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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 27 March 2017

Notice of meeting:

Planning Committee

Tuesday, 4th April, 2017 at 2.00 pm,
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 10
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise:	
4.1.	APPLICATION DC/2015/00970 - PROPOSED DEMOLITION OF DETACHED BUILDINGS, CONVERSION OF HOTEL BEDROOM ANNEX INTO 5 NO. RESIDENTIAL UNITS, ERECTION OF 3 LINKED DWELLINGS WITH CAR PARKING AND ALTERED SITE ACCESS. ANNEX TO THE THREE SALMONS HOTEL, PORTHYCARNE STREET, USK.	11 - 22
4.2.	APPLICATION DC/2016/01206 -CONSTRUCTION OF A NEW GARDEN STORAGE BUILDING IN ASSOCIATION WITH UPPER LLANANANT, PENALLT INCLUDING CHANGE OF USE OF WOODLAND TO BE INCLUDED WITHIN THE GARDEN CURTILAGE. UPPER LLANANANT FARM, PENTWYN LANE, PENALLT, NP25 4AP.	23 - 28
4.3.	APPLICATION DC/2016/01487 - ALTERATIONS TO APPROVED SCHEME FOR TWO DWELLINGS; ALTERATIONS INCLUDE THE ERECTION OF A SINGLE DETACHED GARAGE FOR EACH PLOT, THE REMOVAL OF REAR CANOPIES, THE REMOVAL OF CHIMNEYS AND THE REMOVAL OF HEADERS. LAND REAR OF 252 NEWPORT ROAD, CALDICOT.	29 - 34
4.4.	APPLICATION DC/2017/00030 - ALTERATIONS TO THE APPROVED SCHEME, NAMELY REMOVAL OF SWIMMING POOL AND ADDITION OF SPORTS HALL FACILITY RELATING TO APPLICATION DC/2015/00261. YSGOL GYFUN TREFYNWY, OLD DIXTON ROAD, MONMOUTH NP25 3YT.	35 - 42

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4.7.	APPLICATION DC/2017/00196 - EXTEND THE EXISTING BUILDING (TO THE SOUTH ELEVATION) WITH A TWO STOREY BUILDING TO HOUSE CHILDREN'S ACTIVITY ZONE AND EXTERNAL MECHANICAL PLANT TO THE ROOF. THE EXISTING LEISURE CENTRE IS TO RECEIVE A MAJOR INTERNAL REFURBISHMENT WITH A SWIMMING POOL AND ASSOCIATED FACILITIES REPLACING THE SPORTS HALL. EXISTING MAIN ENTRANCE TO BE RELOCATED TO EAST ELEVATION WITH MINOR EXTERNAL WORKS TO EXISTING CAR PARK AND HARD LANDSCAPING. MONMOUTH LEISURE CENTRE, OLD DIXTON ROAD, MONMOUTH, NP25 3DP.	61 - 66
5.	MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN RURAL CONVERSIONS TO A RESIDENTIAL OR TOURISM USE (POLICIES H4 & T2) SUPPLEMENTARY PLANNING GUIDANCE.	67 - 106
6.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
6.1.	Appeal decsion: Orchard House, Llanbadoc.	107 - 112

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

Public Information

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

Access to paper copies of agendas and reports

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Watch this meeting online

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Welsh Language

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

Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Purpose

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

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

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

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

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

Decision-making

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

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

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

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

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

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

Main policy context

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

Policy EP1 - Amenity and Environmental Protection

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

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

Policy DES1 – General Design Considerations

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

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

spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

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

Supplementary Planning Guidance (SPG):

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

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

National Planning Policy

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

- Planning Policy Wales (PPW) 11 2016
- PPW Technical Advice Notes (TAN):
- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)

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

Other matters

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

Planning (Wales) Act 2015

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

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

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

Environmental Impact Assessment Regulations 2016

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

Conservation of Species & Habitat Regulations 2010

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

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

Well-being of Future Generations (Wales) Act 2015

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

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

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

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

Equality Act 2010

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

Children and Families (Wales) Measure

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

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

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

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

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

Applicants

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

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

Procedure at the Planning Committee Meeting

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

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

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

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th
March, 2017 at 2.00 pm

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

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

County Councillors G. Burrows and G. Down attended the meeting
by invitation of the Chair.

OFFICERS IN ATTENDANCE:

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

APOLOGIES:

County Councillors D. Evans, P. Watts and A. Webb

1. Declarations of Interest

There were no declarations of interest made by Members.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 7th February 2017 were confirmed and signed by the Chair.

3. APPLICATION DC/2010/00969 - 15 SPECIALIST CARE APARTMENTS FOR THE OVER 55 AGE GROUP WITH CAR PARKING; ACCESS OFF THE EXISTING PUBLIC CAR PARK. LAND AT REAR ST. MAURS, BEAUFORT SQUARE, CHEPSTOW

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

The local Member for St. Mary's was unable to attend the Planning Committee meeting to speak in respect of this application. However, the Chair had agreed that a Member of the Committee would relay his views to the Committee, as follows:

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th March, 2017 at 2.00 pm

- The proposed development would have a serious impact on the historic heart of Chepstow in terms of amenity, architecture and in many other ways both while the development is carried out and subsequently.
- The local Member questions the suitability of the site for this kind of development.
- Therefore, the local Member urges the Committee to consider refusal of this application based on the grounds mentioned and in accordance with the officer recommendation.

Having considered the report of the application and the views expressed by the local Member, Members expressed the following concerns:

- Access through the car park to the site will have a negative impact on existing parking facilities available for shoppers. Parking provision in Chepstow is already limited.
- The alternative access via Hocker Hill Street would not be suitable.
- The development would be located within a tight site and would impose on the ancient monument.

It was therefore proposed by County Councillor R.J. Higginson and seconded by County Councillor P. Murphy that application DC/2010/00969 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/2010/00969 be refused for the three reasons, as outlined in the report.

4. APPLICATION DC/2016/00953 - OUTLINE APPLICATION FOR HOUSING DEVELOPMENT, 17 UNITS WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS. HILL FARM PWLLMEYRIC

We considered the report of the application and late correspondence, which was recommended for approval subject to the eight conditions, as outlined in the report and also subject to the conditions, as outlined in late correspondence relating to Green Infrastructure and Ecology. Also, subject to a Section 106 Agreement requiring that nine of the dwelling units be provided as affordable housing either for low cost home ownership or social rent; that a financial contribution of £56,438 be made in lieu of

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affordable housing in respect of proposed plots 1 and 2, and a financial contribution to be made for the adoption of Pentwyn Close.

The local Member for Shirenewton, attending the meeting by invitation of the Chair, outlined the following points:

The site is located within the Local Development Plan (LDP) and the principle of development at this site has been agreed. However, the following points were made:

- The existing access is the width of a steel container. The back wall of Hill House will be demolished together with an old out building. However, the local Member is still not convinced that the access will be adequate for passing traffic and a footpath.
- The proposed changes in Pentwyn Close – There is a proposal to bisect the turning circle and provide landscaping to one half of the circle and leaving the other half as highway. Concern was expressed that maintenance of the landscaped area will not be maintained in future. There is no need for this to be landscaped. White lines on the road would be adequate for determining priority.
- There is evidence of sewage overflow from two manhole covers close to Mounton Brook. Welsh Water has put some straw bales and fencing around the manholes. However, improvements to the sewerage needs to be undertaken before any work should commence on the development.
- The development is located on the northern side of the A48. All facilities / amenities are located on the southern side of the A48. A condition should be added to the development that a pedestrian crossing be provided on the A48 to allow easy access to amenities.

The Traffic and Development Manager informed the Committee that the applicant has demonstrated that they can provide a 4.8 metre wide carriageway which is a standard width for residential development which is more than adequate to allow a standard delivery vehicle and a car to pass. A footway is also being provided that links into the existing footway provision into Pentwyn Close and on the A48.

With regard to landscaping, the applicant, as part of the Section 278 Agreement, will pay the Authority a commuted sum for future maintenance liabilities of the landscaped area. The technical details of the landscaping can be negotiated at a later date. Therefore, the principles are there to provide a suitable means of access.

The original allocation in the LDP did not identify the need to provide a pedestrian crossing on the A48 at this location and it would be difficult to justify that provision at this stage for a development of this kind. Section 278 funding would fall considerably short with regard to funding such a crossing.

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

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- The LDP has designated this area for development.
- The access issues are adequate for the development.
- The sewage plan will need to be addressed at the reserved matters stage.
- The design of the development needs to be in keeping with the surrounding area which should be addressed with the applicant at the pre-application stage.
- In response to a Member's question regarding school children accessing local primary schools, the local Member informed the Committee that the catchment area primary school is The Dell and the secondary school is Chepstow Comprehensive School. There are buses that collect and return the children to and from school. There are bus stops in the village but the road is busy.

The Head of Planning, Housing and Place Shaping reminded Members that this is a 60-40 site with the main purpose to deliver the affordable housing that is required. Therefore, Section 106 Funding was not asked for. It was also clarified that the affordable housing mix would be secured at Reserved Matters stage but that the mix indicated on the layout plan was not approved as it did not match the Housing Officer's requirements.

It was therefore proposed by County Councillor P. Murphy and seconded by County Councillor R.G. Harris that application DC/2016/00953 be approved subject to the eight conditions, as outlined in the report and also subject to the conditions, as outlined in late correspondence relating to Green Infrastructure and Ecology. Also, subject to a Section 106 Agreement requiring that nine of the dwelling units be provided as affordable housing either for low cost home ownership or social rent; that a financial contribution of £56,438 be made in lieu of affordable housing in respect of proposed plots 1 and 2, and a financial contribution to be made for the adoption of Pentwyn Close.

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/2016/00953 be approved subject to the eight conditions, as outlined in the report and also subject to the conditions, as outlined in late correspondence relating to Green Infrastructure and Ecology. Also, subject to a Section 106 Agreement requiring that nine of the dwelling units be provided as affordable housing either for low cost home ownership or social rent; that a financial contribution of £56,438 be made in lieu of affordable housing in respect of proposed plots 1 and 2, and a financial contribution to be made for the adoption of Pentwyn Close.

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5. APPLICATION DC/2016/01449 - A DIGITAL NOTICE BOARD PROVIDING PUBLIC INFORMATION AND POTENTIALLY COMMERCIAL ADVERTISING, PUBLIC OPEN SPACE, JUNCTION OF HIGH STREET AND NEVILL STREET, ABERGAVENNY

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

The Cabinet Member with responsibility for Social Care, Safeguarding and Health, attended the meeting by invitation of the Chair and outlined the following points in respect of applications DC/2016/01449 and DC/2016/01452 which refer to the provision of digital notice boards in Abergavenny.

The principles behind the provision of digital notice boards:

- The digital notice boards will not be used for advertising.
- They are meant for communicating events and matters of interest to the passing viewing community.
- The driver behind the digital notice boards is not commercial.
- The Authority is obtaining high quality enquiries to place content on the first boards but it is taking time to establish the type of content that works for this medium.
- The content for the moment is free but a small subscription or one off fee is envisaged in the future to cover costs.
- The Civic Society will have their content on the board in perpetuity and will be free of charge.
- Monmouthshire County Council will be the final arbiter of any contracts going forward and with whom.
- No further boards will be installed, until everyone is satisfied that all issues have been resolved but it would be helpful to have all of the permissions in place before the Cabinet Member leaves the Council at the end of this Council term.
- A digital platform of around a dozen digital boards across the County is envisioned providing Countywide content and information specific to their locality.

The local Member for Grofield, also a Planning Committee Member, expressed his support for the application and had no objection to its location. Feedback from the public regarding the existing board has been excellent.

The Cabinet Member asked that the Committee considers retaining the present colour, as with all of the other digital notice boards, to maintain the look.

