This resulted in a petition with some 277 signatures from the Wyesham and the surrounding area objecting to the proposal, together with separate correspondence from 14 households. Following further negotiations and discussion between the Highway Engineer and applicants a revised scheme incorporating a re-alignment of the access road in conjunction with a repositioning of the proposed replacement vicarage was agreed and a further consultation with the residents of Hillcrest was carried out on 11<sup>th</sup> June 2013. Since then the LPA has received an additional letter from Mr & Mrs Rimmer (No 40 Hillcrest) enclosing a petition with 107 names requiring an independent investigation into contamination of the site prior to determination. A further eight letters, including one from consultants behalf of Mr Rimmer have been received since the re-consultation. The main issues of concern are as follows:

- Considered to be an overdevelopment
- Loss of residential amenity and privacy
- Concerns relating to contamination of the site (from historical uses)
- Highway safety in terms of speed/ additional traffic/construction vehicles
- Damage to the ecological footprint of the site
- Loss of vegetation including trees covered by a TPO
- Absence of site levels.

## 4.3 Other Representations

Town Councillor Bradley has written several letters of objection with particular regard to the fact that the site is covered by a tree preservation order (TPO). He also attended a meeting in Monmouth where the case officer advised Mr Bradley that the TPO had been placed on the overall site at the pre-application stage, on the advice of the Tree Officer, *as a precaution*. This was to protect any trees (regardless of their individual worth) prior to any application being submitted. Furthermore the Tree Officer was consulted and gave advice on the tree constraints scheme prior to its submission. As a result the Tree Officer is satisfied with the proposal as presented, providing a tree protection condition is attached to any permission.

## 4.4 Local Member Representations

Councillor Hackett Pain has held meetings with the case officer, representing the concerns of her electorate with particular regard to the potential contamination of the site and the highway access/increased traffic through Hillcrest.

## **5.0 EVALUATION**

### 5.1 Principle of Development

The application relates to the former Western Power site adjacent to Hillcrest Road, Wyesham, and a derelict vicarage. The land, part of which was last used for a storage/depot use for the electricity company, is currently in a state of dereliction and overgrown with trees and scrub vegetation and is regarded as a brownfield site, situated within the development boundary of Wyesham. The site is therefore deemed worthy of

consideration for redevelopment to residential use under Policy H3 of the adopted UDP. In this respect, pre-application discussions took place with the agent and during this time both the Highway Engineer and Tree Officer were consulted for the following reasons. The main access into the former compound is off the main Wyesham Road immediately after a sharp bend leading up from Mayhill and in this respect concerns were expressed about the use of this for a residential development of this scale. Also the site sits on a heavily vegetated escarpment facing the town of Monmouth. The tree belt is situated on the edge of the Wye Valley Area of Outstanding Natural Beauty (AONB) and can be viewed from the historic town. For their important contribution to the landscape it was considered prudent to place a blanket Tree Preservation Order (TPO) on all of the trees regardless of their individual quality/condition, to ensure that none of the trees would be removed prior to any formal application being submitted.

The proposed design (which is a simple form) together with the site layout of this small development, is considered to be acceptable on the edge of this residential area that has a varied mix of housing types and design, there being no distinct character to influence this housing proposal. The proposed housing is two storey with a streetscene made variable by the houses that are laid out to face the road with either a roof ridge perpendicular and parallel to the road. Materials would be a mix of facing brickwork, timber windows and doors and plain roofing tiles, details of which would be agreed by condition. It is considered that this mix of materials would be appropriate for this area.

## 5.2 Contamination

The historic use of the site has been a cause for concern to the local community, with particular reference to the potential contamination of the site and the possible risk to human health. In this respect the Environmental Health Officer (EHO) was consulted on the proposal. As a result, a desk top study of the site has been carried out examining previous historical uses. This together with anecdotal evidence from local residents has led to a requirement for an assessment of the site and if necessary appropriate remediation to ensure the protection of public health. Appropriate conditions as highlighted by the EHO are recommended to be attached to any permission (it should also be noted that most brownfield sites require some level of remediation as a result of previous historical uses). A condition is recommended on the basis that the site is not known to be contaminated. If it was strongly suspected that the site was contaminated, a contamination assessment would have to be submitted prior to determination of the application.

## 5.2 Biodiversity

Gwent Wildlife Trust has identified the fact that the site forms part of a Wildlife Corridor and as such in accordance with Technical Advice Note TAN 5 (2009) all relevant information and schemes 'to facilitate the efficient and timely processing of planning applications developers should ensure that measures are designed to avoid mitigate or compensate for potential adverse effects on nature conservation'. GWT has issued a holding objection to ensure that the protected species identified are fully considered and compensatory measures put in place.

Overall the site is largely 'brownfield', with a large area of hard-standing and scrub developing. The land that is adjacent to the development site i.e. the woodland strip that

drops down to the road is of more local ecological value but would remain undeveloped. A number of ecological considerations have been identified and conditions relating to such have been recommended.

#### Bat Roost

The second ecological assessment has concluded that the vicarage building, which would be subject to demolition as part of the submitted scheme, is a maternity roost for soprano pipistrelle bats. This makes it a roost of medium conservation significance. The work proposed would need to be subject of a derogation licence from NRW. As this is a roost of medium conservation significance, it would be subject to timing constraints. It would need more or less a like-for-like replacement roost. Bats are not to be left without a roost and must be given time to find the replacement site. Monitoring for a minimum of 2 years is preferred.

An outline of the mitigation has been included in the report including, a dedicated replacement bat roost above or within a loft of one of the new buildings. This information in this regard is limited, but it is considered by the Council's Ecology & Biodiversity Officer that there is sufficient information on which to base a lawful decision.

#### Reptiles

A small number (total 3) of reptiles were recorded at the site including a juvenile which indicates that there is a breeding population. Reptiles are protected from killing and methods that would prevent reptiles being killed during the development will need to be employed. This would be secured via an appropriate method statement. The impact assessment for the site suggests that together with the proposed 'reserve' area, the new gardens and the remaining woodland strip, there would not be a loss of habitat available to reptiles.

Observations from NRW are still currently awaited.

### 5.3 Access

The proposed access into the site is via an existing estate road on the Hillcrest development. There was much local opposition to this on the grounds that it would result in additional estate traffic, shared surfaces and would impinge on the use of the hammerhead as a turning facility. Following discussions, the scheme was revised as now presently submitted, this being considered the most appropriate design to accommodate the development. Highways consider that the proposal is acceptable in principle as it is an extension to an existing residential estate. Following the re-consultation a further eight letters were received, together with telephone calls from several people requiring their initial comments to stand. Final, detailed comments from Highways will be reported as late correspondence.

### 5.3 Response to Monmouth Town Council

As noted above, there is no objection from the Council's Highway Officers. The proposal provides a reasonable layout which is not considered to be an over-development of the site. An adequate standard of amenity space and parking are provided, and the proposal has been designed so as not to impact unacceptably on the

amenity of neighbouring dwellings, with adequate intervening distances between the windows on the frontages of the proposed dwellings and the gardens of existing dwellings to the east.

## 5.6 Conclusion

The principle of the proposed development is accepted in that it will provide a small extension to an existing residential area together with two much needed affordable homes. Furthermore the area would benefit from an improvement to the visual amenity of the site, and the development would take account of the ecological value of the site, with appropriate mitigation being put in place to ensure the continued protection of the wildlife corridor.

6.0 **RECOMMENDATION: APPROVE** subject to the applicant entering into a s.106 legal agreement to secure two affordable homes within the development.

## Conditions/Reasons

- 1) Five years in which to commence development
- 2) External finishes to be agreed.
- 3) No part of the development hereby permitted shall commence until an appropriate Desk Study of the site has been carried out to include a conceptual model and a preliminary risk acceptance, and the results of that study have been submitted to and approved in writing by the LPA. ( EN01)
- 4) Prior to the import to site, soil material and aggregate used as clean soil 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 by in writing by the LPA. No other material shall be imported onto the site. ( EN03)
- 5) Foul Water and surface water discharges shall be drained separately from the site.
- 6) No surface water shall be allowed to connect, either directly or indirectly to the public sewerage system unless otherwise approved in writing by the LPA.
- 7) Land drainage run off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- 8) The proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record. Under the Water Industry Act Welsh water has rights of access to its apparatus at all times. No part of any building will be permitted within 3 metres either side of the centreline of the public sewer.
- 9) Landscaping scheme to include boundary treatments.
- 10) Landscape Implementation.
- 11) Tree protection condition.
- 12) Ecological Mitigation conditions.

DC/2015/00972

## CONSTRUCTION OF 8 DWELLINGS (3AFFORDABLE UNITS AND 5 MARKET HOUSES)

LAND ADJACENT TO WALNUT TREE COTTAGE, NEWPORT ROAD, LLANGYBI

### RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 04/10/16

#### 1.0 APPLICATION DETAILS

- 1.1 This is a full application, for eight residential units. Four of these units would be three bedroom detached units for the private market with 3 parking spaces each. One would be a four bedroom market dwelling. The rest of the site would be developed for affordable housing comprising, two, one bedroom flats and a two bedroom house. There would be a single access into the site from Newport Road and a footpath link though to the Green in front of the Post Office on Church Lane. The hedge along the front of the site would be translocated to provide visibility splays. In addition to the parking provision for the new dwellings, two parking spaces and a turning head would be provided for the benefit of the occupiers of Walnut Tree Cottage, a listed building which currently has no off street parking provision.
- 1.2 The site is within the Llangybi Development Boundary identified in the LDP. A Tree Report, Flood Risk Assessment and a Prospected Species Survey Report were submitted as part of the application. Following negotiations with officers the scheme has been significantly amended and the number of units reduced.
- 1.3 Since this application was originally submitted, the design of the scheme has been amended following negotiations with officers. However further amendments have been requested but the applicant's agent is unwilling to make any further changes.

#### 2.0 RELEVANT PLANNING HISTORY

DC/2010/01031 Repositioning of Vehicular Access, construction of hardstanding and drive for residential vehicular traffic for Walnut tree Cottage and the allocated housing site. COU of part of the existing Paddock to Residential Use. Approved 20/12/2012

DC/2009/00823 Repositioning of Vehicular Access – Withdrawn

GW05769 COU to Vehicular Access Approved 12/12/2077

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

##### Strategic Policies

S1 – Spatial Distribution of New Housing Provision

S2 – Housing Provision

S4 - Affordable Housing Provision

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

##### Development Management Policies

H2 Residential Development in Main Villages

NE1 – Nature Conservation and Development

DES1 – General Design Considerations  
EP1 – Amenity and Environmental Protection  
CRF2- Outdoor Recreation, Public Open Space, Allotment Standards and Provision  
SD4 - Flood Risk  
SD5- Sustainable Drainage  
MV1 – Proposed Development and Highway Considerations

## 4.0 REPRESENTATIONS

### 4.1 Consultations Replies

Llangybi Community Council – Objects initial response)

Only 4 Affordable Houses are being provided rather than the 6 required

Excess pressure on the sewerage system

Increase traffic accessing onto the highway.

Comments received 18/05/16 – Objects; Dangerous access.

#### Development Plans

Llangybi is identified as a Main Village in Strategic Policy S1 of the Local Development Plan (LDP). The site appears to be located wholly within the Village Development Boundary (VDB) following discussions previously at the pre-application stage and subsequent plan revisions, the principle of development is therefore considered acceptable under Policy S1 and H2 of the LDP, subject to detailed planning considerations.

Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. The emerging Affordable Housing Supplementary Planning Guidance (as reported to the Council's Select Committee on 16 July 2015) contains a specific section (Section 4.4 D) in relation to sites that are not specifically allocated in the LDP in Main Villages and sets out the Council's intended approach to such proposals. It is estimated that the theoretical capacity of the site would relate to more than 10 dwellings, however a development of this nature is unlikely to be in keeping with its surroundings. In this respect criterion (l) of Policy DES1 would come into consideration stating that development proposals will be required to ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive and inappropriate infilling. As the site is relatively large it is considered that it would not be appropriate to depart from the Council's normal practice of requiring on site affordable units. It is noted that the amended scheme results in the loss of two units there has been a consequential loss in one affordable unit at the site. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016, Section C paragraph C.2.a) refers to non-allocated sites of 3 or more dwellings in Main Villages. Paragraph C.2.b) refers to the density requirements set out in Policy DES1 i) in addition to criterion l) relating to ensuring existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling. As noted previously it is estimated that the theoretical capacity of the site would relate to approximately 10 dwellings, however a development of this nature is unlikely to be in keeping with its surroundings. The site has been reduced in size to accommodate the flooding issues and like the previous scheme relates to approximately 24 dwellings per hectare. The proportion of affordable housing nevertheless still relates to over 35%, satisfying Policy S4 in principle.

It is noted that there are existing fences that are proposed to be extended as necessary and that existing hedgerows are retained on parts of the boundary providing a defensible natural boundary. Key trees are also incorporated into the site layout, however there will be some loss of vegetation in order to enable development. Policy NE1 Nature Conservation and



Development should be referred to relating to mitigation and compensation and Policy GI1 relating to Green Infrastructure must also be referred to.

Policy DES1 must be referred to in full along with Policy EP1 relating to Amenity and Environmental Protection, the use of traditional materials is welcomed. Finally, the Flood Risk Assessment refers to the inclusion of SUDs, satisfying Policy SD4. The Design and Access Statement and Code for Sustainable Homes information refer to the inclusion of an Air Source Heat Pump and PV panels. I could not see any detail of this in the elevation drawings or site layout, both of these would nevertheless be supported by policy SD1 relating to Renewable Energy and SD2 relating to Sustainable Construction and Energy Efficiency.

#### Highways.

Response to original layout:

The layout as presented is not supported.

The layout is not adoptable.

The footpath extends to the edge of the site but does not indicate that the footpath must be extended beyond at the expense of the applicant and this land is outside the control of the applicant.

The layout as shown does not indicate the edge of the adoptable highway. It is important to be able to distinguish highway from private drives and how private access layout fits into the scheme.

There are no details of how the private driveways are drained away from the adoptable highway or any adoptable drainage and discharge.

These details must be confirmed prior to any approval of the application otherwise adoption of the highway may not be permitted and no pedestrian access / egress of the site in a safe manner will be available.

A revised layout plan has been submitted and has been forwarded to Highways for comment. Their response is awaited.

#### MCC Public Rights of Way

The Active Travel Bill (Wales) requires local authorities to continuously improve facilities and routes for pedestrians and cyclists and to consider their needs at design stage. Although there are no public rights of way at the site, compliant with the Bill's requirement Countryside Access welcomes the pedestrian link running north - south through the site forming a connection to the 'Highway' adjacent to the Pub and Post Office. Concrete details of how this is to be achieved and how it will be protected for the public should however form part of the application. A planning decision should not be made before this information is forthcoming. I understand Highways also have concerns about the status of the roads/paths and their potential for adoption. All routes should also be upgraded to footpath/cycleways status and buffered so as to provide pleasant convenient access. Countryside Access is also concerned about the lack of provision for links to the land to the east should this be developed in the future. The applicant should therefore either make provision for this eventuality or demonstrate that this is unlikely to happen.

#### MCC Heritage (comments on the scheme as originally submitted)

a) Density in this location on the edge of the village is characterised by more scattered buildings. I know that on the west side of the road there is dense modern development but on the east around Walnut Tree, White Hart and the medieval parish church it retains a more historic character and I think a significantly smaller development for this site would therefore be more appropriate.

b) The entry into the village from south will change from the road being bordered by substantial trees/hedging to being opened out into new housing - a fewer number of units might allow for retaining a bit more of the present character of the approach to the village.

c) Some details of the proposed houses would benefit from further consideration e.g. the mix of roof pitches where houses appear to have an asymmetrical pitched roof in front of a taller roof? Also the combined door and window is best avoided. The affordable houses should have chimney stacks as well. The outside stairs to the flats is too massive - as drawn it appears to be covered which is not necessary.

d) With regard to the specific issue of the setting of the listed building, some development would be acceptable but I think what is proposed here would risk being obtrusive to this setting on account of its scale. Walnut Tree Cottage is relatively long and low and the proximity of the proposed houses with quite different proportions could be detrimental.

#### Natural Resources Wales (NRW)

We acknowledge receipt of the e-mail dated 10 June 2016, from Chris Wood of Brown Fisher Environmental, enclosing a copy of the flood model for the proposed development site at Walnut Tree Cottage.

We have reviewed the 1D Hec-Ras model by Reports 4 Planning to evaluate its suitability to inform the Flood Consequences Assessment (FCA), referenced 16FRA3754FCA, dated March 2016. We are satisfied that the modelling is appropriate to inform the FCA.

We note the change in layout and that 8 dwellings are proposed as shown on revised site layout plan (Drg No. 1315:1716:06 Revision E, dated 7 April 2015). The revised layout plan shows that only the gardens of two dwellings are located within the extreme 0.1% flood outline. Therefore, provided that the revised site layout plan (Drg No. 1315:1716:06 Revision E) is implemented as shown, we have no objection to the application. We recommend your authority secures this through planning condition.

We also advise that if your authority is minded to grant planning permission, then permitted development rights should be removed from any part of the site shown to be at risk of flooding on the revised layout plan (Drg No. 1315:1716:06 Revision E). There should also be no land raising in that area.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend that you consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations. Please note, we do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

We recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels.

#### Housing Officer

2B4P House type:

\* Notional floor area in the ACG guidance is 83sq.m, but this house seems to meet the space standards of DQR within the 80sq.m provided.

\* Adequate storage seems to have been provided.

\* No detail is provided on the position of the bath, WC and wash-hand basin, however, the room is of sufficient size to adequately orientate and include these

- \* Details on kitchen units provided will need to be given and M&E layouts will need to be produced to ensure that sufficient sockets, switches and light fittings are provided in each room.
- \* Presuming gas fired boilers will be provided, sufficiently sized radiators will need to be detailed on the plans.
- \* It seems noted on drawing that an “FP” or fireplace is to be provided; it would be beneficial if this wasn’t provided.
- \* The stairs should not be tapered or winding
- \* No details shown on garden; it should be ensured that:
  - o A usable area of 40sq.m is provided including a nominally level paced area no smaller than 3m x 3m
  - o Provide paved access to a drying line and garden gate
  - o No usable part of the garden should slope towards the house at a gradient steeper than 1:8
  - o No part of the garden should slope away from the house at a gradient steeper than 1:12 (ideally 1:15)

#### 1B2P Flats:

- \* The 50sq.m floor area provides the storage requirements required for this type of property
- \* The cupboard in the bathroom could be repositioned to avoid the creation of a “u-shaped” bathroom
- \* Details on kitchen units provided will need to be given and M&E layouts will need to be produced to ensure that sufficient sockets, switches and light fittings are provided in each room
- \* Presuming gas fired boilers will be provided, sufficiently sized radiators will need to be detailed on the plans
- \* The first floor flat is proposed to have an external covered staircase. I’d suggest that further detail on the construction of this stairs is sought; I appreciate that it needs to be in keeping with the surrounding development, however, we’d have safety concerns on the robustness and lifecycle of the materials used as well as ensuring that appropriate flooring is used on the treads and handrails.

#### MCC Urban Design, Landscape Design and Green Infrastructure

We have no objection to this proposal, subject to some minor changes. We also request that some details of their proposal are conditioned, to ensure they meet national and local plan policy.

Items to be conditioned.

1. No close-board fencing or temporary fencing over 1100mm should be constructed along Newport Road.
2. Material choice and detail design to the roadway and footway within the development should be provided to and approved by MCC; before commencement of proposal.
3. Further details of their SuDS should be sought and approved by MCC; before commencement of proposal.
4. A green infrastructure management plan should be provided to and approved by MCC; before commencement of proposal.
5. Further details of hedge translocation should be provided to and approved by MCC; before commencement of the proposal.

#### Changes

1. Details of building materials (specification) should be revised on drawing 1315:1716:04B.
2. The parking layout for H5 & H6 and arrangement of ‘fenced’ boundary for H4 needs revising.
3. The hedgerow bounding the parking for H5 & H6 through to H4 should be removed.
4. A hedgerow should be extended to southern wall of garage - property H4.
5. Hedgerow should be extended to eastern wall on garage H3.

6. The parking layout at H2 should be amended.

7. The landscape masterplan should include a tree pit detail and include details of growing medium for proposed hedgerow planting.

8. They have not identified grass area (to the east of the proposed development) as public open space, or identified it as a GI asset. This should be addressed in their revised submission.

Notes are suggested:

#### GREEN INFRASTRUCTURE (GI)

MAIN ISSUE - Protecting and enhancing Monmouthshire diverse natural environment, landscape character and green infrastructure network. To improve the layout and design of their proposal we encouraged the applicant to use GI as an overarching design principle. We believe that embracing GI at the outset of the design may have provided a better environment for the proposed development. The applicant submitted a substantial green infrastructure appraisal, but this has had little impact on their proposal or layout; there are a number of missed opportunities.

#### URBAN DESIGN

MAIN ISSUE - Place making and design: Development should be of a high quality sustainable design; respecting the local character and distinctiveness of Monmouthshire's built and natural environment. The location of the proposed development will have a significant impact to Llangybi's southern point of arrival and will also contribute towards Llangybi's sense of place. The design and choice of materials for the proposed development are very important considerations.

Timber close board fencing along the main road corridor would be considered unacceptable; it's still not clear what they are proposing here. **No close-board fencing or temporary fencing over 1100mm should be constructed along the main road.**

**The applicant should have used MfS's hierarchy when designing the layout of the development; the needs of pedestrians should have been considered first and should have been made a priority.**

A pedestrian route through the site will be a valuable asset to residents and to the wider community, and it is also a significant GI asset. Careful consideration in the detailed design would have provided a direct route through the site and would have enhanced the character of the development. Traffic management within the site (turning area) is a consideration (during the design process) but we have missed an opportunity to incorporate this space into the 'street design'. **Opportunities to consider are conditioning the choice and design of proposed surface materials.** A better quality surface treatment (to the footpaths & turning areas), the inclusion of street furniture, textured kerbs (also considering kerb height) and street tree planting, as an integral part of the street-scene will go some way to create a place for people, cars and fortnightly refuse trucks.

The style of units H7 & H8 should reflect that of Walnut Tree cottage. We would suggest roof pitches angled to match that of the cottage, the colour of render and detailing (chimney etc.) should also complement the existing unit. **Details of building materials (specification) should be revised on drawing 1315:1716:04B.** A slight change of roof height, between the three units (either through site levels or unit height) will also add some contrast to the street-scene.

#### LANDSCAPE MASTERPLAN / LANDSCAPE PLANTING PROPOSALS

MAIN ISSUE – To Include landscape proposals for the new building(s), in order that they integrate into their surroundings. Protecting and enhancing Monmouthshire diverse natural environment, landscape character and green infrastructure network. The applicant has provided adequate information on landscape planting proposals, but

Suggested changes

1. The parking layout for H5 & H6 and arrangement of 'fenced' boundary for H4 needs revising.

2. The hedgerow bounding the parking for H5 & H6 through to H4 should be removed.
3. A hedgerow should be extended to southern wall of garage for property H4
4. Hedgerow should be extended to eastern wall on garage H3.
5. The parking layout of H2 should be amended.
6. The landscape masterplan should include a tree pit detail.
7. Details of growing medium for proposed hedgerow planting should be provided.
8. They have not identified grass area (to the east of the proposed development) as public open space, or identified it as a GI asset.
9. We identified an opportunity to improve a hedgerow adjacent to the development.

The inclusion of a SuDS within the site is welcomed. They are proposing to construct small rain gardens to all units. We would require further details on their proposal, including connectivity to soakaway.

### Biodiversity

Thank you for the consultation for the above scheme. I refer you to the earlier comments made by my former colleague, Aidan Neary for the site on the DC/2014/00262 application. I note that he has recommended several planning conditions. I suggest slight re-drafts and updated reasons for these conditions.

The Landscape Masterplan indicates that there is now a 25m buffer zone at the southern end of the site between the residential area and the Glan y Nant stream. This is identified as an area to be managed by the management company. A simple management plan for this area should be secured via the planning process in accordance with LDP policy NE1. Aidan's recommended condition for a 3m buffer area is no longer required. If the field area is to have public access, the management plan should be a GI management plan and include

Following a site visit (03/03/2014) it is evident that the mature poplar trees at the southern end of the site have been felled since the 2011 ecological survey. Some of the felled trees have been left in situ while the majority have been cut and stock piled. The site now provides suitable reptile habitat, in particular for slow worm, in the form of tussocky and short grassland, scrub and wood piles refuges. However, the site is bordered by the A472 to the west, residential gardens to the north east, a stream to the south and improved agricultural grassland to the east and is therefore relatively isolated from neighbouring reptile habitat.

Whilst we normally ask for reptile surveys prior to determination the site is relatively isolated from other habitat and is only likely to support a relatively small reptile population. This assessment is supported by the ecological survey which states that small numbers of reptiles might be present within the site. The site contains areas of dense bramble scrub which provides suitable bird nesting habitat. In addition, a wren was observed carrying nest material into this scrub as well as a male blackbird showing territorial behaviour. All British birds are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

### Welsh Water

The site is crossed by a public sewer there shall be no operational development within a 3 metre wide easement.

No problems are envisaged with the waste treatment work for the treatment of domestic discharge.

No objection with regards to the water supply but the site is crossed by a 4 inch distribution water main. It may be possible for this to be diverted. Outlines conditions related to the water main and the need for a drainage scheme related to foul, surface and land water.

## 4.2 Neighbour Notification

Letters received from five addresses

The site floods several times a year.

If mitigation measures are put in place to prevent flooding on the development site, this may exacerbate flooding on neighbouring sites.

New dwellings need to be repositioned away from the flood area.

Units are too close to Llangybi House, damage to tree roots and loss of privacy

Damage to wildlife habitats and carbon sequestration

Move new dwellings away from boundary to protect tree roots

Concern over pedestrian safety and traffic accessing the site

No footpaths access in the site

Over development

Insufficient parking

Additional traffic hazard

Dangerous road junction close to a blind bend

DAS is inaccurate as neighbouring property is not totally screened by existing vegetation

Impact on commuting bats.

The existing shared access to the site is not in the applicant's ownership.

The application is invalid as it included land not in the applicant's ownership.

Neighbouring property has highway rights over the field

There is a highway sign on the land.

The land of Church Lane is also not in the applicant's ownership but it is shown as part of the application site.

There is a highway drain running under the field.

I already have planning permission for a family house on the plot next to this proposed development. The current design of the proposed 3 bedroom houses overlooking my plot is unacceptable on privacy grounds as the upstairs windows would look directly into the upstairs bedroom windows of my home.

## 5.0 **EVALUATION**

### 5.1 Principle of development

5.1.1 The site is within the Llangybi Village development boundary. Policy S1 of the LDP allows for new residential development within such boundaries and Policy H2 expands upon this saying that within Development Boundaries planning permission will be granted for new residential development, subject to detailed planning considerations, including there being no adverse impact on the village form and character and surrounding landscape, and other policies of the LDP that seek to protect existing retail, employment and community uses. The land is currently orchard and grassland therefore the principle of residential development on this site is established but all the detailed considerations need to be taken into account. In 2012 planning permission was granted for a new vehicular access, in the position indicated on the current scheme; thus,, the principle of a vehicular access in this location is also established.

### 5.2 Affordable Housing

5.2.1 Policy S4 requires that within Main Villages identified in Policy S1 there will be a requirement for at least 60% of the dwellings on the site to be affordable. However The Affordable Housing Supplementary Planning Guidance which was adopted in March 2016, looking in more detail at non allocated sites within Development Boundaries. Section C paragraph C.2.a) refers to non-allocated sites of 3 or more dwellings in Main

Villages. Paragraph C.2.b) refers to the density requirements set out in Policy DES1 i) in addition to criterion l) relating to ensuring existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

#### 5.2.2 Paragraph C.2.b states that

“The Council recognises that in most cases applying this percentage, together with the density requirements of Policy DES1 i), to small infill sites within the fabric of existing villages could result in a density of development that is out of keeping with its surroundings. In such cases, criterion l) of LDP policy DES 1 would need to be considered. This states that development proposals will be required to ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from over-development and insensitive or inappropriate infilling. In such circumstances, it is considered likely that the requirements of Policy S4 and Policy DES1 i) could be relaxed on infill plots in Main Villages to allow a smaller percentage of affordable homes and a lower density of development than 30 dwellings per hectare. On larger sites in Main Villages where it should be feasible to provide affordable housing on site then this would be the preferred option and the number of affordable homes required will normally be set at 35% of the theoretical capacity of the site (at 30 dwellings per hectare), subject to viability considerations and the effect of the development on the character and appearance of the area.”

5.2.3 The above guidance is relevant in this case as the site has not been specifically allocated as a 60/40 site in the LDP and is therefore classified as infill development within the Village Development Boundary. In this circumstance it is appropriate that 35% of the dwellings should be affordable. In this case three of the 8 proposed units would be for affordable housing which complies with the 35% required by the advice in the SPG. From the submitted drawings it shows that the proposed flats would have an external staircase and very little external amenity space. A bin store and external drying area would be required to comply with DQR standards. There would be very little privacy for the occupiers of the ground floor flat.

### 5.3 Layout and Design

5.3.1 The proposed layout shows the proposed dwellings accessed off an adoptable roadway; all of the dwellings face onto the highway so that the rear elevations of plots 7 and 8 face towards the main road through the village. It is proposed that the hedge among this boundary would be translocated; this will have a better visual impact than if these rear gardens were surrounded by close boarded fencing. The site is visually prominent on this approach into the village but the road frontage of the scheme would comprise the rear elevations of two dwellings and the built form of a double garage. This arrangement does not relate well to the rest of the village form. There will be hedgerows planted within the site and along the southern boundary. The land to the south of the site will be left as green open space to be maintained by a management company. There would be a footpath link through the site linking through to the existing “Green” giving access to the public house, shop and church. Within the site itself the development is over-engineered with a high proportion of hard surface, driveways and unnecessary turning area. The dwellings, especially units 2, 3 and 4, will be set back behind the garages with very little street presence and no defined street scene. Some of the car parking provision for units 7 and 8 would be set on the opposite side of the road from the dwellings in front of the flats (units 5 and 6); this is not a desirable situation in design terms. The one bed flats, unit 5 and 6, would have an external staircase the appearance of which is out of character with all other residential development within Llanybi and may draw attention to the fact that these flats are intended as affordable housing. In addition the affordable units on the site would all have minimal external amenity space. All of the dwellings will

all be finished in high quality materials with slate roofs, render to the walls, soft wood painted fenestration and cast iron rainwater goods. Plots 2, 3 and 4 will also have natural stone to their gables. The proposed double garages, all detached would be of standard size, finished in materials to match the dwellings and with a maximum ridge height of 4.4 metres.

#### 5.4 Residential Amenity

5.4.1 There are several properties potentially affected by this proposal. The first is Walnut Tree Cottage, which is a grade II listed building, is a two storey dwelling with the main door and living rooms on the eastern elevation, overlooking the garden. The residential amenity assessment and GI Masterplan show that the garden will become once again screened on the eastern and southern boundaries by newly planted hedgerows which will be maintained at a height of 1.8m. As a result, there will remain only a narrow framed view from the pathway and parking spaces at plots 5 and 6 across the new hardstanding area; further hedgerow planting is proposed around the garden adjacent to the new hardstanding area to ensure the minimum loss of privacy to occupiers of Walnut Tree Cottage. From the inside of the house there will be only very limited views of the proposed development from the first floor windows on the eastern elevation.

5.4.2 The northern and western boundaries and aspects of Walnut Tree Cottage will not be impacted by the development. The south-west boundary of the property is currently formed by overgrown, unmanaged trees and shrubs. The visibility splay and translocation of roadside hedge bank required by consent DC/2010/1031, will have the effect of opening up the southerly aspect of Walnut Tree Cottage to views from the adjacent pavements on Newport Road. Walnut Tree Cottage will be screened by the proposed new planting along Newport Road. There are no windows or doors in the southern elevation of Walnut Tree Cottage and only a small window in the western elevation.

5.4.3 To the south of the site is the two storey dwelling Kinvara, it has first and second storey windows on the north elevation facing towards the proposed garage of plot number 1. At present there is a post and wire fence along this boundary but it is proposed to plant a new hedge. Kinvara has a blank gable wall on the east elevation which faces toward the rear garden of the proposed dwelling at plot 1. The relationship between Kinvara and the proposed dwelling at plot 1 is acceptable and will not result in a loss of privacy or have an overbearing impact.

5.4.4 To the east of the site beyond a close boarded fence is the rear garden of Llangybi House. The house its self is located a significant distance from the common boundary but in 2015 planning permission was granted for a new dwelling in the grounds. The rear elevation of that approved dwelling will face towards plots 2, 3 and 4 of the proposed site. In places there is less than 10 metres between the rear elevations of plots 2, 3 and 4 and the common boundary with Llangybi House. This will result in an unacceptable level of overlooking particularly from first floor windows. The flats within plots 5 and 6 are less than two metres from the common boundary; the first floor bedroom window would directly overlook the garden to Llangybi House; the two storey structure being so close to the boundary would have an over bearing impact on the neighbouring property. At present there is a timber fence and privet hedge along this boundary but it is proposed that the vegetation be removed and just the fence be retained, this will exacerbate the level of overlooking from the proposed dwellings into the adjoining site.



## 5.5 Impact on the Listed Building

5.5.1 Walnut Tree Cottage, the Grade II Listed Building, is located on the northern boundary of the site. It is a long, low dwelling with dormer windows and is surrounded by mature vegetation and at present does not have the benefit of a vehicular access or off street parking. The current application would provide both a vehicular access and off street parking. The scheme has been amended and now plot 7 has a low ridge height and dormer windows to reflect the character of the adjacent listed building. The proposed development is set a respectable distance from Walnut Tree Cottage so as to respect its setting. The proposal will include removal of an overgrown hedge to the east of the property and this will allow glimpses of the listed building from the main road, thus increasing the visual contribution that the building makes to the local area.

## 5.6 Highway Safety

5.6.1 A vehicular access has already been granted in the position proposed in this area. The access drive from Newport Road into the site and the new parking area at the adjacent Walnut Tree Cottage received planning consent (with conditions) on 20 December 2012 (DC/2010/1031) subject to a s.106 Agreement providing £10,000 towards improving highway and implementing traffic management improvements in the vicinity of the area. The agreed access point has adequate visibility, facilitated by the realignment of the roadside hedgerow to the west of the site. Sufficient car parking spaces are being provided in accordance with adopted Council supplementary planning guidance. However this is being provided in a very convoluted manner with spaces being provided outside their own curtilages, on the opposite side of the road and with many of the dwellings having a turning area within their curtilages. The over-engineered design for the car parking has resulted in a large amount of hardstanding within the site, pushing the units back in their plots and limiting the size of rear gardens. The road and pavements within the site and the proposed pathway from the north of the site to the village Post Office could be adopted by the County Council as Highway Authority. The development also includes a footpath link through the site to the village green and community facilities.

## 5.7 Flooding

5.7.1 Part of the site is within a Flood Risk Zone B as identified in Tan 15. In addition there is anecdotal evidence that part of the site is liable to flooding. The applicants have provided a Flood Consequences Assessment as part of the application. In addition the scheme has been amended and the dwellings that were in the flood zone have now been removed from the scheme. In light of these changes NRW have no objections to the application as the revised layout plan shows that only the gardens of two dwellings are located within the extreme 0.1% flood outline. The recommendations of the FCA would need to be complied with and the dwellings could incorporate flood proof measures. The amended proposal now accords with the objectives of Policy SD3 of the LDP.

## 5.8 Drainage

5.8.1 It is proposed that the foul sewerage will discharge into a mains sewer. Welsh Water has no objection to this but requests that a drainage scheme for the disposal of foul, surface and land water be submitted. This should include an assessment of the potential to dispose of surface and land water by disposable means. It is proposed that surface water be disposed of via a sustainable drainage system, with each individual plot having its own system.

## 5.9 Other issues raised

5.9.1 The ownership of the land and the rights of way over the application site are a private legal matter and not a material planning consideration.

## 5.10 Response to Community Council representations

5.10.1 All these issues have been addressed in full in the main body of the report. While the principle of residential development on this site is acceptable in policy terms, the layout of the proposal is not acceptable on design grounds.

## **6.0 RECOMMENDATION: REFUSE**

1. The proposed development represents a poor quality of design and layout. The proposal comprises an overly-engineered, highway-dominated layout with little regard to creating a sense of place for future residents or to the character of the surrounding village. Dwellings on plots 2, 3 and 4 are set back in the plots, behind garages and do not relate well to the street scene. The siting and orientation of plots 7 and 8 turn their back on the main street through the village and the entrance to the site is characterised by the blank gable to plot 8 and the blank elevations to the detached double garage to plot 1. The proposal is therefore contrary to LDP Policy DES1 and paragraph 9.1.1 of Planning Policy Wales.
2. The proposed dwellings themselves are poorly designed, with specific reference to blank elevations and inconsistent and unbalanced fenestration in terms of positioning and size of openings and dormers. The proposal is therefore contrary to LDP Policy DES1 and paragraph 9.1.1 of Planning Policy Wales.
3. The proximity of plots 2,3,4,5 and 6 to the common boundary with Llangybi House results in a unacceptable level of overlooking to the detriment of the amenities of the occupiers of adjoining properties (including the approved but not yet constructed dwelling to the rear of Llangybi House). The proposal is therefore contrary to LDP Policy EP1 and paragraph 9.1.1 of Planning Policy Wales.
4. The external covered staircase serving plot 6 creates an uninviting entrance to that unit and creates an unacceptable level of overlooking to the rear garden to plot 4 to the detriment of the amenities of the occupiers of that property. The proposal is therefore contrary to LDP policies DES1 and EP1 and paragraph 9.1.1 of Planning Policy Wales.

DC/2015/01541

**EXCAVATE 1,500 CU.M. OF STONE FOR BUILDING PURPOSES ONLY; STONE FOR CROPPING, DRY WALLING, FLAGSTONES, LINTELS AND QUOINS**

**CLEDD-Y-TAN WOOD, KILGWRRWG, NEWCHURCH, CHEPSTOW**

**RECOMMENDATION: APPROVE**

Case Officer: Andrew Jones

Date Registered: 02/06/16

## **1.0 APPLICATION DETAILS**

- 1.1 This application seeks consent to excavate 1500 cubic metres of building stone (old red sandstone). It is anticipated that a total of approximately 4500 tonnes of saleable material would be extracted over a period of 5 years. The only plant and machinery to be used for the extraction would be a 20 tonne modern excavator; this would work to a maximum depth of 8m. The operation would involve no form of blasting and activity is proposed as taking 25 days a calendar year, during which hours of operation are scheduled as 07:30-16:30 Monday to Friday. With regard to vehicle movements taking the material from site this is proposed as being one lorry carrying out four loads a day (75 tonnes per day) for 12 days a year. The material would be taken using 8 wheel 20 tonne lorries. They would access the site through the entrance at Wern-y-Cwm Wood car park.
- 1.2 The proposed works are within a site known as Cledd-y-Tan Wood. The site sits within a larch plantation extending from the western side of Wern-y-Cwm Wood. It is located within Newchurch which is to the south-west of the village of Devauden.

## **2.0 RELEVANT PLANNING HISTORY**

None

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S12 – Efficient Resource Use and Flood Risk  
S13 – Landscape, Green Infrastructure and the Natural Environment  
S15 – Minerals  
S16 - Transport  
S17 – Place Making and Design

### Development Management Policies

DES1 – General Design Considerations  
EP1 – Amenity and Environmental Protection  
NE1- Nature Conservation and Development  
EP2 – Protection of Water Sources and Water Environment  
MV1 – Proposed Developments and Highway Considerations  
M1 – Local Building and Walling Stone

## 4.0 REPRESENTATIONS

### 4.1 Consultations Replies

4.1.1 Devauden Community Council – Strongly recommend the application is refused. The reasons for this are given as the route that the quarry material would take before getting to the public highway is a material consideration. The application plan should include the track through NRW land and Certificate B should have been completed and a Section 27 notice served on NRW. Application incorrectly says that the applicant owns all the land.

The impact on wildlife, including protected species, and the environment. The environmental report does not include mention for instance of dormice which are known to be located in this area.

The impact of the quarrying and extraction operation, no hydrological report on the proposed extraction or noise levels throughout the normal day. Dust produced by large lorries and the potential damage to the local lanes that are already in poor state of repair. It would also see the blocking of a popular public footpath and bridle path for a period of 5 years plus the use of a hazardous junction onto the B4293.

4.1.2 Glamorgan Gwent Archaeological Trust – No objection to the positive determination of this application.

4.1.3 Welsh Water – There are no public sewers in this area. It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments.

4.1.4 Environmental Health Officer - I have reviewed this application and met with the applicant on site. I would recommend to the planning authority that if planning permission is granted that the following conditions be added:

1. That there is a condition as to the type of machinery used on site. The application details a 20T Excavator only with no other machinery being needed for excavation.

2. That there is a condition as to the working hours i.e. 07:30-16:30 Monday –Friday. only.

Other conditions to consider could be the maximum amount of stone allowed to be excavated per annum and the number of days the excavation can occur. I would recommend that the number of days that the activity is taking place on site be confirmed as it says 25 days in the application initially and then goes on to say that the 1000T of stone per annum that is being applied for would take only 14 days to excavate.

4.1.5 Highways Engineer - The applicant has submitted some detail in respect of trip rates and traffic types within the Minerals questionnaire, however no detail has been submitted in respect of site access and proposed transport routes. In light of the aforementioned we would request the applicant to submit details on site access for consideration together with a Construction Traffic Management Plan (CTMP) to provide in depth detail about the type and frequency of traffic and details of the proposed transport route to and from the site.

Following further information submitted it was advised that the comments made by the applicant are noted however this still needs to be supported by relevant drawings/plans demonstrating the access points and proposed routes. As specified in our highway comments we will require a CTMP to be submitted.

4.1.6 Biodiversity Officer - Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision.

### Dormice

The proposal is located within a Plantation on Ancient Woodland Site (PAWS) whilst the area of quarrying is predominantly larch woodland there is an understorey of hazel, birch, rowan, holly and bramble. The above ecological assessment highlighted that there was potential for hibernating dormice within the development area.

Unfortunately the initial assessment failed to identify the potential impacts on dormice or provide adequate details on mitigation for this species. An objection was raised and further to discussion with the applicant a Hazel Dormice Conservation Strategy was submitted for consideration.

Whilst the submission of the strategy is welcomed there are still elements of the scheme that are unknown. For example there are no plans of the site, which should include, but not be limited to, detailing sensitive areas of the site (in terms of high, medium, low favourability for dormice - i.e. hibernation potential), illustrating the links from the site to adjacent habitat, location of site storage – e.g. wood, subsoil, machinery.

The methods of felling/understorey vegetation removal – should be described and in line with best practice guidance. It will also be necessary for the timings of removal of trees, vegetation and stumps to be revised taking into account the phasing of the proposal.

The submitted woodland management plan is welcomed and should be specifically referenced in the revised dormouse conservation strategy demonstrating how the restored woodland will be managed favourably for dormice.

NRW have provided comments on the proposal in light of the submitted conservation strategy and have no objections to the proposal subject to conditions being attached to the permission which require the applicant to present a revised dormouse conservation strategy and obtain a European Protected Species Licence prior to commencement of the permitted works. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species. Please see our internal guidance note on consideration of the 'Three Tests' for licencing and report template.

### Bats

The assessment found that the trees proposed for felling lacked any potential for roosting bats and as such no further survey is deemed necessary. Whilst it is likely that bats forage and commute over this area, the extent of clearance (15-20 trees) is unlikely to cause negative impacts to these species.

### Nesting Birds

The site is likely to provide suitable nesting sites for a variety of bird species potentially including Schedule 1 species. As such a nesting bird's condition is appropriate.

### Water management

It is noted within the ecological assessment that the proposal will involve the diversion of a stream which runs along the boundary of the development area. It is stated that the diversion will ensure the stream is protected from soil contaminants, however the submitted detail in the form of a silt buster does not fully satisfy NRW's concerns in terms of protection of the water environment. A further condition is requested which requires the applicant to submit a water management plan prior to any works commencing on site.

4.1.7 Natural Resources Wales – Fourth and final comments are as follows (three previous consultation responses are available on the Council's website).

We have considered the above submissions and we recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided they are attached to any planning permission.

Condition 1: European Protected Species – Dormice

We have reviewed the dormouse conservation strategy entitled 'Proposed quarrying of stone within Cledd-y-Tan Wood plantation, Devauden. Hazel Dormouse Conservation Strategy' by Clark Webb Ecology Limited dated September 2016, submitted in support of the application for the above development. The broad principles of the Dormouse Conservation Strategy are acceptable, however we consider that it requires further development into a detailed document that will give it the flexibility to be delivered. Therefore, should you Authority be minded to grant permission, then the submission of a detailed dormouse conservation strategy should be secured through an appropriately worded condition on any planning permission granted.

The Strategy should be submitted to the LPA for approval prior to any works commencing on site and be implemented as agreed. The Strategy should address:

- i. The methods of vegetation clearance;
- ii. the working areas, including storage sites for machinery and felled material (Eg. where material from Phase 1 will be stored until it is required as backfill for the final phase);
- iii. how links will be maintained with surrounding habitat;
- iv. the individual quarrying areas and a schedule of works to detail the sequence of them being worked and the proposed timeframe; and
- v. the proposed site restoration plans.

Whilst we note that (v) above is included within the long-term woodland management plan for the wider land owned by the applicant, we advise that this element is specifically included in the dormouse conservation strategy.

#### EPS Licence

We advise that the applicant seeks a European Protected Species licence from Natural Resources Wales under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon bats/dormice/great crested newts/otters. Please note that the granting of planning permission does not negate the need to obtain a licence.

#### Condition 2 – Water Management Plan

We welcome the proposal by the applicant to install a silt buster in the stream. However, this does not fully satisfy our concerns. The installation of a silt buster would only constitute part of a water management plan, other mitigation is required to protect the water environment. Therefore, the following condition is required.

#### Condition

The development hereby permitted shall not be commenced until such time as a water management plan has been submitted to, and approved in writing by the local planning authority. The water management plan should include:

- The proposed method of surface water discharge and any treatment proposed;
- The proposed method of diversion of the stream which runs through the site;
- Details of the management of the stream; and
- Details of proposed pollution prevention measures, particularly in relation to suspended solids, in order to prevent pollution of the stream.
- Details of storage of oils and fuels
- Details of the proposed method of working.

#### 4.2 Neighbour Notification

Objections from seven households citing the following areas of concern:

- Road along which lorries from the proposed quarry would travel is a narrow county road quite unsuitable.
- Would create risk to all road users, including walkers, cyclists and horse riders.
- Huge impact on local wildlife.

- Noise and dust from machinery used for extraction.
- Adverse impact on local camping business.
- Contamination of the streams, used as drinking water for stock.
- Believe that some works have already taken place on site.
- The submitted application forms is incomplete.
- Questioned whether the predicted noise levels are realistic.
- Questioned whether the applicant have the necessary permission from NRW to use their forest tracks.
- The total number of movements to and from the site is not clear from the information submitted.
- Questioned whether the days per annum on site be in blocks or spread through the year.
- No details showing the method of extraction.
- Route for transporting materials shall be included where it passes through third party land, if this is the case then Certificate B should have been signed and notice served on NRW.

## 5.0 EVALUATION

### 5.1 Principle of the proposed development

5.1.1 As highlighted in the text supporting Strategic Policy S15, there is a sufficient landbank of permitted aggregate resource in the County for the duration of the LDP period. Should any planning application for new or extended minerals working be submitted then any such proposal would be considered under national policies contained in Minerals Planning Policy Wales and Minerals Technical Advice Note (Wales) 1: Aggregates. One such exception may occur when quarrying enables the provision of locally derived stone for use in restoration and new building work that reinforces the distinctiveness, character and identity of the County. Policy M1 enables this to take place, although advises that care will be needed to ensure that proposals are small-scale, do not have any harmful impact on the countryside and do not involve the use of extensive blasting or use of heavy vehicles.

5.1.2 Policy M1 sets out that *proposals for new or the re-opening of small-scale quarries for building and walling stone for local conservation and heritage projects or new build to meet any unmet need will be permitted, subject to national planning policy and detailed planning considerations.*

Furthermore the site lies outside defined Mineral Safeguarding Areas (Policy M2) and Mineral Site Buffer Zones (Policy M3); it is therefore considered that the proposal is acceptable in principle subject to detailed considerations to be addressed in the ensuing sections of this report.

### 5.2 Visual Impact

5.2.1 The woodland is in part an ancient woodland site, the majority of which is now Plantation on Ancient Woodland (PAWS). The proposed works will affect less than 0.025 ha of larch plantation, require the felling of approximately 15-20 mature larch trees and removal of the underlying light under-storey of native shrubs. It is also noted that the site lies approximately 0.9 miles to the west of the Wye Valley Area of Outstanding Natural Beauty. LDP Policy LC4 sets out that *development proposals that are outside the AONB but would detract unacceptably from its setting will not be permitted.*

The applicant has submitted a Woodland Assessment and Management Plan in support of the proposal which identifies that the woodland lends itself to gradual (long term) restoration back to predominantly native broadleaves. Continuous Cover Forestry (CCF) approach is recommended, in order to maintain woodland cover and therefore retain the

habitat continuity and setting for other objectives. This will help to avoid unnecessary disturbance associated with clearfell and restocking (replanting) operations. Whilst the Management Plan is welcomed the Council's Biodiversity Officer has recommended that further restoration details are provided to ensure that this element is specifically included in the dormouse conservation strategy. The implementation of the Management Plan is to be controlled via appropriate planning condition.

5.2.2 It is therefore considered on balance that subject to complete restoration plans being agreed and implemented, given the life span of the proposal (5 years) that it would not cause unacceptable harm to the ancient woodland or the setting of the Wye Valley AONB.

### 5.3 Residential Amenity

5.3.1 The proposal is located approximately 120m to the north of the nearest residential property, known as Well Cottage. Accordingly the Council's Environmental Health Officer (EHO) has met with the applicant on site to consider potential impact on surrounding residential dwellings. The EHO does not consider that the proposal would cause such unacceptable harm to residential amenity so as to warrant refusal provided conditions are applied to manage operating hours, machinery used and the number of days operational per calendar year.

5.3.2 As detailed in section 1.1 of this report no blasting would be required to extract the stone which is the form of extraction that is more closely linked to issues of noise and dust. Therefore conditions are to be used to ensure that this method cannot be used.

5.3.4 The site is also afforded a degree of natural mitigation given its presence within a woodland, therefore for this reason and those referenced previously it is considered that the proposed stone extraction for a period of 5 years would meet the various criteria set out in Policy EP1 *Amenity and Environmental Protection*.

### 5.4 Highway Safety

5.4.1 As set out in section 1.1 access to the site would be through the entrance at Wern y Cwm Wood car park. One lorry (8 wheel 20 tonne) would carry four loads a day (75 tons per day) for 12 days a year.

The Council's Highway Engineer has requested further information in the form of a Traffic Management Plan to provide in depth detail about the type and frequency of traffic and details of the proposed transport route to and from the site. No objection in principle has been raised by the Engineer and therefore it is considered reasonable to condition that the requested Plan is submitted and agreed via planning condition.

5.4.2 It is noted that a number of objections have been received in relation to the local highway network is not suitable to accommodate the large lorries required in relation to the proposal. However, it must be noted that the site is already subject to occasional maintenance works by NRW which involves the use of large vehicles. Therefore subject the aforementioned condition it is felt that the proposal would not cause unacceptable harm to local highway safety.

### 5.5 Biodiversity

5.5.1 The application is supported by an appropriate level of information, including an Ecological Assessment and Hazel Dormice Conservation Strategy, to allow the LPA to make a lawful decision.



However, it is considered that the Conservation Strategy requires further development into a detailed document that will give it the flexibility to be delivered.

NRW have provided comments on the proposal taking into account the submitted conservation strategy and have no objections to the proposal subject to conditions being attached to any permission which require i) a revised dormouse conservation strategy and ii) to obtain a European Protected Species Licence prior to commencement of the permitted works. As a licence is required, the 'Three Tests' for European Protected Species will need to be considered.

#### 5.5.2 European Protected Species – Three Tests

In consideration of this application, European Protected Species (including dormice) will be affected by the development and it has been established that a derogation licence from Natural Resources Wales will be required to implement the consent. Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests have been considered in consultation with NRW / Council Biodiversity and Ecology Officers as follows:

(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.

Development Management Comment: The extracted stone will help to provide locally derived stone for use in restoration and new building work that reinforces the distinctiveness, character and identity of the County.

(ii) There is no satisfactory alternative

Development Management Comment: Owing to the nature of the works there are no readily available alternative sites, the resource has been discovered in this location and therefore dictates where the works take place.

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

Development Management Comment: NRW have not objected to the proposal subject to suggested conditions. These will demonstrate that the development and future management of the site will not be detrimental to FCS and would also inform their licence application.

In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard for the advice of Natural Resources Wales and the Council's own Biodiversity Officers, it is recommended that planning conditions (see section 6) are used. However, as the EPS licence would be considered by Welsh Government in conjunction with NRW, there would be no need to condition that this is provided before works commence as this would needlessly duplicate other legislation and would not meet the tests set out in WG Circular 016/2014: 'The Use of Planning Conditions for Development Management'.

#### 5.6 Water Management

5.6.1 The proposal would involve the diversion of a stream which runs along the boundary of the development area and it is stated that the diversion will ensure the stream is protected from soil contaminants. Whilst NRW have welcomed the proposal by the applicant to install a silt buster in the stream, this does not fully satisfy their concerns. The installation of a silt buster would only constitute part of a water management plan, other mitigation is required to protect the water environment. As such. A water

management plan is therefore recommended to be conditioned in line with advice from the Council's own Biodiversity Officer as well as NRW.

## 5.8 Other issues raised

5.8.1 Some local residents as well as the Community Council have concerns that the proposed development would lead to the obstruction of a bridle way and public footpath. Whilst right of way 357/48/1 does run through the site it does not cross the identified area for stone extraction. An information note is to be attached advising the applicant of their responsibility not to obstruct or block a right of way.

5.8.2 In addition it has been also noted that access to the area of excavation crosses over third party land (NRW) and as such Certificate B should have been signed and issued rather than Certificate A. The applicant has been contacted and the corrected notice is to be issued.

5.8.3 Finally concerns have been raised in regard to whether the total number of days on site per calendar year (25 days) is to be grouped together or if they would be spread across the period. It is considered unacceptably onerous to condition the pattern of days that are worked on site given variables including weather, driver availability etc.

## 6.0 **RECOMMENDATION: APPROVE**

### Conditions/Reasons

1. This development shall be begun within 5 years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.  
Reason: For the avoidance of doubt.
3. No development, vegetation/tree clearance, earth moving shall take place or material or machinery brought onto the site until a revised Dormouse Conservation Strategy has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include:
  - i. The methods of vegetation clearance;
  - ii. the working areas, including storage sites for machinery and felled material (Eg. where material from Phase 1 will be stored until it is required as backfill for the final phase);
  - iii. how links will be maintained with surrounding habitat;
  - iv. the individual quarrying areas and a schedule of works to detail the sequence of them being worked and the proposed timeframe; and
  - v. The proposed site restoration plans.Whilst we note that (v) above is included within the long-term woodland management plan for the wider land owned by the applicant, we advise that this element is specifically included in the dormouse conservation strategy. The development shall be carried out strictly in accordance with the approved details.  
Reason: To safeguard individuals and the resting place / breeding site of a European Protected Species in accordance with the Conservation of Habitats and Species Regulations 2010.
4. No removal of hedgerows, trees or shrubs brambles, ivy and other climbing plants that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed

check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds including Schedule 1 birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

5. The development hereby permitted shall not be commenced until such time as a water management plan has been submitted to, and approved in writing by the local planning authority. The water management plan should include:
  - i. The proposed method of surface water discharge and any treatment proposed;
  - ii. The proposed method of diversion of the stream which runs through the site;
  - iii. Details of the management of the stream; and
  - iv. Details of proposed pollution prevention measures, particularly in relation to suspended solids, in order to prevent pollution of the stream.
  - v. Details of storage of oils and fuels
  - vi. Details of the proposed method of working

The development shall be carried out strictly in accordance with the approved details.  
Reason: To protect the water environment.

6. No development shall take place until such time as a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include detail about the type and frequency of traffic and details of the proposed transport route to and from the site. The development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of highway safety.

7. The use hereby permitted shall be ceased within 5 years of the date of this permission and the land restored in accordance with details to be agreed as part of the site restoration plans required by condition 4. The restoration shall be implemented within a timetable agreed as part of the approved restoration plan.

Reason: Planning permission is granted for a temporary period only and in the interests of visual amenity.

8. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 07:30-16:30 Monday to Friday. In addition no activities connected to the approved use shall be carried out on site any more than 25 times in 1 calendar year.

Reason: To protect the amenities of the nearby residential properties from noise and general disturbance.

9. The extraction of material on the site shall be carried out only by a 20 tonne modern excavator.

Reason: To protect the amenities of the nearby residential properties from noise and general disturbance.

### Informatives

1. Bats – Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not.
2. We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2) e) of The Conservation of Habitats and Species (Amendment)

Regulations 2012 before any works on site commence that may impact upon a European protected Species (EPS). Please note that the granting of planning permission does not negate the need to obtain a licence.

3. Nesting Birds – Please note that all birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs.  
To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.
3. The applicant should be made aware of the private water supply abstraction from the stream on the western boundary. An acceptable water management plan should demonstrate how the excavation will not impact on the abstraction.  
We recommend the applicant reviews the following guidance in relation to the proposed development: Pollution Prevention Guidance:  
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>  
Discharges to surface water and groundwater Guidance:  
<https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/?lang=en>
4. The applicant is advised that there are public rights of way in the vicinity of the development. The grant of planning permission does not give permission to close, divert or obstruct a public right of way. Obstructing a public right of way is a criminal offence for which you may be prosecuted. You should contact the Public Rights of Way Officer, Monmouthshire County Council (Tel 01633 644860/644862) for advice on procedure should you need to close or divert a public right of way.

DC/2015/01588

## CONVERSION WITH ALTERATIONS AND EXTENSIONS TO FORMER GALLERY TO PROVIDE 2 NO. DWELLINGS

THE OLD SMITHY, 34 MARYPORT STREET, USK, NP15 1AE

### RECOMMENDATION: APPROVE

Case Officer: Andrew Jones  
Date Registered: 14.01.2016

#### 1.0 APPLICATION DETAILS

- 1.1 This application is a currently vacant gallery, known as the Old Smithy, which is located on the western side of Maryport Street and to the north of the junction with Priory Gardens and Old Market Street in the town of Usk.
- 1.2 Planning permission is sought for the conversion of the building to provide two dwellings (a 3 bedroom and 2 bedroom) and this would be facilitated by a two storey rear extension. The extension has been amended from a large two storey gable, to a part two storey and part single storey lean-to. With regard to external materials these would include natural roof slate, painted smooth render, conservation-style roof lights and timber joinery.
- 1.3 The building is not listed but does sit within the Usk Conservation Area (Policy HE1) and also an Archaeologically Sensitive Area (ASA).
- 1.4 The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Floor Risk (TAN15) (July 2004).
- 1.5 The application is presented to Planning Committee at the request of the Delegation Panel.

#### 2.0 RELEVANT PLANNING HISTORY

None.

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

##### Strategic Policies

S1 The Spatial Distribution of New Housing Provision  
S2 Housing Provision  
S4 Affordable Housing Provision  
S7 Infrastructure Provision  
S12 Efficient Resource Use and Flood Risk  
S13 Landscape, Green Infrastructure & the Natural Environment  
S16 Transport  
S17 Place Making & Design

## Development Management Policies

H1 Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
NE1 Nature Conservation and Development  
EP1 Amenity & Environmental Protection  
DES1 General Design Considerations  
HE1 Development in Conservation Areas  
MV1 Proposed development and Highway Considerations  
SD3 Flood Risk

### **4.0 REPRESENTATIONS**

#### **4.1 Consultations Replies**

Usk Town Council (original observations) recommends refusal of the application on the basis that it is considered the proposed extension to the rear of this building is a gross intrusion of the privacy of neighbours, both sides. The proposed new kitchen window is less than 1m from adjoining kitchen window. The proposed 1830mm fence will block views and light from the old church building kitchen window.

In relation to revised plans – Recommend refusal for the same reasons previously itemised. The plot is too small for two houses and very intrusive to both neighbours.

MCC Heritage (in respect of original plans) - The proposed development is located next to 32 Maryport, which is a grade II listed building.

With regards to the proposed extension this is a large development on the rear of a comparatively compact building, converting the one unit into two. The scale and mass of the rear proposed extension is too large. The extension impacts on the listed building with overlooking issues from the rear windows. In principle an extension would be acceptable providing it was in keeping with the scale of the host building and respected the setting of the listed building. On the basis that the proposed extension is too large and affects the setting and character of the listed building this application cannot be supported and should be refused.

MCC Planning Policy - . I can confirm that the development of this site meets the requirements of Strategic Policy S1 and Policy H1 in principle, subject to detailed planning considerations.

Strategic Policy S4 applies relating to Affordable Housing Provision. While the proposal would fall below the five dwelling threshold in relation to affordable housing in Rural Secondary Settlements, the sixth bullet point of S4 relates to financial contributions to the provision of affordable housing in the local authority area for proposals below this threshold. Such contributions will be requested if the application is determined once there is relevant adopted SPG in place. The SPG has been out to public consultation but is not yet adopted, it is scheduled to go through the relevant Committee cycles in February 2016.

The site is located in Zone C1 floodplain, Strategic Policy S12 and supporting development management Policy SD3 relating to Flood Risk are therefore of relevance. Strictly speaking the proposal is contrary to Policy SD3 as it does not relate to the conversion of existing upper floors. It is necessary to consider whether the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15. In this respect the proposal represents a 'windfall' brownfield development

within the existing settlement boundary that contributes to meeting the housing targets set out in LDP Policy S2 and thereby assists in achieving the objectives of the LDP strategy. It is also noted a Flood Consequences Assessment has been submitted and it must be considered whether the FCA sufficiently demonstrates to the satisfaction of the NRW whether the risks and consequences of flooding can be acceptably managed. In this respect, compliance with national policy in TAN15 may be considered to be sufficient to outweigh any potential non-compliance with Policy SD3.

In addition to the above, the site is located within the Usk Conservation Area, Policy HE1 must therefore be referred to along with Policy HE2 relating to alterations of unlisted buildings in Conservation Areas. While the existing building is not listed, the adjacent dwelling is, as there is no specific local planning policy in relation to listed buildings it is important to ensure DES1 in relation to General Design along with Policy EP1. The site is located in an Area of Special Archaeological Sensitivity, National Planning Policy Guidance set out in Chapter 6 of Planning Policy Wales therefore applies.

Finally, the Council is currently progressing the implementation of a Community Infrastructure Levy (CIL). At present it is envisaged that CIL could be adopted towards the end of 2016. If the planning application was approved after the adoption of CIL then the development could be liable to the payment of a CIL charge.

Natural Resources Wales - does not object to the proposed development subject to an appropriately worded condition being attached to any planning permission your Authority is minded to grant relating to flood risk management.

MCC Highways – (original observations) Supplementary Planning Guidance, Monmouthshire Parking Standards 2012 specifies that 1 car parking space shall be provided per bedroom per property with a maximum of 3 car parking spaces per dwelling. The application site therefore requires a total of 6 car parking spaces, 3 for each dwelling. However, the proposal as presented shows no car parking to be provided for either dwelling.

On street parking along Maryport Street is already at an absolute maximum therefore there is insufficient capacity to accommodate an additional 6 vehicles associated with the development. The existing gallery has been disused for some time therefore the site does not attract any vehicular traffic that contributes to the existing on street parking. In the event the site is reopened under its current use visitors are likely to arrive on foot from the public car park whilst visiting Usk Town therefore would not exacerbate the existing on street car parking situation.

For the reasons stated above it is recommended that the application be refused.

Second Observations - The subdivision of the building will intensify the parking problems already experienced in this residential area of Usk. The comments provided that on street parking will be utilised is of serious concern as the adjacent highway is an important through route and a very busy one. There is unlikely to ever be six available parking spaces in the close proximity to the building. Usk, does not enjoy an abundance of public parking spaces and it is unlikely that specific spaces will be allocated within the public car parks for residential purposes.

I would be more inclined to support the conversion to a single dwelling with a maximum of three parking spaces required and can be accommodated within the environment surrounding the building.

I would not wish, from a highway viewpoint, to support the subdivision of the building for residential use.

Final Observations - The following comments and observations are provided following the applicants submission of photographic evidence indicating the extent of available on street parking in the immediate vicinity of the proposed conversion of the studio to two 3 bedroom residential units.

The photographic analysis submitted is not definitive and very subjective in respect of identifying the available on street parking at any given time of the day, no physical measurements have been carried out, nor any allowance taken in respect of the sizes of vehicle that may take up the spaces or inappropriate and poor parking etc. Therefore it is my opinion that the actual level of available on street parking may well be less than indicated and in the absence of a full and detailed technical review I would recommend that the level of parking available is less than indicated.

The proposal would require the provision of 6 on-site parking spaces in accordance with the Councils adopted Supplementary Planning Guidance "Monmouthshire Parking Standards 2012" The standards allow for a relaxation where a development is proposed in a sustainable location, I am of the opinion that Usk is not what could be considered a sustainable location because residents are very reliant on the domestic car for commuting and day to day activities. I do not consider that a relaxation in the required number of parking spaces is appropriate in respect of this application.

The applicant cannot provide 6 parking spaces within the curtilage of the development. The parking associated with the development will be expected to be accommodated on street in the immediate vicinity of the development. It is accepted that the proposal is within reasonable walking distance of public car parks (currently free of charge) but it is unrealistic to assume that occupiers will park vehicles in these areas particularly overnight.

Therefore will the development impact on the existing streets and increase or create parking stress, I am of the opinion that the level of development proposes will create a negative impact and what available resilience that the applicant has demonstrated at various times of the day and particularly overnight will be lost and existing residents who rely on stress parking and visitors will be directly affected.

I consider that the proposal will be detrimental to highway safety and will create or increase parking stress in the adjacent streets if approved in its current form. The applicant may wish to consider a reduction in the number of beds an subsequent parking requirements.

#### Flood Risk Management

The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, which is a designated main river. Our records show that the proposed site has also previously flooded from the River Usk.

The planning application proposes the conversion of a building into housing, low to highly vulnerable development, on previously developed land within a flood risk area. Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified. We refer you to TAN15 for these considerations and refer you in particular to the justification tests at section 6.2. As part of this justification, the applicant should undertake and submit a flood consequence assessment (FCA) prior to determination of the application that meets the criteria set out in TAN15. The purpose of the FCA is to ensure that all parties, including your Authority, are aware of the risks to and from the development, and ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding.



The flood consequences assessment (FCA) produced by Engineering Associates dated October 2015 reference 15/2310 FCA rev A, submitted in support of the application states:

- The existing threshold level of the existing building is 16.92m AOD and this will be raised to 17.3m AOD post development.
- The following flood levels are given for the relevant TAN 15 events:
  - 1 in 100 year plus climate change: NULL
  - 1 in 1000 year: 17.9m AOD
- Based upon the proposed finished floor levels of 17.3m AOD, the development will remain flood free during the 1 in 100 year plus climate change event, and therefore compliant with A1.14 of TAN 15.
- During the 1 in 1000 year flood event, the development site will experience a flood depth of 600mm, which is within the tolerable limits of A1.15 of TAN 15.

Given the defences in the area, we are satisfied that the defended scenario represents the most realistic flood event.

The FCA also assesses the flood risk to the access / egress routes, which when using NRW flood data demonstrates that the proposed route, north along Maryport Street, will remain flood free during the 1 in 100 year plus climate change event and will flood to an average depth of 0.66m in the extreme 1 in 1000 year flood event. We refer you to A1.15 in TAN15 which provides indicative guidance on acceptable depths of flooding in the 0.1% event.

In order to further mitigate the development during the extreme 1 in 1000 year flood event, the FCA states that it is recommended that concrete ground floor slabs, external walls and building finished will be built to flood resilient standards. All electrical supplies will be maintained well above ground slab level. New residents should be made aware of the flood warning arrangements and emergency plans / procedures to deal with evacuation of the site.

The FCA also assesses the increase that the post development footprint will have on third parties, it states that the increase to the flood level post development would be 0.04m. We would find this to be within model tolerance limits and would therefore have no objection or further comment in relation to third party impacts post development.

Based on the information submitted within the supporting FCA we have no objection to the development subject to the inclusion of the following condition in any planning permission.

#### European Protected Species (Bats)

We note that the bat report submitted in support of the above application (The Old Smithy, Usk, Bat Survey Report by Acer Ecology dated September 2015) has identified that there was no evidence of bats using the application site. We therefore have no objection to the application as submitted with regard to bats, a European Protected Species.

MCC Ecology - Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision.

A daytime internal/external inspection of the building was carried out on the 31st July 2015, no evidence of bats was found although the inspection was constrained by a covering of dust.

A dusk emergence and dawn re-entry survey were conducted on the 10th August 2015 and 4th September 2015. It is noted that the latter is outside the optimal time for survey but given the early September date and the temperatures, it is considered the survey is acceptable.

No bat activity was recorded associated with the building, low numbers of soprano pipistrelle, common pipistrelle and noctule were recorded in the vicinity during the dusk survey and soprano pipistrelle during the dawn survey.

No signs of birds nesting was found during the internal/external inspection of the building.

The report highlights opportunities for enhancement which would be in accordance with LDP policy NE1 and MCC's duty under the Natural Environment and Rural Communities Act 2006 to have regard for Biodiversity. A planning condition is recommended to support this.

Glamorgan Gwent (Final Observations, previous comments are available on the Council's website) - We can confirm that the proposal has an archaeological restraint. We note the submission of the archaeological evaluation report (Report no. 2016/12, dated September 2016) compiled by Cardiff Archaeological Consultants for the above site. A 30 square metre area, set within the footprint of the proposed extension, was excavated. The evaluation revealed that the Roman occupation horizons and features have been extensively damaged by the late medieval, Post-medieval and recent occupation of the site. Two large rubbish pits were partially excavated, both dating to the Post-medieval period. Additionally a medieval stone-filled soakaway was recorded and two medieval pits partially excavated. The Roman occupation layer was also encountered, including two circular pits, again not fully excavated.

Overall the stratigraphic sequence suggests a post fortress Roman occupation of the site, followed by the construction of a soakaway and pits associated with a building dating to the late medieval period. The evaluation concludes that the surviving archaeological resource is significant, but could be fully excavated and preserved by record in order to mitigate the impact of the proposed development.

We concur with the conclusions of the report and clearly there are surviving archaeological features and deposits on the site, which have only been partially excavated. Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that this programme of work would take the form of the excavation of the remainder of medieval pit (context number 20), followed by a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

Welsh Water – We would request that if you are minded to grant planning consent for the development that the conditions and advisory notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### 4.2 Neighbour Notification

Objections from two local households in respect of original proposals citing the following:

- Would block natural light to both ground and first floor windows of adjoining properties;
- May potentially affect structural stability of neighbouring building;
- Will remove any access for the purposes of maintenance;
- Will adversely affect enjoyment and amenity of property;
- Close boarded fence along boundary would also reduce light levels;

Objections from three local households in respect of the revised proposals citing the following:

- Would have adverse impact on amenity and privacy;
- Would increase eave level which would go from 3.3m to 4.5m which would considerably increase the bulk of the main building;
- Would badly block natural light and would mean neighbour would have to resort to artificial illumination increasing property running costs;
- Changes do not overcome impact on neighbours;
- Close boarded fence along boundary would also reduce light levels;
- Principle of converting gallery is not contested;
- Does not comply with Policy DES1 (b) and (d);
- The claim that parking requirements generated two dwelling are likely to be less than the previous use is spurious;
- The fact the site is close to shops and bus stops does not necessarily lessen the need for a car and car parking;
- The Monmouthshire Parking Standards 2013 are nowhere near satisfied for occupants or visitors to the property, one dwelling would mitigate the problem;
- Proposal must be considered within the context of the adjoining listed (II) properties;
- No evidence application was properly advertised;
- Concern of asbestos within existing roof;
- If permitted as two dwellings would create long narrow gardens and would cause problems by virtue of closeness of families.