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Having considered the report of the application and the views expressed, Members expressed their support for the application and thanked the Cabinet Member for the work that he has undertaken in driving this matter forward.

It was therefore proposed by County Councillor D. Edwards and seconded by County Councillor M. Powell that application DC/2016/01449 be approved subject to the two conditions, as outlined in the report and that an additional condition be added to ensure that the screen frame is blue, not black, to match the notice board on which it will be mounted.

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/2016/01449 be approved subject to the two conditions, as outlined in the report and that an additional condition be added to ensure that the screen frame is blue, not black, to match the notice board on which it will be mounted.

6. APPLICATION DC/2016/01452 - A DIGITAL NOTICE BOARD PROVIDING PUBLIC INFORMATION AND POTENTIALLY COMMERCIAL ADVERTISING. PUBLIC OPEN SPACE, ST JOHNS SQUARE, ABERGAVENNY

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

The local Member for Grofield, also a Planning Committee Member, considered that the proposed digital notice board will be located in the wrong place. He considered that it would be better located at the far end of St. John Square near to the Sue Ryder Shop.

The Development Services Manager informed the Committee that the waste bin and planter, currently located near to the proposed site for the digital display board, could be moved, if required, to improve access. The plan did not clearly reflect the proposed location and the sign will not be sited so as to create an obstruction to pedestrian movement in combination with other street furniture.

The location for the digital display board was chosen as one of three areas within the town in which digital display boards could be located. This location will capture passing pedestrian traffic and will be north facing, as will the other two boards, to avoid glare from the sun. The electrical cabling is already in place at this location, next to the B.T. Cabinet.

Having received the report of the application and the views expressed, the majority of Members considered that the proposed digital display board will be located in the correct place and expressed their support for the application.

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Having listened to the explanations with regard to the reasoning behind the location of the proposed digital display board, the local Member was content with the application.

It was therefore proposed by County Councillor D. Edwards and seconded by County Councillor P. Murphy that application DC/2016/01452 be approved subject to the two conditions, as outlined in the report and that an additional condition be added that the notice board is blue to match others in the town centre.

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/2016/01452 be approved subject to the two conditions, as outlined in the report and that an additional condition be added that the notice board is blue to match others in the town centre.

7. APPLICATION DC/2017/00090 - PROPOSED INTERNAL REORGANISATION AND EXTENSION TO EXISTING DWELLING. LINDSEY, THE NARTH, MONMOUTH, NP25 4QN

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

The local Member for Trellech United, also a Planning Committee Member, expressed her support for the application.

Having considered the report of the application and the views expressed, it was proposed by County Councillor D. Blakebrough and seconded by County Councillor P.R. Clarke that application DC/2017/00090 be approved subject to the two conditions, as outlined in the report.

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

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00090 be approved subject to the two conditions, as outlined in the report.

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8. Local Development Plan Draft Sustainable Tourism Accommodation Supplementary Planning Guidance

We considered the draft Supplementary Planning Guidance (SPG) on sustainable Tourism Accommodation, with a view to issuing for consultation.

We resolved to endorse the draft Supplementary Planning Guidance (SPG) on sustainable Tourism Accommodation, with a view to issuing for consultation and to recommend to the Cabinet Member for Innovation, Enterprise and Leisure accordingly.

9. Appeal Decision - Chapel Road, Abergavenny

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 6th February 2017. Site: 1 Chapel Road, Abergavenny.

The appeal had been dismissed.

10. Appeal Decision - Highway Barn Mitchel Troy

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 23rd December 2016. Site: Highway Barn, Common Road, Mitchel Troy.

The appeal was allowed and planning permission was granted for a single storey lean-to extension on the western (rear) elevation at Highway Barn, Common Road, Mitchel Troy NP25 4JB in accordance with the terms of the application, Ref DC/2016/00917, dated 02 August 2016, and the plans submitted with it, subject to the following conditions:

1) The development shall begin no later than five years from the date of this decision.

2) The development shall be carried out in accordance with the following approved plans and documents: 01 (Location and site plan); 02 (Existing elevations and plans); 03 (Proposed elevations and plans); 04 (Existing isometric drawing); 05 (Existing isometric drawing); 06 (Existing isometric drawing); 07(Existing isometric drawing); 08 (Proposed isometric drawing); 09 (Proposed isometric drawing); 10 (Proposed isometric drawing); and 11 (Proposed isometric drawing).

3) The Oak trees shall be protected in accordance with the recommendations laid down in Section 6 of the BS 5837 Survey and Arboricultural Method Statement prepared by Broadway Tree Consultancy dated July 2016.

11. Appeal Decision - The Old Stable, Abergavenny

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 12th January 2017. Site: Land at the Old Stable, Union Road East, rear of 150 St. Helens Road, Abergavenny.

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The appeal was allowed on ground (g), and the enforcement notice was varied: by the insertion of "or stained" in the second part of the requirement in Schedule 4 of the notice so that it read "The windows and doors should be changed to painted or stained timber"; and by the deletion of 3 calendar months and the substitution of 6 calendar months as the time for compliance specified in Schedule 4 of the notice. Subject to these variations the enforcement notice was upheld and planning permission was refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

12. Appeals received

We received and noted the appeals received.

13. Planning Committee Meeting - May 2017

The date of the May Planning Committee meeting has had to be changed and will now be held on Tuesday 25th April 2017 commencing at 2.00pm.

The meeting ended at 3.18pm

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DC/2015/00970

PROPOSED DEMOLITION OF DETACHED BUILDINGS, CONVERSION OF HOTEL BEDROOM ANNEXE INTO 5 NO RESIDENTIAL UNITS, ERECTION OF 3 LINKED DWELLINGS WITH CAR PARKING AND ALTERED SITE ACCESS

ANNEX TO THE THREE SALMONS HOTEL, PORTHYCARNE STREET, USK

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Date Registered: 17/11/2015

1.0 APPLICATION DETAILS

- 1.1 This application is being represented to Planning Committee following amendments. The application was resolved to be approved by Committee in January 2016 subject to a Section 106 Agreement in relation to the provision of affordable housing and an off-site contribution towards adult recreation.
- 1.2 The original application proposed the conversion of the hotel annex to seven dwellings units but this has now been reduced to five. All other elements of the proposal remain as originally submitted and includes demolition of adjacent workshops and the erection of three new single storey dwellings. The application also includes the construction of an access road to adoptable standards, car parking for 17 cars and associated landscaped areas.
- 1.3 Notwithstanding the reduction in the number of proposed units, the applicant has now demonstrated that the development will not be economically viable with any affordable housing or any other Section 106 contributions. The applicant's viability assessment has been verified by the Council's Housing Strategy & Policy Officer and this position is now accepted by officers. It is therefore considered that the application should be **approved** with no requirement for a Section 106 Agreement.
- 1.4 The previous report and recommendation are set out below.

PREVIOUS REPORT (January 2016 Committee)

1.0 APPLICATION DETAILS

- 1.1 This is a full application for the conversion of existing hotel annex accommodation at the Three Salmons to seven residential units, the demolition of adjacent workshops and the erection of three new single storey dwellings. The application also includes the construction of an access road to adoptable standards, car parking for 17 cars and associated landscaped areas. The application has been submitted following the withdrawal of an application for conversion of the hotel annex and erection of five two storey dwellings. This application was approved by Planning Committee but a Section 106 agreement that was required to secure the affordable housing was not signed before the application was withdrawn for other reasons relating to a covenant on the rear portion of the site.
- 1.2 Four of the flats proposed in the former hotel have been put forward to be considered for occupancy as affordable homes.

- 1.3 The site is located within the Usk Conservation Area and the hotel annex is Grade II listed. The building was originally a stable block with living accommodation over but was converted in the 1970s to serve as additional accommodation for the nearby Three Salmons Hotel. The site is also partially within a flood plain.
- 1.4 The existing modern workshop buildings on the lower part of the site are proposed to be demolished and the area used for car parking. The new dwelling units are proposed on the higher part of the site to the rear in the form of a small news-like development.

1.0 RELEVANT PLANNING HISTORY

A3753 and A3812 – change of use to four bedrooms for hotel. Approved 1976

DC/2014/00961 and 962 (LBC) - proposed demolition of detached buildings, conversion of hotel bedroom annexe into 7 residential units, and erection of 5no. detached dwellings with car parking and altered site access; withdrawn on 3/8/15.

DC/2015/00971 - Proposed demolition of detached buildings, conversion of hotel bedroom annexe into 7 no residential units, erection of 3 linked dwellings with car parking and altered site access (associated Listed Building Consent); recommended for approval.

2.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 - The Spatial Distribution of New Housing Provision

S4 – Affordable Housing Provision

S11 – Visitor Economy

S12 – Efficient Resource Use and Flood Risk

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

Development Management Policies

H1 - Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements.

HE1 – Development within Conservation Areas

NE1 – Nature Conservation and Development

SD3 – Flood Risk

MV1 - Proposed Developments and Highway Considerations

EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations

3.0 REPRESENTATIONS

4.1 Consultations Replies

4.1.2 Usk Town Council – recommends approval.

4.1.3 Natural Resources Wales (NRW) – Does not object to the above application, providing appropriately worded conditions to address the impact upon protected species and flood risk are attached to any planning permission your authority is minded to grant.

The application site lies partially within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be partially 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. Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified.

The flood consequences assessment (FCA,) produced by JBA Consulting, dated March 2014, submitted in support of the previous application has adequately assessed the risks and consequences of flooding.

In respect of the impact on flood risk elsewhere, the FCA states that there will be no change in available floodplain storage given that the building footprint is largely unchanged. We are satisfied with this assessment. We request that the following condition is included in any planning permission;

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) JBA Consulting dated March 2014 and the following mitigation measures detailed within the FCA Finished floor levels are set no lower than 17.7 metres above Ordnance Datum (AOD) (Newlyn)

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

We welcome the submission of the report by Avalon Ecology, entitled 'Bat Activity Survey, Buildings at three Salmons Hotel, Usk' (September 2014). We note the presence of a small number of pipistrelle and lesser horseshoe bats during the surveys undertaken.

In order to ensure that there will be no detriment to the maintenance of the favourable conservation status of bats as a result of the proposals, we advise that suitable conditions are attached to the permission to address the following;

- Works impacting upon bats will be carried out according to the proposals detailed within the report by Avalon Ecology, entitled 'Bat Activity Survey, Buildings at three Salmons Hotel, Usk' (September 2014).
- A Lighting Plan shall be submitted to and approved by the LPA prior to completion of works
- Bat mitigation proposals will be provided as indicated on page 58 and 59 of the survey report.

We also advise that a European development Licence is sought from NRW prior to works commencing to ensure the favourable conservation status of bats, a European Protected Species.

- 4.1.4 Glamorgan Gwent Archaeological Trust - The proposal will require archaeological mitigation. Information in the Historic Environment Record shows that the application site is within the Archaeologically Sensitive Area of Usk, the medieval town of Usk within the area enclosed by the town ditch, some 100m from Usk Castle. Although the application area is outside the walls of the Roman fortress, it is on the frontage of a major cross roads within the town, the routes of which have Roman origins, and is located approximately 400m south of an extensive cremation cemetery located on either side of the road and discovered in the mid-

20th century. Archaeological work in the area has shown that features and finds survive, and in this case it is likely that archaeological material associated with the medieval settlement may be located in the application site.

The Three Salmons itself is a Grade II listed building (Cadw ref: 2148) and occupies a prominent position within the street frontage of the town. The garden wall of the building is also listed Grade II (Cadw ref: 2185). The proposed development site has been occupied since the earlier post-medieval period, and possibly earlier, given the Medieval and Roman settlement in the area. However, the site has undergone disturbance and as a result of this, whilst the proposals will require archaeological mitigation, this can be achieved by condition. Therefore, we recommend that a condition requiring the applicant to submit a detailed programme of investigation for 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 an intensive 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 burials or other archaeological features that are located are properly excavated and removed. We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

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

The applicant will need to employ an archaeologist to undertake the work.