#### 4.3 Other Representations

Usk Civic Society – (original observations) objects to the proposal to build a pair of semi-detached houses on the site of the former Old Smithy Gallery. While it would not be opposed in principle to the replacement of the disused and unsightly gallery building with residential development suitable in scale and design to this site within the conservation area, it considers that two dwellings on this site constitutes overdevelopment. It is apparent from study of the plans and other material that two dwellings can only be achieved at the expense of unacceptable loss of light and visual amenity for the neighbouring properties 32 and 36 Maryport Street. We have seen the extremely detailed objection submitted by Mrs Collis of 36 Maryport Street, with which we respectfully agree in all points. The detriment to 32, which is currently undergoing restoration, is equally great, with a gap of less than 2 metres between facing side windows on both ground and first floors. 32 Maryport Street is also listed, so alteration to mitigate the problem is not an option. We agree with Mrs Collis that a single dwelling on this site could be designed to sit within, or close to, the footprint of the gallery building. In consequence 32 and 36 need not suffer the loss of light and amenity inherent in the present proposal. The developer argues that narrow frontages are historically appropriate in Usk. While prime mediaeval Burgage plots (e.g. in Twyn Square) were very narrow, plots further from the centre, such as those in Maryport Street, were and still are wider. In any event, the street elevation of the proposed two dwellings looks to all intents and purposes like a single frontage.

In relation to the revised plans - objects to the revised proposal (on the website as drawing 1034(03)15 Revision C) to build a pair of semi-detached houses at 34 Maryport Street on the site of the former Old Smithy Gallery. It considers, first, that the drawing on its own, without any supporting written explanation, is insufficient to enable MCC, or any other interested party, to adequately assess whether the changes address the substantial harm which would in our view result to the neighbouring properties on either side. Secondly, the Society does not consider that, on the basis of

the information provided, the changes do in fact address that harm. In some respects they increase it. The Society has seen the objection submitted by Mrs Collis of 36 Maryport Street (next door to Unit 1) and agrees with it in all points. Taking first the effect on Mrs Collis' property, as she points out, the reduction in the height of the roof ridge is minor; the revised design would still result in a structure of two storey height with the apex of the ridge appreciably closer to her building, with consequent loss of light (there are no light loss calculations in relation to the proposed development) and residential amenity. Quite simply, it would be overbearing because it is too large for the site. As she points out, the increased depth of the main section of the proposed building increases the degree of overlooking of her property and loss of her privacy. Finally, the 1.83 metre close-boarded fence proposed for the boundary between Unit 1 and her property would have an extremely deleterious effect on the light levels in her kitchen, as the fence would be less than two metres from the only window. This loss would be all the greater because the floor levels at 36 are lower than those at 34. The revised plans therefore do nothing to mitigate the adverse effect on her property. While the revised plans replace, for Unit 2, a double height rear extension facing the kitchen and a bedroom window in 32 Maryport Street with a single storey extension, the slate roof rises towards, and joins to, the double height roof ridge of Unit 1. The kitchen window of 32 would face a 2.4 metre solid wall less than 2 metres away. This would be a massive loss of light and amenity to one of the principal windows of the property. As the kitchen of Unit 2 would face into this narrow well and has no windows apart from roof lights, mechanical ventilation would be required. Smells would inevitably percolate into the kitchen of 32 unless the window was kept permanently shut. Furthermore, the increased depth of the main section of Unit 2 means that the west-facing window of the lounge of Unit 2 would be very close, and at right angles to, the kitchen window of 32, with consequent loss of privacy and amenity. The revised plans are no improvement on their predecessors in terms of showing the relationship between the proposed houses and the neighbouring properties on either side, an indication of how little the applicant has considered the adverse effect on them of the scheme. There is, for example, no indication on the plans of the position of the roof lights shown on the East, West and South elevation drawings, yet these provide the only light and ventilation for the east-facing first floor windows, and are material factors to consider in assessing the impact on neighbouring properties. I refer to the roof light shown on the West elevation of Unit 1 and what appear to be two small roof lights on its South elevation. These could have an impact on the privacy and amenity of 36 A Maryport Street. Usk Civic Society does not consider that the revised plans for 34 Maryport Street adequately address the objections which it and others have already made to the original proposals. The proposed two houses on the site constitute overdevelopment and are only achievable at the cost of considerable and unacceptable damage to the privacy, residential amenity, light levels and health of residents in the existing neighbouring properties.

## **5.0 EVALUATION**

### **5.1 Principle of the proposed development**

- 5.1.1 The site is located within the town development boundary for Usk, within which '*new build residential development / redevelopment or conversion to residential, or subdivision of large dwellings or reuse of accommodation such as upper vacant floors in town centres will be permitted subject to detailed planning considerations and other policies of the LDP that seek to protect existing retail, employment and community uses.*' (LDP Policy H1). The proposal is therefore acceptable in principle subject to detailed matters that include flooding, design, residential amenity, parking and biodiversity considerations.

## 5.2 Flooding

5.2.1 As detailed in section 1.4 of this report the site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The proposal is therefore technically contrary to Policy SD3 *Flood Risk*, which does not distinguish between Zones C1 and C2, as the proposal is not for the conversion of existing upper floors. It is however considered that the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15. The proposal represents a 'windfall' brownfield development within the existing settlement boundary that contributes to meeting the housing targets set out in LDP Policy S2 and thereby assists in achieving the objectives of the LDP strategy

A Flood Consequences Assessment (FCA) has been submitted and NRW have confirmed that given the defences in the area, they are satisfied that the defended scenario represents the most realistic flood event. Therefore subject to a condition to manage the finished floor levels, NRW do not object to the proposed development. It is therefore considered that the proposal is compliant with national policy in TAN15 which is sufficient to outweigh the non-compliance with LDP Policy SD3.

## 5.3 Visual Impact

5.3.1 The site lies within the Usk Conservation Area (CA) and sits next door to the Grade II listed No 32 Maryport Street. Concerns have been raised from the Council's Heritage Officer in respect of the impact on the setting of both the listed building and CA. The Heritage Officer's comments centred primarily on the rear extension, however views of the rear of the property are extremely limited from a public vantage point and it is considered that the proposed extension would not fail to preserve or enhance the appearance of the CA. The extension has been reduced in scale and mass, following concerns in relation to the impact on the amenity of No 32. It is considered that following the amendments the development would not cause such harm to the setting of the listed building so as to warrant refusal of the planning application.

5.3.2 The changes to the front of the building, which is prominently located within the street scene of Maryport Street, are also considered to be acceptable. The use of natural roof slate is welcomed as is the use of timber joinery. However, it is considered necessary to condition that samples of the finishes are submitted to and agreed by the planning authority. The existing commercial frontage is not of traditional character that warrants retention; the alterations to the front façade retain the appearance of a single unit and would ensure the building would not appear incongruous within the street scene.

## 5.4 Residential Amenity

5.4.1 The proposed development has been amended following officer concerns in respect of the impact on the residential amenity of No 32 Maryport Street, as detailed in section 1.2 of this report. Of paramount concern was the impact on the first floor bedroom window positioned in the south facing (side) elevation of no 32. Following the alterations made it is not considered that the proposed extension would be unacceptably overbearing to this habitable window at no 32 nor would it result in an intolerable loss of natural light. At ground floor level the single storey element of the rear extension would finish approximately 1.2m from the kitchen window of no 32. Given the reduced scale and mass of the extension closest to no 32 it is not considered that the proposal would cause an unacceptable loss of light to the kitchen window.

- 5.4.2 The adjoining property to the South, no 36, features a number of window openings facing towards the application site along its side elevation. The proposed extension would project approximately 1.7m further back than the existing lean to. Whilst it is accepted that the extension would be two storey, the main window to be obscured would serve a stairwell (non-habitable room) and would not extend as far as the ground floor kitchen window. As such the proposed extension would not cause unacceptable harm to the amenity of the occupiers of no 36.
- 5.4.3 Concerns have also been raised in relation to the 1.83m high timber fence that would enclose the site. However, it is not considered that this would reduce light levels as suggested given its lightweight form and height. It must also be noted that a higher (2m high) means of enclosure could be erected under Permitted Development rights in any case.
- 5.4.4 Having said this, it is considered to be reasonable to remove normal Permitted Development rights to extend and alter the building to ensure future developments can be managed to ensure that the residential amenity of the adjoining properties is not compromised. A further extension that may not require planning permission could have a harmful impact.

## 5.5 Highway Issues and Parking

- 5.5.1 The revised proposal for a two bedroom dwelling and a three bedroom dwelling would, as per Monmouthshire's adopted Supplementary Planning Guidance (SPG) in respect of parking, require a total of five off street parking spaces to be provided. However, the physical constraints of the site mean that it is not possible to provide even one designated parking space. Although the site is located within the centre of the town, it is accepted that sustainable forms of transport within Usk are limited. The town has no train service and only limited bus service to Newport and Monmouth. It is therefore reasonable to expect that occupiers of both dwellings will be reliant on private motor vehicles. The fall-back position of the existing lawful commercial use has also been considered, but it is not disputed that this would in practical terms provide a less intense pressure on local parking demands. Visitors to a commercial premises would be more inclined to park in one of the public car parks, all within relatively short walking distance of the application site. Conversely it is considered reasonable to expect that a resident would wish to park as close to their property as possible, for reasons including surveillance, carrying shopping and also childcare.
- 5.5.2 For these reasons officers requested the applicant to amend the proposal from two dwellings to a single unit; this would have seen the parking requirement fall from five spaces to three. The applicant has resisted this request and has subsequently carried out a photographic survey which captures available off street parking capacity within the vicinity at various time throughout the day across a seven day window. The results of this survey show a good number of spaces both at early morning times (when people would leave for work) and at early evening times (when people would typically return from work). Parking numbers are, as could be expected, reduced during the day when commercial pressure from the retail unit across Maryport Street is at its greatest. While the advice from the Council's Highway Engineer and requirements of the adopted SPG are duly noted, it is considered that, on balance, given the survey evidence provided that the proposed conversion to provide two residential units would not put unacceptable additional pressure on the existing parking in the locality, refusal of the application would not be warranted.

## 5.6 Biodiversity

- 5.6.1 Owing to the nature of the works to the roof of the existing building the application has been informed by a bat survey which identified that the site lies within 1km of 17 bat roosts, the closest of which within 250m.

The survey included a daytime internal/external inspection of the building as well as a dusk emergence and dawn re-entry survey. Whilst no bat activity was recorded associated with the building, low numbers of soprano pipistrelle, common pipistrelle and noctule were recorded in the vicinity during the dusk survey and soprano pipistrelle during the dawn survey.

However, the Council's Biodiversity Officer has recommended a condition that would secure integrated bat roosting and bird nesting provision within the development. It is therefore considered that the development satisfies Policy NE1 of the LDP.

## 5.7 Response to Other Issues Raised

- 5.7.1 Whilst a number of the concerns raised by third parties have been addressed in the previous sections of this report there are a number of other outstanding matters. It has been suggested that the division of the site into two units would result in long narrow gardens and therefore issues between the occupiers of these new dwellings. However, the resulting gardens are not considered to be disproportionate to others in the locality which are of similar widths and lengths.

Also should the existing roof feature asbestos then the safe removal of this would need to adhere to separate legislation outside that of planning control, and is not therefore a material consideration.

Similarly should the proposed development result in any issues of structural stability to any third party properties then this would be a private legal matter.

- 5.7.2 Finally with regard to potential financial contributions towards local Affordable Housing Provision (Policy S4), the planning application was registered on the 14<sup>th</sup> January this year and therefore prior to the adoption of the relevant SPG in respect of the Policy in March. Consequently no such contributions are required.

## 6.0 **RECOMMENDATION: APPROVE**

### Conditions:

1. This development shall be begun within 5 years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.  
Reason: For the avoidance of doubt.
3. Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.  
Reason: To ensure a satisfactory form of development takes place.
4. Prior to the commencement of works a scheme detailing the provision of integrated bat roosting and bird nesting provision within the scheme as outlined in the submitted The Old Smithy, Usk, Bat Survey Report by Acer Ecology, September 2015 shall be submitted to the LPA for written approval. The agreed scheme shall be implemented in full.

Reason: To ensure the development is in accordance with LDP policy NE1 and the Natural Environment and Rural Communities Act 2006.

5. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) produced by Engineering Associates dated October 2015 reference 15/2310 FCA rev A, and the following mitigation measures detailed within the FCA:

- Finished floor levels are set no lower than 17.3 metres above Ordnance Datum (AOD) (Newlyn).

Reason: To reduce the risk of flooding to the proposed development and future occupants.

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

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

#### Informatives:

1. BATS – Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not.  
We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.  
If bats are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.
2. NESTING BIRDS – Please note that all birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs.  
To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.
3. Party Wall Act.
4. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.



5. Welsh Water informative.
6. 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](http://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.

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DC/2016/00287

## **AN EXTENSION TO BEAULIEU BARN TO PROVIDE A SUITABLE INTERNAL VOLUME TO PROVIDE FOR A MODERN STANDARD OF RESIDENTIAL LIVING ACCOMMODATION**

**BEAULIEU BARN, 25 KYMIN ROAD, THE KYMIN, MONMOUTH, NP25 3SD**

### **RECOMMENDATION: APPROVE**

Case Officer: Jo Draper

Date Registered: 18.07.2016

#### **1.0 APPLICATION DETAILS**

- 1.1 This application relates to a small dwelling, converted originally, and constructed with external stonework and a slate roof. The building has a complex planning history and was approved for conversion to residential use in 2008. This application is situated within an open countryside location outside of any development boundary and was approved previously under Policy H7 of the UDP, but is now considered under Policy H4 of the Local Development Plan.
- 1.2 The proposal is for a substantial two-storey extension to this converted building. This extension is linear in form and extends on the existing gable. This extension is two-storey in form with a single-storey gable extension that projects to the rear. The building has been designed with a dwarf wall and horizontal boarding, the finishing materials for the roof is identified as a slate roof or a contrasting tile clay roof. There are no windows proposed with the two-storey gable and single-storey gable being fully glazed.
- 1.3 The existing building was designed so that it appeared as a small, traditional hay building. This application proposes an extension that sits tight under the existing ridge height and appears as a one and half storey extension with first floor accommodation within the roof space. The proposed extension measures 6.25m in width, depth is 4.3m, height to eaves and ridge is set marginally below that of the existing build which is 5.75m and 3.13m respectively. The single-storey element projects out by 2.8m and measures 4.1m in width.
- 1.4 The calculations scaled from plans for both existing and proposed are the following:  
Existing Ground Floor Footprint = 44.71 square metres  
Proposed Ground Floor Footprint (with proposed extension) = 83.06 square metres  
Increase of 38.35 square metres  
86% increase in floor area  
  
Total Existing Floor Area = 82.7 square metres  
Proposed Floor Area (with proposed extension) = 152.02  
Increase of 69.32 square metres  
84% increase in floor space
- 1.5 The existing frontage measures 7.1m; the extension adds a further 6.25m creating a total frontage length of 13.35m representing an 88% increase.
- 1.6 The supporting information submitted with this application focuses upon the planning events before the existing site was finally allowed for conversion back in 2008.

- 1.7 The Offa's Dyke long distance footpath crosses the eastern edge of the meadow and a local public footpath passes within a few metres of the building which is a dominant feature in views from extensive sections of both paths.
- 1.8 The application site is situated within the Wye Valley AONB.
- 1.9 This application is being presented to Planning Committee at the request of the Local Member.

## **2.0 RELEVANT PLANNING HISTORY**

### Planning history

DC/2015/01178 Amendment to roof height of the previously approved agricultural building (DC/2014/01291) Approved 17.11.2015

DC/2014/01291 Construction of all-weather horse riding manege. Construction of open fronted timber agricultural store for hay and machinery storage  
Approved 18.12.2014

DC/2011/00024 Proposed storage building pigsty and polytunnels at Beaulieu Meadow smallholding Approved 16/03/11

DC/2009/00999 Proposed temporary compound to store building material for existing dwelling Approved 03/07/08

DC/2008/00587 Proposed agricultural store & workshop building for existing dwelling  
Approved July 2008

DC/2007/01144 Proposed conversion of redundant barn to provide new dwelling  
Approved February 2008

A36287 Change of Use of redundant barn to form an a holiday unit Refused and Appeal Dismissed  
01.09.93 and 13.01.1994

A35156 Conversion of redundant agricultural building to dwelling Refused 07.10.1992

30882 Proposed restoration and extension to stone barn to provide stables, hay loft and tractor shed approval 1988

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S1 – The Spatial distribution of new Housing Provision  
S13 – Landscape, Green Infrastructure and the Natural Environment  
S17 – Place Making and Design

### Development Management Policies

H4 – Conversion of redundant buildings in the open countryside  
DES1 – General Design Considerations  
EP1 – Amenity and Environmental Protection  
LC4 – Wye Valley Area of Outstanding Natural Beauty

NE1 – Nature Conservation and development

Supplementary Planning Guidance:

Conversion of Agricultural Buildings Design Guide:

Planning and listed building consent will only be granted for conversions where the agricultural character of the building is preserved and protected.....The Local Development Plan policy does not exclude extensions. Any proposed extension will however need to be carefully assessed against strict criteria controlling the effect on the character and setting of the existing building and/or their group value. This effect will clearly be more pronounced on smaller buildings, which is why they may not be favoured for conversion if substantial enlargement is needed to provide tolerable living or working conditions.

#### **4.0 REPRESENTATIONS**

##### **4.1 Consultations Replies**

Monmouth Town Council: Approve

MCC Landscape Officer: : Unable to support proposals for development within, or affecting the setting of the AONB that did not regard the strategic objectives and policy set out in the MCC LDP by which development has to protect, conserve or enhance the unique character and special qualities of the landscape. There is insufficient information to demonstrate that their proposal meets LDP policies LC4 (LC1/LC5) or DES1. An appraisal would have provided an evidence based rationale and pertinent information to develop their proposal properly; informing its scale, architectural design and material choice. The design process should have been clearly illustrated within the DAS and/or other supporting documents.

The development should be of a high quality sustainable design and where appropriate use decoration and styles to enhance its appearance. We note that the intention was to reflect the character of the existing building, but the palette of materials listed on drawing JT10/15 – 2450 offers an array of different materials and no defined specification. There are no landscape planting proposals included with their proposal.

MCC Ecology Officer: An assessment was undertaken by Pure Ecology (letter dated 12<sup>th</sup> July 2016) is sufficient to inform this scheme. It confirmed that there is no bat roost potential in the building but also identified that the mitigation agreed under the previous consent has not been installed correctly (boxes upside down and no gaps at eaves). In relation to this consent, there is no necessary further consideration in relation to bats although it would be appropriate to consider controlling external lighting via planning condition.

Please use the following information notes on any approval:

Information Note

Bat Mitigation incorporated into the previous permission was incorrectly installed. This must be amended in accordance with the advice in the Pure Ecology report. Failure to rectify the mitigation may result in enforcement action under the previous consent DC/2007/01144.

##### **4.2 Neighbour Notification**

Six representations have been received raising the following points:

1. The existing house is too small and this sensibly sized extension would increase the living space to a habitable level.
2. Also given the size of the plot and its location, a sympathetically designed extension would have any significant negative impact on neighbours or the surrounding area.

3. The existing dwelling is also clearly far too small to afford an acceptable level of hygienic/sanitary accommodation given that it does not have a separate kitchen and discrete toilet/bathroom facilities that cannot be adequately ventilated.
4. It is not conceivable that were this property to be built today in its current state that planning permission would be given.
5. The property sits well within its immaculately maintained grounds and a substantial increase in size and a change in shape would be an asset to the very pleasant vista over the property from higher up the hill.

#### 4.3 Local Member Representations

The Local Member supports the proposal and requests that this is presented to Planning Committee.

### 5.0 EVALUATION

The main issues to consider are the following:

1. Principle of the proposed development
2. Design of the Proposal
3. Impact upon the Wye Valley AONB

#### 5.1 Principle of the proposed development

5.1.1 The supporting information submitted with this application focuses upon the planning events before the existing site was finally allowed for conversion in 2008. This relates to the extent of the building work that was previously undertaken that was afterwards removed as part of the conversion. It is argued that this was originally undertaken as permitted development and then enforcement action was taken when the approved plans did not reflect what was built on site. A full planning history of what was subsequently undertaken is addressed in the original report for application DC/2007/01144 which is attached. In brief, there were modern building works carried out and then a planning application to retain these works and convert the building to residential use (under application A35156); this was refused on the basis that the proposal was considered to be tantamount to a new build being the result of substantial rebuilding and alterations of an earlier building. A second application to retain the building, together with the works undertaken for the purposes of a holiday let was also refused and was subsequently dismissed at Appeal. The Inspector considered the building to be the result of partial rebuilding and substantial extension of a small single storey stone built agricultural building.

5.1.2 Under current policy the same considerations apply and if faced with the same building for potential conversion as that considered in 2008, the only acceptable way would be to follow the method of the previous approval and to remove the modern elements and effectively strip back the building so that what remains is a shell of the traditional/ original building to be converted. It is not relevant what existed previously, firstly as this was modern and would not have been suitable to include without the development being tantamount to new build and secondly, this element has now been removed.

5.1.3 Criteria f) of Policy H4 of the LDP outlines that buildings for conversion need to 'be capable of providing adequate living space within the structure'. Only very modest extensions will be allowed and normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn.' The Policy goes on to state that the same criteria will also be applied to proposals to extend the buildings that have already been converted. This building has already been modestly extended with the lean-to allowed as part of the original approval for conversion. The host building is small and

the extensions and alterations have therefore reached the capacity for the building to be extended with this small addition. As well as this, there have also been ancillary buildings constructed in the form of an agricultural store and workshop building within the grounds of the site.

- 5.1.4 The proposed extension represents an 84% increase overall in floor area. This not only significantly exceeds what could be considered as a 'very modest' extension, but the resultant building would effectively be tantamount to new build, thus failing criteria e) of LDP Policy H4 which precludes modern buildings in form and age for residential conversion.
- 5.1.5 Both the applicant and neighbour representations have stated that the building is too small for adequate living accommodation. The size of building was considered during the determination of the previous planning application to provide small but acceptable living accommodation. This property has been lived in as such for a number of years. To put into context how this compares with modern day living accommodation, a comparison is made with a one bed walk-up flat approved on the strategic housing site on Wonastow Road. This unit provides approximately 50 square metres of floor area, including the floor area used to accommodate the staircase (DC/2015/00390; Approved Plan reference W1.1 House Type 1512 143 Revision B). This is compared with the internal floor area measurement for Beaulieu Barn which is 59 square metres (scaled off drawings as measurements given on the drawings are external and this building has thick stone walls). Furthermore, Beaulieu Barn has the 'breathing space' that comes from it being a detached unit situated within a relatively isolated location. The argument that this building should not have been approved in the first place given the substandard living accommodation created is not considered reasonable in this case.

## 5.2 Design of the Proposal

- 5.2.1 A requirement of planning policy is that the "*form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building*". The SPG states .... *Any proposed extension will however need to be carefully assessed against strict criteria controlling the effect on the character and setting of the existing building and/or their group value. This effect will clearly be more pronounced on smaller buildings, which is why they may not be favoured for conversion if substantial enlargement is needed to provide tolerable living or working conditions.*
- 5.2.2 The new extension by virtue of its form and scale is considered to dominate the existing building. The resultant building would appear to be almost doubled in size. The form of the building described by a previous Inspector as being a "*small single-storey stone built agricultural barn*" is no longer the case with the proposed scheme. The form and scale of the proposal, coupled with a single-storey extension to the rear adds a domestic element that is jarring against the existing simple lean-to at Beaulieu Barn. It is helpful that the materials proposed have sought to retain an agricultural appearance with the user of timber boarding as the primary material, with window openings restricted to recessed gables, however this is not enough to ensure that the large bulk and scale of the proposal will respect the form, bulk and general design of the proposal. The almost doubling in scale of this building changes the perception of this building from a small converted agricultural building to a substantially larger more modern domestic building. The proposal fails to satisfy both Criteria a) of LDP Policy H4 (form, bulk and general design to respect the rural character and design of the building) and Criteria d), "the more isolated and prominent the building the more stringent the design requirements with regard to ...extensions especially if located within Wye Valley AONB"

### 5.3 Impact on the Wye Valley AONB

5.3.1 The Inspector in the appeal A36287 stated that Beaulieu Barn “stands by itself in an open meadow high on the slopes of the Kymin, a prominent area of high ground and local beauty spot within the designated Wye Valley Area of Outstanding Natural Beauty.... The Offa’s Dyke Footpath long distance footpath crosses the eastern edge of the meadow and a local public footpath passes within a few metres of the building which is dominant in views from extensive sections of the both paths..... despite the substantial alterations and extensions, I found that the building still retains some agricultural character.... Few external openings ....secondly the building stands isolated with the grass of the meadows growing up to the walls.... because of the apparent close visual and functional link between the building and its rural surroundings it does not at present appear to be out of place in its setting, despite its prominence.....I anticipate that this situation would alter significantly were the change of use proposed by your client to be implemented... the surviving agricultural character of the building and its immediate surroundings would change to one of a clearly domestic nature . I conclude that this would unacceptably erode and damage the character and appearance of the surrounding rural area and the Wye Valley AONB and prejudice the objectives of prevailing national and local planning policies”.

5.3.2 It is arguable that a degree of erosion to the character and appearance of the Wye Valley AONB has already occurred owing to the development that has occurred on the adjacent small holding since the previous approval for conversion to residential use. However, whilst this development has altered the landscape, the area has not become overly domestic as the changes relate either to agriculture or rural recreation. The barn does still stand in isolation and is open to viewpoints from key receptors, namely local footpaths that are in very close proximity including the Offa’s Dyke footpath. When the previous application was approved (DC/2007/01144) the proposal represented a positive improvement to the surrounding landscape as it removed the unsightly domestic extensions and returned the building back to its original form. In this case the proposed extension changes the building from a modest converted agricultural outbuilding to a significantly larger domestic property in the landscape, visible from local vantage points. The cumulative impact of this when viewed in relation to the surrounding development detracts from the immediate landscape contrary to Policy LC4 of the LDP. The relevant supporting information required by MCC’s Landscape Officer has not been requested as this was considered to be unreasonable considering the principle of any type of extension on this building was considered to be unacceptable. The proposal does however have a localised, yet harmful impact on the AONB when viewed from key receptors.

In line with the comments above the application is recommended for refusal accordingly.

### 6.0 **RECOMMENDATION: REFUSE**

1. The proposed extension, by virtue of its scale, contravenes criteria e) and f) of Policy H4 of the Monmouthshire Local Development Plan (MLDP) because the scale of the proposal represents a substantial increase in the size of the existing building, far exceeding what could be reasonably considered as very modest and secondly, the resultant building would, by virtue of the significant amount of new build, be tantamount to a new build development in the open countryside.
2. The proposal fails to satisfy both criteria a) and d) of Policy H4 of the MLDP because its form and scale as dominates the existing building, changing the appearance of the existing building from a small converted agricultural building to a substantially larger more modern, domestic building. The proposal fails to respect the form, bulk and general



design of the proposal, whilst its isolated and prominent location within the AONB requires the design criteria to be applied more stringently.

3. The building lies in an exposed position within the Wye Valley AONB, visible from key receptors including the Offa's Dyke Footpath. The cumulative impact of this development together with the changes that have already occurred within the surrounding land, would change the character of the land to a clearly domestic nature, which would appear out of place in this sensitive rural landscape and would be contrary to Policy LC4 of the MLDP.

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**DC/2007/01144**

**PROPOSED CONVERSION OF REDUNDANT BARN TO PROVIDE NEW DWELLING**

**BEAULIEU BARN, GOOD NEIGHBOURS LANE, THE KYMIN, MONMOUTH**

**RECOMMENDATION: APPROVE**

**1.0 APPLICATION DETAILS**

- 1.1 The application site relates to a small stone structure building situated in an isolated location. The building has a complex planning history. According to the supporting information submitted with the application the building was traditionally used as an animal shelter with hayloft above. It was however then subject to enforcement action as the building was partially reconstructed and raised in height with evidence of a different newer stonework on the upper part of the building with consequent alteration in form and design of the existing dwelling. There was in addition a number of domestic features added to the building namely an external chimney stack, new window openings and a Rosemary tiled roof.
- 1.2 The applicant has stated that they are seeking to return the building back to where it was before the works in 1989 by removing the inappropriate modernisation, sheds and paraphernalia from the curtilage of the building.
- 1.3 It is proposed to remove the two storey 1980's extension and replace it with a single storey lean-to containing the required toilet. It is proposed to lower the ground floor level and reduce the overall height to what the supporting information says is the original form although there is no evidence available demonstrating what the original form was. The intention is for the building to appear single storey with a loft above. It is proposed to re-roof the building in a natural slate .A pedestrian only access is proposed from the road with the construction of a separate gravelled parking area on the other side of the road. This application proposes to use the existing access that serves the building, an alternative access has also been put forward which is taken across an existing farm access through the adjacent forest.
- 1.4 A planning application to retain the works (A35156) was refused on the basis that the proposal was considered to be tantamount to a new build as it related to a building which is the result of substantial rebuilding and alterations of an earlier building. It was also as the extensive residential curtilage would have an adverse impact upon the visual amenities of an area which is in the designated AONB.
- 1.5 A second application to retain the building, together with the works undertaken for the purpose of a holiday let was also refused and was subsequently dismissed at Planning Appeal. Indeed, the Inspector considered the building to be the result of partial rebuilding and substantial extension of a small single storey stone built agricultural building. It was concluded that despite the alterations and extensions the building still retains some agricultural character, due to the fact that there are still few openings and secondly in character with such field barns the building stands isolated. However it was considered that with the addition of domestic paraphernalia and car parking which in turn would erode the character and appearance of the surrounding rural area to an unacceptable degree. There was also concern drawn to the rural road which is

a narrow steep lane with few passing places which would increase inconvenience and road safety hazards. The appeal was dismissed.

- 1.6 A Bat and Barn owl survey has been submitted which identifies that there is evidence of two species of bats present in the building. Mitigation measures have been proposed as part of the proposed design.
- 1.7 There is a public footpath that runs adjacent to the existing building.
- 1.8 The application site is situated in an Area of Outstanding Natural Beauty.

## 2.0 PLANNING HISTORY

30882	Proposed restoration and extension to stone barn to provide stables, hay loft and tractor shed	Permitted Development	
35156	Conversion of redundant agricultural building to dwelling	Refused	7.10.92
36287	Change of use of redundant building to form holiday unit	Refused Appeal dismissed	1.9.93 13.1.94

## 3.0 DEVELOPMENT PLAN POLICY

### 3.1 Monmouthshire Unitary Development Plan

Policy ENV1  
Policy DES1  
Policy H7  
Policy C2

## 4.0 REPRESENTATIONS

### 4.1 Consultation Replies

Monmouth Town Council: Approve

Welsh Water - No objection

Gwent Wildlife Trust : Holding objection

Highways: Comments to be forwarded

### 4.2 Neighbour Notification

2 letters of objection have been received which raises the following points:

A new hedgerow has been along a portion of the side of the meadow which will help to restore the rural nature of the area

The building would be better kept in agricultural use

The proposed development will lead to an increase in traffic through the forest

Whilst it is proposed to make the barn into a smaller house it will inevitably become much bigger

Letter of support:

Proposal will not be detrimental to the Kymin as it will maintain a building rather than let it become derelict, plans are both modest and sympathetic. As our house is the one that has the most direct view of the barn we are inclined to think that objections from any other Kymin resident could be of a personal rather than planning nature.

Would also like to correct the comments made by the one person that has raised an objection. Firstly the barn and meadow has always enjoyed full vehicular access along the forest track and so the proposal will have no effect on it, and the route onto the private road from the track does not cross Offa's Dyke path. If we are the 'new' neighbours referred to in the objection we have pruned (not destroyed) a scrubby hedgerow, planted a lot of trees and removed the cupressus leylandii planted by the former owner.

## 5.0 ISSUES/EVALUATION

The main issues that arise in the consideration of this application are the following:

1. How this proposal differs from what was previously refused
2. Whether the proposed scheme complies with requirements of planning policy

### 5.1 How this proposal differs from previous refusal

- 5.1.1 This application does make changes to address the concerns raised with the previous proposal. Firstly it is proposed to remove the physical changes that were previously made to the building. Indeed the existing building appears domestic in appearance, as the form, scale and design appears from the surrounding area as a small two storey domestic building. A significant part of what is there is to be removed. The two storey extension to the rear is being removed and replaced with a small lean-to extension which runs with the existing slope of the roof. The ridge and eaves on what is the main part of the building are being dropped from its existing two storey form. The openings have been kept to a minimum with a number of the existing openings having been removed due to the 'new' element of the building having been removed. Whilst the land owned by the applicant encompasses a large area around the site it is proposed to keep the residential curtilage relatively small situated within the corner of the plot using existing natural foliage on two sides the building itself forming the third boundary and a new proposed fence on the shortest boundary length, details of which are not provided and a condition required accordingly.
- 5.1.2 This proposal removes the majority of what is the 'new' element of the building, (taken from where the old stonework meets with the new stonework). What remains is the original part of the building and what is new therefore is the roof and the small lean-to which is proposed to the rear. The proposed building does appear more agricultural in form, scale and design.

5.1.3 The Inspector previously raised an issue with the access; it is proposed to use the existing access, although an alternative has been forward by using the access track that passes through the adjacent forestry. Also the domestic curtilage which the Inspector was concerned would have a wider visual impact has been drastically reduced in scale and has been situated in the enclosure between the boundary and the existing building.

5.1.4 The resultant proposal resembles a small scale agricultural building and represents a positive improvement to what is currently there.

## 5.2 Whether the proposed scheme complies with requirements of planning policy

5.2.1 This development is considered under Policy H7 of the Monmouthshire Unitary Development Plan in that it is to be considered as a conversion. However, this scheme results in the loss of a considerable portion of the existing building and it is proposed to convert what appears to be the original part of the building - not the new element that was constructed without the benefit of planning consent. In principle therefore it is acceptable to convert what is the old original part of the building subject to the proposal complying with the requirements of the proposal.

5.2.2 The design and form of the proposal is acceptable and does resemble a traditional small hay building, the addition of a lean-to at the rear is of a form and design that works well with existing building, whilst its scale is small in comparison to the existing building and appears as a secondary element.

5.2.3 The proposed residential curtilage and car parking area has been situated tight to the corner of the field, the existing building serves to screen the curtilage from the surrounding area and providing permitted development rights are removed this will prevent domestic paraphernalia from affecting the visual amenity of the surrounding area.

5.2.4 With regard to the access, the existing lane is narrow, although it does serve a number of properties. Indeed, what is a material consideration is how much additional traffic will result from the residential use of this building given that this building could possibly return to an agricultural use. In view of this it is considered that the traffic flows that will arise from a residential use will not compromise highway safety to a significant degree and would not warrant refusing planning permission in this case.

5.2.5 The existing building is situated in an isolated position; to use this building for a business purpose could lead to a significant increase in highway traffic (people who work at the building, deliveries, visitors etc) which will compromise highway safety. Also a business use will have a significant impact upon the character of the site as it would have to accommodate the cars that will be using the building. In this case it is not appropriate for the building to be used for a business use.

The proposal is considered to comply with the provisions of development plan policy and is recommended for approval accordingly.

## 5.3 Other Issues Raised

A neighbour has raised concern that there was no site notice posted, a site notice was posted near the entrance of the site. In addition to this many of the neighbouring properties were consulted by letter regarding this application.

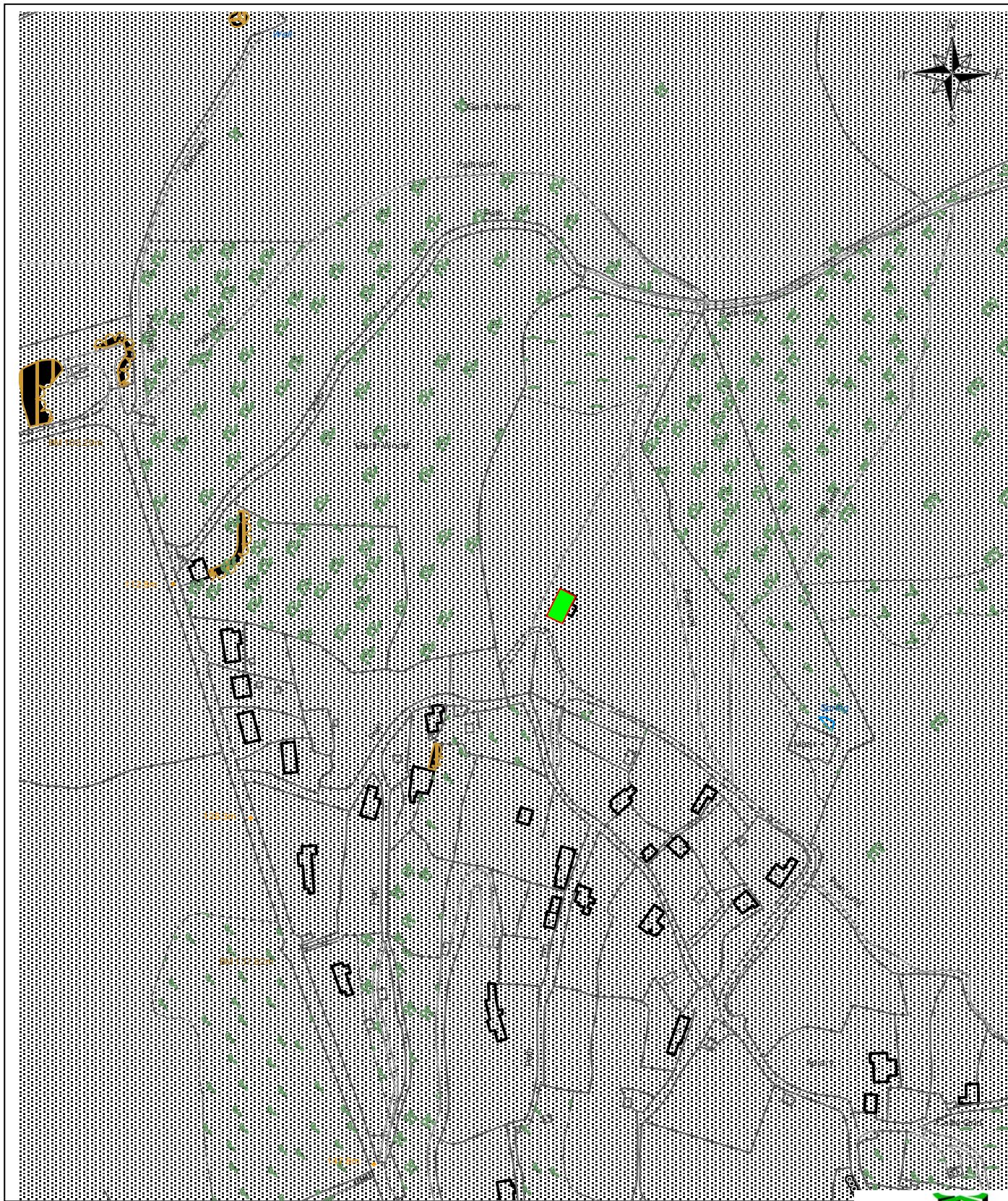
6.0 RECOMMENDATION: Approve

## Conditions

1. Removal of permitted development rights
2. Details of retention of walls
3. No demolition other than that shown on the approved plans to be demolished
4. Details of enclosure removal of permitted development rights to ensure no other form of enclosure is erected
5. Licence required if species on the site
6. A scheme for the provision of a bat roost to be incorporated into the proposed design
7. Removal of permitted development rights to ensure that lighting is angled downwards and must not be above 2.3m above the ground level

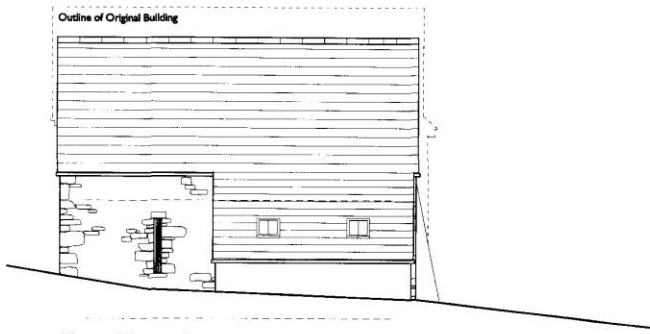
Note to applicant

To keep public footpath free of obstruction

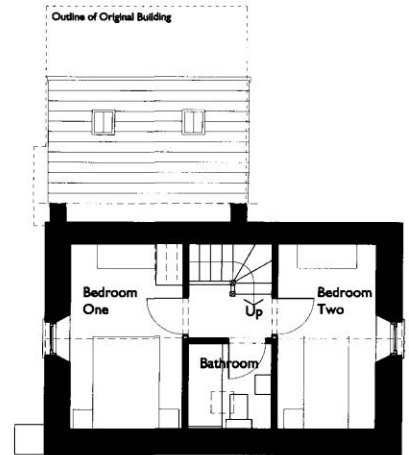




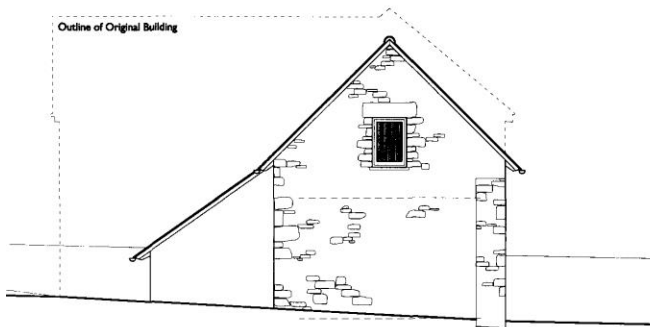




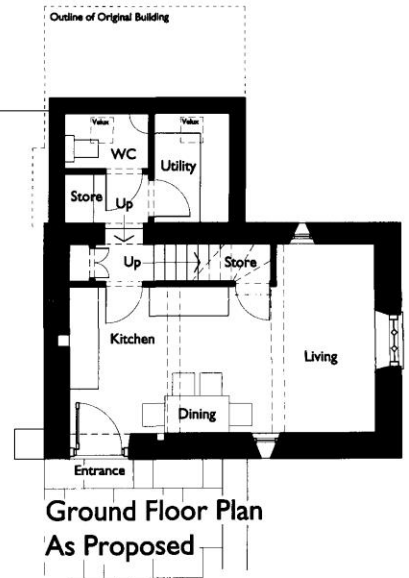
**East Elevation  
As Proposed**



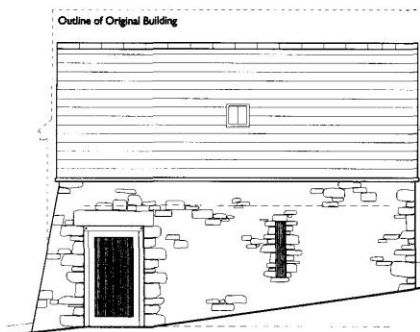
**First Floor Plan  
As Proposed**



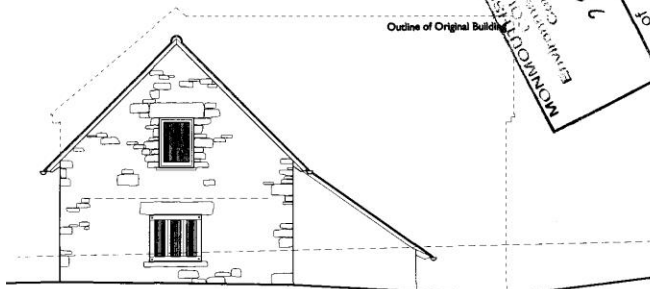
**North Elevation  
As Proposed**



**Ground Floor Plan  
As Proposed**



**West Elevation (To Road)  
As Proposed**



**South Elevation  
As Proposed**

2007/10/17/14  
 MONMOUTH COUNTY ARCHITECTURE  
 COUNTY HALL, THE CORNIFY  
 WINDMILL  
 REF. NO.  
 22 MAR 2007

**Proposed Notes:**

- Walls.**  
Existing and repaired random sandstone rubble stonework flush pointed in lime rich mortar.  
New lean-to walls lime rendered and limewashed.
- Lintels.**  
Monolithic sandstone lintels or Green Oak lintels as shown.
- Roof.**  
Natural grey slate roofs, black terra cotta butted type, not overlapping type ridges, laid in lime rich mortar.
- Cills**  
Red sandstone flagstone cills.
- Fascias.**  
No fascias or bargeboards.
- Windows and Doors.**  
Green Oak diamond mullion windows. Black leaded light casements.  
Dark microporous painted softwood doors and windows.  
Black conservation type rooflights.  
Rainwater goods.  
Black cast type sectional half round gutters and round 'eared' sectional downpipes.

**Proposed Renovation of Existing Bu  
To provide New Dwelling  
Beaulieu Barn, Kymin, Monmouth.  
For Mr and Mrs C Maynard.**

Paul Brice Architect 01600 715810

DC/2016/00297

**A FOUR PLOT GYPSY SITE EACH PLOT HAVING SPACE FOR A MOBILE HOME,  
TOURING CARAVAN, UTILITY BUILDING AND PARKING SPACE**

**NEW STABLES, ABERGAVENNY ROAD, LLANCAYO**

**RECOMMENDATION: REFUSE**

Case Officer: Kate Young

Date Registered: 10/08/16

## **1.0 APPLICATION DETAILS**

- 1.1 The proposal is for a permanent Gypsy site for an extended family of Romany Gypsies. The site which is triangular in shape, covers an area of 0.44 ha. To the west of the site is the B4598 and to the east is an unclassified road, while to the north is agricultural land. There are several residential dwellings and commercial properties within close proximity. The site is surrounded by natural hedgerows. The land was brought by the applicants eight years ago and primarily has been used for the grazing of horses. However since the purchase of the land, the applicants have allowed the site to be used for the purpose of a Christian Church Mission when approximately 30 families have camped on the field for very brief periods of time once a year. According to the applicants this arrangement has now ceased and the site is no longer used for these gatherings.
- 1.2 Since March 2016 the family have stayed on the site and have installed a cess pit, have fenced off part of the site, replaced the site gate and erected a timber shed containing a bath and a toilet and installed a mobile home. Several people are now living on the site.
- 1.3 The current application seeks the provision of four individual gypsy plots. Each plot (except plot 4) would accommodate a mobile home measuring 11 metres by 3.65 metres, space for a touring caravan, an amenity block measuring approximately 3.7 metres by 2.2 metres (containing a kitchen and bathroom) and parking provision for one vehicle. Approximately two thirds of the site (including the plots) would be laid to gravel. Concrete bases will be laid down to support the jacks of the caravans. Each plot would be surrounded on three sides by a fence of feather edged boarding. The remaining part of the site would be laid to grass for the grazing of horses. A bin store and additional parking would be provided on site.

## **2.0 RELEVANT PLANNING HISTORY**

None

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

- S1 Spatial Distribution of New Housing Provision
- S13 Landscape, Green Infrastructure and the natural environment
- S17 Place making and design

### Development Management Policies

EP1	Amenity and Environmental Protection
DES1	General Design Considerations
H8	Gypsy, Traveller and Travelling Show people Sites
LC1	New Built Development in the open countryside
LC5	Protection and Enhancement of Landscape Character
NE1	Nature Conservation and Development
G11	Green Infrastructure
MV1	Proposed Developments and Highway Considerations

#### Other Policy Considerations

Welsh Government Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites  
2009 MCC Gypsy and Traveller Accommodation Needs and Sites Study (recently updated)

2015 Gypsy Traveller Accommodation Assessment.

## **4.0 REPRESENTATIONS**

### **4.1 Consultations Replies**

#### Gwehelog Community Council - Refuse

##### Policy LC1 - New Built Development in the Open Countryside

There is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism.

This planning application as a 'new development' in the open countryside not meeting the above criteria goes against the LDP Policy LC1 for any 'new development' for this site.

LDP Reference point 6.1.25 Policy H8 provides the framework for assessing proposals for Gypsy, Traveller and Travelling Show people sites, whether for permanent, transit or emergency use. - Do not occupy a prominent location and are consistent with LDP policies for protecting and enhancing character and distinctiveness of the landscape and environment.

Approval of this application would go against the Monmouthshire LDP for both LC1 and H8 and if approved would therefore set a precedent for further development outside of the LDP. Gwehelog Fawr Community Council kindly request that unauthorised works are addressed by MCC and that Gwehelog Fawr Community Council may speak at Planning Committee should the recommendation be for approval.

#### Gwehelog Community Council additional comments

LDP Policy H8 states that sites will be permitted "where a need is identified". The application appears to contain no evidence that the gypsy family needs to live at Llancayo so unless a need has been identified in a recent Gypsy and Traveller Site Assessment, the absence of a justified need should either lead to the application being refused or ruled invalid. On this subject, the application form gives the applicant's address as the application site, and yet the letters of support come from Pontypool and elsewhere and refer to knowing the family well. This begs the further questions, where were they living previously and what was (or perhaps still is) the applicant's address, and why did they have to move to Llancayo? Another concern is the lack of definition of the term 'family' and the risk that the site's development will

set a precedent for other uncontrollable expansion. Gwehelog Fawr Community Council is aware of the site alongside the junction of the A472/A449 where permission was given by a Planning Inspector for two caravans for named individuals, and yet that site currently hosts four caravans, and has a planning application for another seven on an adjoining site. Given this relevant local circumstance, the Llanccayo application surely needs much more clarification/information before it can be properly considered, otherwise how will the number of caravans be controllable?

2) Policy H8 contains a number of criteria, and if the application meets 1) above, these can be considered below:

a) The site is not accessible by public transport or on foot, and cycling to Usk would not be suitable for the young or elderly in particular.

d) The site occupies a prominent location, especially when the trees/hedges are not in leaf, and will damage the landscape of the Usk Valley, and intrude on views of the historic windmill when viewed from public footpaths.

e) Although part of the site is not at risk of flooding, the TAN 15 Development and Flood Risk 'Development and Advice Map' shows that the two roads alongside the site will both be inundated such that emergency access will not be possible in time of flood.

f) The site is not of an appropriate scale for its location; neighbours are concerned already about the site's amenity impact.

g) The site is to be served by cess pit drainage which is unsatisfactory.

#### Llanarth Fawr Community Council

It is noted that this application is just outside the boundary for Llanarth Fawr Community Council but it is felt by members that this site is close to the council area and any decision made by Monmouthshire County Council may set a precedent. The council would not support any application on a greenfield plot that would support occupation and subsequent retrospective planning permission.

The application asks whether the site is in a Flood Risk Area - the applicant has answered "no". On the EA website and plan it shows that half the site is in a flood zone.

The application ignores the fact that there is a footpath through the field, which has been blocked

#### Public Rights of Way

The applicant's attention should be drawn to Public Footpath No 64 in the community of Gwehelog Fawr which runs through the site of the development.

The statement accompanying the Definitive Map of Public Rights of way reads, "From Llanccayo Road by gap across field to gap and main road."

The wooden gates and gate/stile detailed in the application therefore obstruct the path and should be removed from the application.

Public Path no. 64 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Rights of Way taking place.

No barriers, structures or any other obstructions should be placed across the legal alignment of the path and any damage to its surface as a result of the development must be made good at the expense of the applicant.

Countryside Access objects to the proposal until such time that the gates are removed from the application or it is in receipt of a valid application to install gates under section 147 of the Highways Act 1980. Section 147 is used to authorise gate to on public paths for preventing the ingress or egress of animals for agriculture and the breeding or keeping of horses

### Natural Resources Wales (NRW) - Objects

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement. **We would object if the scheme does not meet this requirement.**

#### **Flood Risk**

Requirement – further information is required to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15.

The application proposes highly vulnerable development within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, a designated main river.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

The decision as to whether a development is justified is entirely a matter for your Authority. However, should you be minded to permit the application, contrary to Welsh Government policy on development and flood risk, we are unable to give you technical advice on the acceptability of flooding consequences in terms of risks to people and property, as no flood consequences assessment (FCA) has been submitted.

Therefore, should you be minded to permit the application, the Applicant should be required to undertake a FCA prior to determination of the application that meets the criteria set out in TAN15. The purpose of the FCA is to ensure all parties, including your Authority, are aware of the risks to and from the development, and ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding.

**Please note, if no FCA is submitted or any FCA that is submitted fails to demonstrate the risks and consequences of flooding can be managed in accordance with TAN15, we are likely to object to the application.**

*Notwithstanding the above significant concerns, we have the following comments to make on other environmental interests to assist with your determination of this application.*

#### **Foul Drainage**

We note that the proposed method of foul drainage is stated on the application form as a cesspit/cesspool. The preferred method of foul drainage disposal is connection to the mains sewer. If this is not feasible, alternative methods of non mains drainage should be justified in accordance with the hierarchical approach set out in WO Circular 10/99. Your Authority will need to be satisfied that the sewerage arrangements are suitable. If you consider a cesspit a suitable method of foul drainage, it is essential that it is installed correctly. Incorrectly maintained cesspools can cause pollution by contamination of the ground, groundwater and, sometimes surface water. Any damage to the fabric of the cesspool, such as cracks or holes, is difficult to detect but needs to be rectified immediately in order to prevent pollution. The cesspit should meet the requirement of British Standard BS 6297. It should be fitted with a level warning device to indicate when the tank needs emptying. If the method of foul drainage changes, then we would wish to be re consulted.

### MCC Highways

The site has the benefit of an historic agricultural field access onto the B4598 Abergavenny Road that would appear to have been amended in recent months, albeit the applicants planning application, Section 6 indicates that neither a new nor altered vehicular access from the existing highway will be required, this is clearly not the case. The current amended access remains sub-standard and not in accordance with current design standards and in contravention of Section 184 of the Highways Act 1980.

The proposal for the creation of a 4 plot caravan site, comprising mobile static caravans, provision for touring caravans, toilet blocks, cess pit and associated parking provision clearly demonstrates a significant change of use and a considerable increase in vehicle movements with frequent need to enter and exit the site with large vehicles and towed touring caravans.

The B4298 through Llanccayo has been the subject to highway safety concerns over the years and representations have been received from the community regarding the number of accidents and the speed of vehicles travelling the B4298 resulting in a number of reported accidents over the years that resulted in a fatality in 2005 and 2 serious injury collisions in 2006 and 2013. In 2007 a 40mph speed limit was introduced and a further speed limit reduction of 50mph on the remaining lengths of the B4298 was introduced in 2015 for the reasons of improving highway safety. Therefore the significant increase in vehicle movements of varying numbers and size of vehicles associated with a development of this type is detrimental to highway safety without significant improvements of the existing vehicle access over and above that which has currently been carried out or as detailed on the site plan submitted in support of the application.

Although the impact of the additional vehicles on the local highway network, the B4598, is not considered detrimental, the current access improvements and the proposed amendments to the existing access indicated on the supporting documents, site plan are not acceptable and I would recommend refusal of the application on highway safety grounds.

However should the applicant be minded to submit a more comprehensive means of access provision, the following requirements will need to be provided and supporting drawings submitted demonstrating the requirements for further consideration;

The existing field access is located approximately 20 metres within the Llanccayo Village 40mph speed limit, therefore the following minimum visibility splays will be required and clearly demonstrated on supporting drawings

Right 2.4 x 120 metres (40mph)

Left 2.4 x 160 metres (50mph)

- The access shall be a minimum of 3.5 metres wide to accommodate the size and type of vehicles requiring access and egress
- 45 degree access splays are required to accommodate the type and size of vehicles expected
- Gates shall be set back 15 metres from the edge of carriageway and open inwards to accommodate the size and type of vehicles, namely towed touring caravans etc.
- The gradient of the access over the first 15 metres from the edge of the highway shall be 1:40 (2.5%) and shall not exceed 1:20 (5%) this is required to ensure that vehicles do not stall when egressing the development onto the B4598.
- The access will be hard surfaced (concrete, bituminous, paving etc.) for the first 15 metres
- No surface water from the access or development shall be permitted to discharge onto the public highway.

- Appropriate turning provision shall be indicated and laid out for vehicles to turn around and exit in a forward gear. The applicant should allow for provision of a tanker lorry to service the cesspit.

Additionally the level and extent of onsite parking needs to be re-considered, the intended 4 parking spaces is not appropriate and is not in accordance with Monmouthshire's Adopted Parking Standards and will be required to provide one parking space per bedroom up to a maximum of three spaces. The proposal is located on the fringes of Llancayo a settlement with no local amenities within walking or cycling distance of the proposed development. The proposed site has no sustainable public transport provision and no footways are available on the B4298 which link to the nearest available amenities in Usk Town.

Drainage: The north western portion of the site lies within Flood Zone 3 and is prone to surface water flooding, the ground is therefore likely to be susceptible to flooding due to its relatively high water table.

#### Housing Strategy and Policy Officer

Several members of this family were assessed as part of the Gypsy and Traveller Accommodation Assessment in the late summer of 2015 and a welfare assessment was carried out by officers from Environmental Health. The applicants or members of their family were asked to complete a Home Search application. This was submitted to Monmouthshire Housing Association but not registered as there was insufficient detail because the family had said they were not interested in bricks and mortar accommodation. A further set of forms were given to the family in 2016. To date MHA has one of these families on their register. They are currently living in a Melin property in Torfaen but have requested a transfer to Monkswood. This person is not included in the information submitted on behalf of the applicant, relating to this current application.

#### MCC Landscape

##### MAIN ISSUES

1. New built development in the countryside. New built development will only be permitted where all the criteria set out in LC1 is satisfied.
2. Development may have unacceptable adverse effects on the special character or quality of Monmouthshire's landscape, as defined by LANDMAP.
3. 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.

RECOMMENDATION: Following a desk top site appraisal, it is considered that the proposed development is unacceptable and we currently object to the proposal.

Reasons:

4. The proposal does not meet any of the criteria set out in LC1 and should not be permitted
  - a. LC1 sets out strict criteria for assessing development proposals and seeks to ensure that in exceptional circumstances where new development may be permitted in the countryside, there are no adverse impacts on the environment.
5. The proposal would have an unacceptable adverse effect on the special character of Monmouthshire's landscape, in particular.
  - a. The change of use and amount of development proposed would cause a significant adverse change in the character of the natural landscape; evaluated as high and/or outstanding, as defined by LANDMAP. Particular emphasis is given to those landscapes identified through the LANDMAP Landscape Character Assessment, as being of high and outstanding quality because of a certain landscape quality or combination of qualities.
  - b. The change of use and amount of development is insensitively and unsympathetically sited within the landscape.



c. The change of use and amount of development fails to harmonise with, or enhance the landform and landscape.

#### LOCAL DEVELOPMENT PLAN POLICY CONTEXT

MCC – LDP (LC1) New built development in the open countryside.

MCC - LDP (LC5) Protection and enhancement of landscape character.

Given the intrinsic quality of Monmouthshire's landscape, high priority is given to the protection, conservation and enhancement of the County's landscape character.

MCC – LDP (DES1) General Design Conditions

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

Other matters

6. Landscape context. The way in which development relates to its rural landscape is critical to its success. Because of this, an understanding of landscape quality is fundamental to the design process.

7. No landscape or visual appraisal was submitted. LC5/DES1

8. Plans were not to scale.

Conclusion

9. An appraisal of landscape character (and a visual appraisal) would have provided the applicant with the necessary information to develop their proposal properly; informing the design; the siting of units, their scale and the layout.

10. The design process should be clearly illustrated within a DAS and in other supporting documents – The DAS did not address any of these issues.

11. Having undertaken the appropriate assessment and/or appraisal of site constraint's and opportunities, the principle for development would have been highly constrained. Development will only be permitted where it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape.

12. The development is sited incongruously, the layout and proposed materials have not considered their impact within the immediate landscape or within the wider landscape of high value.

13. The area has an unspoilt character and visual unity...This gently rolling, domesticated, mixed arable and pastoral lowland is diverse and intimate in character and is representative of the intrinsic quality of Monmouthshire's landscape.

14. It is valuable landscape resource - The principle outstanding evaluations for this site relate to historical and cultural aspects and there is a high evaluation for the visual and sensory aspects. (LANDMAP)

#### Environmental Health

I have looked at this application and as explained did an initial assessment in April 2016. At the time of this inspection there were no significant public health issues. The only comment I would like to make is: If the site has planning permission approved for permanent residential mobile homes they will need to obtain a site licence under the Mobile Homes (Wales) Act 2013 from the Environmental Health department.

#### MCC Planning Policy

The policy framework against which the proposal should be assessed is set out in the Adopted Monmouthshire Local Development Plan, PPW (Edition 8, January 2016) and WAG Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites.

#### LDP Policies

- The proposed application site is greenfield agricultural land in the open countryside located some distance outside the development boundary of the nearest established settlement of Usk.

The development would represent new build development in the open countryside and as such would be contrary to Strategic Policy S1 of the LDP (Spatial Distribution of New Housing Provision). This policy advises that new residential development in the open countryside is only justified for the purposes of agricultural/forestry, rural enterprise dwellings or one planet development. This approach is supported by national planning policy as set out in PPW (paragraphs 4.7.8/9.3.6).

- Policy LC1 which relates specifically to new built development in the open countryside is also applicable. The policy contains a presumption against new build development in the open countryside although it does identify a number of exceptional circumstances involving new built development that might be acceptable (subject to policies S10, RE3, RE4, RE5, RE6, T2 and T3). It is not considered that these exceptional circumstances would apply to the proposal and as a consequence it would be contrary to this policy.

- Given the site's location in open countryside, consideration should also be given to LDP policies LC5 Protection and Enhancement of Landscape Character, NE1 Nature Conservation and Development and GI1 Green Infrastructure and the associated GI SPG. No doubt MCC's GI team will provide detailed comments on these matters.

- The site is partially located in Zone C2 floodplain, including the access to the site. Strategic Policy S12 and supporting development management Policy SD3 relating to Flood Risk are therefore of relevance. A Flood Consequences Assessment has not been submitted. It is considered that as the site is for a form of 'highly vulnerable development', development within this part of the site would be contrary to Policy SD3 and Welsh Government Guidance set out in TAN15.

- The LDP does not provide a specific site allocation for gypsies and travellers. It does, however, contain a criteria based policy H8 relating to the development of gypsy and traveller sites. This provides the framework for assessing proposals and should be considered accordingly.

The following LDP Policies are also of relevance and should be taken into account:

- S13 – Landscape, Green Infrastructure and the Natural Environment
- DES1 – General Design Considerations
- EP1 – Amenity and Environmental Protection
- MV1 – Proposed Developments and Highway Considerations

In the context of these policies the site is not considered to be a suitable sustainable location for a permanent gypsy site of this scale (4 pitches/plots). The proposal is for development in the open countryside and is some distance from the nearest established settlement. The closest essential services and facilities are located in Usk and are not easily accessible from the site by either walking or cycling. In addition, the site is not served by public transport. Accessing such services would likely be by car, contrary to local and national policy on sustainability. Although Circular 30/2007 recognises that the consideration of sustainable access to local facilities can be relaxed in the assessment of rural site provision.

#### Circular 30/2007

WG guidance on planning for Gypsy and Traveller caravan sites is provided in WG Circular 30/2007. In identifying sites for Gypsy and Traveller caravans, the Circular advises local planning authorities to consider locations in or near existing settlements with access to local services such as shops, doctors, schools, employment, leisure and recreation opportunities (para 20). The Circular identifies the issue of site sustainability as being important for the health and well-being of Gypsies and Travellers in terms of environmental issues and for the maintenance /support of family and social networks. It advises that this should be considered not only in terms of transport mode, pedestrian access, safety and distances from services but that consideration should also be given to a range of other issues, including:

- \* 'Promotion of peaceful and integrated co-existence between the site and the local community;

- \* Wider benefits of easier access to GP and health services;
- \* Access to utilities;
- \* Children attending school on a regular basis;
- \* Not locating sites in areas at high flood risk....' (para. 19).

The Circular provides further advice in relation to rural sites which is applicable to the proposed application. It advises that rural settings may be acceptable in principle subject to planning or other constraints. In assessing the suitability of rural sites it advises LPAs to be 'realistic about the availability, or likely availability, of alternatives to the car in accessing local services' (para 26). While it does not advise the over rigid application of national and local policies that seek a reduction in car borne travel given that they could be used to effectively block proposals for gypsy/traveller sites in a rural location, site sustainability is a factor which should be taken into account. Paragraph 36 of the Circular sets out other considerations, in addition to the development plan, which may be taken into account in the determination of planning applications for Gypsy/Traveller sites. These include 'the impact on the surrounding area, existing level of provision and need for sites in the area, availability of alternative accommodation for the applicants and their specific requirements'.

#### Evidence of Need

It is noted that evidence of the applicants' personal circumstances and subsequent need is set out in the Design and Access Statement submitted with the planning application. Consideration should be given whether the information submitted adequately demonstrates that there are exceptional personal circumstances which could justify such a proposal in the open countryside. It is also noted that the Council has recently prepared a Gypsy Traveller Accommodation Assessment (GTAA) which has been submitted to WG. I would suggest liaising with the Housing Strategy Officer who conducted the GTAA interviews to determine whether the applicants participated in this process and whether the GTAA found evidence of need for accommodation from the applicants.

## 4.2 Neighbour Notification

### 4.2.1 Objection letters received from 24 addresses

Unimaginable that the applicants were suddenly made homeless  
 Plots may be sold or rented to non-family members  
 Size of the site may increase  
 Blocking up an existing footpath  
 Up to 24 caravans on the site at any one time  
 Bonfires burning rubbish and tyres  
 A house would not be allowed on this site  
 No one else is allowed to build on a greenfield site  
 Out of keeping with the character of the area  
 Floodlights  
 Unsightly structures  
 Chickens on the road could cause traffic accidents  
 Spoil the beauty of the countryside  
 Adverse impact on tourism  
 Contrary to policy LC1 of the LDP  
 Visually prominent  
 Access is onto an accident black spot  
 Contrary to development plan  
 Sited on a flood zone  
 Adverse impact on adjacent Listed Building  
 No assimilation into the landscape

Site not well related to other buildings  
 Does not respect the character of the other buildings in Llanccayo  
 Adverse impact on the cultural heritage of Llanccayo  
 Site not accessible to public amenities  
 No public transport to the site  
 No footpaths from the site to Usk  
 No street lights  
 Poor access  
 Little need for Traveller and Gypsy sites in Monmouthshire  
 Application form incorrectly completed  
 Site plans inaccurate  
 Could attract rats  
 Everyone should abide by the same planning laws  
 Indiscriminate development  
 If the cess pit is not properly installed it could cause contamination of local water course  
 No one else would get permission to build there  
 Discriminatory to ordinary tax payer  
 This is a greenfield site  
 Other more suitable sites within Monmouthshire  
 Adverse impact on the community  
 Family members do have permanent addresses  
 Application should be determined in accordance with the development plan  
 Generators on the site cause noise disturbance  
 Business is being run from the site  
 Many more vehicles on the site  
 Adverse impact on the Usk Valley  
 No article 11 certificates  
 At the auction for the land bidders were told there could be no residential use of the land  
 No link to the recent G and T Accommodation Needs Assessment  
 Other objections were received but these were not material planning considerations.

#### 4.22 Letters of support received from 16 addresses.

The applicants are quiet, peaceful, polite, hardworking, respected, trustworthy people  
 Children attend the local schools  
 Discrimination should not be an issue  
 The site is neat and tidy  
 No traffic impacts, good safe vehicular access  
 Application should not be judged by race or culture  
 Everyone should be entitled to a fair, unbiased lawful decision  
 Family fully integrated into the local community  
 Christian family with ties to the local area  
 Christian revival in Usk bringing in new people and money  
 An asset to the community  
 No harm to the community

- 4.23 A Petition Received with 37 signatures  
 Work has already started, footings have been laid, water piped in, fences erected and tarmac laid out. The accommodation of travellers on a permanent or semi-permanent basis is totally unacceptable to the entire Llanccayo community.

#### 4.3 Other Representations

### David TC Davies PM

I have been contacted by constituents regarding this application. I understand that there are concerns surrounding the details of the application; however I am also aware of the support being given to approve the development. I appreciate there are strong feelings for and against so I would be grateful if you could ensure the plans are looked at with impartiality and consideration be given to all parties involved.

### Usk Civic Society

Usk Civic Society objects to the above application for four mobile homes, four touring caravans, toilet blocks and a cesspit for occupation by one Gypsy family. It notes that the application is retrospective and that the site is already in occupation as an unauthorised Gypsy site. It further notes that while the material on the MCC planning website contains allusions to the family group, there is no coherent explanation as to the composition of this family group, its previous residential arrangements or its need to change the status of the agricultural land which it has apparently purchased to that of a permanent Gypsy site. The various expressions of support suggest that the family is well established (settled?) in the Pontypool/Newport area. It questions whether the application may be properly considered in the absence of this information.

In the expectation that the questions above are answered satisfactorily, the Society notes that under Policy LC1 in the LDP there is a presumption against new development in the open countryside unless certain criteria are met which do not apply in this case. Policy H8 provides that Gypsy and traveller sites may be allowed provided that they do not occupy a prominent position and are consistent with LDP policies for protecting and enhancing the character and distinctiveness of the landscape and environment. The Society submits that this site, right by the side of the B4598, in a landscape of SLA quality and in close proximity to a listed building (Llancayo House) and to the sensitively restored Llancayo Windmill, is in a prominent position and would (indeed already does) detract from the character and distinctiveness of the landscape and environment. It also detracts from the residential amenity of the nearby houses; many of the residents have testified to the disturbance and light pollution that they are already experiencing.

MCC's recent Gypsy and Traveller Site Assessment (GTSA) is not mentioned in the material supporting the application. This might suggest that the family in this application was not involved with the process of identifying need. If that is so then it weakens their case for having any such need recognised at this stage. Even if MCC were minded to accept that a legitimate need exists, it does not follow that it should be met at this site if, as we argue in this objection, it is otherwise unsuitable. The Society notes that the application is stated to be for residential use only, yet there is ample testimony from local residents that business activity, as well as the keeping of livestock on a scale ill-suited to so small a plot at the edge of a main through route, is well established. It goes against common sense to suppose that such activity would cease were the application to be approved; consequently a further cycle of enforcement action would be set up, to the further detriment of the enjoyment by local residents of their property.

The application site sits on the outside of a dangerous bend in the B4598 which, as local residents have pointed out, has a history of accidents. It goes against common sense to legitimise an access on to the road at that point, particularly one which will necessarily have to accommodate the movement of large touring caravans as well as other vehicles. The gates a short distance inside the site will exacerbate the problem, since vehicles entering or leaving will need to halt at the entrance to open and close them. Provision for car parking inside the site is not notably generous for the number of "households" (mobile homes). Any parking on the road would be quite unacceptable at this location. The Society notes that in fact one of the proposed pitches provides only for a touring caravan (for reasons of space?). It also questions

whether there is adequate space for a cleansing vehicle to service the cesspit and enter and leave in a forward direction. It has already been pointed out that emptying has been insufficiently regular.

Finally the Society notes, and agrees with, the comments of officials on the effect on access to the public footpath which runs at the edge of the site. It is not acceptable to block or impede access to this path.

#### Society for the Protection of Rural Wales – Objects

This application seeks to circumvent the normal development process; it has taken place over a number of years without planning permission.

Highly visible from the adjacent road

Adversely affects the landscape and this rural location

Sets a precedent for similar inappropriate development in the open countryside

Need to protect the open nature of the countryside.

#### Travelling Ahead

I write in support of the Purcell family application for New Stables Llancayo, Usk.

Our project, Travelling Ahead, provides advice, information and support to Gypsy and Traveller families around Wales and as such I am aware that a recent application has been made through the appropriate channels to Monmouthshire County Council to build a home for the Purcell family on their own land in Llancayo, Usk.