- 4.1.5 MCC Highways – The site layout as amended will provide 17 car parking spaces where according to SPG, a further space would be required. This can be accommodated by the replacement of the refuse collecting zone which is discouraged on such a small site.

The highway layout does not fully come up to adoptable standards as no marginal strips or footways are provided within the site. I would wish to see the full turning area retained for servicing of the site off the highway and construction to current standards including visibility but would not be insisting on the site being offered for adoption.

- 4.1.6 MCC Development Plans - Confirm that the development of this site meets the requirements of Strategic Policy S1 and Policy H1 in principle, subject to detailed planning considerations.

Policy S4 relates to Affordable Housing Provision and states that in Rural Secondary Settlements such as Usk there is a requirement on sites of five or more proposed dwellings for 35% to be affordable. The application form submitted identifies four of the twelve dwellings to be affordable. I would suggest liaison with Shirley Wiggam the Senior Strategy and Policy Officer for Housing in relation to the type/mix of affordable housing required at this site.

Part of the site is located in Zone C1 floodplain, this in the main relates to the buildings proposed for conversion and parking areas of the new build development. It appears

that the new build dwellings are located just outside the floodplain, although this would need to be confirmed. Strategic Policy S12 and Policy SD3 relating to Flood Risk must be considered, whilst it is appreciated the existing use of hotel accommodation is a form of highly vulnerable development it must nevertheless be considered whether the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15.

Policy RET2 must be considered as the site is located within the Usk Central Shopping Area. In this case, there is no loss of A1, A2 or A3 frontage and the existing hotel annex does not itself add to the vitality, attractiveness and vitality of the defined CSA so there is no conflict with Policy RET2. Policy S11, however, states (inter alia) that 'Development proposals ... that would result in the unjustified loss of tourism facilities will not be permitted'. In this respect, there appears to be little evidence provided to justify the loss of the hotel accommodation, although it is noted that it is stated that the annex has limited usage.

In addition to the above, the site is located within the Usk Conservation Area, and Policy HE1 must therefore be referred to. The conversion also relates to a listed building, as there is no specific local planning policy in relation to listed buildings it is important to ensure DES1 in relation to General Design is considered along with Chapter 6 of Planning Policy Wales relating to Conserving the Historic Environment. Policy EP1 should also be taken into consideration along with Strategic Policies S13, S16 and S17.

Finally, Policy CRF2 relates to outdoor recreation/public open space/allotment standards, as the proposal relates to twelve dwellings there should usually be some on site provision, along with potential off-site contributions. In this case it may not be appropriate to provide on-site provision; I suggest contacting Tim O'Donovan who will no doubt provide comments in relation to this matter.

- 4.1.7 MCC Housing Officer – With ten units in total the affordable element should be four units. Two 2 person 1 bedroom flats and two 4 person 2 bedroom houses would be an appropriate mix for the area, but I can be flexible on this as we have a high need for all types of affordable homes in this area.
- 4.1.8 MCC Tree Officer - I had a meeting at the site in December 2013 with the applicant and his agent to discuss the mature Sycamore tree. The tree is not protected by a TPO but is within the conservation area. Whilst it makes a significant contribution to the landscape when viewed above the roof lines of the adjacent buildings it is not, in my opinion, a suitable specimen for retention. The tree is multi-stemmed with the stems (trunks) tightly packed together and growing under compression from ground level. This is deemed to be a significant structural defect; therefore its retention as part of the scheme is inadvisable. Furthermore it is likely to become destabilised upon the demolition of the adjacent building and probable excavations within the root plate. I therefore have no objection to the removal of this tree provided that it is replaced elsewhere on the site as part of the scheme of landscaping.
- 4.1.9 SEWBREC Search Results – Pipistrelle bats have been recorded within the vicinity of the site.

4.2 Neighbour Notification

No comments received to date.

5.0 **EVALUATION**

5.1 Consideration of proposal in relation to LDP Policies

- 5.1.1 The site is within the development boundary of Usk, within which conversion to and new build residential development are acceptable in principle under Policies S1 and H1 of the Local Development Plan.
- 5.1.2 Policy S4 relates to Affordable Housing Provision and states in Rural Secondary Settlements such as Usk there is a requirement on sites of five or more dwellings for 35% of the dwelling units to be affordable. The application form submitted identifies four of the ten dwellings to be affordable. After liaison between the Council's Housing Officer and the applicant the units offered have now been accepted as suitable for social rent and have been designed to meet the requisite space standards set out by Welsh Government (DQR).
- 5.1.3 Policy S11 states (inter alia) that 'Development proposals ... that would result in the unjustified loss of tourism facilities will not be permitted'. In this respect, the applicant has provided evidence to justify the loss of the hotel accommodation including occupancy rates. The main Three Salmons Hotel building has a sleeping capacity of 21 persons and is the most popular of the accommodation offering at the Three Salmons, enjoying a healthy occupancy rate this year to date (The main hotel bedrooms fill before the annex bedrooms). Guests do not appear to be so keen crossing a main road to stay in the annex, especially during the colder months, wet weather or when they are part of a group booking. Furthermore bedrooms in the annex suffer from traffic noise and as a listed building there are restrictions on what type of windows can be used. The applicant has also argued that competition from larger hotels such as The Celtic Manor that can offer sport and leisure facilities are damaging business. This information is reflected in the occupancy rates of the annex element of the hotel. In this respect it is not considered that the loss of this part of the hotel accommodation would be unjustified, and thus the proposal is not considered to conflict with LDP Policy S11.

5.2 Visual Impact including Impact on the Listed Building and Conservation Area

- 5.2.1 The site is located within the Usk Conservation Area and therefore LDP Policy HE1 is relevant. The conversion also relates to a listed building, and as there is no specific local planning policy in relation to listed buildings it is pertinent to refer to LDP Policy DES1 in relation to 'General Design' along with Chapter 6 of Planning Policy Wales relating to Conserving the Historic Environment, as well as the Listed Buildings and Conservation Areas Act 1990 and the advice contained in Welsh Office Circular 61/96.
- 5.2.2 Internally the building was converted to hotel accommodation in the 1960's before the building was listed in 1974 and so much of the internal character of the stables has been lost. Internally the alterations are not considered to have a significant detrimental impact on the character of the building. With regards to the proposed new build and external alterations, the number of units requires a significant amount of parking, together with the subdivision of the amenity spaces, which could have a detrimental impact on the stables building as could any alterations and new openings to the listed building in particular, if not carefully designed.
- 5.2.3 With regards to the stables, to the front elevation, there are limited alterations to the main building and the introduction of timber boarding to the former openings is welcomed. These could be recessed slightly to create a stronger relief and depth to the former openings and this is likely to be a condition of the associated Listed Building application, if granted. The retention of the external stone steps is welcomed.

Amendments to the treatment of the rear elevation have improved the scheme since originally submitted with new openings required for the units now appearing more ad hoc. The style of the proposed small extension to the stables will match the existing building in material finishes, colour and general proportions. Overall therefore, it is not considered that the proposed conversion of the former stables building to residential accommodation will harm the character of the listed building or the character or appearance of the surrounding area which is a conservation area. That character would be preserved.

- 5.2.4 In terms of the new build, the three new single-storey units proposed have been designed as linked cottages to reflect the scale, character and appearance of existing properties in the town and the adjacent former stable building. The removal of the light industrial units that currently occupy the site is seen as a significant benefit in terms of the visual amenity of the area.

It is considered that the effect of the proposal would preserve the listed building as well as enhancing the character or appearance of the wider Conservation Area. The proposal would meet the statutory requirements set out in s.66 and s.72 of the aforementioned Act and accord with LDP Policies HE1 and DES1.

5.3 Residential Amenity

- 5.3.1 As the proposed new dwellings will be single storey, there will be no first floor windows overlooking existing properties to the rear of the site and there is in excess of 21 metres between the proposed new dwellings and the existing dwelling to the rear of the site known as Dan-y-Castell. As such it is not anticipated that there will be any loss of privacy for existing or future occupiers as a result of the development.

- 5.3.2 Although the site is lightly used in terms of traffic, there are workshops on site where use could be intensified without planning control. Should the hotel annex accommodation be full on a regular basis there would also be an increase in traffic compared to the level experienced at present.

- 5.3.3 Given that the site is a Conservation Area, to which trees can contribute a great deal visually, it is considered that the existing sycamore that is to be removed should be replaced. The proposed location of replacement trees can be agreed with the Council's Tree Officer via a condition, which would take into account the effects on neighbour amenity and integrity of walls, etc.

5.4 Flooding

- 5.4.1 Part of the site is located in Zone C1 floodplain. Primarily, this relates to the buildings proposed for conversion and parking areas of the new build development as the new build dwellings are located just outside the floodplain. Residential development is considered to be a form of highly vulnerable development and therefore it must be considered whether the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15.

- 5.4.2 The Flood Consequences Assessment (FCA) produced by JBA Consulting, dated March 2014, submitted in support of the application has adequately assessed the risks and consequences of flooding. The application site has the benefit of flood defences. Given the standard of protection of the defences in the area (up to a 1 in 100 year

standard with an allowance for climate change), NRW are satisfied that the defended scenario, in this instance, can be used to assess the flood risk to the site.

- 5.4.3 Flood level data obtained from NRW demonstrates that the site is predicted to be flood free in the 1% plus climate change flood event (defended scenario). During the 0.1% flood event the southern part of the site, based on the finished floor level of 17.7mAOD, is predicted to flood to a depth of 1.12m in the defended scenario. This exceeds the indicative tolerable conditions set out in TAN15. It is also noted that the predicted maximum velocities are in excess of indicative tolerable conditions set out in TAN15. Given this, NRW recommend that the LPA consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that NRW cannot advise the Council on such as emergency plans, procedures and measures to address structural damage that may result from flooding. Given that the site is brownfield, no further information is being requested in this case.
- 5.4.4 In respect of the impact on flood risk elsewhere, the FCA states that there will be no change in available floodplain storage given that the building footprint is largely unchanged. NRW are also satisfied with this assessment.
- 5.4.5 It is concluded that the proposal would not increase the extent of highly vulnerable development in this flood risk area, with the housing proposed in the converted building replacing visitor accommodation, both being a form of highly vulnerable development according to TAN15. Thus, it is concluded that the proposed conversion would be an acceptable form of development and would not conflict with the spirit of the guidance set out in Policy SD3 of the LDP. The upper floor conversion to residential in any case would be permitted by Policy SD3. The proposal, which would enhance the Conservation Area and provide much-needed housing, including affordable housing, can be justified in accordance with TAN15 as the proposal's location in a flood risk area is necessary to assist, or be part of, the Council's development plan strategy to sustain this settlement. Flood-proofing measures such as the higher placement of electrical services/ sockets for the ground floor apartments, and the advice that hard surfaces are used on the floor of the accommodation rather than carpets,

5.5 Highway and parking issues

- 5.5.1 The parking area and the new houses will be accessed using the existing entrance to the car park and yard. Monmouthshire's Adopted Parking Guidelines require eighteen spaces for residents although this can be reduced slightly given the lower demand likely to arise from the 2 x two bedroom affordable units; seventeen car parking spaces are proposed which are considered to be acceptable in this sustainable central location, close to facilities, including shops, a surgery and a primary school that are easily accessed by foot. There are also public car parks within easy reach of this site. An over engineered access, parking and turning area would not be in keeping with the surrounding conservation area.