I am writing as through our work we are only too aware of the objections that regularly arise to developments of this kind and of the impact this can have on families. We feel that some balance is needed to ensure that an unnecessarily hostile and confrontational environment is not allowed to develop fuelled by comments from those who have no personal experience or relationship with the family or indeed any understanding of the position that many Gypsy and Traveller families find themselves in Wales.

Our dealings with the family have always left me impressed with their open and positive attitude; their children regularly engage with our project activities and are settled and doing extremely well at school; the older daughter is a member of our Youth Advisory Group and all of these activities are supported by the parents and wider family.

It has long been accepted that there is inadequate provision for Gypsies and Travellers when it comes to accommodation – in Wales only one site has been built by a local authority in the last 20 years (in Powys) and its estimated that there is a shortfall of pitches (plots or household spaces) in Wales of more than 300. So one of the few options that many families who wish to continue with their traditional way of life have is to purchase their own land and apply to build their own homes; this is an entirely legal option and has successfully delivered small and discreet homes for many Gypsy and Traveller families around Wales and the UK where permission has been granted.

You will of course be aware that the new Housing Act (Wales) puts a duty on local authorities to both assess Gypsy and Traveller accommodation need and to provide for that need in the form of culturally appropriate housing. Grants are available from the Welsh Government to support local authorities in this endeavour, and indeed ensuring that Gypsy and Traveller families have secure and permanent places to live has other cost benefits too as the cost of evictions and the subsequent homelessness problems (and access to education, health and employment) to local councils is huge and not a good use of tax payers money either.

I am unclear whether or not Monmouthshire Council have included the Purcell family in their recent county-wide assessment (this should be the case) but I understand the result of that assessment is that no site is deemed to be needed in Monmouthshire – this leaves families like the Purcells in an impossible position and it

should be noted that planning applications have in the past been successful precisely because local authority provision has remained so inadequate; this 'gap' is being acknowledged at both local and Welsh Government levels.

In addition the Equality Act 2010 asks public bodies to ensure that no group is treated unfairly on the grounds of ethnic origin and also to promote good relations between different groups – on these grounds I would ask that those making the decision about this application find an opportunity to meet with the family and visit the proposed site at New Stables rather than tempted to base decisions on the comments of those objectors – the family would welcome this and would like to invite both councillors and officers to discuss any concerns and their plans with them directly

I note a number of objections on the planning portal and would like to state that in relation to the keeping of dogs we have never experienced any problems with large and fierce dogs when visiting New Stables; all the family dogs I have seen are small and kept on leads, the larger greyhounds are kennelled and exercised regularly and arriving on foot at the family's home has never been intimidating in my experience. Noting comments on the location of the public footpath the family are aware and clear that this is a right of way and needs to be kept as such, the gates are not locked and if permission is granted they have stated they will plant hedge /fence to screen off the public rights of way allowing privacy for all parties.

Some of the objections refer to the parking of vehicles – I would just like to comment that most ordinary residential streets include vehicles parked, arriving and leaving throughout the day, my own street includes vehicles belonging to builders, plumbers, a stone mason and a landscape gardener, none of which implicitly implies that their business is being carried on from home.

#### 4.4 Local Member Representations

Councillor Val Smith – Contrary to LDP Policies

Councillor Sara Jones - Whilst the application does not sit in my ward I have been contacted by residents within the neighbouring village (which does fall under my division) who have understandable concerns with the application. I would like to support the comments made by Llanarth Fawr Community Council and the below on behalf of the residents I represent:

Policy LC1 under the LDP - New Built Development in the Open Countryside

This application contravenes Policy LC1.

I have also been made aware that the application restricts a public right of way, is affected by the flood plain and has an adverse impact on the local environment.

I note that that Cllr Smith has requested the application be considered by the Planning Committee and I would support this approach and be grateful if you could keep me notified as to the Committee date when this will come forward.

## 5.0 **EVALUATION**

### 5.1 Introduction.

- 5.1.1 By way of general background, a survey in March 2009 from the Equality and Human Rights Commission (EHRC) highlighted the urgent need to provide lasting solutions to Gypsy and Traveller accommodation under-provision. It notes that the majority of the 300,000 Gypsies and Travellers in the UK are conventionally housed; a further 17,900 caravans are recorded in England and Wales but about a quarter are not on authorised sites. Previously, local authorities had a duty to provide sites for Gypsies and

Travellers but this was repealed in 1994, a situation which apparently led to a rise in unauthorised encampments. The requirements of the Housing Act 2004 and (in Wales) a Circular in 2007 (“Planning for Gypsy and Traveller Caravan Sites”) requires LPAs to undertake an initial assessment of needs followed by the selection of sites if that is required. The planning system is largely land-use based, but the consideration of Gypsy caravan sites requires a wider perspective to be taken – an approach reflected in appeal decisions and case law which has identified the need to maintain the lifestyle of a section of the community as a factor in decision making, along with the right to a proper education. The courts have held that a balancing exercise must be undertaken weighing the harm arising to the public interest against the rights and personal circumstances of the appellants, with the availability of accommodation provision also being a material consideration.

- 5.1.2 Circular 30/2007 sets out guidance on the planning aspects of finding sustainable sites for ‘Gypsies and Travellers’ who are defined in the Circular as follows: *“persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such”*. The main issue of this current application is whether the personal circumstances of the applicants are such that they outweigh general planning policy and to assess why the provision of four pitches is required on this specific site.
- 5.1.3 Paragraph 5, of Circular 30/2007 identifies that some Gypsies and Travellers may wish to find and buy their own sites and to develop and manage them themselves (rather than having sites provided and run by the Local Authority). This appears to be the case in this instance. The applicants own this land and wish to develop it themselves to provide a total of four pitches. Paragraph 7 states *.There is a need to provide sites, including transit sites, in locations that meet the current working patterns of Gypsies and Travellers. In view of the changes in their work patterns, these may not be the same areas they have located in or frequented in the past.* And paragraph 8 continues: *‘This needs to be balanced with the responsibility of Gypsies and Travellers to respect the planning system. A more settled existence can prove beneficial to some Gypsies and Travellers in terms of access to health and education services, and employment and can contribute to greater integration and social inclusion within local communities. Nevertheless the ability to travel remains an important part of Gypsy and Traveller culture. Some communities of Gypsies and Travellers live in extended family groups and often travel as such. This is a key feature of their traditional way of life that has an impact on planning for their accommodation needs.’* While both of these paragraphs may be of relevance to this current application insufficient evidence of such need has been supplied to support this.
- 5.1.4 Although aimed at the identification of sites through the LDP process, the advice in paragraph 19 of the Circular is relevant in general terms in identifying aspects of site sustainability in terms of issues including:
- The health and wellbeing of Gypsies and family life
  - Access to GPs and health services
  - Access to utilities including waste recovery and disposal
  - Access for emergency vehicles
  - Regular school attendance and other educational provision
  - Safe play area
  - Environmental damage caused by unauthorised encampments
  - Nature conservation and landscape interests.



Although it can often be the case that urban sites might be considered more sustainable, paragraph 26 of the Circular says that acceptable sites may also be found in rural or semi-rural settings and advises against the over-rigid application of development plan policies seeking to reduce car-borne travel.

- 5.1.5 Paragraph 36 of the Circular refers to the statutory duty of local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise, and says that other considerations for Gypsy and Traveller site applications, will usually include the impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and their specific personal circumstances. Ensuing paragraphs set out general advice aimed at encouraging a dialogue between the local planning authority and the Gypsy community. The LPA are asked to provide advice and practical help with planning procedures and the gypsy community are advised that they should always consult local planning authorities on planning matters before buying land on which they intend to establish any caravan site requiring planning permission. In this case the applicants did not approach the LPA before buying the land.
- 5.1.6 In assessing this proposal, consideration has been given to the Well-being of Future Generations Act and the associated objectives, including the promotion of community cohesion, equalities duties and sustainable development.

## 5.2 Evidence of Need

- 5.2.1 On the 3<sup>rd</sup> February 2016 a report on the Gypsy and Traveller Accommodation Assessment was presented to MCC Cabinet. The purpose of this report is to inform the LDP's Annual Monitoring Report and the LDP Review Process to meet the current and future needs of Gypsy and Traveller Sites. The assessment found that there was a higher number of Gypsy and Traveller households in the County than was previously thought with an estimated need for eight pitches to 2021. This was based on levels of overcrowding, unauthorised occupation and the likelihood of cultural aversion to conventional housing.
- 5.2.2 In this case we do know that some of the applicants were involved in the Council's Gypsy and Traveller Assessment carried out in 2015 and stated that they require a Gypsy site within the County. We also know that one of the family members has a flat in Pontypool and one of the families had a Melin House in Torfaen but was looking to transfer to a house in Monmouthshire. Although the applicants have provided some information related to their needs for this site, this information is incomplete. From the information submitted it is not clear why all of the family members mentioned in the DAS have had to move from their previous address and why they need to relocate to this particular site. Some but not all of the occupiers identified themselves as being in housing need as part of the 2015 GTAA.
- 5.2.3 Circular 30/2007 makes it clear that LPA's should use the Accommodation Assessments when determining planning applications for Gypsy Sites including Private Sites. It also states in paragraph 37 that in order to encourage private site provision the LPA should offer advice and practical help with the planning process and that in return Gypsy and Travellers should always consult LPA's on planning matters before buying land on which they wish to establish a site. In this case officers, the applicants did not consult with the LPA prior to buying this site. Since the application was submitted, officers have met with the applicants and their agent to discuss the level of information required to process the application. Also officers have sent several emails requesting further information.

### 5.3 Development Plan Policy

#### Principle of Development

- 5.3.1 Paragraph 36 of Circular 30/2007 refers to the statutory duty of local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise, and says that other considerations for Gypsy and Traveller site applications will usually include the impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and their specific personal circumstances.
- 5.3.2 The application site lies in open countryside outside of any development boundary. Policy S1 of the LDP only allows for new residential development in exceptional circumstances, these being conversions, sub-division and dwellings necessary for rural enterprise. No such justification has been put forward so the application seeking what essentially amounts to four new residential units in the open countryside is contrary to Policy S1 of the LDP. Policy S1 reflects government guidance that new dwellings in the open countryside should not normally be allowed. The policy refers to new residential development and the proposed plots constitute four new residential properties in the open countryside.
- 5.3.3 Policy LC1 states that there is a presumption against new build development in the open countryside unless justified under national policy for rural enterprise, agricultural purposes, recreation or tourism purposes. In this case no justification has been put forward that the site is needed for any of these specific purposes so that the development is considered to be new built development in the open countryside without justification and therefore contrary to policy LC1. The development would result in new build with four utility rooms measuring up to 3.7 metres by 2.2 metres. In addition to this there would be a significant amount of hard standing and three mobile homes measuring up to 11 m x 3.65 m as well as the inevitable domestic paraphernalia.
- 5.3.4 As stated above LPAs are required to assess the accommodation needs of Gypsies as part of the LDP process and that LDPs should include policies for the provision of Gypsy sites. The Council commissioned a Gypsy and Travellers Needs and Sites Study in 2009 to inform the LDP. The Study found that Monmouthshire had a very low Gypsy and Traveller population with only one authorised private site containing one caravan. Since then permission has been granted on appeal for two Gypsy pitches on Maerdy Farm, near Usk. As a result of lack of need no specific Gypsy sites were allocated in the LDP however it was considered that there was a need to guide future applications for Gypsy sites. Subsequently Policy H8 of the LDP provided a framework against which proposals for Gypsy, Traveller and Travelling Showpeople sites will be assessed.

#### “Policy H8 – Gypsy, Traveller and Travelling Showpeople Sites

Where a need is identified for transit or permanent pitches/ plots for the accommodation needs of Gypsies, Travellers and Travelling Showpeople, they will be permitted provided they:

- a) Would enable the established need to be met at a location that is accessible to schools, shops and health care, by public transport, on foot or by cycle;
- b) Have a safe and convenient access to the highway network and will not cause

traffic congestion or safety problems;

c) Are of a suitable size to allow for the planned number of caravans, amenity blocks, a play area (for children on sites housing multiple families), the access road and include sufficient space for the parking and safe circulation of all vehicles associated with occupiers within the site curtilage;

d) Do not occupy a prominent location and are consistent with LDP policies for protecting and enhancing character and distinctiveness of the landscape and environment. Where necessary the proposal will include mitigating measures to reduce the impact, and assimilate the proposal into its surroundings e.g. screening and landscaping;

e) Avoid areas at high risk of flooding and proximity to uses with potential sources of pollution or emissions;

f) Are of an appropriate scale to their location and do not have an unacceptable impact on the amenities of neighbouring land uses;

g) Are served, or can be served, by adequate on-site services for water supply, power, drainage, sewage disposal and waste disposal (storage and collection), and for Travelling Showpeople that there is a level area for outdoor storage and maintenance of equipment.

Proposals for the use of land for emergency pitches to meet proven need for use by Gypsies and Travellers will provide basic facilities, meet criteria b, d, e and f of this policy, and the location should be within reasonable travelling distance of a settlement with services and community facilities, including health and education.”

5.3.5 This policy should only be used where a need has been identified. In this case the LPA has not been convinced that there is proven need for an additional site as the applicants have not supplied sufficient information to support their case. Notwithstanding that no need has been proven the proposal will be assessed against criteria a) to g) of Policy H8 above.

5.3.6 The site is located within the small hamlet of Llancayo where there are no services, not even a shop. The site is 2km north of the town of Usk, where there is a primary school, shops and health care facilities, although there is no public transport between the site and the town and it is not safely accessible on foot or cycle as there is no public footpath or cycleway along the B4598. The site does have direct access onto the B4598 and there could be safe and convenient access onto the highway network, if the access into the site was to be improved in accordance with the requirements of MCC Highways. The use of the site by the occupants of the four pitches would not cause traffic congestion or highway safety problems subject to the necessary access improvements. Although relatively small, the size of the site is considered suitable for the four proposed pitches and a site plan has been included as part of the application which illustrates how the mobile homes would be accommodated on the site. In addition there is sufficient land available to provide adequate parking facilities. The proposed site in the open countryside is not consistent with the policies in the LDP in respect of protecting and enhancing the distinctiveness of the landscape and the environment. The site is visually prominent. The land was previously greenfield agricultural land and development on the site harms the rural character of the area. Part of the site is within a defined flood risk area and the proposal introduces highly vulnerable development into a flood zone which is contrary to the advice given within TAN 15 and LDP policy, including H8(e). The proposed development is not of an appropriate scale for this location, introducing four residential units into a small hamlet, in an area where new housing would not be allowed and it would result in an unacceptable impact on the amenity of neighbouring land users. The site already has the benefit of a water supply and a cess pit has been installed. Waste could be collected from the site but there is no power supply, although this could be installed if

necessary. The application is therefore contrary to criteria a), d), e) and f) of Policy H8 of the LDP.

5.3.7 The next section will consider whether the applicant's needs constitute so significant a material consideration as to justify approving the application.

#### 5.4 Other Material Considerations

5.4.1 In evaluating the application, regard must also be given to 'other material considerations' as required by legislation, including a consideration of whether there are any 'very exceptional circumstances' which justify setting aside land use policy considerations. The main issues in this case are need and the availability of alternative accommodation.

#### 5.4.2 *Exceptional Circumstances of the applicants*

The Design and Access Statement submitted with the application states that the site is needed for two cousins and their extended family who are Gypsy Travellers.

The first applicant is a single man of 23 years of age who has spent most of his life travelling throughout the UK and has no permanent place to stay. As a teenager he lived with his mother in bricks and mortar but we have no evidence of where this was.

The second applicant is a married man of 21 years who has a young child; he lived in a Gypsy Traveller site in Pontypool until he was three years of age but then moved to a private site near Norwich. When he was aged 11 his family moved back to Wales and lived in a 3-bedroomed house in Monkswood as there was no alternative culturally-appropriate accommodation available and the mother wanted the children to continue with their education. Until recently this applicant was staying in a caravan close to his mother's house in Monkswood but the landowner, BAE systems, requested that the unauthorised caravan be removed.

The applicant's wife is also from the Gypsy /Traveller community and spent time on a tolerated site near Bristol but that land was sold and she had to go on the road again.

The intended occupier of the third plot is a 32 year old single man with a history of mental illness and other health issues. He has a flat in Pontypool but finds it difficult to settle in bricks and mortar accommodation and spends much of his time moving around staying with his family using his flat only as a base to do laundry and take baths.

The fourth plot would be occupied by the sister of the second applicant. She has two children aged 9 and 14 who attend the Church in Wales Primary School in Usk and The Gypsy Unit at West Monmouth High School respectively.

Also living on the site would be the mother of the second applicant. She also has medical conditions and has lived in the area for 11 years. She was renting a property in Monkswood but says that when the owner sold that property she was forced to move into a caravan and onto the site in March 2016 or be homeless.

Her 26 year old daughter lives in Monkswood with her partner (who is not a Gypsy /Traveller) and her 4 year old son. She also has mental health issues and receives counselling from the Light House in Pontypool. This has put a strain on her relationship with her partner so she frequently stays with her mother.

5.4.3 Whilst the Council sympathise with the personal circumstances and medical conditions of the proposed occupiers, they are not considered to be sufficient to justify overriding Development Plan policy. Some members of this group have registered as being homeless, but have not documented this or supplied any evidence to support this. The applicants have not demonstrated the reason why they should live in this particular location other than they own the land. The Council has not been supplied with robust evidence to explain why this occupiers of this site are unable to live in their previous addresses, which include a house in Monkswood known to be vacant. It is therefore concluded that there are no compelling reasons why the applicants have to occupy this site. It appears that their occupation of the site is more a case of personal preference rather than an exceptional personal circumstance of the applicants. This is no justification for allowing for a Gypsy site in this location, contrary to overarching Development Plan policies.

5.4.4 While it is acknowledged that four of the occupants took part in the recent GTAA, it is not clear that no alternative accommodation is available. The remainder of the occupants did not take part in the Assessment of need stating that they were not aware it was taking place. Notwithstanding the absence of a clear and justified need to reside on this site, the highway safety concerns, landscape harm and flood risk (which prevents safe escape from the site in the event of a flood), render this proposal unacceptable and contrary to Policy H8 of the LDP.

## 5.5 Visual impact

5.5.1 This application seeks new built development in the open countryside where policy LC1 of the LDP will apply. Policy LC1 states that there is a presumption against new built development in the open countryside. It then identifies some circumstances where exceptions may apply such as where development is needed for agriculture or tourism. There is no such exception for Gypsy sites. The proposed development will not be satisfactorily assimilated into the landscape, it will be visible from several public vantage points including the two adjacent public highways and a public footpath. Even with substantial landscaping within the site, the mobile homes, amenity blocks and other domestic paraphernalia will be visually prominent. The proposal represents new residential development that is not well related to the rural character of the area. The proposal is clearly contrary to Policy LC1 of the LDP as none of the criteria set out in that policy have been satisfied. The applicants have failed to provide a landscape assessment, although a landscaping scheme has been submitted. The applicants have not demonstrated how landscape character has influenced the design, scale, nature and site selection. Without this information it is difficult to fully assess the landscape impact of the proposal. An appraisal of the landscape character and visual appraisal would have provided the applicant with the necessary information to develop their proposal properly, informing the design, scale, massing and layout. The design process has not been illustrated or explained in either the Design or Access statement or in any other supporting documents.

## 5.6 Highway Considerations

5.6.1 The site has the benefit of an historic agricultural field access onto the B4598 Abergavenny Road that has been altered in recent months. Section 6 of the application form indicates that neither a new or altered vehicular access from the existing highway will be required, but this is clearly not the case. The current amended access remains substandard and not in accordance with current design standards and in contravention of Section 184 of the Highways Act 1980. The use of the site for four residential units intensifies the use of the access and the significant increase in vehicle movements of varying numbers and size of vehicles associated

with a development of this type is detrimental to highway safety without significant improvements to the existing vehicle access over and above that which has currently been carried out or as detailed on the site plan submitted in support of the application. Although the impact of the additional vehicles on the local highway, the B4598, is not considered detrimental, the current access improvements and the proposed amendments to the existing access indicated on the supporting site plan are not acceptable. Highways have concerns on highway safety grounds regarding the access without this information being submitted. The applicants have been requested to submit plans for improvements to the access but none have been forthcoming.

- 5.6.2 Additionally the level and extent of onsite parking needs to be reconsidered. The four parking spaces are not in accordance with Monmouthshire's Adopted Parking Standards and will be required to provide one parking space per bedroom up to a maximum of three spaces. The proposal is located on the fringes of Llancayo, a settlement with no local amenities within walking or cycling distance of the proposed development. Although the site has no sustainable public transport provision and no footways are available on the B4298 which link to the nearest available amenities in Usk Town, national guidance indicates that a rigid approach to such matters is not appropriate in relation to Gypsy and Traveller sites..

## 5.7 Flooding

- 5.7.1 The north-west corner of the site, including the access, is within flood risk Zone C2 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15. NRW flood map information which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, a designated main river. Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). Although the location of the mobile homes is just outside this designated flood risk area the access is within the zone and the site should be looked at as a whole. A Gypsy site proposing residential accommodation is classified as highly vulnerable development. The applicants have been requested to provide a Flood Consequences Assessment but to date this has not been received. Policy S12 of the LDP states that all new development should avoid the siting of inappropriate development in areas at risk of flooding. Policy SD3 looks at flood risk in more detail. It states:

"Proposals for highly vulnerable development or emergency services will not be permitted in areas which may be liable to flooding, unless the residential development is for the conversion of upper floors within defined settlement boundaries or the proposal is to extend an established tourism, leisure or educational establishment. Less vulnerable built development will be permitted within defined settlements or on sites allocated for uses such as employment. Development proposals within a flood plain will be required to demonstrate that:

- a) the development is or can be protected by approved engineering works and / or other flood protection measures;
- b) such remedial measures would not cause flooding or significantly increase the risk of flooding elsewhere;
- c) the development, including any remedial measures, can be sympathetically assimilated into the environment in terms of its siting, scale, design and landscaping;
- d) the development does not interfere with the ability of the Environment Agency or other bodies to carry out flood control works or maintenance; and

- e) the nature conservation interest of the water source corridor is protected and, where practicable, enhanced.

Development resulting in additional surface water run-off and leading to an increased risk of flooding will only be permitted where adequate protection and mitigation measures are included as part of the proposal.”

- 5.7.2 The applicants have not demonstrated that the site, particularly the access can be protected by approved engineering works or other flood protection measures. If the access was to flood rapidly the occupants of the site could be trapped on a flooded site with no safe means of escape. No evidence has been put forward to explore how this development would impact on local flooding; it may exacerbate the situation as a result of increased areas of hardstanding. No protection or mitigation measures have been put forward as part of this application. Moreover, no information has been provided regarding pollution prevention measures to demonstrate that, in the event of a flood, the cess pit will not cause a pollution incident. The proposal to site highly venerable development within a C2 flood zone is contrary to the advice given by NRW and also contrary to polices S12 and SD3 of the LDP. There is no justification for allowing residential development in this location within the flood zone.

## 5.8 Drainage

- 5.8.1 The applicants have already installed a cess pit at the site. This has not been inspected by Council officials to ensure that it is installed correctly. If it has not been installed correctly it may cause pollution by contamination of the ground, groundwater and, sometimes, surface water. The preferred method of foul drainage disposal is connection to the mains sewer. If this is not feasible, alternative methods of non mains drainage should be justified in accordance with the hierarchical approach set out in WO Circular 10/99.

## 5.9 Conclusion

- 5.9.1 If the application is appraised solely on land-use policies it is clear from the above appraisal that the site is contrary to policy in terms of its open countryside location and lack of agricultural, forestry or rural enterprise justification. If an application were made for residential use of the site by a person other than a Gypsy or Traveller such an application would undoubtedly be refused. The applicants have submitted some information seeking to explain why the personal circumstances in this case are so exceptional that they outweigh Development Plan policy. However this information has been insufficient. The Council recognises that the people referred to are Romany Gypsies but the applicants have failed to explain adequately why they have moved from their current addresses or why this particular site should be considered as the only alternative other than the fact that the applicants brought this land at auction and now own the site. In any event, the use and development of the site is considered to be unacceptable in terms of landscape harm and flood risk. As such the proposal does not comply with LDP Policy H8 and there are no overriding material considerations to outweigh these policy objections.

## 6.0 **RECOMMENDATION: REFUSE**

### **Reasons for Refusal**

1. The application site is on greenfield agricultural land in the open countryside outside any development boundary. The applicants have failed to supply sufficient evidence to demonstrate why their particular personal circumstances are so significant as to outweigh the policies in the adopted Local Development Plan which presume against new residential

development in the open countryside. Insufficient evidence has been supplied to explain why the applicants have to live in this particular location at this time.

2. Part of the site including the access and the adjacent access roads lie within Zone C2 flood risk as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15. No Flood Consequences Assessment has been submitted so it has not been demonstrated that the site, particularly the access, can be protected by approved engineering works or other flood protection measures. If the access were to flood rapidly the occupants of the site could be trapped on a flooded site with no safe means of escape. No evidence has been put forward to explore how this development would impact on local flooding, it may exacerbate the situation as a result of increased areas of hardstanding, and no protection or mitigation measures have been put forward as part of this application. Moreover, no information has been provided regarding the potential for flooding to cause a pollution incident relating to the cesspit. The proposal to site highly venerable development within a C2 flood zone is contrary to the advice contained in TAN15, Planning Policy Wales and also contrary to policies S12, SD3 and H8 e) of the LDP. There is no justification for allowing residential development in this location within the flood zone.

3. The proposed development is not be satisfactorily assimilated into the landscape, being prominent from several public vantage points including the two adjacent public highways and a public footpath. Even with substantial landscaping within the site, the mobile homes, amenity blocks and other domestic paraphernalia will be visually prominent. The proposal represents new residential development that is not well related to the rural character of the area. The proposal is clearly contrary to Policy LC1 of the LDP

4. The current vehicular access into the site is sub-standard and not in accordance with current design standards. The proposed use of this access without improvements to visibility and ease of access splays will be detrimental to highway safety.

Informative:

It is considered that it may be possible to overcome reason for refusal 4 by proposing and implementing appropriate improvements to the access and visibility to ensure the proposal would not harm highway safety.



**DC/2016/00884**

**FULL PLANNING APPLICATION FOR A CARE FACILITY, ACCESS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS**

**LAND AT WESTGATE (IBERIS ROAD), LLANFOIST, ABERGAVENNY**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham  
Date Registered: 05/08/2016

**1.0 APPLICATION DETAILS**

- 1.1 This application relates to an area of land at the former Westgate Farm site. It is located to the immediate east of the settlement of Llanfoist and is allocated as suitable for employment uses B1 and B2 in the Monmouthshire LDP although the development of it for these purposes has not yet been realised. Surrounding land is made up of sites benefiting from recently, but separate, consented proposals comprising a McDonald's drive-thru restaurant and a mixed use development including a hotel, restaurant and coffee shop. To the south is a residential development which is nearing completion. Land to the east and west is undeveloped. There are mature trees to the west of the site, a lagoon to the south and undeveloped low level grassland to the west.
- 1.2 The proposed building is two storey in height in an approximate 'U' shape with a public frontage that will face towards the A465 Heads of the Valleys road and more private elevations to the rear that will overlook the 'lagoon' and housing to the south with more distant views to the Bloreng mountain. It is expected that the proposed use would create up to 76 full-time equivalent jobs.
- 1.3 The proposals can be summarised as follows:
- 70 bed care home
  - 31 space car park to the north of the care home (including 2x disabled spaces)
  - Access arrangements
  - Residents' Garden
  - Planting throughout the site to provide screening
  - Boundary treatments
- 1.4 The care home building will be two stories in height with 34 bedrooms on the ground floor and 26 on the first floor. The size and number of bedrooms proposed has arisen as a result of detailed analysis of the need for the facility by the developers, in addition to ensuring the proposed use can operate as a viable enterprise. Care at the facility will comprise nursing care for the elderly frail (34 beds) and nursing care for those living with dementia (36 beds). Internally the building has been designed with the consideration of the guidance set by Care and Social Services Inspectorate Wales (CSSIW). Beyond the bedroom space, the care home will also include a library, gym, cinema, communal areas and ancillary accommodation including assisted bathrooms, staff WC's, guest room, private dining, kitchen, laundry, nurse stations, drug stores, cleaners' stores, staff room and administrative and manager's offices. A balcony is provided in the central area where the building sets back on the first floor to enhance the views through the building. Further balconies are provided to each living unit in the central courtyard area. All common areas have "full" height windows, while all bedrooms have low window sills providing visibility for residents in beds.

## **2.0 RELEVANT PLANNING HISTORY**

DC/2008/00818 - Hybrid application comprising A) residential and commercial development (outline) B) Alterations and improvements to the existing highway network, improvements to the drainage network (detailed application). Approved in October 2010.

DC/2013/00266 - Approval of reserved matters relating to the access arrangements for the entire site, and full details of all reserved matters (layout, scale, external appearance, access and landscaping) relating to the residential element of the site, as permitted by outline planning permission DC/2008/00818. Approved September 2013.

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S1 – Spatial Distribution of New Housing Provision  
S4 – Affordable Housing  
S6 - Retail Hierarchy  
S8 - Enterprise and Economy  
S9 – Employment Sites Provision  
S12 – Efficient Resource Use and Flood Risk  
S13 – Landscape, Green Infrastructure and the Natural Environment  
S16 – Transport  
S17 – Place Making and Design  
SAE1 – Allocated Employment Sites  
SAW1d – Potential Waste Management Sites

### Development Management Policies

H1 – Residential Development in Main Towns and Rural Secondary Settlements  
E1 – Protection of Existing Employment Land  
LC2 – Blaenavon World Heritage Site  
LC3 – Brecon Beacons National Park  
LC5 – Protection and Enhancement of Landscape Character  
GI1 – Green Infrastructure  
NE1- Nature Conservation and Development  
MV1 – Proposed Developments and Highway Considerations  
MV2 – Sustainable Transport Access  
DES1 – General Design Considerations  
EP1 – Amenity and Environmental Protection  
EP2 – Protection of Water Sources and the Water Environment  
EP3 - Lighting

## **4.0 REPRESENTATIONS**

### 4.1 Consultations Replies

#### 4.1.1 Llanfoist Community Council – Recommend approval.

Members would like concerns to be taken into consideration when deciding this application.

1. Are there sufficient parking spaces for residents, staff and visitors?

2. Although considerable road infrastructure has been put in place there are doubts as to whether the roundabout system into Llanfoist will be able to cope with the extra traffic generated.
- 4.1.2 Dwr Cymru-Welsh Water – No objections. Whilst we have identified that the proposal will increase the risk to Llanfoist Waste Water Treatment Plant, we will look to support the commencement and occupation as required of the proposed care home and would offer no further restriction on its occupation.
- 4.1.3 WG Highways – No objections or comments to make on this proposed development which forms part of the outline development plans for the site.
- 4.1.4 Natural Resources Wales (NRW) – No objections subject to conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission;  
 1: European Protected Species – to ensure delivery of proposed mitigation measures  
 2: European Protected Species– to ensure licensing matters have been properly dealt with prior to commencement of development.
- 4.1.5 Brecon Beacons National Park Authority – Objects.  
 The Landscape Character Assessment for the Brecon Beacons National Park (2012) seeks to identify specific landscape characteristics of the National Park and particularly seeks to inform means in which these landscape characteristics should be protected and/or enhanced. The application site is generally at its nearest to the Bloreng Slopes Landscape Character Area where the impact of surrounding settlements outside of the Park is acknowledged and the need to reduce the visual impact of development on the National Park is highlighted.  
 Serious concerns are raised in relation to the proposed development in terms of its scale, mass and elevated siting. In particular, it is considered that the proposal would interrupt views into and out of the National Park and would introduce a highly visible building which would be to the detriment of the overall character of this area and the setting of the National Park character area of the Blaenavon World Heritage site within the National Park boundary.  
 In summary, the Authority objects to the proposal as it would result in the introduction of an intrusive form of development in an elevated position that would interrupt views into and out of the National Park and would result in detriment to the special qualities of the National Park.  
 Notwithstanding the above, if the Council is minded to approve the proposal, it is respectfully requested that the following condition is imposed and that the National Park Authority are consulted when the relevant detail is submitted for consideration:  
 No development shall take place until an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed external lighting as well as details of their use. The development shall be carried out strictly in accordance with the approved details.
- 4.1.6 Torfaen Borough Council (making observations in relation to the World Heritage Site) – No comments received to date.
- 4.1.7 MCC Highways – No objections. There are no specific conditions I wish to request from a County Highway standpoint with regard to any grant of planning permission.
- 4.1.8 MCC Biodiversity Officer – Deferred to NRW.
- 4.1.9 MCC Environmental Health (Noise) - I can advise that I have carefully considered the Environmental Noise Assessment Reference: 6536/BL/pw, which has now been

submitted in support of the above application. I can advise that I have no objection to this development but with regard to the findings of the afore mentioned report and its summary / conclusions recommend that any grant of planning permission is subject to condition.

4.1.10 MCC Environmental Health (Contaminated Land) – No objection subject to standard condition on contamination.

4.1.11 MCC Planning Policy – Notwithstanding the findings of the marketing report, the amount of employment land allocated for B Uses within Abergavenny/Llanfoist is extremely limited. I would suggest liaising with the Council's economic development officer in this regard to seek advice on the demand for B1/B2 uses at the site.

The design, scale and massing of the proposal is an important consideration given its location in proximity to the Brecon Beacons National Park (BBNP) and the Blaenavon Industrial Landscape World Heritage Site (BILWHS). Overarching policies DES1 relating to general design considerations and EP1 concerning amenity and environmental protection should be considered, together with policies LC2 (BILWHS), LC3 (BBNP), and LC5 (Protection and Enhancement of Landscape Character).

Consideration should also be given to Policy GI1 (Green Infrastructure) and the associated Monmouthshire Green Infrastructure SPG. In this regard, GI proposals should be embedded into the master planning of the site and the application should include a GI opportunities plan. It is noted that a Green Infrastructure Assessment has been submitted with the application, along with a Landscaping Plan. Colleagues in the Green Infrastructure Team will no doubt provide detailed comments on these matters.

Policy MV1 relates to proposed developments and highway considerations. It is noted that a Transport Statement (TA) has been submitted with the application. The conclusions suggest that the care home traffic would be proportionately lower than the permitted business use on the site, the proposed vehicular access is acceptable and satisfactory servicing facilities are proposed within the site. Colleagues in the Council's Highways Team will be able to provide comment on whether the information contained in the TA is satisfactory. Policy MV1 also requires development proposals to satisfy the adopted highway design guide and adopted parking guidelines. It is noted that 31 car parking spaces will be provided as part of the scheme. Again, colleagues in Highways will provide comments on this matter. MV2 relating to sustainable transport access should also be considered.

Other LDP development management policies which are of relevance to the proposed development include: NE1 – Nature Conservation and Development given the proximity of the site to the River Usk SAC and SSSI (it is noted that a Preliminary Ecological Appraisal has been submitted); SD4 – Sustainable Drainage; EP2 – Protection of Water Sources and the Water Environment; EP5 – Foul Sewage Disposal.

4.1.12 MCC GI & Landscape – Currently object to this proposal.

The development of the design did not consider its impact on valued international and national landscape designations. There is little supporting information to justify the design of this proposal. The scale, its layout and detailed design have not considered its impact on the wider landscape; which would be significant, adverse and long-term. Reasons:

1. The scale and overall design of this proposal would cause unacceptable harm to the qualities that justify the designation of the Blaenavon Industrial Landscape World Heritage Site (BILWHS). LC2

2. The scale and overall design of this proposal would cause unacceptable harm to the qualities that justify the designation of the Brecon Beacon National Park (BBNP). LC3
3. No Landscape and Visual Impact Assessment (LVIA) was submitted to support the application. An LVIA should be used as a basis for good design and for evidence-based decision making during the design process.
4. The proposal will adversely affect the setting of the BILWHS and BBNP, and it has not regarded LANDMAP Landscape Character Assessment, or the BILWHS management plan and design guidance SPG during the development of the design. Development will only be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape LC5 (a) by causing significant visual intrusion (b) being insensitively and unsympathetically sited within the landscape and (e) failing to harmonise with, or enhance the landform and landscapes.
5. The development of the design has taken a very narrow view on integrating the building. The immediate contextual relationship is insignificant in relation to the surrounding landscape designations.
6. The proportion and rhythm (roof line and elevations) and material choice are inappropriate. DES 1 (f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to the texture, colour, pattern, durability and craftsmanship in the use of materials.
7. Note. The proposal has been designed with the primary focus on guidance set by the Care and Social Services Inspectorate Wales (CSSIW). The layout does provide excellent views out of the development – good design.

#### 4.1.13 MCC Recycling & Waste – MCC and Viridor to meet with developer.

Viridor operate the site under lease and contract from MCC. The proposal is for a two storey building which would directly overlook the site and key things are:

- Noise - whether the siting of this home would have an operational impact
- Odour control - waste is smelly and whilst we do all we can to mitigate there will be odour
- Vermin - rats, seagull control. Again there are measures in place on the site, but would complaints lead to them being increased (and therefore cost impact of this)
- Traffic

#### 4.2 Neighbour Notification

Two representations have been received:

- A lack of a convincing landscape infrastructure for the whole Westgate site into which their more detailed landscaping proposals could fit.
- A lack of proper drawings submitted that show the proposal in its convincing context (no site/buildings sections, no visualisations of the building against its various significant mountain settings) which leads to this anywhere anyplace architecture.
- 'Travel Plan' for worker cyclists coming to the facility without any recognition that the whole of the Westgate site and its connection to cyclists routes the other side of the A465 has been given no thought at all and is a contravention of the Welsh Assembly's Active Travel Act.
- A lack of proper drawings placing the Castle Oak proposal in the context of the surrounding buildings already given permission. This is symptomatic of a design approach and attitude that looks at every site in this overall landscape, as an isolated fragment, when they are in fact part of a whole landscape

setting.(What is the approach to night lighting of the parking area - hopefully no street lights and all but low level lights disguised in amongst planting.)

- A confused and mediocre rationale for the choice of design language for the buildings in its overall form, then exacerbated by mediocre/playing safe choices of supposedly traditional local materials which could be from anywhere.
- Standardised national design solutions, and floor plans/sections which ignore the potential to make interior places that connect to their specific landscaped setting (although the beginnings of an idea is put forward here - the view to the mountain from the entrance - but it is then ruined in detailed execution.)
- The proposed positioning of trees and other landscaping features on the western and northern site perimeters simply are on the drawings located in spaces left over after allocating spaces for parking and yet they claim this is sufficient natural screening for the view from the World Heritage Site. This is an illusion. Since the usage of the site to the east of the Castle Oak development is supposedly unknown would not it be a good precautionary principle to plant a dense treed boundary along the eastern edge of the Castleoak site to guarantee residents a pleasant outlook from their seats and beds.
- There should be a landscape scheme for all the roads on the site with a potential avenue of trees approaching this site, which would with benefit give more concealment to the cars parking on the Castle Oak site frontage. It would then begin to feel part of a 'Place' rather than just another area of tarmac and random plantings.
- The rooms for residents may be en-suite and thus better than other local provision, and also above the national minimum space requirement, but is this really the best that our society can do for those wrenched from their homes and having to give up so many of their belongings and memories.
- All the rationale about jobs, and overturning the strictures of B1, B2 and B8 uses are well argued and take up a large part of the application and much expert argument. It is also so obviously clear that demand for such a facility is very great and will only increase. (Are MCC planners along with their colleagues in Blaenau Gwent making site provision to meet this supposed demand?)
- Shortages in workforce for other existing care homes in the area and the proposed new care home will exacerbate this problem.
- Existing care homes have problems filling beds so new development will pose a threat to existing businesses.

#### 4.3 Other Representations

##### 4.3.1 Abergavenny and District Civic Society – Summary of comments;

- While the site is allocated for Industrial and Business Development and an objection in principle might be made to the proposed Class C2 residential use, we consider that the approval of Class C1 and A3 uses on much of the site has in effect altered its function to a 'mixed use employment site'.
- It will be important to ensure that the uses on the remainder of the Westgate site are compatible and to find viable Class B sites in the area when the Local Development Plan is reviewed.
- It is disappointing that once again a submission on this site provides little detailed indication of how the proposal relates to the rest of the site and beyond. The landowner of this 'linear park' area should be pressed to provide appropriate landscaping as soon as possible.

- At the pre-application stage we merely suggested a simple palette of materials – slate roof, darkish red brick and white/cream render, yellow brick for string courses and around openings. Disappointingly, apart from the main entrance gable, this advice has been taken on board in the form of a very large ‘traditional’ institutional building rather than a more imaginative modern building with references to local traditions. Safe, mediocre and unobjectionable in this location. The double height security balcony glazing is a particularly ugly detail.
- The dismissal of travel plan proposals as unenforceable is disappointing and questionable.

4.3.2 SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

## 5.0 EVALUATION

### 5.1 Principle of Development

5.1.1 Paragraph 6.1.33 of the LDP refers to housing for people in need of care and should be noted accordingly:

*‘It is recognised that many people have housing needs that cannot be adequately satisfied by conventional housing stock. The term ‘housing for people in need of care’ covers a variety of residential care facilities where the special needs of particular groups can be accommodated. This includes nursing homes, sheltered housing, extra or close care housing, continuing care retirement communities or other similar types of development where an element of care is provided as part of the development. Proposals for such facilities will be assessed against the LDP policy framework and national planning policy guidance (PPW). To ensure that residents of such housing are well integrated with the wider communities, sites for these facilities should be located within defined settlement boundaries and accessible to a range of services and facilities, such as GP surgeries and shops.’*

5.1.2 The proposed site for a care home is located at Westgate Business Park, Llanfoist which is allocated as an industrial and business site under Policy SAE1 of the LDP, the specific site reference of which is SAE1d. The site is designated for B1 and B2 uses. The site is also identified as a potential waste management site under Policy SAW1 (SAW1d). The proposal for a care home (use class C2) would be contrary to these site allocation policies.

5.1.2 This site also benefits from outline planning permission for employment and commercial use granted in 2010 which remains extant. However, the application has not been submitted as a reserved matter to the outline consent as it is recognised that the proposed use does not fall within the uses granted permission. It should therefore be considered as a stand-alone application on its own merits.

5.1.3 Policy E1 relating to the protection of existing and allocated employment land should also be considered in relation to this proposal. It advises that proposals resulting in the loss of existing or allocated industrial and business sites/premises (classes B1, B2 and B8) to other uses will only be permitted if the criteria set out in E1 are met. The proposed loss of employment land should be assessed against LDP policies S9 and E1 which seek to protect existing and allocated employment land from alternative developments. The criteria set out in Policy E1 must be taken into consideration, which if satisfactorily addressed could enable a change of use to non-B uses.

These criteria are:

- a) the site or premises 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 allowing 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.
- 5.1.4 While it is noted that the proposed use would generate employment, which is welcomed, the loss of the B1/B2 jobs would have to be fully justified in this application in order for consent to be granted. To this end, a marketing report is submitted as part of the application package. It highlights that very few enquiries have been received for companies looking for B1, B2 or B8 accommodation the site. General enquires have included car sales (not national dealerships). Given the complex nature of developing the land at Westgate, it has been extremely difficult to provide accurate timescales for development options, which is only now becoming clearer as the infrastructure works reach an advanced stage. It also states that Westgate has been a very expensive site to develop and any development appraisal for a B1, B2 or B8 scheme would be likely to demonstrate the capital or rental level required to make a scheme viable would be considerably higher than current market rates and it would not therefore be possible to compete with existing properties or even development sites within the region.
- 5.1.5 The application site would be classified as an SAE1 site. Given the size of the site at 0.6ha, the development of it for the purposes of a care home would leave a total of 2.8ha available within Abergavenny/Llanfoist. The application site therefore comprises 17.6% of the SAE1 remaining land. Looking beyond Abergavenny/Llanfoist, the background paper identifies a total of 41.73ha of SAE1 land classified as available within the County. The proposed development would comprise just 1.4% of the land.
- 5.1.6 Given the above, it is considered clear that the “loss” of the site from its employment (business use) allocation will have a limited material effect on the supply or available of quality sites in Llanfoist/Abergavenny and a negligible impact when considering Monmouthshire as a whole. It is therefore considered criterion a) and d) of Policy EC1 are satisfied.
- 5.1.7 The Planning Statement also makes reference to the Care Needs Assessment Report submitted with the application. This evaluates the need for additional care accommodation within the catchment area of the proposal and suggests that there is an identified shortfall in provision of care home facilities in Abergavenny. The Table in Appendix 1 highlights 9 care facilities within a 2 mile radius of the application site. The analysis highlights that only four of the facilities can cater for over five residents. In addition, it is clear that a large percentage do not provide a generalised care service and focus on specialisms. Furthermore, the majority of the facilities are located in dated buildings, historically converted to provide care facilities as opposed to bespoke care homes.
- 5.1.8 The number of people aged 65 and over within the catchment of the proposed new care home is projected to increase by 1,856, or 10% over the 10 years from 2015 to 2025. As a result the need for care accommodation is set to grow significantly, resulting in a total projected requirement for 702 beds within the catchment by 2018 and 784 beds by 2025. The Care Needs Assessment Report states that there are currently 527 care beds provided in existing homes within the catchment. Nearly half (48%) of beds



are within accommodation which is not purpose built and over two-thirds (67%) of beds do not meet Modern Standards. 88% of homes have fewer than 40 care beds and are thus more susceptible to closure in the short to medium term. Based on the existing supply of beds, it is estimated that the aging population will lead to a requirement for a minimum of 175 additional care beds by 2018, increasing to 257 additional beds by 2025. Taking all the factors into account, including the additional 87 beds consented or awaiting consent, it can reasonably be concluded that at least 439 additional Modern Standard care beds will be needed by 2018 and at least 521 additional Modern Standard care beds will be needed by 2025. This equates to approximately nine new care homes of 60 beds being needed in less than a decade.

- 5.1.9 Taking this information into account, it is considered that there is a likely to be significant requirement for care home accommodation in Abergavenny. The care home proposed by way of this application would deliver 17% of the estimated requirement. There is no evidence to disagree with the findings of the report and it is therefore concluded that the care home proposed by way of this application would positively contribute to the identified shortfall in provision in care home facilities in Abergavenny

## 5.2 Economic and Social Benefits

- 5.2.1 The development of the site will result in economic benefits in the creation of around 76 FTE jobs. Given the requirement to staff the premises 24 hours a day and related shift patterns, it is likely that in the region of 90-100 jobs will be created when taking into account full and part-time jobs overall. Beyond this, short-term jobs will be created as result of the construction phase of the project.

## 5.3 Visual Amenity and Impact on Wider Landscape

- 5.3.1 The design of the proposed new building is intended to create a domestic scale building with a style that complements the local area in terms of materials and detailing. Materials proposed are smooth grey concrete roof tiles, cream render and a mix of yellow and red brickwork walls and uPVC windows and doors. Given the relatively sensitive location of the development, it is considered that reconstituted slate tiles instead of concrete ones would be more appropriate for the roof which will be prominent when viewed from the slopes of The Blorenge. This approach is consistent with that required for the adjacent housing and also the approved Hotel and should therefore be conditioned.
- 5.3.2 The mass of the building is broken up through articulation of the facades and by creating a variation in the ridge line. The introduction of steps in the building and use of gabled and hipped elements add to the articulation of the elevations. The materials will be a mixture of mainly cream coloured render and dark red bricks with decorative yellow bricks for surrounds and soldier course.
- 5.3.3 In respect of the immediate surrounding area, the site is bounded to the north by commercial development and to the south and west by residential development. It is acknowledged that the subject site is located about 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which at this point includes the slopes of The Blorenge. It should also be noted that this site has an 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 development of it within classes B1/B2 and/ or B8. It is also of note that the overall height of the building is similar to the on-going housing development that is south of the site. It is therefore

considered that it would be unreasonable to require a Landscape and Visual Impact Assessment to be carried out for this particular development alone. In any case the ground works for this area have already commenced and the introduction of some type of built form has already been approved.

- 5.3.5 The soft landscaping proposals soften the edges of the development and integrate the care home into its surroundings using a mixture of native trees, woodland understorey and ornamental shrub / hedgerow planting. The hedgerow and trees along the south eastern boundary of the site will remain as existing. This ties in with wider strategic landscaping that will be implemented as part of a Section 106 legal agreement for the whole site. This includes a linear park adjacent to the lagoon to the south-west of the site.
- 5.3.6 With regards to the proximity of areas covered by various landscape designations it is noted that the Blaenavon Industrial Landscape World Heritage site is approximately 1km away and is separated from the development site by the existing housing and Llanfoist Primary School. In the event that the development is visible from the Heritage site, views will be softened by the landscape proposals described above. It should also be noted that when viewing the site from the Brecon Beacons National Park to the south, the development will be seen in context with the existing housing to the west and south, the wider approved commercial site as a whole (including MacDonald's together with the as yet unbuilt Hotel and coffee shop) and the waste management site immediately next door.
- 5.3.6 Thus, it is considered that the proposed building and associated landscaping and gardens are in keeping with neighbouring development in terms of form and scale and will not adversely affect the wider landscape.

#### 5.4 Access, Parking and Traffic

- 5.4.1 The application is contained within the Westgate residential and commercial development site, previously granted planning approval under application DC/2008/00818. The traffic impact from the overall development site was considered as part of the application and appropriate mitigation measures were agreed and implemented through local highway improvements to accommodate the traffic generated from the development site. The traffic associated with the application site therefore has already been considered and approved. The applications has been fully assessed by way of a Transport Assessment which confirms that the proposed use of the site will result in less impact than potential Class B1, B2 and B8 uses.
- 5.4.2 As part of the Westgate development site a new purpose built commercial access road was approved and has already been constructed to provide vehicular access to the individual commercial development plots. The estate road consists of a main spine road and two roundabouts with access spurs to the development plots. The application site is located directly adjacent to the south-eastern roundabout and southern access spur.
- 5.4.3 Originally, instead of providing access from the southern spur it was proposed to create a new access directly opposite the already approved and constructed access into the fast food restaurant site directly opposite. The Highway Authority were concerned that the position of the proposed access would create conflict between traffic accessing/egressing from the application site and fast food restaurant access points. Therefore, the applicant has submitted a revised drawing which demonstrates that the proposed access has been repositioned so that the junctions to the application site and opposite fast food restaurant are now staggered in order to minimise conflict.

5.4.4 In respect of the parking provision for the application site, the requirement is one car parking space per three staff. To that end the proposed car parking provision of 31 spaces is satisfactory for the proposed development.

5.4.5 In light of the above there are no highway grounds to sustain an objection to the proposed development.

## 5.5 Biodiversity Considerations

5.5.1 A *Preliminary Ecological Appraisal* dated 15 June 2016 by Clarke Webb Ecology was submitted as part of the application. A 2008 survey by David Clements Ecology found great crested newts (GCN) to be present within a pond, which lies 10 metres to the south of the proposed care home site. Based on these findings, an overall mitigation strategy for the wider site was devised, and subsequently ground clearance works have been undertaken under a Natural Resources Wales European Protected Species licence (EPS). As part of the EPS licence conditions, a herptile fence was installed between the pond and the proposed care home site, but the fence is now defunct and does not cover the entire perimeter of the site. The site itself is described as being largely devoid of vegetation and subject to ongoing disturbance. However, the survey report acknowledges that potential refugia/ resting places for GCN are present on site.

5.5.2 On the basis of this information provided, it is considered that the proposed development is likely to give rise to the need for a European Protected Species licence application. However, NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, provided that a suitable mitigation scheme (consistent with the approved overall mitigation scheme) is devised and implemented. Therefore, it is recommended planning permission should only be granted subject to a planning condition to ensure that the scheme is implemented in accordance with a detailed GCN mitigation scheme.

5.5.3 NRW have also recommended a condition that prevents the commencement of development works until the LPA has been provided with a licence that has been issued to the applicant by NRW authorising the specified development to go ahead. However, as the development could not commence without the aforementioned licence without being in breach of Regulation 53 of the Conservation of Habitats and Species Regulations (2010) then it is considered that this condition would be duplication and therefore is unnecessary.

## 5.6 Residential Amenity

5.6.1 The proposed care home is separating from the new housing on the south-western part of the site by the lagoon and is therefore unlikely to have any direct impact in terms of privacy and overlooking or noise and disturbance. It can also be argued that the use of the site as a care home is more compatible with the residential use to the south of the lagoon.

5.6.2 In terms of the living conditions for the residents of the care home, a noise survey was undertaken on the site to determine the potential impact from environmental noise as a result of neighbouring uses. As a result of these predictions the site falls into NEC B. Where a site falls into NEC B, noise mitigation measures are necessary. The noise mitigation advice is in the form of building façade constructions and ventilation provisions to the habitable rooms of the scheme. With the proposed fabric construction and suitable ventilation provisions, the predicted internal equivalent noise levels due

to external noise are within the British Standard 8233:2014 criteria within the daytime and night-time habitable rooms of and within the World Health Organisation guidelines of a maximum noise level in Bedrooms of up to 45 dB no more than 10-15 times per night. As such it is considered that external noise can be suitably controlled within the habitable rooms of the proposed care home development.

## 6.0 RECOMMENDATION: APPROVE

### Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	No development shall take place until an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed external lighting as well as details of their use. The development shall be carried out strictly in accordance with the approved details.
4	<p>Prior to the commencement of development, a Great Crested Newt mitigation scheme (consistent with the approved overall mitigation scheme) shall be submitted to and approved in writing by the LPA. The mitigation scheme shall include (but not be limited to):</p> <ul style="list-style-type: none"> <li>a) methods of working to avoid killing or injuring GCN during clearance of any structures suitable for use as refugia;</li> <li>b) ways of keeping GCN from seeking refuge in trenches and stockpiled materials prior and during development;</li> <li>c) full details of the proposed landscaping/ mitigation planting, and how it fits in with the overall, previously approved mitigation scheme;</li> <li>d) timing of operations, landscaping works and buffer planting; and</li> <li>e) an indication of how to proceed if GCN are found during works.</li> </ul> <p>The development shall be implemented in accordance with the agreed GCN mitigation scheme.</p>
5	Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.
6	<p>No development shall commence until:</p> <ul style="list-style-type: none"> <li>(a) An appropriate land contamination 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.</li> <li>(b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175:2011), containing the results of any intrusive investigation, shall be submitted to and approved in writing by the Local Planning Authority.</li> </ul>

	<p>(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.</p> <p>No part of the development hereby permitted shall be occupied until:</p> <p>(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.</p> <p>(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 by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.</p>
7	<p>Noise mitigation measures in the form of building façade constructions and ventilation provisions to the habitable rooms of the scheme are to meet the requirements provided in Acoustic Consultants Ltd Environmental Noise Assessment, Reference: 6536/BL/pw, November 2016; or otherwise alternative mitigation measures submitted and approved as satisfactory by the Planning Authority. Compliance to be certified in writing to the Planning authority by an appropriately qualified acoustic consultant before the residential use of the unit commences.</p>
8	<p>Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority.</p> <p>(a) stating the date on which the development is to begin;</p> <p>(b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").</p>

Informatives:

Reptiles – 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.

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.

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**DC/2016/00895**

## **THE CONSTRUCTION OF A NEW SUPERMARKET AND ASSOCIATED CAR PARK AND LANDSCAPING**

**FORMER ABERGAVENNY CATTLE MARKET, LION STREET, ABERGAVENNY**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham  
Date Registered: 18/10/2015

### **1.0 APPLICATION DETAILS**

- 1.1 This application relates to the former cattle market site in Abergavenny town centre south of Park Road. The cattle market has now been demolished and the site cleared. A replacement cattle market is now open near Raglan. A previous planning application for a foodstore (DC/2010/01065) was approved in November 2011. A further consent which modified condition 3 (approved drawings) (DC/2014/00267) relating to this was issued April 2014. This approved minor changes to one elevation of the building.
- 1.2 This application now seeks a revised layout and building design. However, it should be noted that the previous consents remain extant and can therefore be implemented. The proposed new food store would measure 4087.7m<sup>2</sup> gross int. (2850.2 sq. m net) which would provide the company's 'Market Street' concept; checkouts; customer toilets; and customer cafe. The previous consent approved a slightly larger building (4593 sq. m gross) but due to the layout provided a slightly smaller retail sales area.
- 1.3 As per the previous consent, vehicular access will be from Park Road via a new signalised junction to provide access into the customer car park which will incorporate the Fairfield car park exit. A dedicated access/exit point for delivery vehicles will be provided away from the car park.
- 1.4 It is proposed to provide 233 car parking spaces (including 15 parent & child spaces), 13 disabled spaces and 2 motor cycle spaces together the pedestrian link from Fairfield car park to Market Street and the Town Centre. Associated landscaping to the pedestrian link and car park will also be provided as part of the application.
- 1.5 The store would operate the following hours:  
Monday – Friday 8am to 10pm  
Saturday – 8am to 10pm  
Sunday and Bank Holidays – 9am to 5pm  
  
Delivery hours - 6am – 11pm
- 1.6 The store is anticipated to employ 240 full time and 40 part-time employees (160 full time equivalent).
- 1.7 The Section 106 Legal Agreement drawn up as part of the previous consent will remain unchanged (although a fresh legal agreement would need to be issued if permission is granted) and the revised layout and design have no impact on the remaining part of the site that is in the ownership of Monmouthshire County Council which is likely to be grassed over pending development.

## **2.0 RELEVANT PLANNING HISTORY**

DC/2014/00267 – Variation of condition 5 (approved plans) of DC/2010/01065. Approved 30.04.2014.

DC/2010/01065 - The demolition of the existing cattle market and associated buildings and the construction of a new library, supermarket and associated car park and landscaping. Approved 07.11.2011.

DC/2007/00540 - New livestock market and ancillary works near Raglan including alterations to the highway (B4598). Approved 15.7.09

M/12559 - Proposed redevelopment of Abergavenny Market site to accommodate the following: food store, library, 34 residential units, 2 x non-food retail units, cinema, associated landscaping, car parking & public art. Refused. Appeal Withdrawn 13.6.07

M/9652 - Demolition of Cattle Market site buildings, but retaining and refurbishing the two slaughter houses. Redevelopment for a mixed use scheme including a foodstore; community building/library with flats over; a residential block fronting Lion Street; and the refurbishment of the retained slaughter house buildings and their use for alternative purposes for the uses within Classes A1, A2, A3, C3, D1 and D2 Uses together with associated car parking and servicing facilities. Withdrawn 21.3.09 as no S106 signed after resolution to grant consent 6.4.04.

M/4996 and MB3589 - Retail foodstore, car park & ancillary facilities. Withdrawn 12.9.05

A35725 - Demolition of commercial & residential buildings fronting King St, and all existing structures within livestock market, proposed development of food superstore, car park & unit shops with offices over. Refused 1.9.93.

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

- S6 – Retail Hierarchy
- S12 – Efficient resource Use and Flood Risk
- S13 – Landscape, Green Infrastructure and the Natural Environment
- S16 – Transport
- S17 – Place Making and Design

### Development Management Policies

- RET2 – Central Shopping Areas
- RET4 – New Retail Proposals
- HE1 – Development in Conservation Areas
- DES1 – General Design Considerations
- EP1 – Amenity and Environmental Protection
- NE1 – Nature Conservation and Development
- G11 – Green Infrastructure Provision
- MV1 – Development and Highway Considerations
- MV2 – Sustainable Transport Access
- MV3 – Public Rights of Way



## 4.0 REPRESENTATIONS

### 4.1 Consultations Replies

#### 4.1.1 Abergavenny Town Council – Recommend approval.

The Town Council believe that more local stone should be incorporated into the building with local murals to help it fit in better with the history and traditions of the town and improve its rather bland appearance. The Mayor respectfully requests to speak at Planning Committee.

#### 4.1.2 WG Transport – No objection. Formal comments to follow. Interim comments; The store is smaller therefore our same response as per the previous application will stand (no objection). We are in negotiations regarding the s.278 works and these are continuing, albeit the applicant is looking at issues relating to the Active Travel Act which came in since the last iteration of proposals.

#### 4.1.3 Dwr Cymru–Welsh Water (DCWW) – No objections subject to conditions.

#### 4.1.4 Glamorgan Gwent Archaeological Trust (GGAT) – No objection subject to condition requiring a written scheme of historic environment mitigation.

#### 4.1.5 MCC Green Infrastructure – No objections subject to conditions.

Development proposals are expected to maintain, protect and enhance Monmouthshire's landscape character and diverse green infrastructure (GI) network, by ensuring individual GI assets are retained and integrated into development; and by incorporating new and enhanced GI assets, of an appropriate type, standard and size. We agreed that there was scope to incorporate and enhance existing GI assets in and surrounding the development site.

We suggest a minor amendment to the layout of the car park, as part of a planning condition for external works. We recommend that 3no spaces are omitted (SW corner) to improve the layout of the public realm area and 'landscape link'. The public realm and pedestrian approach areas are an integral part of the design (as is landscape planting).

#### 4.1.6 MCC Heritage Officer – No objection in principle.

I have previously made some comments on the design of the store, which I think in part have been taken on board. In making these comments, I have had regard to the extant planning permission for a large supermarket on this site.

However I do feel that the public realm improvements to Lion Street and at the junction of Market Street and continuing the pedestrian linkage into the site are really important. I would want to agree a palette of materials to ensure that there is continuity from Lion Street/Market Street which it would be good to add as a condition. While this has not been detailed as part of this application, it is understood that s.106 agreement funding will remain for these works as per the previous consent, and the detail of finishing materials and detailing remains within the Council's control via the Highways agreement required to undertake these works. The two elements should be harmonious with each other. The public realm improvement should follow the approach taken in St John's Square where there are shared surfaces, trees, and good quality local and natural materials.

I am not averse to a modern design; contemporary architecture can add interest to the Conservation Area, however in this context a render would be preferable to the proposed panel cladding.

I suggest the red sandstone could be re-used possibly in a smooth ashlar approach rather than the rock faced stone, this would help to tie this into the brewery yard development as well as it being the 'local stone' to Abergavenny.

We did discuss breaking these elevations up, however I appreciate that there are design difficulties with these large elevations. The proposed 'coreten' trees sculpture could provide an effective solution, however at present we only have the artist interpretation on the elevations. For them to be effective they need to have the finer more intricate detail which is not shown on the elevations.

The boundary wall to park road needs to be rebuilt to the same height as existing and we need a condition asking for a sample panel to be approved; the wall should be built in lime following a traditional approach.

To the north elevation the galvanised steel tanks will be clearly visible over the boundary wall. It was requested that these could be hidden by a stone wall, previously this was about the position of the slaughter houses and so this view had a lot of stone structures. If this is not achievable then at a minimum the tanks should be colour coated or finished in a dark grey.

To the front elevation, RHS adjacent to store is an area for cycle stands. The service yard to the rear should be screened by a stone wall separating the two areas and not a timber fence. It would be important to ensure that the boundary treatments are good quality and not fences or the like.

- 4.1.7 MCC Highways – No objections. Although the proposal differs slightly from the previously approved application DC/2010/01065 I have no adverse comments to offer in respect of the revised application for the construction of a supermarket and car parking at the site.

The earlier planning conditions attached to the previous decision notice and the highway obligations detailed in the signed S106 agreement are still valid and are required and the applicant/owner will be expected to enter into the relevant s.278 agreements with both the Council and Welsh Government as highway authorities to carry out the necessary off site highway improvements to Lion Street (Monmouthshire County Council) and A40 Park Road/A40 Hereford Road/Hereford Road (Welsh Government).

- 4.1.8 MCC Environmental Health (Noise) - With regard to my comments of 31<sup>st</sup> December 2010 made in relation to DC/2010/01065 I understand that the unloading dock is now proposed in the north-west projection of the building. If this is the case it alleviates my concern of the potential for disturbance from unloading of delivery vehicles on the occupiers of residential properties adjacent to the eastern boundary of the site on Hereford Road. However, I remain concerned that in view of the close proximity of the residential properties along Hereford Road, to the south along Lion Street; and to the west adjacent to Priory Lane, that there is the potential for disturbance to be caused during the late night period from the car park area if the supermarket is open during these hours. I therefore recommend that any grant of permission is subject to a condition restricting opening hours during the late night/very early morning period (e.g. 11pm to 7am), in order to minimise the potential for disturbance of the residents in the vicinity.

With respect to noise emanating from the fixed plant and equipment such as refrigeration condensers and compressors, I note the comments made in 6.10 and 7.3 of the acoustic consultant's report dated 27<sup>th</sup> September 2016. I therefore recommend the following condition:

Noise from all fixed plant and equipment at the site should not exceed a rating level of 33dB LAeq,15min during the night-time period or a rating level of 40dB LAeq, 1h during the daytime period when measured at 3.5m from the window of the closest noise sensitive receptor or as close to this distance as is practical. Daytime hours are between 07:00 h and 23:00 h, and accordingly night-time is between 23:00 h and 07:00 h. Measurement procedure is to be with full regard to BS 4142:2014 'Methods for rating and assessing industrial and commercial sound'. Compliance to be certified in writing to the planning authority by an appropriately qualified acoustic consultant within 3 months of the use of the fixed plant and equipment commencing.

4.1.9 MCC Environmental Health (Contaminated Land) – No adverse comments. Contaminated land conditions on previous consent DC/2010/01065 partially discharged. Please retain validation, imported material and unforeseen contamination part of the condition.

- Validation will be the gas membrane and clean soil cover depth.
- Imported material is to ensure the soil/material brought in as clean cover is itself uncontaminated,
- Unforeseen is in case ground workers uncover further contamination that was not identified during the sampling program.

4.1.10 MCC Planning Policy – No objections. The principle for the proposed supermarket is already established through the previous permission (2010/01065). Subsequent to the previous application, a new LDP for the County has been adopted. However, as the defined Central Shopping Area in Abergavenny town centre remains the same as in the UDP the policy comments submitted in relation to the previous permission still apply. Policy RET2 (Central Shopping Areas) of the LDP applies – the proposal will need to satisfy criterion a) of this policy which seeks to ensure that proposals safeguard the vitality, attractiveness and viability of central shopping areas.

The defined Abergavenny Central Shopping Area in the LDP remains the same as that identified in the UDP. The reason given for this condition (i.e. to restrict the sale of comparison goods to 20% of the net retail floorspace) was to 'clarify the terms of the planning permission and protect the vitality and viability of the town centre'. We are concerned that removing the restriction on the proportion of comparison goods floorspace permitted could have implications for the proposal's compliance with criterion a) of RET2. It is therefore considered that this condition should be retained in relation to the current application in order to protect the vitality and viability of the Central Shopping Area, unless appropriate evidence is provided to justify its removal.

4.1.11 MCC Building Control – No adverse comments received.

#### 4.2 Neighbour Notification

Fifteen representations received to date;

- Can we be assured that the improvements to the Hereford Road/Park Road junction are complete before the store opens and that they will take into account

expected increase in traffic as a result of the Deri Farm housing development (allocated housing site).

- Are there any steps being taken to introduce a second exit from Fairfield car park when the traffic on Park Road is at a standstill?
- Observation regarding the Traffic Assessment; flows may be lower in September 2016 than 2010 because of the temporary traffic lights on Monk Street.
- Very little provision for cycling. Opportunity to provide a safe north to south cycle route through Abergavenny. Part of the site could be used for an off road cycleway.
- Cycle parking should be adjacent to the front of the store and not tucked away to the side.
- Road crossings should allow easy access to Bailey Park for walkers and cyclists.
- Additional traffic lights are bound to create additional waiting time on a busy stop-start section of Park Road.
- More appropriate to an out-of-town commercial development site but wholly unsuitable for the Cattle Market site, which is on the edge of the very heart of Abergavenny and is bordered by a conservation area.
- No attempt has been made to tie in the design and materials to the tone of Abergavenny's town centre.
- The design and choice of materials in the Brecon town centre Morrison's serves as an example of the minimum that might be expected here.
- The placing of the building within its own carpark has resulted in a layout that is hostile to pedestrians, and particularly to the elderly and to families with children.
- If the supermarket fronted onto Lion Street, it would raise the chance of quick trips to and from the town centre, potentially benefitting both the Abergavenny High Street businesses and Morrison's.
- Instore café should be refused - this again would encourage trips into the town centre.
- More time and effort should be given to an attempt to improve the quality of this application. MCC is surely in the position of being able to stipulate and enforce improvements before considering approval of this development.
- Agree with Abergavenny Transition Town comments.
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#### 4.4 Local Member Representations

4.4.1 Cllr John Prosser – No comments received to date

#### 4.5 Other Representations

4.5.1 Abergavenny and District Civic Society – Object to the new design for the retail store. Summary of comments;

- The economic or contractual circumstances of Morrison's and Monmouthshire CC should have no bearing on the Planning Authority's determination of this application. It must simply satisfy the requirements of planning policy and any other material planning considerations.
- Consideration should be given to a further revision of such matters as building materials and car park design; approval of such details might be deferred as reserved matters.
- We still expect the planning authority to limit the net floorspace used for the sale of comparison goods to 20%.

- We note that a café is included, to which we restate our 2011 objection. Toilets (public?) are provided on the first floor but seemingly without lift access.
- It is our view that the current proposal is an even less satisfactory response to policy than that approved in 2011. While the approved design has questionable architectural features, it pays some respect to its context. The current amended proposal pays very little respect to its situation, the character of the group of small buildings on Lion Street (several Listed), or the history of the site.
- While some use of reclaimed stone is still intended, this building will be little more than a flat-roofed shed clad in white sheeting, perhaps acceptable on a retail park but certainly not in this sensitive position. The decoration with weathered steel 'trees' might be entertaining elsewhere, but is entirely inappropriate on a permanent town centre structure.
- We would prefer to see a full redesign that complied with the policies and had architectural detailing that would reduce the apparent scale and blandness of the building. Failing that we would wish to see a substantial re-use of reclaimed sandstone, as shown initially in this application, and cladding mainly in timber that will weather naturally and/or weathered steel. Some echo of former market buildings might thus be achieved.
- Concern over the visibility of rooftop structures, a consequence of the absence of any roof pitch, parapet or other detailing that would obscure them.
- Unsatisfactory exposure to road users of the service yard and 'industrial structures, which is inferior to the 2011 proposal and should be improved.
- The 2011 building was to have roof-mounted photovoltaic panels, energy efficiency and other measures to achieve an Excellent BREEAM rating. The present proposal has only minimal natural lighting. We are unclear whether such matters are now subject to building regulations or planning controls, but hope that the authority will apply this planning policy.
- We continue to believe that new building to front or flank Lion Street (with parking to the rear of the site) this arrangement would be in the best interests of the town.
- If the wall and railings have to remain, at least the car park should be paved as in Brewery Yard and more tree planting provided.
- It is important that pedestrians and cyclists have clear priority at roadway crossing points within the car park.
- Shrubbery near the 'oversized parking spaces' obstructs the 'desire line' of the pedestrian route between Fairfield/Bailey Park and the store entrance via the western wall of the store. Pedestrians and cyclists should share this route.
- We see no provision for trolley parks on the drawings; these and extra tree planting will reduce the number of parking spaces, but the proximity of public car parks should make this acceptable.
- We expect the charging and management scheme for the car park to be compatible with that of the Council's short-term car parks.
- In 2011 it was intended that Morrison's would contribute £10,000 via s.106 for some form of public artwork that would commemorate the previous livestock market. That requirement should be restated.
- We are unconvinced that vehicular traffic conditions on A40 will not be seriously worsened, especially as the submitted Transport Assessment includes no forecast of future flows, to which will be added traffic arising from further development at Mardy.
- The provision of a foot/cycle path (which must be 3m wide) through the application site will be a welcome section of a potential Active Travel Route from northern Abergavenny and Mardy to the town centre via Bailey Park and

Market Street. It is essential that the new light-controlled junction on the A40 is designed to facilitate this movement as close to the desire line as possible.

- Rather than positioning the store's cycle parking stands at a somewhat isolated, even insecure, location, some or all should be near the store entrance, and preferably covered.
- We assume that the 2011 provisions for bus stops, improved bus services and a Travel Plan will be restated.
- This is a lengthy response to an application that we believe again wastes opportunities to enhance the town. The long delay in proceeding with this development should not be a reason for hasty approval of an unsatisfactory lower-cost scheme. We hope that the planning authority will require improvements, which need not unduly delay progress.