5.6 Economic Development Implications

- 5.6.1 The applicant has provided information showing that occupancy rates for the annex to the main hotel are significantly below that for the main hotel and the Glen-yr-Afon Hotel which is also under the same management. It has therefore been demonstrated that the use is not financially viable. With regards to the small light industrial units on the site, it should also be noted that the site is not allocated in the Local Development Plan as employment land. Only one unit has a business operating from it which is car sales. This is a business of limited size and employment prospects may be better relocating to a larger site with more space to show cars and to expand. Furthermore,

the benefit of the removal of these modern utilitarian buildings to the setting of the listed building and the wider Conservation Area is also significant, not only for residents but also for visitors to the town.

5.7 Design Amendments/ Negotiations

5.7.1 Alterations to the front elevations of the proposed new dwellings have been made to the satisfaction of Council's Conservation Officer and include the use of natural stone and windows with traditional horizontal bars. The retention of the chimney to the right hand lower wing of the former stables has also been secured. With regards to the rear elevation, the overall number of new openings was reduced and the existing retained in their current positions. The subdivision of the rear amenity spaces of the annex by close board timber fence has been removed from the scheme and replaced by low level walls instead. This will significantly reduce the impact of the conversion on the setting of the listed building as the tall timber fences originally proposed would have subdivided the rear curtilage and reduced the openness around the site which was part of the original setting and would have had a detrimental effect on the building.

5.8 Biodiversity Issues

The lesser horseshoe bat species found on the site is very rare in a more urban environment and so the mitigation needs to be carefully considered. Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests are set out below together with a commentary on each.

(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.*

The primary reason for the development is to convert the existing building into accommodation that meets a need for housing. The development would add considerably to the economic value of the land. This would give rise, albeit indirectly, to some local social and economic benefit by further enhancing the fabric of the surrounding area.

(ii) *There is no satisfactory alternative*

The 'do nothing' scenario would leave the applicant with a building that is not being used which could eventually lead to a situation where the condition of the property will steadily worsen. This approach would eventually give rise to dereliction, with loss of bat roosting habitats. It is not considered possible to convert the building in a way which does not affect the existing roost.

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

The potential impacts to the roosts present on site can be mitigated by carefully timing of works and the provision of a new bat loft. The Bats are using the rear

of the site and so it is proposed to include a suitable bat loft within the roof space of a proposed car port to the rear of the annex building,

In the light of the circumstances outlined above it is considered that the three tests would be met.

5.9 Section 106 Requirements

5.9.1 Policy CRF2 relates to outdoor recreation/public open space/allotment standards and as the proposal relates to twelve dwellings there should usually be some on site provision, along with potential off-site contributions. In this case, given the limited size of the site it is not considered to be appropriate to provide on-site provision but a commuted sum for off-site provision should be sought through a Section 106 Agreement that would also cover the affordable housing. It has been resolved that the off-site contribution should be a combined adult recreation and children's play contribution and that the funding should be spent on the Usk Play Park Regeneration Project, which is being led by a local group and is specifically looking to extend and upgrade the children's play area at the Maryport Street (South) Car Park, the one adjacent to Usk Memorial Hall. The off-site recreation contribution would be based on the adopted formula of £3,132 per dwelling.

6.0 RECOMMENDATION: APPROVE subject to a s.106 agreement to secure affordable housing provision on site and an off-site recreation contribution which will be spent on the children's play area at the Maryport Street (South) Car Park.

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 the applicant or his agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
4	The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) JBA Consulting dated March 2014 and the following mitigation measures detailed within the FCA; Finished floor levels are set no lower than 17.7 metres above Ordnance Datum (AOD) (Newlyn).
5	Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.
6	Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall

	be erected or placed without the prior written approval of the Local Planning Authority.
7	The development shall be carried out according to the proposals detailed within the report by Avalon Ecology, entitled 'Bat Activity Survey, Buildings at three Salmons Hotel, Usk' (September 2014).
8	Bat mitigation shall be provided as indicated on pages 58 and 59 of the report by Avalon Ecology, entitled 'Bat Activity Survey, Buildings at three Salmons Hotel, Usk' (September 2014).
9	No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
10	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
11	Prior to commencement of development, a lighting plan shall be submitted to and agreed in writing with the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), there shall be no other external lighting of the site unless agreed in writing by the Local Planning Authority.

Informative:

The applicant is advised to consider flood-proofing measures for the ground floor apartments because they are in Flood Zone C1. Advice on this can be found at various sources including NRW and the Home Owners' Alliance. However, any changes to the fabric of the listed building should first be checked with the Council's Heritage Section before works are commenced.

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DC/2016/01206

CONSTRUCTION OF A NEW GARDEN STORAGE BUILDING IN ASSOCIATION WITH UPPER LLANANANT, PENALLT INCLUDING CHANGE OF USE OF WOODLAND TO BE INCLUDED WITHIN THE GARDEN CURTILAGE

UPPER LLANANANT FARM, PENTWYN LANE, PENALLT, NP25 4AP

RECOMMENDATION: APPROVE

Case Officer: Elizabeth Bennett
Registered: 07/11/2016

1.0 APPLICATION DETAILS

- 1.1 This application relates to the construction of an agricultural type building to be used as a multi-use building for storage of garden equipment and tools, general garden workshop, garaging and log store for the benefit of the residential property known as Upper Llananant Farm, Pentwyn Lane, Penallt. The application also includes a change of use of a small parcel of woodland to be included within the garden curtilage.
- 1.2 The property is detached and sits within in its own large garden and wooded curtilage within the AONB. The proposal seeks to provide a large multi-use building for storage of equipment and tools required to maintain the property and surrounding wooded garden area.
- 1.3 The application is presented to Committee at the request of the Council's Planning Application Delegation Panel.

2.0 RELEVANT PLANNING HISTORY

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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
H6 - Extension of Rural Dwellings
LC1 – New Built Development in the Open Countryside
LC4 – Wye Valley AONB
LC5 - Protection and Enhancement of Landscape Character
RE4 - New Agricultural and Forestry Buildings

SPG - Policies H5 & H6—Replacement Dwellings in the Open Countryside & Extension of Rural Dwellings, referencing Garaging and Outbuildings

4.0 REPRESENTATIONS

4.1 Consultation Responses

Trellech United Community Council – Recommends refusal

- Proposed building is inappropriately large for a domestic outbuilding, and out of scale with the house
- Use of corrugated metal sheeting inappropriate for a domestic building, especially within the AONB landscape
- Concerned that trees cleared before permission granted for change of use

MCC Biodiversity Team

I note and welcome the amended design to reduce light spill from the proposed building and am satisfied that this will avoid impact upon bats flying in the area including those that may form part of the special interest of the Wye Valley and Forest of Dean Bats Sites SAC.

The report describes habitat surrounding the development area as ancient semi-natural woodland, a section 42 list priority habitat in planning terms and a material consideration as described in LDP Policy NE1. It is noted that recent works have cleared trees from the proposed site and as the site does not appear to have been excavated I consider it likely that if the site was not developed and allowed to naturally regenerate that sufficient ground flora and seed bank exist that priority habitat woodland would in due course re-establish.

In the event the application had come forward prior to the tree felling, the LPA would have requested that the garage was moved to avoid the loss of priority habitat. If location elsewhere was not possible the LPA has the facility within Policy NE1 to seek compensation for the lost habitat.

MCC Tree Officer

I have looked at this proposal on street view, aerial photography and your photos and there does indeed appear to have been some tree/vegetation clearance. Although the trees appear to be of moderate quality they are still a component of a wider woodland and are still deemed to be of importance to it. A condition requiring an Arboricultural Method Statement and Tree Protection will be required to be included in any decision granted. (Pre-Application Advice Comments).

MCC Public Rights Of Way Officer

Public Path no. 271 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.

Natural Resources Wales

NRW has no objection to the application as submitted.

However, we acknowledge the advice provided by your ecologist in his email dated 15 November 2016. Given the proximity of the Wye Valley and Forest of Dean Bat

Sites SAC we advise that you ensure a Regulation 61 assessment is carried out of this proposal.

4.2 Neighbour Consultation

No consultation responses have been received.

5.0 EVALUATION

5.1 Siting / Design

5.1.1 This application relates to the construction of an agricultural type building to be used as a multi-use building for storage of garden equipment and tools, a general garden workshop, garaging and log store for the benefit of the residential property known as Upper Llananant farm, Pentwyn Lane, Penallt. The property is detached and sits within its own large garden and wooded curtilage within the AONB. The proposal seeks to provide a large multi-use building for storage of equipment and tools required to maintain the property and surrounding wooded garden area.

5.1.2 The siting for the proposed agricultural style building is to be within a wooded area of a small parcel of land in the ownership of the applicant. This area is also to be included in the application and is the subject of a 'change of use' to be included as part of the garden curtilage. This area has been cleared of vegetation some months prior to the application being made. It is to be accessed via an existing entrance off an unclassified lane, and can also be accessed through the main entrance of the property.

5.1.3 The type and style of building applied for is considered to be respectful of the surrounding habitat. The integral roof lights (originally proposed) have been removed from the design in order to avoid any light pollution into the area in respect of bats and other foraging mammals. The overall length of the building is proposed to be 18.0 metres with the overall width being 9.0 metres. The eaves height is proposed to be 2.7 metres with the maximum ridge height being 4.0 metres.

5.1.4 It is proposed to have double opening doors to the south-east elevation to provide the garaging element of the building with a further three sections to the building providing a workshop, tool and implement store and a log store. The access doors for each section will be located on the north-east elevation of the building. The roof is proposed to be steel sheeting in olive green and with all side to the outer building being clad in either larch or cedar which are appropriate materials.

5.2 Visual & Environmental Impact

5.2.1 As requested by NRW a Regulation 61 assessment has been carried out by MCC's Biodiversity Officer - a Habitats Regulations Assessment Screening has been undertaken and it is considered that subject to the submitted design (lighting) and a proposal to undertake compensatory priority habitat planting, there is no pathway to Significant Effect on the Wye Valley and Forest of Dean Bat Sites SAC.

5.2.2 The proposed building will be of an acceptable scale, form and design and will have a non-intrusive visual impact on the area. The proposed development is not considered to have any detrimental effect upon street scene or be detrimental to the local AONB.

5.2.3 The application is considered to be in accordance with the Local Development Plan and meets the criteria as set out in Policies DES1, EP1, H6 (b), LC1 (b, c), LC4, LC5

(a, b, c, d) and RE4 (a). The application is also considered to be in accordance with Supplementary Planning Guidance (SPG) - Policies H5 & H6—Replacement Dwellings in the Open Countryside & Extension of Rural Dwellings, referencing Garaging and Outbuildings.

5.3 Response to the Community Council's representations

5.3.1 These have been addressed above.

6.0 **RECOMMENDATION: APPROVE**

Conditions:

Condition No:	Condition
1.	This development shall be begun within 5 years from the date of this permission.
2.	Development to be built in accordance to any of the approved plans that are listed on the decision notice
3.	Prior to the commencement of the development details of compensatory priority habitat provision shall be submitted to the local planning authority for written approval. The agreed details shall be implemented within the first planting season following the completion of the development and upon completion of planting confirmation shall be provided to the local planning authority.
4.	No development may take place until the local planning authority has received and agreed in writing the following tree protection information: i) An arboricultural method statement (AMS). ii) A tree protection plan (TPP) The development shall be carried out in accordance with the approved statement and plan.
5.	Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no outbuildings shall be erected or constructed.
6.	The works shall be undertaken in accordance with the Ecological Appraisal, Project: Land adjacent to Upper Lanant, Penallt, NP25 4AP on behalf of: Mr and Mrs Price Date: October 2016.by Pearce Environmental.

Reasons:

1.	To comply with Section 91 of the Town and Country Planning Act 1990.
2.	To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
3.	In order to comply with LDP policy NE1 and compensate for the loss of Section 42 list habitats.
4.	To protect valuable green infrastructure assets in accordance with Policy S13 – Landscape, Green Infrastructure and the Natural Environment.
5.	To prevent the proliferation of outbuildings in the AONB.

6.	To provide and maintain biodiversity and therefore comply with the Biodiversity Duty in the Environment (Wales) Act 2016 and LDP Policy NE1.
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Informatives

- Bats

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DC/2016/01487

**ALTERATIONS TO APPROVED SCHEME FOR TWO DWELLINGS;
ALTERATIONS INCLUDE THE ERECTION OF A SINGLE DETACHED GARAGE
FOR EACH PLOT, THE REMOVAL OF REAR CANOPIES, THE REMOVAL OF
CHIMNEYS AND THE REMOVAL OF HEADERS**

LAND REAR OF 252 NEWPORT ROAD, CALDICOT

RECOMMENDATION: APPROVE

Case Officer: Kate Young
Date Registered: 26/01/17

1.0 APPLICATION DETAILS

1.1 In March 2015 planning permission was granted for two detached dwellings to be erected to the rear of 252 and 254 Newport Road in Caldicot. The two dwellings were approved to be accessed off an unadopted road, Ferneycross. Work on these two dwellings has commenced. The current application seeks some minor alterations to those properties, including providing each dwelling with a detached single garage. The access to the properties would remain unchanged. The garages would be finished in materials to match the main dwellings, including natural slate roofs and self-coloured rendered walls. The other design alterations to the scheme are the removal of the canopies on the rear elevations, the removal of the chimneys and the removal of the headers.

2.0 RELEVANT PLANNING HISTORY

DC/2014/01487 Residential Development; approved 11/03/15

DC/2013/00941 Certificate of Proposed Lawful Development for a change of the garage into a bedroom (254 Newport Road) – Allowed.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial Distribution of New Housing
S17 Place Making and Design

Development Management Policies

EP1 – Amenity and Environmental Protection
DES1 General Design Considerations
H1 – Residential Development in Main Towns
MV1 – Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Caldicot Town Council – Refuse
Overdevelopment

Ongoing concerns about the un-adopted Road
Extra Traffic
Lighting Issues
Highways

MCC Highways – No objection.

A revised proposal has been submitted which now demonstrates the two proposed garages have minimum internal dimensions of 6m x 3m. The garages can therefore be counted as one car parking space towards the overall parking provision for each dwelling. Furthermore, it has also been demonstrated that at least two vehicles can be parked directly in front of each garage therefore meeting the maximum requirement of three car parking spaces per dwelling in accordance with the Monmouthshire Parking Standards.

In light of the aforementioned there are no highway grounds to sustain an objection to the application subject to a condition requiring that the garages be retained for the parking of vehicles.

4.2 Neighbour Notification

Letters of objection received from five addresses

This is a private road

No permission has been granted by the residents of Ferneycross to access over Ferneycross

Faults in the planning process need to be investigated

No permission has been granted to allow access to the road, water and drainage

Object to the building of new houses

Mess and disruption

We objected to the previous application yet still the houses have been built

The drains have been blocked because of the construction.

The residents of Ferneycross never gave consent for this development to take place

The street is not adopted by MCC

Opposed to any additional building work on this plot

The builders are constantly staring through the windows.

Danger to life from increased traffic

The houses are too big for this plot of land

It will cause misery to a couple that live next door and are highly respected members of the community.

4.3 Local Member Representations

Councillor Easson - adjoining ward member

Thank you [to the MCC Highways Officer] for your full response.

I understand everything you say, in particular the following paragraph,

"What is required for this road to be brought up to an adoptable standard, - Basically an adoptable standard cannot be achieved hence why the extension of Kipling Road (Ferneycross) was not adopted following construction in the past, this was considered by Highways during the planning application stage and discounted hence the comments in respect of the road being private and remaining so thereafter should planning consent be granted."

This suggests that you (Highways) were clear before Ferneycross was developed that the road would not be able to be brought up to an adoptable standard. So why was this not raised at Planning Committee or even before by planners at the pre Planning stage, that it was basically an unviable proposition for any developer to develop this site without offering a way of a feasible access to the properties after completion?

Regarding your comment about dialogue between the parties, the developer has just driven his way through the private road and only last week met with residents, following them receiving a threatening letter from his solicitor. We now are at a position where it is not a Planning or Highways matter, but decisions taken at Committee on Officers' recommendations are now rebounding on residents for no fault of their own. I believe that this should not have been supported by Planning Committee unless stringent restrictions were put onto the developer, actually it should have been rejected due to the need to use a private road for access.

The developer claims that he has legal title to cross this unadopted road, which is not true, his legal title is a strip of land adjacent to Ferneycross, off 254 Newport Road which appears to have become extinguished when No 22 Kipling Road was built. In fact having divested of the land by two property owners 252 and 254 Newport Road, for development they should have ensured access to have been made onto Newport Road for these new properties.

A new plan has now been put forward for two garages. This plan has not been found to be acceptable for various reasons, one being the use of a private road for access. Residents are now considering to refuse a developer to have access over this road.

Just for the record, I am dealing with this matter on behalf of Cllr Evans, who is recovering from a serious operation, and will get him up to speed when he is well. But as the Ward Member for the adjacent Ward ask that this is considered by Committee and that I be allowed to speak.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The current application seeks the erection of two detached garages and some minor design alterations to the two dwellings. Planning permission has already been granted for the two dwellings currently under construction so that the principle of residential development and the access thereto, for two dwellings on this plot is already established. In determining this current application it is necessary to consider the acceptability of the two garages, their design, visual impact and impact on highway safety as well as the visual impact of the design amendments to the two dwellings.

5.2 Design of the garages.

5.2.1 Each garage would be to the side of the property, and would measure 6.4 by 3.5 metres, externally. The ridge height would be 4.3 metres. There would be an up and over door at the front and one window on the side elevation. The garages would be finished in materials to match the main houses, with slate on the roof and self-coloured rendered walls. The size of the garages meets Highway standards for a single garage and the finishing materials are acceptable. The windows would be on the east elevations, facing towards the houses to which the garages relate. The design and size of the single garages is quite standard and acceptable in this location.

5.3 Highway Impacts

5.3.1 The adopted Monmouthshire Parking Standards require one parking space per bedroom, up to a maximum of three to be provided on site. A detached garage can be counted as one parking space. In this case the garages will count as one space and an additional two spaces will have to be provided on site. During the course of the application the site plan has been amended and now demonstrates that at least two vehicles can be parked directly in front of each garage therefore meeting the maximum requirement of three car parking spaces per dwelling in accordance with the Monmouthshire Parking Standards.

5.4 Design Alterations to the approved dwellings

5.4.1 The removal of the canopies on the rear elevation is acceptable and will have no impact on the street scene. The removal of the chimneys and headers is regrettable as this would diminish the design quality of the dwellings and the contribution that they would make to the street scene. This area of Caldicot however is characterised by a mix of house types and design features. Given the mixed quality of the existing housing in this area and the fact that the two new dwellings are not prominent in the street scene it would be difficult to justify refusal of the application based on the removal of these two design features.

5.5 Residential amenity.

5.5.1 The main property to be affected by the proposals set out in this current application, is no. 22 Kipling Road. The proposed garage for plot no. 1 would be very close to the side boundary of no. 22. Following negotiations with officers the proposed garage has been set further back in the plot. No.22 Kipling Road has a blank gable wall facing towards the plot of no.1 and this combined with the fact that the garage is only single story with a maximum ridge height of 4.3 metres means that the proposal is acceptable in terms of residential amenity.

5.6 Other issues raised.

5.6.1 The current application only seeks permission for the detached garages and design alterations. The principle of the two residential properties in this location has already been established and granted planning permission. At the time of the previous approval the issue of access off an unadopted road was fully considered. The current proposal for two detached garages will no impact significantly on the amount of traffic using Kipling Close or Ferneycross. The proposed dwellings are to connect into mains drainage and Welsh Water had no objection to this arrangement at the time of the previous consent for the two dwellings. Any disturbance and disruption during construction will only be temporary and is not an exceptional circumstance.

5.7 Response to the Representations of the Community/ Town Council

5.7.1 These have been considered previously when the proposal for two houses at this site was originally granted permission. The addition of two garages does not in itself cause an over-development of the site and there is adequate space retained around the two dwellings.

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

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

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

6.0 RECOMMENDATION: APPROVE

Conditions/Reasons

1. Work shall commence within 5 years
2. To be built in accordance with the approved plans
3. The garages hereby approved will be kept available for the parking of motor vehicles and not be used for other residential purposes.

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DC/2017/00030

ALTERATIONS TO THE APPROVED SCHEME, NAMELY REMOVAL OF SWIMMING POOL AND ADDITION OF SPORTS HALL FACILITY RELATING TO APPLICATION DC/2015/00261

YSGOL GYFUN TREFYNWY, OLD DIXTON ROAD, MONMOUTH NP25 3YT

RECOMMENDATION: APPROVE

Case Officer: Craig O'Connor

Date Registered: 23/01/2017

1.0 APPLICATION DETAILS

- 1.1 This application, made under section 73 of the Town & Country Planning Act 1990, seeks to make a variation to the previously approved plans to construct a new 21st Century School and an integrated swimming pool as outlined within application DC/2015/00261. Since the approval of the school development there have been amendments to the proposals from the Council in relation to the facilities that would be provided within Monmouth Leisure Centre and the comprehensive school. This application has been made to reflect distinct changes to the proposals: namely the replacement of the swimming pool and the inclusion of a sports hall. The original planning approval on the Monmouth campus included the replacement of the previously demolished pool facilities within the new school. This proposal has been revisited. Industry specialists were asked to look at the Monmouth Leisure offer and to give some high level views on redevelopment options taking into consideration local demographic profile and market competition. Their conclusions suggested a better site layout would see the main school building incorporating a sports hall rather than a swimming pool. The swimming pool would be better sited within the Leisure Centre and positioned where the current sports hall is. Programme Board accepted this view. Furthermore significant scope for further leisure enhancement was identified and the redevelopment of the Leisure Centre is presented to Committee for consideration in the concurrent application DC/2017/00196. The amendments to the School provide a simpler, more cost effective build. It would provide a sports hall resource that is more flexible to school needs during the day than a pool would, and relocating it allows the nearby Leisure Centre to widen its leisure offer during the day.
- 1.2 The proposed alteration to the approved plans would result in the footprint of the north-east wing altering to enable the sports hall to replace the previous swimming pool. The proposed sports hall would measure approximately 594m². The sports hall would have a flat roof that would measure approximately 7.2m high. The resultant building would be similar in terms of form to the previously approved scheme within DC/2015/00261. The main alteration would be to the sports hall's appearance - it would have a buff coloured facing brick to match the existing building, however the structure would also have a polycarbonate and composite panel façade with translucent thermally insulative polycarbonate elements to allow light into the building. The proposed alterations are outlined on Drg No MON-BDP-XX-00-PL-A-200001P6 (Ground Floor Plan), Drg No MON-BDP-XX-XX-EL-A-200002P3 (Elevations sheet 1) and Drg No MON-BDP-XX-XX-EL-A-200001P3 (Elevations sheet2).

2.0 RELEVANT PLANNING HISTORY

DC/2017/00196 Extend the existing building (to the south elevation) with a two storey building to house children's activity zone and external mechanical plant to the roof.