#### 4.5.2 Abergavenny Transition Towns – Object. Summary:

- There is a fundamental confusion at the heart of this project. If the facility is in such a good location to allow walking and cycling to it, then why not allow that to dominate the public space design thinking. This should be the driving aim of the project given the WG's Active Travel Act which legally requires all new developments to improve the public domain for pedestrian and cyclists.
- The site layout and movements through it, plus all of the site's detail design, are dominated by a *car-first* mentality.
- The fact that WG Highways has approved this junction to the site from the previous submission in 2011 does not mean they have no responsibilities in relation to the current Active Travel Act 2013. They should make the current submission comply with best practice under that Act.
- The curving pedestrian route is justified as opening up view to the Sugarloaf. This has clearly not been tested against the reality of the back of Argos and the high wall separating the Morrison's site from the public right of way lane beyond it.
- The pedestrian route includes a series of road-crossing points in the car park, instead of the cars being made to be subservient by the pedestrian route being clearly visually dominant and continuously delineated.
- The detailing and landscaping needs a complete re-think and it needs clarifying which is the principal pedestrian route across the site – ideally the one from the end of Market Street that skirts the edge of the new store and arrives at the entrance to Bailey Park.
- The material palette and vocabulary of hard landscaping should genuinely and accurately inform the material choices and detailing of the whole public space around the new proposed building, and this should include the *whole* of Lion Street that fronts the Morrison site, not as is currently shown, merely a small section at the bottom of Market Street.
- By sticking to the existing Lion Street eastern access gate to the former market site for another pedestrian entrance to the site, the developers demonstrate their lack of understanding of the context.
- The developer could consider also extending the work of Brewery Yard sculptor Howard Bowcott as a means of delineating new pedestrian routes.
- In their decision to repeat the 2011 mistaken siting of their building along the northern edge of the site, while retaining the old wall along the A40, this means that the view of this magnificent Park is denied to all those moving through this new town centre site. This opening up of a view could be a once in a lifetime opportunity to bind this park visually to the town. We agree with the *Abergavenny Civic Society's* contention that a Lion Street fronted building would be a better layout.

- In Bailey Park there is a magnificent avenue of trees leading pedestrians to the north-western entrance to the Morrison's site. Could not a further smaller scale avenue of trees not line the north-south route into town so that this becomes the public's experience, rather than a sea of cars laid out on an east west axis, as shown in the applicants visuals?
- Are we getting the full picture of how much roof mounted plant will be visible?
- The siting of the outlet and its service yard, hard up against the A40, closes down a historically important view to Abergavenny's renowned Town Hall tower from the pub by the park, and all those driving along the A40 turning at the Hereford Road junction. For those driving on this important through-route this was their only view of Abergavenny's crowning architectural emblem.
- The Retail impact assessment was 5 years out of date, focussing only on Tesco, Aldi, and Waitrose. An update would probably rightly conclude that Tesco will close and thus some thought should be given to the opportunity that presents but also its impact on the western end of Frogmore Street businesses. No reference made to the potential impact of Morrison's on current Market Stall holders, particularly those with food stalls.
- Suggest that the developer should look at a good model for a town centre, '*Market*' food hall, namely the existing *Market Hall*. It has the good qualities of being human scaled on two perimeter edges leading up to a spectacular daylight ridge. If a new *Market Hall* was located on the edge of Lion Street with its ridge axis east-west along Lion Street, this would allow the north roof slope to let in a vast amount of daylight without letting in solar gain, and then the south roof face could be covered in PVs.
- The applicant includes yet again a café, despite the considerable public objection to this in the 2011 application.
- There was some debate about the previous elevations proposed in 2011, some seeing them as unnecessarily fussy and trying too hard, and not very effectively, to disguise the brute reality of a large contemporary retail shed. The current proposal strips all that complexity away and simply goes for a metal clad ('*Kingspan*') outer skin with one elevation pointlessly decorated with 'corten' metal trees (why?).
- The embodied energy, recyclability and environmental pollution record of the manufacturing of this *Kingspan* product is very poor when set against a timber clad, sheep's-wool insulated, timber-framed alternative.
- There are no calculations provided to demonstrate electricity savings per year by installing the rooflights. There is no indication of using the flat roof as a good location for photo-voltaic's to reduce energy bills, under the building as a source for ground source heat or recycling all the excess heat from all their cold storage units.
- There is no indication of electric car and bicycle charging points in the car park despite MCC pursuing this elsewhere in the County.
- Abergavenny and MCC has made major significant efforts and investments to create some magnificent public places for pedestrians to enjoy and trade in over the past decade. Morrison's and their architects need to rise to that challenge, and not be allowed to install what will, if it is not improved considerably, be a massive step backwards on this Town's journey to be, always and everywhere, a delightful place to be.

The full illustrated version of the above comments are available online.

#### 4.5.2 SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

4.5.3 Friends of Abergavenny Shopmobility – A scheme is based at the present in the Castle St car park, Abergavenny and run under the auspices of MCC who pay the part time wages and also supply the electric and bottled water to the cabin. Toilet facilities are provided by the use of a public toilet block adjacent to the portable buildings. Toilet block in the Castle St car park is likely to be closed by MCC due to financial restraints and that the scheme would be moved to the Abergavenny Bus Station car park which is not a suitable location. Therefore request help from s.106 or CIL to have a purpose built or add on to a supermarket build in this site to encourage travel from the supermarket into the town centre, enable the scheme to expand, as first envisaged by MCC of providing help to the disabled, to access internet information on various topics such as purchasing aids without having to visit dedicated disabled shops where prices are a lot higher than direct purchase from manufactures and go toward the stated desire of the supermarket chain to involve itself with the town scene and help ensure that the scheme has a viable future for our users.

4.5.4 CAIR – No comments received to date

4.5.5 Abergavenny Cycle Group – The documents submitted by the applicant include some admirably ambitious aspirations regarding access for people on bikes and on foot, yet the plans as submitted provide very few real measures to achieve the stated objectives, and some significant shortcomings that need to be addressed. We hope this submission will help the applicant to put some meat on the bones;

- The new development presents an opportunity to provide new high quality links for people on foot or travelling by bike.
- Since the previous planning approval in 2011 for development of the site, the Active Travel (Wales) Act 2013 has since come into force, setting ambitious goals for cycling and walking infrastructure in Wales.
- For people getting around town on bikes or on foot, the A40 is a significant barrier. We recommend sufficient crossing points of the A40 for pedestrians and people on bikes to reach the new supermarket. These crossing points should be located on the most obvious desire lines, so that walking and cycling journeys are direct, safe and pleasant.
- There is a proposed new crossing point on the A40 Park Road on the north-west corner of the site. Our group has specific concerns in relation to this crossing point: Lane widths either side of the crossing islands/refuges must be less than 3.2m or greater than 3.9 metres.
- The signalised crossings should be for pedestrians and cycles and should provide for a single phase for crossing the whole road, i.e. users should not be required to wait in a central refuge. We recommend a diagonal crossing phase which will make active travel journeys more direct.
- As a busy trunk road, the A40 is often free-flowing for most of the cycle, cyclists will find it difficult to manoeuvre into the offside lane to make a right turn (when travelling west to east). Recommend re-working this junction.
- We recommend the reconfiguration of the entrance to the Fairfield Road car park to provide more direct access to Bailey Park for people on foot or travelling by bike.
- We recommend that the current speed limit of 30mph be reduced to a 20mph speed limit befitting a town centre location, for the whole of the A40 Park Road.
- We recommend an additional walking and cycling crossing point of the A40 on the eastern side, by the A40 / Lion Street / Monk Street junction.
- We recommend a new cycle contraflow on the eastern end of Lion Street.
- We recommend that the new 'pedestrian link' (see map: Location E) be upgraded to either a separated walking/cycling path or an unsegregated shared use walking/cycling path.



- We recommend this barrier be permeable to cycles and people on foot, with bollards placed at sufficient intervals to prevent access by motor vehicles but to allow free access by cycles, wheelchairs, mobility scooters, etc.
- We recommend the 'pedestrian access point' marked on the south-east corner of the site, onto Lion Street be a pedestrian / cycle access point.
- We recommend cycle parking be placed closer to the main entrance to the store, on the western side of the entrance.
- We recommend the cycle parking should be covered to protect from rain.

#### 4.5.6 Abergavenny Development Forum – Object. Summary;

- Impression of a suburban, out of town layout, scale and design transposed unsuccessfully onto a sensitive edge of town centre site, resulting in a poorly designed contemporary box, dominated by a large car park.
- The store is poorly located. The proposal to place the car park in front of the store, undermining the ambience and character of the Conservation Area, is the key to the problem.
- The car parking arrangement dominates the scheme...the result of an operational preference by Morrison's at the expense of place making, and a pedestrian friendly environment.
- Retaining or rebuilding existing boundary walls is misplaced and limits opportunities for good design, place making and visual permeability.
- The chosen architectural style and palette of materials are alien to the character of the Conservation Area.
- Morrison's justification for demolishing the former Abattoir buildings was based on the promise of incorporating recycled stone in the design of the new store.
- In 2004 MCC published a schedule of design and planning priorities as a brief for the site development. New development does not follow this brief.
- The brief calls for a Public Realm Space. Morrison's are offering a meaningless slither of land adjoining their car park where it meets Lion Street. The location is appropriate but the proposal reads as an inadequate afterthought.
- This proposal falls short of what can be achieved in terms of Active Travel.
- The proposal fails to enhance the established character and diversity of the town.
- The proposal clearly fails to show any respect for the Conservation Area. In terms of materials and building design the new proposal is significantly worse than the previously approved scheme.
- The elevation facing north onto the A40 creates the impression of a rear access yard on an industrial estate.
- The Design Commission for Wales advised that the previous proposal from Morrison's would have the effect of creating "a suburban enclave in the town centre with only a tenuous relationship to the Conservation Area". It is concerning that this new and inferior application has not been referred to the DCfW for comment.

#### 4.5.7 Gwent Police – No comments received to date.

## 5 EVALUATION

### 5.1 Principle of Development

- 5.1.1 The principle of a food retail unit on the site has been established through the grant of consent ref DC/2010/01065 (as amended by DC/2014/00267 which is extant).

- 5.1.2 The Aldi store which is now operating on Monmouth Road had been granted planning consent at the time that the original consent was granted for Morrison's. There has therefore been no significant changes to the retail market in the town since this previous approval that could have any impact on the principle of development.
- 5.1.3 National planning policy and guidance on retail issues, as set out in Chapter 10 of Planning Policy Wales (PPW) November 2016 and Technical Advice Note 4: Retailing and Town Centres November 2016, both have objectives aimed at supporting and enhancing the vitality and viability of established centres whilst at the same time ensuring an accessible and effective pattern of retail provision. Paragraph 10.4.1 of PPW sets out those matters to be taken into consideration in the determination of retail applications, the most relevant being:
- Compatibility with an up to date development plan strategy
  - Sequential approach to site selection
  - Impact on existing centres
  - Accessibility by a variety of modes of travel
  - Impact on overall traffic patterns.
- 5.1.4 It is considered that the above requirements are met since the application site lies within the identified Central Shopping Area (and thus meets the sequential test which prioritises larger retail stores in shopping centre locations on sites located within the retail hierarchy, in this case a main market town). The development proposals will add to the attractiveness of the town and bring the spin-off effect of additional shoppers to use other retail stores and generally make linked trips, and the site is conveniently accessible. The Retail Study by DJD showed that there was capacity for a new foodstore although strictly speaking 'need' is not an issue to be considered in a designated shopping centre location. The application proposals would allow Abergavenny town centre to maintain and enhance its market share for food shopping.
- 5.1.5 The previous consent had a condition that comparison goods on sale at the store could not exceed 20% of total goods on sale, the remaining being limited to convenience goods. The new store may generate competition with some existing traders but such competition is an inherent part of retailing. In this instance however, the impact of the redevelopment of the vacant site is considered likely to be beneficial rather than harmful to town centre interests. The diverse range of other services in the town centre, such as banks, building societies, pubs and restaurants all encourage visitors to spend time in the town centre and with its role also as a tourist destination, there is no evidence to suggest that the town centre is vulnerable to competition from the proposed supermarket. As such it is not considered that a condition restricting the proportion of comparison goods being sold at the proposed store would be necessary or indeed reasonable.
- 5.1.6 The previous consent also had a condition attached that restricted any increase in floor area, including a mezzanine floor without further planning consent. It is considered that this condition is no longer appropriate as planning permission is now required for all mezzanine floors over 200 sq. metres in area.

## 5.2. Visual Amenity and Impact on Abergavenny Conservation Area

- 5.2.1 The site adjoins but lies outside the Conservation Area. It is nonetheless of historic interest given the important role of the, now demolished, Cattle Market in the history of the town, a livestock market having been established at the present site north of Lion Street in 1863. Although the location of the building within the site has remained largely unchanged reflecting the cattle market's form of development, the new design of the

building is some way from that previously granted consent. The building now proposed is more modern in appearance with a flat roof, increased amounts of glazing and a feature entrance canopy. Effort has been made to introduce visual interest to the most prominent elevations including a stencil relief design to the cladding on the west elevation facing onto the car park, access and pedestrian link, and feature panels on the south elevation that also includes the entrance canopy and pergola in front of the proposed customer café area.

5.2.2 There are listed buildings in the vicinity in Lion Street which was a significant consideration in appraising the suitability of the submitted layout and the objections suggesting that the building be moved towards or alongside Lion Street. It is considered that the proposed open aspect from Lion Street not only reflects the historic layout of the Cattle Market site but also protects the listed and unlisted buildings in that street and their contribution to the historic townscape. It is considered that the siting of the foodstore on Lion Street would harm the Lion Street street-scene and that the proposed arrangement of the site is closest to its original character as a cattle market. The pedestrian link leading through the site to Bailey Park and the retention of boundary walls around the site are also welcomed.

5.2.3 With regards to enclosures, the Cattle Market and the boundary treatments had been in place for a considerable period and in view of the historic role of the Cattle Market in the town's history, it is considered important to retain/replicate the way the site has traditionally been enclosed, including the retention of a largely open aspect into the site from Lion Street, albeit with more pedestrian permeability. As such, reclaimed stone is to be used from previous demolition on the site to repair the northern boundary wall in response to the Slaughter Houses previously occupying that area of the site. New stone will be used if insufficient reclaimed stone is available. Where used on the building elevations it will be to match the vernacular stone, St Bees Pitch faced stone. To this end a strategy is to be compiled to establish priority areas for usage around the building and site and these details should be a condition of any consent. The low stone wall with railings above on the southern boundary will remain as existing.

5.2.4 In terms of materials, the upper sections of the walls are proposed to be finished using Kingspan vertical `Micro-Rib cladding panels which takes reference from the previous cattle market buildings on site. The colour finish although named 'Pure White' by the manufacturer is in fact off-white. The pergola adjacent to the customer café will be steel framed with timber roof members. Aluminium curtain wall sections will be used to provide transparency/glazing in a modern, thermally efficient manner and will have a powder-coated finish in Basalt Grey. The entrance canopy will also be aluminium polyester powder-coated finish in Basalt Grey. The flat roof will be single ply membrane, coloured slate grey with roof lights incorporated. To add interest to the western elevation of the building, it is proposed to add a contrasting tree design made out of 'Corten' which is a type of weathered steel which is rust/bronze in colour.

5.2.5 The site has lain vacant for a number of years while its redevelopment has been awaited, resulting in a number of complaints and enquiries. Developing the site would enhance the area as well as bringing economic and green infrastructure benefits. It is therefore concluded that the proposed form and layout of the proposed development will not fail to preserve the character and appearance of the Conservation Area or the setting of the listed buildings along Lion Street.

### 5.3 Residential Amenity (Including Noise and Disturbance)

5.3.1 There are residential properties on Hereford Road, King Street (backing onto Priory Lane), and Lion Street. The flats at Priory Court and The Levens (Hereford Road)

would adjoin the proposed car park and have a largely open view over the site, although facing windows at Priory Court would also have views of the south elevation of the foodstore some 30m away. Such views are partially obscured by the high boundary wall and trees and hedging. Two flats believed to be accommodated at and associated with the veterinary surgery at No. 8 Hereford Road would, if located at the rear of the building, adjoin the service yard and face the eastern elevation of the store instead of a more open outlook above the boundary wall. However, it is relevant that the flats are located within an otherwise non-residential property and whilst they might presently have views into the site, the flats would also be subject to the disturbance associated with lorry and stock movements throughout the day and night when the cattle market was in operation on the site, as well as traffic on the nearby main roads. Properties in Lion Street would face the open car park and so their overall situation would be much as at present. Residential properties backing onto Priory Lane would face the MCC development site or open car park. The outlook from these properties is already constrained by the boundary wall on Priory Lane and the unattractive vacant site beyond. No objections to the appearance of the building or layout of the car park have been received from local residents.

- 5.3.2 It is noted that fresh food deliveries to the store are proposed to be early morning as they would need to fit in between the deliveries to the existing Ross-on-Wye and Cwmbran stores that could mean deliveries may be as early as 6am whereas the previous consent limited delivery times to between 7am and 11pm in the interests of residential amenity. An Acoustic Assessment has been submitted as part of the application and concludes that there is likely to be no adverse acoustic impact associated with delivery vehicles servicing the site during the daytime or the night-time periods. Morrison's standard practice calls for reversing alarms to be switched off before the vehicle leaves the distribution centre (if one is fitted to the vehicle). This will ensure that the residents are not disturbed by reversing alarms on vehicles making deliveries to the superstore at night. It should also be noted that the delivery vehicles entering and leaving the site will be travelling relatively slowly in comparison with other road traffic, thus producing maximum noise levels that are similar to or possibly slightly lower than that produced by the vast majority of vehicles on the surrounding road network. Considering the distance between the service yard and the closest noise sensitive receptors along with the screening from the intervening building structure it is unlikely that delivery vehicles servicing the site will be identifiable over the exiting acoustic environment at the receptors.
- 5.3.3 With regards to unloading deliveries, this is likely to be undertaken with wheeled cages, ride on pallet trucks, or manually operated pallet trucks directly into the store building. It is expected that a typical delivery will take around 30 minutes to complete. Delivery vehicles servicing the store will be approximately 110m from the closest noise sensitive receptors with significant screening provided by the store building to the majority of receptors. The noise assessment concludes that the calculated specific level (L<sub>Aeq,T</sub>) is significantly below the identified Lowest Observed Adverse Effect Level (LOAEL) thresholds for residential amenity, therefore, it is considered that unloading activity will have no impact to the closest noise sensitive receptors during the daytime or night-time periods. As a result, it is considered that extending the delivery hours to from 6am to 11pm would not harm local residential amenity.
- 5.3.5 The car park would be lit with potential for light disturbance to properties on Hereford Road. This can be controlled by way of a condition requiring the use of baffles to prevent light spill to those properties.

#### 5.4 Access, Parking and Traffic

- 5.4.1 The car park entrance is proposed along Park Road with pedestrian footpath links to the store entrance. The store entrance will be prominent in the site and centrally located. Access into the site and into the building is level with no requirements for steps or stairs. Any crossing points within the site will be designed to the required standards. Within the site there will be a maximum gradient of 1 in 40. External Lighting will be along all access routes and will be designed to Part 3 BS5489 to ensure good access whilst reducing crime risk.
- 5.4.2 When considering the site in the wider context of the town and the pedestrian movement from Bailey Park and the Fairfield car park it can be noted that there is a strong link through Cibi Walk shopping centre through to Frogmore Street. If pedestrians are heading towards the Town Hall and market in Brewery Yard, the existing cattle market site impedes pedestrian access and results in a convoluted route being taken to the Town Hall and Cross Street beyond. In order to address this situation it became clear that as part of the development it needs to be ensured that a strong pedestrian route from Fairfield Car Park through the site is provided that would link into Market Street through Brewery Yard up to the Town Hall and Cross Street beyond. As such, a new pedestrian approach route from Fairfield Car Park through the site to Market Street is proposed. This is considered to be a benefit of the proposed development.
- 5.4.3 Being in a town centre location, the proposed store is well located to promote trips by public transport, being situated close to stops providing access to a number of bus services and the railway station for people travelling from further afield. For employees living in closer proximity to the site, walking and cycling offer realistic modes of travel, with appropriate infrastructure in place to support travel by these modes.
- 5.4.4 As previously stated, the previous planning permission for the food store remains extant. Nevertheless, in discussions with highway officers of both Monmouthshire County Council and the Welsh Government, it was agreed that in view of the time that has elapsed from the previous assessment it would be desirable to produce an updated Traffic Assessment based on new traffic count data. For the previously approved development, highway improvements were agreed to provide traffic signal control at the store access/Park Road/Fairfield Car Park junction and to improve capacity at the existing Park Road/Hereford Road traffic signal junction. It is proposed that these works are also implemented with the current proposals.
- 5.4.5 Operational assessments of the improved Park Road/Hereford Road junction and the proposed signalised site access junction were undertaken as a linked junction for the 2017 'with development' predicted scenario. The agreed highway improvements at the Park Road/Hereford Road junction mitigate the impact of development traffic, whilst the proposed site access junction operates well within capacity.
- 5.4.6 The current proposal is smaller in size than the approved development and this updated Transport Assessment has demonstrated that the agreed highway works are still appropriate to mitigate the impact of the development. It is therefore concluded that there are no transport reasons why the proposed food store should not be granted planning permission.
- 5.4.7 The relocation of the cycle parking has been raised with the applicant and the location may be amended so that it is closer to the main entrance of the store.
- 5.5 Landscaping and Green Infrastructure

- 5.5.1 The design intention is to produce a landscape scheme which after, initial establishment, will provide generous cover which is easy to maintain and an appropriate aesthetic setting for the building and associated car parking and amenity of public areas. Deterrent/thorny hedge planting will be installed between the car park and access road and car park frontage to Park Road. This will avoid pedestrians 'cutting through' the landscape areas and direct pedestrian flow along designated paths. These hedges should be maintained at a maximum of 1.2m high.
- 5.5.2 The landscape treatment will be simple using ornamental species which are reliable and able to withstand the pressures of being within a public domain. The pedestrian link and associated soft landscape area has been kept largely free of trees to maintain an 'open' feel so as not to create an oppressive space.
- 5.5.3 Hard materials, detailing of footpath surfaces, kerbs and street furniture will match those of the Brewery Yard development to enhance the pedestrian link through the site to Park Road. The boundary wall will be retained and planting will be largely groundcover height so that the wall is visible.
- 5.5.4 In terms of linkages to other green spaces, to the north of the former cattle market is Bailey Park, a well-used community resource. The existing, disused site separates the Park from the town centre. The intention of the pedestrian link is to try and establish a more cohesive transition from the town centre and into Bailey Park which is welcomed.
- 5.5.5 Both areas are defined by their landscaping, the Park green with soft planting, and the town largely hard landscaped with stone, although there are some sections of soft landscaping (for example around the watercourse that runs through the bottom of Brewery Yard). Using the route of the pedestrian link this provides an opportunity to continue the same themes of hard landscaping found on Market Street, which adds continuity to the route from the town centre, featuring native species of trees, hedging and planting to allow some of the Park to stretch into the town. The theme is complemented with imaging on the west elevation to the new building
- 5.5.6 It is considered that the applicant has identified key assets and opportunities to improve connections to the wider landscape and has considered the landscape setting, quality of place, desire lines and sequential views throughout their proposal. By creating a vista to and by linking the town centre with the wider landscape, the development will connect a range of GI assets, enabling the proposal to deliver social, environmental and economic benefits simultaneously. The proposed landscaping scheme will provide tree and low level planting, with focal points and seasonal interest, integrating the development into the surrounding landscape and embedding it within an historic townscape. The conditions suggested by the Council's Landscape & GI Officer have been included at the end of this report.

## 5.6 Biodiversity Considerations

- 5.6.1 Conditions on the previous consent relating to bats in the now demolished Slaughter House buildings were discharged prior to the demolition of these buildings. The new building will incorporate a bat loft within the roof. A monitoring strategy for this should be secured via condition.

## 5.7 Flooding and Drainage

- 5.7.1 The proposed foodstore is classed as less vulnerable development and as the site is within Flood Zone A which applies to sites at little or no risk of fluvial flooding, there is no objection from NRW on flood risk grounds subject to compliance with the submitted

Flood Consequences Assessment, which was updated in July 2016 to support this application, and the implementation of an agreed scheme of surface water drainage. There is no record of flooding at the site since 2001; that incident was attributable to a blockage of the culvert following which appropriate preventative measures were put in place.

5.7.2 It has not been possible to provide a full Sustainable Urban Drainage System (SUDS) into the development but the drainage strategy will employ the use of rainwater attenuation to control the rain water runoff rate and ensure that the surface water passes through a petrol interceptor prior to discharging into the existing culvert.

## 5.8 Section 106 Requirements

The Section 106 Agreement signed in relation to the previous approval. This consisted of the following Heads for Terms;

- Highway works including S278 works and £300k for improvements to Lion Street and town centre environs.
- The provision of two new bus stops on Park Road and a bus stop on Lion Street to support public transport
- Funding for additional evening and Sunday bus services
- Parking Management Scheme (to include operational issues and charges) to ensure customers are able to visit the town centre to support its economy
- Payment of a sum of £10k for public art/public realm
- Payment of the sum of £10,000 for improvements to Bailey Park
- Agreement to use 'Local Labour' where possible to support the local economy
- Implementation of Travel Plans
- Implementation of a management and maintenance scheme for the new pedestrian thoroughfare and hard and soft landscaping at the site
- Culvert maintenance scheme to protect against flooding.

As there is no increase in the floor area of the proposed supermarket and there have been no other significant changes to the scheme, it is considered that this can be dealt with via a deed of variation to the previous Section 106 that will tie it to this latest application.

## 6 **RECOMMENDATION: APPROVE**

### Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the approved plans.
3	No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of: (i) a drainage strategy setting out controls of contamination during construction, including controls to surface water run-off, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures; (ii) pollution prevention and contingency measures. Construction works shall be implemented in accordance with the approved CEMP.

4	No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
5	No development shall commence until the written approval of the Local Planning Authority has been obtained to the proposed materials to be used for the external surfaces of the walls and roofs of the development hereby permitted and no materials other than those approved shall be used unless otherwise agreed in writing by the Local Planning Authority. Where samples are to be agreed, these shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.
6	No development shall commence until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building being brought into use. All foul drainage shall be directed to a foul sewerage system and all surface water drainage to a surface water system. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
7	<p>Prior to the opening of the store hereby approved, a scheme of external works shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include;</p> <ul style="list-style-type: none"> <li>• Finished levels;</li> <li>• Means of enclosure;</li> <li>• Hard surfacing materials (including samples);</li> <li>• Landscape planting proposals (all species, plant sizes and densities)</li> <li>• Minor artefacts and structures (furniture, signs, bollards, public art and lighting)</li> <li>• 1:10 Details of the proposed trees artwork on west elevation.</li> </ul>
8	Details of the necessary improvements to the A40T and the junction of Park Road/Hereford Road shall be submitted for the prior written approval of the Local Planning Authority and no occupation of the hereby approved foodstore shall take place until the approved junction/improvement schemes have been constructed in accordance with the approved plans.
9	<p>No part of the development hereby permitted shall be occupied until:</p> <p>(a) 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.</p> <p>(b) 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 by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.</p>
10	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 Planning Authority. No other fill material shall be imported onto the site.
11	Prior to the opening of the development hereby approved, a lighting scheme shall be submitted for the prior written approval of the Local Planning Authority. The approved scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
12	The development hereby approved shall be carried out strictly in accordance with the Flood Consequences Assessment produced by BSC.P dated November 2010 and the mitigation measures therein including that finished floor levels are set no lower than 59.200 (foodstore) and 58.350 (library) metres above Ordnance Datum (AOD) (Newlyn) as indicated on BSC.P - Drawing Number QL1017-D2 Revision P1 (Proposed Drainage and Levels).
13	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons 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, unless the Local Planning Authority gives written consent to any variation.
14	The developer shall provide a suitable grease trap to prevent entry into the public sewerage system of matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.
15	All surface water runoff from external hard paved areas (car parks, access roads and service yards) shall be passed through Class 1 Bypass Separators prior to discharge to the culverted watercourse to prevent oils and silt entering the watercourses and shall be regularly maintained by the end user.
16	The foodstore shall not be open to the public outside the hours of 7am to 11pm.
17	There shall be no deliveries to the store outside the hours of 6am to 11pm.
18	Noise from fixed plant and equipment shall not exceed 38dB(A) LAeq 5 mins when measured at 3 metres from the façade of any dwelling during the night hours of 11pm to 7am.
19	The protection of any existing tree to be retained in accordance with the approved plan and particulars shall be achieved as follows: (a) Underground services shall be routed clear of the trees to avoid root damage. (b) Prior to building work commencing on site (including any demolition and refurbishment works), protective fencing shall be erected around each tree at a minimum radius from the trunk of the tree (or outer trees in the case of a group) equal to the canopy spread or half the tree's height, whichever is the greater. (c) The fencing shall comprise a vertical and horizontal framework of scaffolding supporting a minimum of 20mm exterior ply or other robust man-made boards and shall be maintained for the duration of construction activity on the site. it shall be at least 2.4 metres high and

	constructed and erected in accordance with the recommendations published in British Standard 5837:1991. (d) No storage of plant or materials, landfill, excavation, burning of materials cement mix shall be carried out within the protective fencing.
20	The development shall be carried out in strict accordance with Section 2 <i>Bat Mitigation Measures</i> of the submitted <i>Former Cattle Market, Abergavenny, Monmouthshire, Bat Mitigation Proposals by Penny Anderson Associates Ltd dated October 2016</i> and a written report from an ecologist shall be provided as evidence of the completion of bat mitigation measures.
21	A post development monitoring scheme to ensure the mitigation measures are effective shall be undertaken. This should consist of an internal and external inspection; and at least one activity survey of either evening emergence or dawn swarming to be undertaken between mid-May and mid-August and be undertaken over a period of 5 years following the implementation of the mitigation measures in years 1, 3 & 5. Results must be submitted in writing to the Local Planning Authority at the conclusion of each survey year.
22	No work shall be undertaken on the wall during the bird nesting season (March to August inclusive). However, work may take place during these months when preceded by a search for nesting birds and if necessary, avoidance/mitigation has been implemented in accordance with details to be approved in writing by the Local Planning Authority before works commence on site.
23	A sample panel of new stonework and pointing shall be approved in writing by the Local Planning Authority before any areas of stonework are commenced on site. All stonework and pointing shall be carried out in a similar fashion to that approved within the sample panel.
24	The galvanised tanks shall be colour coated or finished in a dark grey colour, details of which shall be agreed in writing by the Local Planning Authority prior to the development being brought into use.
25	Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority. (a) stating the date on which the development is to begin; (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").

### Informatives

1. Please note that this application is subject to a Section 106 Agreement.
2. Nesting birds – Please note that all birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.
3. River Usk Special Area of Conservation (SAC) – This development site is linked to the River Usk SAC via an unnamed culverted watercourse. The SAC is protected under the Conservation of Habitats and Species Regulations 2010. Failure to adopt protection measures to prevent pollution of the SAC could result in criminal prosecution should a pollution incident occur.
4. Please note that a public sewer, which crosses the site and DCWW should be contacted before works commence to establish its exact location.

5. 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.

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**DC/2016/00921**

## **CONSTRUCTION OF TWO SINGLE STOREY DWELLINGS, NEW ACCESS AND PARKING AREA**

**LAND ADJACENT TO MANOR FARM, ROGIET**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Young

Date Registered: 08/09/16

### **1.0 APPLICATION DETAILS**

1.1 The application seeks the erection of two single storey dwellings; one, a two bedroom dwelling measuring 116 sq. m and the other, a three bedroom dwelling measuring 136 sq. m. There would be a shared vehicular access from Starling Close with seven car parking spaces off a courtyard. A modern agricultural building has been demolished to accommodate the dwellings. The new dwellings would be situated within the grounds of Manor Farm House which is Grade II listed and set within a group of buildings which include St Mary's Church and the recently converted Meal House. There is a modern housing estate surrounding the site and a public right of way crosses the site. The site is within the Rogiet Development Boundary.

### **2.0 RELEVANT PLANNING HISTORY**

DC/2016/00922 LBC for demolition of modern barn - Withdrawn

DC/2014/00179 – Conversion and Extension of Meal House into two dwellings.  
Listed Building Consent Including the demolition of the modern agricultural barn - Approved

DC/2014/00178 Conversion of the Meal House into Two Dwellings - Approved

DC/2000/00033 Conversion of Existing Farm House into 3 dwellings. LBC consent Approved

DC/1999 Conversion of Existing Farm House into 3 dwellings. Planning consent Approved

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### Strategic Policies

S1 Spatial Distribution of New Housing Provision

S4 Affordable Housing provision

S13 Landscape, Green Infrastructure and the Natural Environment

S17 Place Making and Design

S16 Transport

#### Development Management Policies

EP1 Amenity and Environmental Protection

DES1 General Design Considerations

NE1 Nature Conservation and Development

H1 Residential Development in Main Towns, Severn Side Settlements and Rural Secondary Settlements

MV1 Proposed Developments and Highway Considerations

## 4.0 REPRESENTATIONS

### 4.1 Consultations Replies

Rogiet Community Council – No reply to date

MCC Highways – The proposal indicated access will be off Starling Close. There are however no details of the proposed access, which should be a vehicular crossover. No detail of the driveway surfacing and no detail of drainage of the same.

There appears to be more than adequate space inside the site for parking, however no size of parking bay has been indicated.

I would not wish to see this point of access being used as a through route for vehicles, therefore I wish to see boundary treatment shown to demonstrate the separation of the two distinct developments.

I require details of construction proposals and routes proposed for the same.

As presented, I am unable to recommend approval.

#### MCC Housing

A financial contribution of £25,067 will be required in line with the policy of 25% affordable housing in the Severnside area.

#### MCC Conservation – No Objection

As this development is within the curtilage of the Grade II listed stables amongst other listed buildings at Manor House Farm, the proposed development should be considered in terms of its effect on the special interest of this group of buildings, including their setting. This said, little remains of the historic context of the farm to this aspect and as such, a new development should not necessarily be considered as being detrimental to the setting, which until recently consisted of a massive agricultural shed in this location.

From the eastern approach to the courtyard, the proposed buildings' reclaimed stonework at key points such as the eastern gable tie them into the wider site, whilst the proposed form, massing and orientation at right angles to one another reflect the single-storey courtyard-plan that could be expected of such an historic farmstead. Notwithstanding an arrangement designed to integrate and mimic traditional arrangements in many senses, this is not a pastiche. From within the courtyard the contemporary materials should allow these ranges to be recognisable as an honest intervention within an historic site, which in themselves should be a quality addition in the ongoing development of the site, in-line with good conservation practice. Noting the approach details and car parking arrangement, hard landscaping could well urbanise the outlook and have a disproportionately negative effect on the setting. As such, it is recommended that details should be sought (or conditioned) requiring minimal levels of hard landscaping on the approach to and within the newly formed courtyard area.

#### MCC Tree Officer

There was an old TPO at the site. However, all the trees covered by it have been lost over the years. There are some smaller trees on the lawned area to the west of the proposed site but these are mainly of poor quality. Further arboricultural information to support this application is therefore not required. However, the applicant's attention should be drawn to the line of hedge on the north-western boundary of the site. The hedge is composed mainly of non-native species such as Berberis and Cypress, but is useful as an effective screen whilst also providing habitat for nesting birds. I would suggest a simple protection condition is appended to any grant of consent.

Glamorgan Gwent Archaeological Trust (GGAT) - No reply to date

Dwr Cymru - Welsh Water – No objection

Outlines conditions relating to surface and land drainage. Requests a 3 metre easement for public sewers. No objection to the proposed waste water treatment works for domestic discharges from the site.

MCC Public Rights of Way – A public footpath runs through the site and must be kept open and free for use by the public at all times.

MCC Biodiversity –

I have had opportunity to review the above application, my only concern would be lighting, considering the mitigation the meal house and the stone barn incorporate (as part of an EPS licence), any insensitive lighting of the new buildings could result in a negative impact on the existing roosting provision. Is the applicant able to confirm the lighting regime? Otherwise I would recommend inclusion of a condition.