The existing leisure centre is to receive a major internal refurbishment with a swimming pool and associated facilities replacing the sports hall. Existing main entrance to be relocated to east elevation with minor external works to existing car park and hard landscaping. TBD

DC/2016/00663 Discharge of conditions 5, 6 & 7 (Drainage) from planning consent DC/2015/00261. Approved August 2016

DC/2016/00554 Non-material amendment to planning consent DC/2015/00261:- Relocation of access ramp. Approved February 2016

DC/2015/01312 Discharge of conditions no.3 (Archaeology) 8, (Transport Statement), 14 and 15 (Trees) of planning permission DC/2015/00261. Approved October 2015

DC/2015/01238 Discharge of condition 12 - detailed plans of temporary structures (planning); Condition 9 (a,b & c) (Environmental Health)- Ground Contamination Investigation and Condition 11 (Highways) - Construction Traffic Management from previous application DC/2015/00261 Split decision October 2015

DC/2015/01215 Change wording of condition 4 to allow external finishes to be approved before installation on the basis of the pre-approval of a preliminary materials palette submitted in electronic format in advance of any works starting on site. Previous application DC/2015/00261 Approved October 2015

DC/2015/01203 Discharge of condition 16 (Construction Phase Environmental Management Plan) from planning consent DC/2015/00261. Approved October 2015

DC/2015/01194 Discharge of condition 19 (green infrastructure management plan) relating to planning application DC/2015/00261 Approved October 2015

DC/2015/00261 Demolition of existing secondary school buildings and construction of a secondary school (d1) comprising 14,824m² (gross internal area) of floor space, principles of landscaping, car and cycle parking spaces Approved July 2015

DC/2008/01293 Provision of new demountable temporary classroom following the removal of condemned demountable science room 48; Approved January 2009

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 Spatial distribution of new housing provision
- S5 Community and Recreation facilities
- S12 Efficient resource use and flood risk
- S13 Landscape, Green Infrastructure and the Natural Environment
- S16 Transport
- S17 Place making and design

Local Policies

- EP1 Amenity and environmental protection
- DES1 General Design considerations
- DES2 Areas of amenity importance
- SD1 Renewable Energy

- SD2 Sustainable construction and energy efficient
- SD3 Flood risk
- SD4 Sustainable drainage
- GI1 Green Infrastructure
- NE1 Nature conservation and development
- MV1 Proposed development and highway considerations
- MV2 Sustainable Transport Access

4.0 REPRESENTATIONS

4.1 Consultations Replies

Monmouth Town Council – Recommend that the application is refused until the funding is place for the development.

MCC Highways Officer – The proposal to remove the swimming pool has no material impact on the originally approved development from a highway perspective.

Building Control Officer – This site is currently under supervision and the prosed changes are being considered. No objections to the proposals.

MCC Tree Officer – No objections to the proposals.

MCC Biodiversity Officer – I've been in touch the project ecologist who has clarified further details including the fate of some of the trees with bat roost potential. I can confirm I have no objection to the application and have no further comment.

Welsh Government Transport – The proposed amendment would not have an impact on the trunk road network and therefore there are no objections to the proposals.

Natural Resources Wales – We have no objection to the application as submitted.

Glamorgan Gwent Archaeological Trust – We made comments on the previously approved scheme and suggested conditions in relation to archaeological features. Subsequently a requirement for archaeological work was conditioned and a written scheme of investigation produced (GGAT Projects report no. 2015/075 dated October 2015). It is our understanding that the archaeological work set out in this written scheme is being undertaken. We have no objection to the positive determination of proposed amendments to this scheme, provided that the condition for archaeological work remains attached and archaeological work is undertaken.

Cadw – The proposed development would not have an impact on the setting of any designated monuments.

Dwr Cymru Welsh Water – We have no comments to make on the application to amend the approved scheme, however we respectfully request that any drainage related conditions are maintained on any new consent granted for the development.

4.2 Neighbour Notification

No response to date

5.0 EVALUATION

5.1 Principle of development

5.1.1 The proposed redevelopment of the school has been previously approved within application DC/2015/00261 and development has commenced on site. This application relates to a variation to the approved plans to allow for the removal of the previously approved swimming pool and the inclusion of a fit for purpose sports hall. A strategic decision has been made to alter how the swimming pool facility and the sports hall is provided to the community. The proposed alteration to the school development with the inclusion of the sports hall should be considered concurrently with application DC/2017/00196 which relates to the redevelopment of Monmouth Leisure Centre including the construction of a swimming pool. The proposed amended plans to include a sports hall are considered to be acceptable in principle. The omitted swimming pool would be provided for the community within Monmouth Leisure Centre (DC/2017/00196) and therefore there is no reduction in the recreational facilities that would be available to local residents. The sports hall within this application would also be made available to the community out of school operating hours. Strategic Policy S5 of the Local Development Plan (LDP) supports applications relating to Community and Recreation Facilities and states in part that 'development proposals that provide and/or enhance community and recreation facilities will be permitted within or adjoining town and village development boundaries subject to detailed planning considerations'. This is a major 21st Century School project and is aimed to provide a centre of excellence for education. The community would be provided with an excellent school and access to a modernised sports hall and swimming pool facilities (DC/2016/00196). Therefore, this application is fully in accordance with the objective of promoting sustainable communities in Monmouthshire.

5.2 Design and visual impact

5.2.1 The overall proposed design of the building would not be significantly different from the original scheme that was previously approved within DC/2015/00261. The proposed sports hall would be of a simple, functional design. The sports hall would be clad with polycarbonate and composite panels and it would contrast with the brickwork of the main school building. The modern contemporary three storey building would be constructed with high quality materials that are durable and of a relatively simple palette. The uniformity of using mainly buff brick for the external walls gives the building presence and outlines that the building is a community/public building. The proposed modern sports hall building would be viewed to be an ancillary element of the overall scheme and it would be of an acceptable scale, form and design. The contrasting palette of materials for the sports hall would ensure that it is visually distinct and is viewed to be an element of the building with a defined function. The proposed amendments to the overall scheme to allow for the construction of the sports hall would provide a well-designed contemporary building which would enhance the visual amenity of area and provide appropriate educational and recreational facilities to the community. The proposal would be in accordance with policies S17 and DES1 of the LDP.

5.2.2 The proposed replacement school building outlined within the submitted plans would enhance the appearance of the site to the benefit of the Conservation Area and the proposed sports hall building would be of an appropriate form and design. The resultant building would have an acceptable visual impact on the area and it would be in accordance with Policy HE1 of the LDP. The site lies within the built environment of Monmouth and the proposed sports hall attached to the school building would have a limited visual impact on the wider area. The proposed building would be contained within the built form of Monmouth and the resultant building would enhance the visual amenity of the area.

5.3 Amenity Open Space and Green Infrastructure

5.3.1 Part of the site lies within an area designated as an Area of Amenity Importance under Policy DES2 of the LDP. Policy DES2 aims to protect and enhance existing important green space within the built and natural environment that adds to the area's character. The proposed amendments to the plans to provide a sports hall are not considered to have a harmful impact on this amenity area. The well-designed educational facility would integrate well with the built environment and the existing open space and would be in accordance with Policy DES2 of the LDP.

5.4 Amenity and environmental protection

5.4.1 The use of the site for educational and leisure facilities is well established. The proposed building is not considered to have a harmful impact on the residential amenity of the nearby dwellings. The proposed amendment to the plans to provide a sports hall would not have an adverse impact on any third party and would be in accordance with Policies S13, S17, EP1 and DES1 of the LDP.

5.5 Response to Monmouth Town Council

5.5.1 The proposed recommendation for refusal from the Town Council in relation to the funding of the proposals would not be a material planning consideration and the proposed development is acceptable in planning terms.

5.6 Conclusion

The proposed redevelopment of the school is a positive form of development that would sustain the settlement of Monmouth in the long term. This proposed amendment to replace the previously approved swimming pool with a new sports hall building would provide a modern, fit for purpose facility for the pupils of the school and the local community. The swimming pool would be provided to the local community within the redevelopment of the Leisure Centre as outlined in the concurrent planning application DC/2017/00196. The resultant school building is considered to be of a high standard of design that would enhance the visual appearance of the area. The design, form and scale of the sports hall is appropriate for its intended use and it would contrast with the main school building and appear as a subordinate, secondary element with a defined function. The proposed amendments to the previously approved development would enhance the educational and recreational facilities of the town and would be in accordance with the relevant Policies of the LDP.

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

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

6.0 RECOMMENDATION: APPROVE

Conditions/Reasons (as stated within DC/2015/00261 unless discharged)

Condition No.	Condition
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.
4	Prior to works commencing above ground level on the main school building samples of the proposed external finishes shall be agreed in writing with the Local Planning Authority. The school building shall be constructed 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.
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 hereby approved development shall be carried out in strict accordance with the approved transport statement.
9	No part of the development hereby permitted shall be occupied until: a) Following remediation a <u>Completion/Validation Report</u> , confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority. 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 in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.
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	The development shall be carried out in strict accordance with Interseve Construction Limited – Construction Traffic Management Plan Dated June 2015
12	The temporary structures on the site agreed within condition 12 shall be removed from site within three months of the building, hereby approved, being brought into beneficial use and the site shall be developed in accordance with the proposed site plan MON-BDP-XX-00-PL-L-90002 REV P1.
13	The development shall be constructed in strict accordance with the agreed tree reports - Interserve Tree Protection Plan Mackley Davies Association Job 15/477/01 and <i>Mackley Davies Associates Ltd</i> Arboricultural Impact Assessment, Tree Constraints Plan & Method Statement <i>October 2015</i>

14.	The approved Construction Environmental Management Plan - Interserve Construction Ltd Environmental Procedure Rev A Dated 16/10/2015 shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
15.	The landscaping of the site shall be implemented in strict accordance with the planting plan MON-BDP-XX-00-PL-L-90005 during the first planting season following the substantial completion of the development of the site or that part of the site to which the landscaping relates. Any trees, shrubs or hedges dying, being severely damaged, or becoming seriously diseased within five years from the date of planting shall be replaced with trees, shrubs and hedges of similar size and species to those originally required to be planted.
16.	Prior to the structures being erected detailed plans of the cycle shelters, bin stores and sprinkler tanks shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented as agreed.
17.	The development shall commence in strict accordance with the green infrastructure details - Green Infrastructure Management Plan MON-BDP-XX-RP-L-900001, Landscape Master plan MON-BDP-XX-00-PL-L-90006 REV: P1 Planting Plan , MON-BDP-XX-00-PL-L-90005 REV: P1 , Green Infrastructure Plan , MON-BDP-XX-00-PL-L-90007 REV: P1 and Assets and Opportunities MON-BDP-XX-00-PL-L-90008 REV: P1.

Reasons

1.	To comply with Section 91 of the Town and Country Planning Act 1990.
2.	To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
4.	To ensure a satisfactory form of development takes place.
5.	To protect the integrity of the Public Sewerage System.
6.	To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
7.	To prevent hydraulic overload of the public sewerage system and pollution of the environment.
8.	In the interests of highway safety.
9.	To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.
10.	To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.
11.	To ensure that construction traffic do not harm the amenity of neighbouring properties and cause unacceptable congestion on the highway network.
12.	In the interests of visual amenity.
13.	To protect valuable tree or other landscape features on site in the interest of preserving the character and appearance of the visual amenities generally.
14.	To protect a species of conservation concern.
15.	To safeguard the landscape amenities of the area.

16	In the interests of visual amenity.
17.	To protect valuable tree or other landscape features on site in the interest of preserving the character and appearance of the visual amenities generally.

DC/2017/00035

CONSTRUCTION OF A NEW VEHICULAR ACCESS FROM THE PUBLIC HIGHWAY INTO PART OF THE WOODSIDE TRADING ESTATE

WOODSIDE TRADING AND INDUSTRIAL ESTATE, WOODSIDE, LLANBADOC, USK, NP15 1SS

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones
Date Registered: 30.01.2017

1.0 APPLICATION DETAILS

- 1.1 This application relates to land to the north of Woodside Garage that forms part of the wider trading and industrial estate. It is located on the edge of the town of Usk running parallel to the River Usk.
- 1.2 Planning permission is sought for a new vehicular access into part of the trading estate. To facilitate the provision of an entrance new dropped kerbs would be installed.
- 1.3 A recent Existing Lawful Development Certificate to establish a lawful access at the site was refused for the following reason:

The applicant has failed to show on the balance of probability that the land has been continually used as a vehicle access in excess of 10 years.