#### 4.2 Neighbour Notification

Objection letters received for nine addresses

Re-introducing the old northern farm building range, as suggested, makes for overall a considerably more sprawling development than the original historic context of the farm.

The application it is in the environs of a Grade II\* listed church.

Adverse impact on the character of the area.

Very limited safe private gardens for children to access and play safely. This may cause problems by encouraging residents of the adjacent properties' children to play in nearby streets and close to a dangerous water run-off reservoir unnecessarily.

Impact on current public right of way between St Mary's Church and the Playing Fields, which is an important link between these important village amenities.

Residents would wish that Starling Close remain a cul-de-sac, without further access roads off it, as again it will retain the quieter nature of the area and be safer for pedestrians who are frequently accessing the playing fields and walking dogs.

Concerned about hydraulic overload on the current run off water reservoir.

It will interfere with the ability of residents to park outside their own properties without obstructing access to the new residences. Access should be through the private road to the farm.

In preference the farms existing private road should be used for traffic for all building works. It is noted the previous, conversion of grade II listed meal barn, into two houses has taken nearly two years to complete and this has already caused massive inconvenience to residents due to late working, inconsiderate parking and complete lack of notice. The site has become at times quite hazardous for people walking along the important right of way.

No reference is made to Phase 3

This is incremental urbanisation of these important Grade II\* and Grade II Listed buildings.

Whilst conservation seems a very broad church these day I have to say the design of the house seems more suited to the Australian outback or the South African velt than a Welsh village or farm. I know conservationist don't necessarily like reproduction so the old can be distinguished from the new, however, this can go too far the other way; the design appears to wholly incongruous with its surroundings.

There has been an implicit disregard for the objections of residents, in the advice to the architect.

I would like to remind the planning team that this site was originally not considered for further residential development in the original LDP deposit plan and this site was only reconsidered when the Welsh Government inspector demanded another 800 hundred houses for Monmouthshire and windfall became so popular.

Conversion of the Meal House has caused a lot of disturbance

Need an aligned traffic plan with time-scales included

Noise, dust and disturbance during construction

Existing access road is not well maintained  
 Design does not match local buildings - either the Manor house or the houses on Starling Close  
 Close  
 Wooden cladding is out of keeping  
 May lead to a through road going to the Church  
 No safe place for children living in the Meal House to play  
 Farm machinery is left in the barn which is dangerous  
 No dimensions on plans  
 Route of the footpath is not shown on the plans  
 Trees have been cut down  
 The site is in an untidy state  
 Disruption to wildlife  
 Changes the character of the area with too much hard standing for cars  
 Detracts from views of the Church  
 Loss of trees adds to the flooding issues in the area  
 Greater levels of runoff  
 Opening up the cul-de-sac will adversely affect the quality of life for local residents  
 Loss of a turning circle at the end of Starling Close  
 Devaluation of property prices  
 Dangerous for children playing in the road  
 Loss of privacy  
 Access off the cul-de-sac is not appropriate  
 Increase in traffic  
 Rubbish from the site ends up in neighbouring properties  
 Access should be through Manor Farm  
 May lead to further development  
 Danger for people accessing the playing fields  
 Has a financial contribution for affordable housing been sought?  
 Gravel road is not appropriate  
 Inappropriate finishing materials  
 Insufficient information  
 Rail users will park their cars in Starling Close  
 Too much parking provision on the site

#### 4.3 Other Representations

A petition received containing 17 signatures  
 Plans do not show sufficient detail. There has been no consideration given to heavy goods vehicles using Starling Close and the mess they would leave behind. There are safety risks to children living in Starling Close and residents using the playing fields. There will be higher levels of traffic using Starling Close and a reduced level of parking. Starling Close should remain a closed cul-de-sac.

### **5.0 EVALUATION**

#### 5.1 Principle of the proposed development

5.1.1 The site lies entirely within the Rogiet Village Development Boundary within which new residential development will normally be acceptable, subject to detailed planning considerations. The proposal accords with policies S1 and H1, in principle.

#### 5.2 Highway Safety

5.2.1 It is proposed that access to the two properties should be off Starling Close. Starling Close is a modern estate road, serving 12 properties and built to adoptable standards.



At the end of Starling Close there is a hammer head, one arm of this would serve the proposed new dwellings. The capacity on Starling Close is such that it can easily accommodate the traffic generated by two additional dwellings. One arm of the turning head, would still be available for the turning of vehicles. Starling Close is also suitable and of sufficient standard to accommodate construction traffic. The properties along Starling Close all have driveways and garaging but there is no restriction to on street parking in this area, Starling Close has sufficient capacity to accommodate the traffic from the existing properties and also the relatively small amount of traffic serving the proposed new dwellings.

### 5.3 Design and the Impact on the Listed Buildings

5.3.1 The site is located within a group of historic buildings which includes the Manor House and St Mary's Church, which are both listed. It is important that their historic rural character is preserved and it is especially important that it remains distinct from the modern housing estate that surrounds the site. For this reason the design of the proposed units should reflect its traditional farmstead setting. In order to accommodate the new build, the modern steel agricultural building which occupied the site and detracted from the setting of the listed Farmhouse has been demolished and this represents a significant visual improvement and enhances the setting of the group of listed buildings. The two new units are both simple single storey structures giving them a subservient character, their form being a modern interpretation of agricultural buildings. The units would both have one natural stone gable end (the original stone coming from demolished farm building). The other walls would be of vertical oak cladding with a metal standing seam roof. The use of these materials is appropriate in this location and matches the finishing materials on the extension to the adjacent Meal House. The windows and doors will be aluminium, coloured grey. The proposal is of a high quality, sustainable design and does respect the surrounding buildings, especially the Meal House and the Manor House. The two proposed dwellings with an agricultural character would contribute to a sense of place and therefore accord with the objectives of Policy DES1 of the LDP. The Council's Heritage Officer has no objection to the proposal or its impact on the setting of the listed buildings and considers that the new dwellings will not have a detrimental effect on the setting of the farm buildings. From the eastern approach to the courtyard, the proposed buildings' reclaimed stonework at key points such as the eastern gable tie them into the wider site, whilst the proposed form, massing and orientation at right angles to one another reflect the single-storey courtyard-plan that could be expected of such historic farmsteads. Notwithstanding an arrangement designed to integrate with and mimic traditional arrangements in many senses, this is not a pastiche. From within the courtyard the contemporary materials should allow these ranges to be recognisable as an honest intervention within an historic site, which in themselves should be a quality addition in the ongoing development of the site, in-line with good conservation practice. In order to reduce the possible urbanising impact of the proposed driveway and parking area the material to be used would be loose gravel. This will help to preserve the rural character of this farm complex.

### 5.4 Drainage

5.4.1 It is proposed that foul sewerage will be disposed of via the main sewer. Welsh Water has no objection to this. Public sewers run close to the site. Surface water will be disposed of via soakaway; there is sufficient ground available within the site to accommodate this. Welsh Water refer to the site being crossed by a number of private surface water sewers. From the plan that was supplied it would appear that none of these cross the application site but an advisory note can be included on the decision notice that these be identified before work commences.

## 5.5 Residential Amenity

5.5.1 The main residential properties to be affected by this proposal are those in the recently converted Meal House, these have their single store rear elevations facing into the proposed parking bay and are approximately 17 metres from the front elevation of plot 2. They have large glazed windows serving the kitchen and dining areas and there could be potential overlooking. However it is proposed to plant a hedge within the site to the south of the driveway to act as a privacy screen. The proposed units are a sufficient distance from all other residential properties both within the farm complex and those properties on Starling Close. No 8 Starling Close has its side elevation facing towards the rear elevation of proposed plot 2 but is at least 20 metres away which is sufficient distance to maintain privacy especially given the single storey nature of the proposed dwelling and the fact that there is a significant amount of open land and pedestrian access to the playing fields between the two properties. The proposed dwellings accord with the objectives of LDP policies EP1 and DES1 with regards to residential amenity.

## 5.6 Loss of trees on the site

5.6.1 There are no protected trees on the site, although in the past there were some protected trees in the north-west corner of the site but they were felled some time ago. The only trees to be affected are some small garden trees within the lawn of the existing farm. The Council's Tree Officer is satisfied that they can be felled without any detriment to the area and that these trees are of poor quality. The hedgerow along the north-west boundary should be retained as it provides a habitat for ecology. The hedge can be retained and protected by condition.

## 5.7 Biodiversity issues

5.7.1 The demolition of the modern agricultural barn did not require planning permission but its demolition was granted listed building consent as part of a previous application. Mitigation measures for bats were considered at that stage. The proposed new dwellings should have little impact on biodiversity and the Council's Biodiversity Officer has no objection to the proposal subject to a lighting condition which can be imposed to protect the interest of bats.

## 5.8 Public Footpath

It is proposed that there be no alteration to the alignment of the public footpath that crosses this site, as a result of this application. The existing stile will be removed and access into the site will be gained through the shared access. Details of this are shown on the amended site plan.

## 5.9 Affordable housing Contribution

5.9.1 In line with LDP Policy S4 and the associated supplementary planning guidance a financial contribution of £25,067 will be required. This money will go towards affordable housing in the area and can be secured via a s.106 Legal Agreement.

## 5.10 Other Issues raised.

5.10.1 The grounds to Manor Farm House will remain open and not divided into private garden areas; this will help to maintain the setting of the farmhouse but it will also provide amenity space for the occupiers of the new dwellings and the converted Meal House. Potential purchasers of these properties will be aware of the level of amenity space to

be included. The properties along Starling Close have all been provided with driveways on which to park their cars and if more is required vehicles could be parked on the road as there are no parking restrictions in this area. The proposed new access may reduce the level of on street parking by two spaces but there is still sufficient on street parking provision. Phase 3 of the development has not been referred to as there is no planning application submitted for this. Devaluation of property prices is not a material planning consideration. Disturbance during the construction phase is so short lived that it would not be reasonable to refuse permission on this basis, although a Construction Management Plan can be imposed by condition to control hours of operation.

**6.0 RECOMMENDATION: Approve subject to a s.106 agreement for a financial contribution to be used towards the provision of affordable housing in the local area**

Conditions/Reasons

1. 5 years in which to commence development.
2. Development in accordance with approved plans
3. Permitted Development rights for extensions, alterations and boundary treatments removed.
4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
5. In order to establish a root protection area, rigid, immovable fencing such as Heras or similar is to be erected at a distance of not less than 1.5 metres from the line of hedging on the north-western boundary of the site before any development begins. No excavations or storage of materials is allowed within the fenced area. The fence is to remain in-situ for the duration of the project and may only be temporarily moved for access purposes with the written consent of the Local Planning Authority.  
Reason: To protect a valuable Green Infrastructure asset in accordance with Policy S13 – Landscape, Green Infrastructure and the Natural Environment.
6. 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 all be installed on the building until an appropriate lighting plan which includes low level PIR lighting and allows dark corridors for bats has been agreed in writing with the LPA.  
Reason: To safeguard roosting and / or foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.
7. A Construction Management Plan (CMP) including hours of operation shall be submitted prior to development commencing on site. Development shall be carried out in accordance with the approved CMP.  
Reason In the interests of residential amenity.
8. The privet hedge shown on the approved plan located to the rear of the Meal House and the drive way shall be planted prior to the occupation of the first new dwelling, if any plants die within the first 5 years they shall be replanted with similar species and sizes, as approved.  
Reason: In the interests of residential amenity.

**INFORMATIVES**

The boundary of the site is crossed by a number of Private Surface Water Sewers, these should be identified prior to commencement of works. The applicant may need to apply to

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

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](http://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.

**DC/2016/01033**

**PROPOSED DEMOLITION OF BUILDING TO ACCOMMODATE THE M4 ALIGNMENT CORRIDOR (APPLICATION FOR LISTED BUILDING CONSENT)**

**WOODLANDS HOUSE, MAGOR**

**APPLICANT: WELSH MINISTERS**

**Date Registered: 17/10/2016**

**Case Officer: Amy Longford**

Plans: all received 27/09/16

CT/WD/02A Block Plan  
CT/WD/06A floor plans  
CT/WD/07A Elevations 1 of 2  
CT/WD/08A Elevations 1 of 2  
CT/WD/10A Sunroom details  
CT/WD/12A Garage Elevations  
CT/WD/13A Garage Plan and section  
CT/WD/14A Garage specification  
CT/WD/15A Elevation of gates  
CT/WD/17 Porch Detail Sheet

## **1.0 APPLICATION DETAILS**

1.1 Woodlands House, also known as Magor Vicarage is located just to the north-western edge of the village. The Victorian vicarage dates from 1861 designed by John Norton, the architect for the restoration of Magor Church, St Marys, in 1868.

1.2 The application seeks listed building consent for the total demolition of the building and the associated structures.

### Conservation Designations:

1.3 The building was listed Grade II in 1995. It is outside the Magor Conservation Area.

## **2.0 RELEVANT PLANNING HISTORY**

DC/2003/ 01092	LBC – erection of garage, single storey extension, re-roofing.	Approved	31/12/03
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## **3.0 DEVELOPMENT PLAN**

3.1 Monmouthshire Local Development Plan

Objective 5 relates to Respecting Distinctiveness, Monmouthshire has a significant built heritage resource in terms of scheduled ancient monuments, listed buildings, conservation areas, historic parks and gardens and

archaeologically sensitive site that, together with their settings, require protection and enhancement.

The LDP seeks to influence these issues by:

- Containing measures to preserve and enhance the cultural heritage and historic environment of Monmouthshire
- Playing a key role in promoting good sustainable design that will enable new development to respect and enhance distinctive character of Monmouthshire.

#### Policy HE1 – Development in Conservation Areas

Within Conservation Areas, development proposals should, where appropriate, have regard to the Conservation Area Appraisal for that area and will be permitted if they preserve and enhance the architectural or historic character and appearance of the area and its landscape setting.

### 3.2 National Policy

Planning Policy Wales Chapter 6, Paragraphs 6.5.13-15 state that [our emphasis]:

‘Applicants for listed building consent must be able to justify their proposals and show why the alteration or demolition of a listed building is desirable or necessary. This should be included in a Design and Access Statement, which will be proportionate both to the significance of the building and to the degree of change proposed. **It is generally preferable, for both the applicant and the local planning authority, if related applications for planning permission and listed building consent are considered concurrently...** Appropriate conditions may also be attached to any listed building consent. These might for example include the submission of a conservation method statement for specific works or the protection of historic fabric, or archaeological recording work.

**Occasionally, applications will be made for the demolition of a listed building. These must be fully justified and scrutinised before any decision is taken. The demolition of any listed building should be considered as exceptional and require the strongest justification.** In determining applications for total or substantial demolition of listed buildings, authorities should take into account: the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use, the adequacy of efforts made to retain the building in use or to secure a new use, and the merits of alternative proposals for the site.

The Welsh Government would not expect consent to be granted without robust evidence from the applicant that all reasonable efforts to sustain existing uses, or to find viable new uses have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial benefits for the community that would clearly outweigh the loss resulting from demolition. The national amenity societies should be consulted on all applications involving the demolition of any part of a listed building.

**Local planning authorities should not authorise demolition of a listed building to make way for new development unless it is certain that the new development will proceed. This requirement can be secured by**

**condition.** Conditions may also be used to require the preservation of particular features and/or to require works to be carried out in a certain way.'

Welsh Office Circular 61/96

In determining this application for Listed Building Consent particular attention will be given to the following guidance provided by this Welsh Office Circular.

1. Annex D (Alterations to listed buildings: General Principles)
2. Appendix to Annex D, and
3. Annex F (Conditions for listed Building Consents)

## **4.0 REPRESENTATIONS**

### **4.1 Consultation Replies**

Royal Commission on the Ancient and Historic Monuments of Wales responded stating that the remit of the Royal Commission permits us to comment only on the historical significance and context of a monument or structure and on the adequacy or otherwise of the record. Woodlands House was listed as Magor Vicarage for its special interest as a substantial mid – C19th (1861) vicarage in Tudor/Jacobean style retaining period detail designed by John Norton, the architect and restorer of the parish church. The application for demolition is in advance of the decision relating to the route of the M4 Corridor. The listing at Grade II means that the building is considered of special interest and of definite character and quality. The vicarage has added interest because it was designed by the architect and restorer of the parish church. The application will need to be carefully considered in relating to the advice on demolition of listed buildings in Circular 61/96 (still current until superseded by TAN 24). If listed building consent for its demolition is granted it is important that there is a 'preservation by record'. It is important to require as a condition of consent that the application makes a full record (photographic and drawn) of the building before alteration for the deposit in the public archive of the Royal Commission (the Nation Monuments Record of Wales)

Magor with Undy Community Council responded stating that they object on grounds that it would impact on the character of the area, that Welsh Government are being premature and presumptuous in that there are still several routes for the M4 to be explored including one that would avoid the demolition of this building. The building is listed by Cadw for a reason – its historical value and importance (linked to architect John Norton), and that any decision on this building should be deferred until such time that the Public Inquiry has been completed and a final decision has been made.

Glamorgan Gwent Archaeological Trust responded noting that the structure is scheduled for demolition should the proposed alignment of the M4 Corridor around Newport go ahead and it is unfortunate that it could not be retained as part of the proposal. However, it is unlikely that any significant buried archaeological features will be affected by the development. As noted they do not have any objections to the granting of the application on archaeological grounds. However it is our opinion that the building is of historical and architectural importance.

The Trust have suggested that conditions requiring a full programme of historic building recording and analysis in accordance with a written scheme of

investigation. They also suggest that a note should be added to the permission explaining that archaeological work should be carried out by a suitably qualified person.

The Victorian Society did not respond to the consultation

The Council's Biodiversity Officer responded stating that the survey of the Vicarage, Magor was undertaken in 2015 by RPS. There are concerns with the survey sufficiency as follows.

- No Internal inspection of the Vicarage, Coach House or Garage was undertaken
- The Coach house was noted as a confirmed bar roost in 2007 the current assessment found no use and as such no licence is recommended for this building. The only justification for this being that there is no access to the building, the Coach House being described as entirely covered by netting. The photograph in the report shows this is not the case (only the roof) access into the building would still have been available via gaps noted around the wall and door and in the stone walls.
- The garage was noted as possible Myotis roost in 2007. The current assessment found negligible potential and no activity survey was undertaken- this could be explained by renovation but I do not have the access to the 2007 report to confirm.
- Further to the above I also note that the survey and report have not been undertaken in accordance with best proactive guidelines, for example there are no details of surveyors, number of or their locations, and the survey window is a lot narrower than recommended, with all three surveys being undertaken over less than two weeks.

#### 4.2 Neighbour Notification

Not applicable.

#### 4.3 Other Responses

Five responses were received from members of the public relating to the proposals. The views share the same concerns that:

- There should be no decision made or action taken to demolish the building until the public inquiry for the M4 has concluded the proposals are presumptive and premature
- Strong objections to the demolition and the loss of the listed building due to its local and national significance, that the proposals are disgraceful and that the building should be saved/protected for future generations.
- Every effort made to preserve the building 'a beautiful piece of history' along with similar local structures and consider alternative proposals. The Green route is a suitable and viable option that would not require the demolition of the house and the loss of this heritage building, or any other heritage buildings. Urge planners to consider the opinions of the local residents whom they should represent.
- The building has significant value being built by the same architect, John Norton, as the restorer of Magor Church and the Grade I listed National trust property, Tyntesfield.

#### 4.4 Local Member



Frances Taylor responded to the consultation providing the following comments.

- The application is premature and I am concerned that the application should not be determined until the result of the Public Inquiry and a decision on the black route is taken. Should the black route not proceed further the removal of the listing and the agreement to demolish the Rectory would be extremely concerning. It is inappropriate that a planning decision should be taken by Council when the scheme's future is uncertain.
- The building is extremely significant hence it's listing. It is also additionally of high local significance. The Welsh Ministers propose no mitigation and the building will simply be lost. The outcome of the application would be irreversible damage to the heritage asset.
- It is also notable that the Old Rectory used to be much more prominent at the entrance to the village. However, since it has been in the ownership of Welsh Assembly and previously the Welsh Office the surrounding land has become overgrown and largely obscured the views to the building. However, as the former rectory it is well known and treasured landmark, important to the historical and social fabric of Magor with Undy.
- There are viable alternatives to the Black Route and the current alignments and the application ought to be referred to planning committee for determination.
- I would urge planning committee to refuse the application as it stands.

## **5.0 EVALUATION**

- 5.1 The application seeks listed building consent for the total demolition of the building to facilitate the development of the new M4 corridor (proposed black route). The position of the current building is directly in the proposed line of the new motorway, hence the application for total and not partial demolition. The applicants have submitted a Justification Statement to accompany the application. Whilst this is clear on the merits of the proposals it is not considered that this fully assesses the criteria below or fully understands the significance of the building. The demolition of the building should be properly considered and the value of the building fully acknowledged and explored in order to balance this fully against the wider benefits. However given the circumstances and the officer recommendation below, it is not felt that this is a sufficient reason for refusal.
- 5.2 Any applications for demolition should be carefully considered against the criteria set out in Welsh Office Circular 61/96 para 91. Which states that 'The Secretary of State would not expect consent to be given for the total or substantial demolition of any listed building without convincing evidence that all reasonable efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. The Secretary of State would expect authorities to address the following considerations in determining application where the proposed works would result in total or substantial demolition'.
- 5.3 (i) That the condition of the building, the cost of repairing and maintaining it in relation to its importance. The building is in a good state of repair and does not show any significant signs of decay or deterioration. The building was, up until recently, occupied and maintained. The position of the building, set in its own

grounds with substantial gardens gives the building a significant economic value which given its current condition would mean that the restoration of the house, if required, would still provide a positive economic value for the building.

- 5.4 It is also important to consider the significance of the building. Built in 1861 as a Victorian vicarage in the Tudor/Jacobean revival style, the building is of rock-faced red sandstone with dressed stone transom and mullion windows and steeply pitched roofs with decorated bargeboards. To the front there is a substantial gabled porch with decorated timber cusped tracery. The building is a good example of its type and has important associations with the restoration of Magor Church for which they share the same architect John Norton. It was listed grade II in 1995 as a 'good example of a largely unaltered mid C19th architect-designed vicarage with mostly contemporary fittings'. The building has not been subject to alterations that have affected the character of the building to warrant de-listing and therefore still holds the same national importance as at the time of listing.
- 5.5 The significance of the building is also derived from its notable architect. When John Norton (1823-1904) was a student he was heavily influenced by Augustus Pugin the pioneer of the Gothic- Revival Style of architecture prevalent in the early 19th Century. John Norton's main commission and most notable work was that of Tyntesfield near Bristol, which is now a Grade I listed building of considerable architectural importance as a masterpiece of the Gothic- revival movement. Norton completed Tyntesfield in 1863, Magor Vicarage in 1861 and the restoration of Magor Church in 1868. Throughout the 1880's and 1890's he was also responsible for a number of notable buildings, namely Badgemore residence (1884) in Oxfordshire, and Dalewood school (1883) in Surrey. He was also commissioned for the Gwyn Hall (1887), a new civic building in Neath, a substantial children's Home in Limpsfield, Surrey 1887, and Stogursey School (1868) in Somerset to name a few. This shows that not only was he an architect of local importance, but also national importance designing some of the important High Victorian buildings of the time.
- 5.6 (ii) The adequacy of efforts made to retain the building in use. At present the building can still be used a domestic and potentially desirable residence, there are no reasons other than the M4 relief road proposals that the building cannot have a viable economic use. In addition, the potential re-use of the building or its relocation is discussed, however no clear conclusions are drawn. The revised Justification, Design and Access Statement states that

'It is considered that partial recovery of historic fabric for museum or in fact re-use and full recording prior to demolition are feasible mitigation options in this case....However this is not the work of a well-known architect, even at a regional scale. The good level of preservation of internal and external architectural features mean that a listing at Grade II is appropriate, but the building does not merit a greater level of value. It is certainly not of a level of significance that would justify the expense of rebuilding at a new location out of public funds....However, the Welsh Government has contacted the St Fagans National History Museum (National Museum Wales) to explore any interest in adding Woodland House to their current collection of historic buildings. If any interest in this is expressed by St Fagans, the Welsh Government would then discuss the details as to how this could be achieved. It is considered that should the National History Museum not wish to add the building to its collection, then architectural salvage as opposed to rebuilding of Woodland House would appear to be the only feasible post-demolition mitigation.'

- 5.7 As demonstrated in par.5.5 above, the Architect of the vicarage completed some other notable buildings on far more than a regional scale, which does suggest there is more importance to the building than first suggested. In addition, it is mentioned that St Fagans were consulted but there is no confirmation of their response. It is understood that their policy is not to take listed buildings, but this should be confirmed. It is recommended that a clear commitment be made to the relocation or re-use of the building/materials from the site. Possibly the salvage of the building materials should be offered to local listed buildings in need of repair/ maintenance for future generations. An example condition is drafted at the bottom of the report.
- 5.8 (iii) The merits of alternative proposals for the site. There are significant alternative proposals for the site that are well documented in terms of the potential national economic and social benefits.
- 5.9 When assessing all applications for listed building consent the applicant should be able to justify its proposals and identify why they are necessary. In this case there is substantial information in relation to the wider national economic and social benefits of the proposals that it is not necessary to go into detail here. However, the key issues is that the proposed route for the M4 has not yet been approved and without this prior approval there is little justification for the demolition of the house. It is not for this application to assess whether the M4 proposed route is appropriate - that is properly a matter for the Public Inquiry. Should the M4 relief road (black route) be approved via the public inquiry process (due to re-commence in March 2017), it is considered there would be an overriding matter of national importance to justify the demolition of this Listed building. However, that decision has not yet been made, and is not before the Council to make. In accordance with PPW edition 9 paragraphs 6.2.13 and 6.2.15 it is desirable for such decisions to be made concurrently. Conversely, should the M4 relief road black route not be approved, the demolition of this Listed building would be wholly inappropriate.
- 5.10 The issues of ecology also need to be addressed. At present there is an objection to the application based on a lack of information to make a reasonable assessment of the impact of the demolition on any protected species. The response raises concerns over the extent of the survey carried out and the lack of internal inspection. Additional survey will be necessary to assess the presence or otherwise of protected species, which can only be carried out in the next available survey season in 2017. Therefore the application cannot be determined without clarification of the concerns raised by the ecologist. If the application is to be referred to WG for determination as per the recommendation then this issue can be properly addressed through their assessment of the application and all the information put before them.
- 5.11 It should also be noted that the plans submitted with the application are referred to as proposed plans. These plans were submitted to and approved as part of the 2003 application for the sun room and so are now an accurate representation of the building on site.
- 5.12 On a procedural note, under the terms of Monmouthshire's Delegated Scheme of Authority (agreed with Cadw for applications for listed building consent) the application will fall outside the agreed terms and so it will be necessary to refer to Cadw for prior approval.

- 5.13 It is considered that the application should only be approved subject to the approval of the concurrent permission for the black route; without this there is no justification for demolition. It is possible, in accordance with Section 17 (3) of the Planning (Listed Buildings and Conservation Areas) Act 1990, that a condition could be added stating that the demolition of the building shall not commence until the relevant permissions for the redevelopment of the site have been approved. The precise wording for this condition is identified below. It is considered that the recommended request to 'call in' and attach the conditions set out below is the most appropriate way forward for both applications to be considered together by the Welsh Government.

## **6.0 RECOMMENDATION:**

- 6.1 To request that the application is 'called in' by Welsh Government.
- 6.2 This will ensure that the decision on Listed Building Consent for demolition is properly taken concurrently with the decision on the proposed M4 relief road. Moreover, the Council is not in a position to make a positive recommendation on this application until such time as inadequacy of the bat survey is addressed.
- 6.3 It is recommended that the Welsh Government satisfies itself on the matter of the bat surveys before issuing any approval.
- 6.4 The following conditions are recommended, should the Welsh Government be minded to approve Listed Building Consent.

### Conditions:

- The works shall be carried out strictly in accordance with the approved drawings

REASON: To ensure compliance with the approved drawings.

- The works to which this consent relates must be commenced no later than the expiration of 5 years beginning with the date on which this consent is granted.

REASON: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

- No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been submitted to and agreed in writing by the Local Planning Authority. This is to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief and specification including a written and drawn record. The resulting record should be deposited with the RCHMW, Tel No. 01970 621 211.

REASON: To ensure that adequate records are made of the building prior to its demolition.

- The building shall not be demolished before –
  - (a) A contract for the carrying out of works to the M4 relief road (black route) has been made; and
  - (b) Planning permission or the equivalent consent has been granted for the M4 relief road (black route) for which the contract provides.

REASON- The only justification for the demolition of this Listed Building would be the overriding regional and national importance of the M4 relief road. Should that road scheme not be approved or not proceed, demolition of the Listed Building would be unjustified and unacceptable.

- The building shall not be demolished before proposals, including timescales, for either the relocation and reuse of the building, or for the re-use of its fabric to repair and restore listed buildings within the locality, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented within the agreed timescales.

REASON- The only justification for the demolition of this Listed Building would be the overriding regional and national importance of the M4 relief road. Should that road scheme not be approved or not proceed, demolition of the Listed Building would be unjustified and unacceptable.

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## Penderfyniad ar yr Apêl

## Appeal Decision

Ymweliad â safle a wnaed ar 16/09/16

Site visit made on 16/09/16

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 27.10.2016

Date: 27.10.2016

**Appeal Ref: APP/E6840/A/16/3153651**

**Site address: Green Tree Orchard Store, Coed-Chambers Road, Glascoed, Monmouthshire, NP4 0TF**

**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 Lyn Hill against the decision of Monmouthshire County Council.
- The application Ref DC/2015/01516, dated 5 December 2015, was refused by notice dated 4 January 2016.
- The development proposed is: Proposed extension to the existing storage building and the change of use of the existing building on the land of Green Tree Orchard to residential, which will incorporate alterations to the existing entrance. This is a re-submission of planning No. DC/2015/00280.

### Decision

1. The appeal is dismissed.

### Main Issue

2. This is the effect of the development on the character and appearance of the area.

### Reasons

3. The appeal relates to an irregular shaped parcel of land known as 'Green Tree Orchard', located to the south of the village of Glascoed. The site incorporates an existing single storey storage building which would be extended under the appeal proposal. Alterations to the existing entrance are also proposed, with gates and pillars proposed at the site access. Such developments would form part of the wider proposal to change the use of the premises to form a single detached residential dwelling.
4. Whilst there is no doubt that the appeal site is located within close proximity to residential properties, it was clear at the time of my site visit that the surrounding area is undoubtedly rural in character. This is corroborated by the fact that it is located outside of the settlement boundaries identified within the adopted Monmouthshire Local Development Plan (LDP) (2014). Accordingly, the site is classified as 'open countryside' for the purposes of planning where development, including the change of use of buildings to residential use, is subject to strict control.

5. In this respect, whilst the appellant would like to bring the building back into use as a small holding, I have not seen anything to indicate that the residential use of the property has been justified for the purposes of agriculture or any other rural enterprise permissible under national policy set out in Planning Policy Wales (PPW) (Edition 8, 2016) and Technical Advice Note 6: *Planning for Sustainable Rural Communities* (TAN 6) (2010). Nevertheless, proposals to convert or rehabilitate rural buildings are identified as a policy exemption within the adopted LDP and, as such, Policy H4, which relates to the conversion and rehabilitation of buildings in the open countryside for residential use, is an important material consideration.
6. Criterion (e) of Policy H4 is of particular importance to the development proposed in this case. Specifically it states that "*buildings of modern and/ or utilitarian construction such as concrete block work, portal framed buildings clad in metal sheeting or buildings of substandard quality and/or incongruous appearance will not be considered favourably for residential conversion*". Criterion (a) is also pertinent given that it requires "*the form, bulk and general design of the proposal, including any extensions, to respect the rural character and design of the building*". Criterion (f) is equally applicable, requiring all buildings proposed to be converted to be "*capable of providing adequate living space within the structure*", before going on to clarify that "*only very modest extensions will be allowed*".
7. In terms of criterion (e), the appellant asserts that the existing building is not of modern construction, specifically stating that the external appearance, design and scale of the building is traditional and that the building is not out of character with the vernacular of residential dwellings. Nevertheless, the premises comprises rendered block work and, as such, it is quite clearly not the type of building that Policy H4 seeks to preserve, with criterion (e) stating that buildings incorporating concrete block work should not be considered favourably. Indeed, it was clear at the time of my site visit that the structure is clearly of utilitarian appearance and not typical of the type of traditional agricultural or other rural buildings that, for historic or architectural reasons, merit preservation.
8. The appellant also contests the Council's assertion that the structure could not be converted without extension, quoting specifically from an appeal decision which is alleged to have concluded that the premises could provide acceptable living accommodation for a retired couple. Nevertheless, despite such conclusions, the appeal proposal clearly seeks to substantially extend the existing building. Indeed, whilst the existing building comprises modest proportions at approximately 9.9 metres by 5.8 metres, the proposed extension would almost double the volume of the building.
9. Within this context, I do not consider that the extension proposed can be reasonably considered to be 'very modest' as referred within the policy tests set out in criterion (f) of Policy H4. Indeed, by virtue of its scale and design, the proposed extension would fail to respect the modest simplicity of the existing store, with the overall effect of the proposal resulting in the transformation of the premises from a simple rural store to a modern residential bungalow. As a consequence, the development would incrementally and injuriously alter the rural environs of the site and, thereby, cause material harm to the character and appearance of the area. Furthermore, whilst I acknowledge the appellant's flexibility in relation to such matters, the aforementioned impacts would be further exacerbated by the other residential style alterations proposed, including the provision of parking for some 5 vehicles and the erection of residential style gates and pillars.



10. For this reason, I find that the development would run counter to criteria (a), (e) and (f) of Policy H4. It would also be contrary to the general aims of Policy DES1 which, amongst other things, seek to ensure that all development should respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment.
11. I note the fact that the appellant has listed in excess of 25 conversion schemes that have been successful through the planning process. However, I have not been provided with full details of these schemes. Indeed, a number of these developments have simply been listed within the evidence without context and, as such, I am not in a position to provide a response to each and every example. Nevertheless, the appellant does make specific reference to the conversion schemes at Bridge House in Glascoed, Little Mill in Shirenewton and Barn 1 at Brookside Farm. However, it would appear that the Bridge House scheme was considered under a different planning policy framework to the current proposal, whilst the other developments appear to incorporate a materially different set of circumstances. Specifically, the scheme at Little Mill comprised a traditional stone building that did not need to be extended whilst, unlike the appeal proposal, the scheme at Brookside Farm did not propose any external alterations.
12. I acknowledge the appellant's reference to a number of recent developments that are considered to have changed the character of the area. However, it was clear at the time of my site visit that, despite such recent developments, the site and wider area remains predominantly rural in character. I note the various references to replacement dwellings, agricultural workers dwellings and residential garages that are considered to be more prominent than the development proposed in this case. However, I have not been provided with full details of these schemes and, in any event, the policy context for such proposals would be materially different to that applicable in this case. Notwithstanding this, it is a well-established principle of planning that each case should be determined on its own particular merits and it is on this basis that I have considered this appeal.
13. I note the appellant's reference to a relaxation of government policy in relation to the re-use of rural buildings. However, I am not aware of the specific changes to which the appellant refers. Indeed, I have not seen anything to indicate that the provisions of the Monmouthshire LDP are inconsistent with the aforementioned national planning policy documents and, notwithstanding this, the LDP remains the statutory development plan for the area and should, therefore, be afforded substantial weight in the decision making process.
14. I recognise that the proposal would make a positive contribution to the local housing stock. However, I have not been provided with any evidence to indicate that the LDP is not delivering residential properties at the rate intended and no information has been submitted to demonstrate a lack of a five year housing land supply, as required by national policy. As such, I have not afforded such matters significant weight in coming to my decision. Moreover, for the avoidance of any doubt, it is important to note that the complicated planning history at the site has not in any way influenced the result of this appeal.
15. Based on the foregoing, I conclude that the appeal proposal would cause material harm to the rural character of the area. Moreover, having regard to all matters raised, I have not found anything to indicate that the scheme should not be determined in complete accordance with the statutorily adopted development plan.

16. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed.

*Richard E. Jenkins*

INSPECTOR