2.0 RELEVANT PLANNING HISTORY

DC/2016/01430 - The existing access, from the public highway, serving part of the property known as Woodside Trading Estate, has been used continuously, for a period of time in excess of ten years. Refused 19/12/2016

MB32228 - Reconstruction of service station. Approved 12/06/1990

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

EP1 Amenity & Environmental Protection
DES1 General Design Considerations
MV1 Proposed development and Highway Considerations

4.0 REPRESENTATIONS

- 4.1 Consultations Replies

Llanbadoc Community Council – Recommend the application is refused for the following reasons:

- The application seeks to remove an existing form of dropped kerb access between the rear of the BP petrol station and No 11 Woodside and the formation of a vehicular access as a form of road junction.
- The applicant's reasons for this are to avoid parked vehicles blocking this entrance to the estate and thus allowing safe entry/exit for large vehicles.
- We note that the existing dropped kerb type arrangement although having been in operation for a number of years was unauthorised and that the County Council as the highway authority cannot install any parking restrictions to keep this unauthorised access clear.
- We noted that there have been a number (7) of objections to the proposal by the immediate nearby residents who would be affected by the loss of parking in an area lacking in local parking provisions.
- The material considerations then are the improved access for the commercial vehicles to and from Usk Valley Joinery against the loss of parking provision for local residents.

We feel that this latter objection carries more weight as an existing parking problem for local residents would be made worse and would recommend refusal accordingly. We wondered if the applicant could make say 2 parking spaces available on their site for local residents in recompense for those lost and the proposed junction then allowed.

MCC Highways – Have no objection. The application is for the construction of a vehicular access from part of the Woodside Trading Estate onto the adjacent public highway which is a classified route No. R106. As far as the Highway Authority is concerned this is an established vehicular access which has been used historically to access the Woodside Trading Estate buildings on the northern side of the existing fuel station. There is an existing row of dropped kerbs at the access point along the edge of the carriageway which have been in-situ for a period well in excess of 20 years to facilitate access. Whilst the kerbing is not of a typical type it is evident that they have been laid to provide a short upstand between 25mm and 50mm to allow vehicles to traverse.

In light of the aforementioned comments the Highway Authority are of the opinion that this is an existing vehicular access which has been used historically therefore are not in a position to object to the application.

Should the applicant wish to carry out any alterations to the access they will be required to satisfy the requirements of the Highway Authority.

4.2 Neighbour Notification

Objections from five properties citing the following:

- There is very little parking this side of the bridge for householders;
- There are already two entrances into the industrial estate;
- If it is such a problem to get to the rear of the petrol station why isn't the car wash knocked down making a better access and it would be a big cure in the litter around the back of the petrol station with the hand car wash where there is a permanent tatty caravan parked;
- HGVs and delivery vehicles have more than enough room to stop, load and unload with the current setup and do this on a weekly basis;
- A similar plan has previously been rejected by the planning board (Application No: DC/2016/01430);
- It would encourage lorries through Usk and over the bridge which is already illegal;

- The proposed site is opposite the bus stop and would cause problems for bus & coach drivers required to stop or wait there as well as causing a potentially dangerous congestion bottleneck;
- Parking adjacent to a dropped curb becomes a contravention where a vehicle is parked on the carriageway alongside a place where the footpath or verge has been lowered to the level of the carriageway to enable easier passage to or in front of an entrance to a property;
- As there is already access to this property alongside the garage, this would effectively become a second access to the same property, enabling vehicles to enter by one entrance and exit by a different one, which I understand is against Monmouthshire CC building guidelines;

Letters of support have been received from two properties, noting the following:

- Would greatly benefit from the access being official as we have deliveries on a daily basis throughout the week, this access was asked for due to an accident that occurred due to a lorry waiting to deliver to us and we were accused of accident and also the cars parking/blocking what looks like a drop kerb already in existence;
- Some of the residents have 3 vehicles per household and living where there is on street parking is fair also there is plenty of space to park on the opposite side of the petrol station;
- If there was to be a fire in any of the buildings behind the houses how would a fire engine get in there;

5.0 EVALUATION

5.1 Visual Impact

5.1.1 Whilst the application site immediately adjoins the Usk Conservation Area, owing to the nature of the proposed works (installation of a dropped kerb) it is not considered that the development would fail to preserve or enhance the character and appearance of the Usk Conservation Area.

5.2 Highway Issues

5.2.1 When planning permission was granted for the reconstruction of the service station in 1990 the area now subject of this application is intended to be kerbed rather than serve as an additional point of access. A lowered kerb has been installed however, it is not possible to determine when this was undertaken. A recent Lawful Development Certificate to establish that an access had been used continually in breach of planning control in excess of 10 years. This application was refused as it failed to show on the balance of probability that the land has been continually used as a vehicle access in excess of 10 years.

5.3.1 The proposal now to create a formal point of access has been considered by the Council's Highway Engineer who notes that the Highway Authority are of the opinion that this is an existing vehicular access which has been used historically therefore are not in a position to object to the application. The existing kerb provides a short upstand between 25mm and 50mm which already allows vehicles to traverse at present, unless vehicles are parked across the opening.

5.3.2 Therefore for the reasons detailed above it is not considered that the development is contrary to Policy MV1 of the Monmouthshire LDP and as such no grounds to recommend a refusal.

5.3 Response to Other Issues Raised

- 5.3.1 Residents at Woodside have expressed concerns that the provision of a new entrance would result in the loss of 2 parking spaces. This area does not form part of the properties' formal parking provision and as detailed in section 5.2 previously in this report there are not sufficient highway grounds to refuse an access in this location.

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.

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.

DC/2017/00093

CONVERSION WITH ALTERATIONS AND EXTENSIONS TO FORMER GALLERY TO PROVIDE 1 NO. DWELLING

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

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones

Date Registered: 01.02.2017

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 was refused by Planning Committee in January of this year for the conversion of the building to provide two dwellings for the following reason:

The proposal to create two dwellings is considered to be an over-development of the site which would fail to provide sufficient off-street parking in an area where on street parking is prevalent and where the lack of available parking close to homes causes congestion and displacement of parking, inconvenience to residents and significant harm to local amenity.

1.3 Planning permission is now sought for the conversion of the building to provide a single dwelling (4 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.

1.4 The building is not listed but does sit within the Usk Conservation Area (Policy HE1) and also an Archaeologically Sensitive Area (ASA).

1.5 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).

1.6 The application is presented to Planning Committee at the request of the Local Ward Member Brian Strong.

2.0 RELEVANT PLANNING HISTORY

DC/2015/01588 Conversion with alterations and extensions to former gallery to provide 2 no. dwellings. Refused 18/01/2017

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 – Recommend the application is refused, noting that the site will be overdevelopment and lies between a Grade II listed building and an old church.

MCC Senior Strategy & Policy Officer - Housing and Communities have pleasure in responding to your email of 23rd February 2017. It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. The calculation of the financial contribution that will be required is £27,685.

MCC Highways - The current application proposes reducing the development from 2 houses to 1 house, the reduction in the number of dwellings has a significant impact on the adjoining streets whereby the level of on street parking to support the revised proposal is reduced by 50%.

It is therefore felt, considering the extant use of the building and the supporting information provided previously indicating the extent of existing on street parking in the immediate vicinity of the proposal that Highways would be unable to substantiate an objection to the revised proposal on highway safety grounds and the proposal would not significantly reduce or displace current available on street parking.

MCC Ecology - A bat survey was undertaken to inform the previous application (DC/15/01588) and is still relevant. It is noted that the survey is now one season old, it is recommended that should the development not proceed within 2 years of the survey date that the applicant undertake an update assessment to ensure that protected species are adequately considered.

A desk study including local data search informed the report, the site lies within 1km of 17 bat roosts, the closest of which within 250m.

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 Environment (Wales) Act 2016. A planning condition is recommended to support this.

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.

Natural Resources Wales – (Original Comments) - 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.

The application proposes highly vulnerable development within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 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 in December 1974.

A revised FCA is therefore required, which uses the latest climate change allowances.

Currently our data from the River Usk model only provides a 20% allowance for climate change. The FCA should use the latest climate change allowances of 25%. We are in the process of updating all our models to include the new allowance but if the applicant is unable to wait for the update to the Usk model, it will be necessary for them to obtain our model and undertake further modelling to include the 25% allowance.

If no revised FCA is submitted or any revised 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.

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 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.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website at this link (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

(Revised Comments) The Welsh Government letter, dated 23 August 2016, reference CL-03-16, advises that revised climate change allowances should be incorporated into flood consequences assessments (FCA) accompanying planning applications from 1 December 2016. This application appears to have been submitted after that date. However, notwithstanding the above, since our letter of 16 February 2017 we have been made aware of modelling work for the River Usk being undertaken to inform an FCA for another planning application. This work has produced new flow estimates for the River Usk. The flows used in your FCA dated October 2015 represent a conservative approach to the hydrology. Given this, the use of these new flows (1% event plus 25%) in your assessment is likely to result in lower predicted flood levels than stated in the FCA.

Therefore, on this basis, and as a conservative FCA has been provided, a rerun of the River Usk model is no longer required to inform the FCA for this application. As such, we have reviewed the FCA produced by Engineering Associates, dated October 2015, reference 15/2310 FCA rev A, submitted in support of this application. The FCA demonstrates:

- The existing threshold level of the existing building is 16.92m AOD and this will be raised to 17.3m AOD post development.
- Based upon the proposed finished floor levels of 17.3m AOD, the development is predicted to be flood free during the 1 in 100 year plus climate change event, and therefore in line with the advice at A1.14 of TAN 15.
- During the 1 in 1000 year flood event, the development site is predicted to experience a flood depth of 600mm, which is within the indicative tolerable conditions set out at A1.15 of TAN 15.

The FCA has not considered the other criteria in A1.15:- rate of rise, velocities and speed of inundation.

Based on the above, we recommend any planning permission granted should include the suggested condition.

The FCA also assesses the flood risk to the access / egress routes, which states that the proposed route, North along Maryport Street, is predicted to remain flood free during the 1 in 100 year plus climate change event but is predicted to flood to a maximum depth of 0.66m in the 1 in 1000 year flood event. TAN15 advises that access routes should be shown to be operational under all conditions. It is for the local planning authority to determine whether the risk to be acceptable after consultation with appropriate professional advisors.

We do not comment on whether safe access and egress can be achieved to and from a site as this is a matter for emergency services to determine.

In order to further mitigate the flood risks and consequences during the 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.

Glamorgan Gwent Archaeological Trust - 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.

Wales & West Utilities – Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirement in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

4.2 Neighbour Notification

Objections from four parties citing the following:

- Loss of light and overshadowing is a material planning consideration;
- This development is too large and far too close to my property and prevents my Right to Light which is protected in England and Wales under common law by the Prescription Act 1832;
- Unacceptable impact on Conservation Area and setting of listed building;
- Development will affect structural stability of neighbouring property and remove any access for the purpose of maintenance;
- The whole setting of 32 Maryport Street needs to be taken into account, not just the frontage;
- This converted Chapel is designated as "a building making a particular or special positive contribution" to the Character Area 6F of Usk Conservation Area (MCC 2013);
- There is simply no need for a single dwelling on this to be this large;

- Ground floor windows less than 2m away would result in loss of privacy;
- Plans are confusing in relation to the height of the boundary fence which should be no more than 1200mm;
- Height of fence should be controlled through condition and normal permitted development rights in respect of future development be removed;

4.3 Other Representations

Usk Civic Society – objects to the proposal to build a single dwelling on the site of the former smithy and gallery at 34 Maryport Street. The application is intended to address the refusal of a previous application (DC/2015/01588) to build a pair of semi-detached houses on the site, which was discussed at Planning Committee in December 2016 and then, following remit to officers for reconsideration, in January 2017. However the footprint of the single house in the new application is identical to that of the two semi-detached houses previously proposed, and in the Society's view the proposal consequently fails to remedy most of the problems exposed in comments by the Society and others (including specialist MCC officials) in relation to the earlier proposals.

The Society wishes to emphasise that while there are obvious linkages between the present application and its predecessor, and consequently this objection refers to material available in relation to the earlier one, this is a fresh application and must be considered afresh on its own merits, with all aspects considered. The applicant appears to believe that a single dwelling on the site will be acceptable whatever its size because it will reduce the requirement for on-street parking spaces to a maximum of three. The placing of a building of that size and mass on the site constitutes overdevelopment and is inappropriate for several reasons other than the parking issues, important as those are. The Society has throughout emphasised that it has no objection in principle to the replacement of the redundant and deteriorating gallery building by residential development. The building must, however, be appropriate in all respects to its setting. These proposals are overbearing and damaging. Detailed reasons follow below.

32 Maryport Street (Grade II listed) abuts the development site to the north. There is a statutory presumption against development where it would impact adversely on a listed building or its setting. The Heritage Officer commented in relation to the original plans for 34, which had a double height rear extension for both houses. "in principle an extension would be acceptable provided it was in keeping with the scale of the host building and respected the setting of the listed building [No 32]. On the basis that the proposed extension is too large and affects the setting and character of the listed building this application... should be refused." The current plans have a single height extension. However that leaves the kitchen of 32 looking out onto a blank wall 1.2 metres away. Officers' original report on the application for two semis concluded that: "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". The Society finds it impossible to accept this as a reasonable conclusion, particularly in the case of a listed building. Furthermore the officers' original report (para 5.3.1) appears to take the view that because the extension affects only the rear aspect of the neighbouring property, it would "not fail to preserve or enhance the appearance of the conservation area". This statement is tendentious enough – why should rear aspects in conservation areas be given so little weight? But it completely fails to give proper consideration to the effect on the listed building 32, to which the statutory presumption against development (see above) applies and where surely the effect of development on all aspects of the building and on its setting should be considered. See also comments on amenity below.

The impact on 32 (currently itself undergoing welcome restoration) deserves consideration quite apart from its listed status. The only kitchen window would face a blank wall 1.2 metres away and receive only indirect diffused light (no light loss calculations have been produced). This hardly seems compatible with Policy DES1(c) and (i) of the LDP, which state that all development proposals will be required to respect the existing form, scale, siting, massing, materials and layout of the setting and of any neighbouring quality buildings. For 32, the change would surely fail this test on any reasonable view. Irrespective of its listed status, it is hardly to be supposed that the builders of 32 would have chosen to place the only window of a habitable room so close to a blank wall. Practically speaking, a gap of only 1.2 metres would make access for maintenance to both side elevations, but particularly the double height 32, extremely difficult. That is not the sort of good design one would expect to see, particularly in a conservation area.

The gap between the proposed house adjoining 36 and 36a would also be narrow, and here the revised plans still feature a double height extension only slightly reduced in height from the original design. The officer's report on the original application notes that the extension would be 1.7 metres further back than the rear of the existing former gallery at 34, but concludes that the loss of amenity to 36 would not be unacceptable because (para 5.4.2) "the main window to be obscured would serve a stairwell (non-habitable room)". A poorly lit ground floor access lobby is bad enough, but the recommendation fails to consider the effect on the upstairs flat 36a. As the owner Mrs Baker has pointed out, the loss of good natural light on the stairs to her flat will cause her additional expense, considerable inconvenience and possible danger, especially since she has a visual impairment. Loss of light to her bathroom and to the side window of her sitting room (a habitable room) will also occur, and has not been considered, nor have any light loss calculations been done.

Apart from the effect on 36 and 36a of the large mass of the double height rear extension, the principal effect on the residential amenity of the property will come from the proposed fence to be erected along the boundary with 34, very close to the side wall of 36. The original plan for two semis proposed a 1.83 metre "close-boarded" fence. The owner Mrs Collis has pointed out that this would cut out much of the natural light to the only window of her kitchen/breakfast room (surely a habitable room?), where she spends much of her time, and to her utility room, and that the fence will block her light even more than its stated height would suggest, because the ground level of her property is lower than that of 34. The officer's report on the original application (para 5.4.3) fails to take any account of this and states that "it is not considered that this would reduce light levels as suggested given its lightweight form and height". It is not clear why a close-boarded fence should reduce light levels any less than the blank wall facing the kitchen of 32 (see above), and indeed the dire effect on the light levels in the kitchen of 36 was physically demonstrated to members of MCC Planning Committee during a site visit in December 2016.

At a late stage during the consideration of the original application it was suggested that the applicant might be prepared to reduce the height of the fence to 1.2 metres. It is not clear whether this concession is still in play, because the only plan on the website which shows it also shows the ground floor plan from the original application for two semis. Certainly anything higher would have a very severe effect on the residential amenity of 36. It has been suggested that under Permitted Development rights it would be possible for any future resident of 34 to erect a fence of up to 2 metres. The officer's report on the application for two semis recommends that these rights should be removed in respect of any further extension of the development. The same should apply in the case of this boundary fence from the start. Conservation area status is

also relevant here. Furthermore the suggested condition to approval that the finished floor levels of the development be raised to 17.3 metres to improve flood resilience would be likely further to increase the apparent height of any fence if the raised levels of the houses result in raised levels in the gardens. This might even result in increased flood risk to 36 because of displacement and run-off.

Finally on the effect of the proposed development on the residential amenity of the existing properties either side of 34, the Society recalls the decision of the Inspector in a recent case (APP/E6840/A/16/3144803 Castle Oak Usk NP15 1SG), where it was proposed to squeeze a bungalow into a narrow gap between two existing dwellings. Dismissing the appeal, and referring to relevant parts Policy DES1 (d) and EP1 of MCC's LDP, she noted that the "close proximity of... a substantial amount of built form close to[neighbouring property] would represent such a significant change that it would result in an over-dominant impact on outlook... consequently, I find material harm to the living conditions of the occupiers...therefore conflicts with Policies DES1(d) and EP1 of the LDP, which aim to safeguard residential amenity". The facts in that case are, of course, different. However we consider that the Inspector's view of the residential amenity of existing properties is preferable to one which considers acceptable a blank wall little over a metre from significant windows in neighbouring existing properties. A single dwelling with a smaller and more sensitively designed rear extension would present many fewer difficulties.

The Design and Access Statement for the present application states that the aim is "to make more efficient and effective use of this building". The intention is presumably to reflect Policy DES1 (i) of the LDP. The footprint of the single dwelling is the same as that of the two semis in the original application. A completely open plan layout has been adopted, giving unseparated areas labelled "lounge", "sitting room", "family area", "dining" and "breakfast". The Society questions whether this is in fact efficient and effective use of space in a 3 bedroom house. The open plan design means that separate activities cannot be carried on by different family members without mutual interference. It therefore considers that this layout is overlarge and in fact inefficient. The essential functions of a house this size could be contained within a smaller and more efficient envelope (probably also more energy-efficient), and therefore a smaller and less intrusive rear extension would be needed.

The Society also notes a recent communication from Wales and West Utilities concerning their gas infrastructure in the vicinity of the site. Such services rightly require extreme care when building on a brownfield site. An area marked in blue as a "contact zone" is shown in and just outside the kitchen of 32. It is not clear to a non-specialist what this means, but if it refers to sensitive infrastructure that would surely be another reason to be very cautious about allowing building so close to that area of 32.

The Society notes that as a single dwelling the site would require a maximum of three parking spaces since the county standard requires one space per bedroom up to a maximum of three, and that those spaces must necessarily be on-street as they cannot be provided within the site. It agrees with the view expressed by MCC Highways in relation to the original proposal for two dwellings that relaxation of the county standard would not be appropriate for this site because Usk is not a "sustainable location". To this extent the application represents an improvement on its predecessors. The Society remains of the view that, while the limited amount of parking available on Maryport Street are one reason why the density of any redevelopment of this site must be carefully controlled, it is by no means the only reason why proposals for a building of the size and mass of the current and previous applications are overbearing and constitute overdevelopment.

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) was submitted with the application however concerns were originally raised by Natural Resources Wales (NRW) on the basis that it does not meet the requirements set out in the Welsh Government clarification letter of 23 August 2016 (ref. CL-03-16) and its guidance on current climate change allowances. Currently data held by NRW from the River Usk model only provides a 20% allowance for climate change, as such NRW stated that the FCA should use the latest climate change allowances of 25%.

- 5.2.2 Further to this negotiation between the applicant and NRW have concluded that given new flow estimates for the River Usk (from another planning application) and the conservative stance taken by the submitted FCA that no further information would be required to inform the application.

- 5.2.3 It is therefore considered that, subject to condition, 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 There have been no material alterations to the external works proposed to the building from that previously refused under DC/2015/01588. Therefore as concluded previously it is not considered that the development would fail to preserve or enhance the character and appearance of the Usk Conservation Area, neither would it on balance cause unacceptable harm to the setting of the listed building.

5.4 Residential Amenity

- 5.4.1 As noted previously there have been no alterations to the external fabric of the building, similarly the new means of enclosure between the site and Nos 36/36A to the rear of

the site would still be limited to 1.2m in height. For this reason the development is not considered, as under application DC/2015/01588, to cause such demonstrable harm to residential amenity so as to warrant refusal.

- 5.4.2 As previously 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 previous application for two dwellings was refused by Planning Committee for highway reasons (see paragraph 1.2 of this report). The amendment to the scheme to now provide a single dwelling means that adopted Supplementary Planning Guidance (SPG) in respect of domestic parking would require three off street parking spaces to be provided (previously five on the basis of two dwellings). This amendment has seen the Council's Highway Engineer remove a previous objection. It is noted that considering the extant use (gallery) of the building and the supporting information provided previously indicating the extent of existing on street parking in the immediate vicinity of the proposal that Highways would be unable to substantiate an objection to the revised proposal on highway safety grounds and the proposal would not significantly reduce or displace current available on street parking.

- 5.5.2 Therefore on the basis of the above it is considered that the revised proposal has overcome the single reason for refusal by Planning Committee of the previous application for two dwellings.

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 Town Council and Other Issues Raised

- 5.7.1 The response to the Town Council's objection is addressed in pars. 5.3 – 5.5 above. The concerns raised by third parties have been addressed in the previous sections of this report. The issue that the proposed development would result in potential structural stability problems to third party properties would be a private legal matter.

6.0 **RECOMMENDATION: APPROVE subject to Section 106 Agreement, with Heads of Terms below:**

Financial contribution towards affordable housing in the local planning authority area for the sum of £27,685.

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.
8. The fencing approved between the application site and No's 36/36A shall not exceed 1.2m in height and shall be retained at such height in perpetuity.
Reason: To protect local residential amenity.
9. Notwithstanding the provisions of Article 3, schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) Order 2013

(or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

Reason: To protect the character and appearance of the Conservation Area as well as to protect local residential amenity.

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

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) and it is recommended that it is carried out either by a CIfA Registered Organisation (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. 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.
7. Wales & West Utilities.

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DC/2017/00196

EXTEND THE EXISTING BUILDING (TO THE SOUTH ELEVATION) WITH A TWO STOREY BUILDING TO HOUSE CHILDREN'S ACTIVITY ZONE AND EXTERNAL MECHANICAL PLANT TO THE ROOF. THE EXISTING LEISURE CENTRE IS TO RECEIVE A MAJOR INTERNAL REFURBISHMENT WITH A SWIMMING POOL AND ASSOCIATED FACILITIES REPLACING THE SPORTS HALL. EXISTING MAIN ENTRANCE TO BE RELOCATED TO EAST ELEVATION WITH MINOR EXTERNAL WORKS TO EXISTING CAR PARK AND HARD LANDSCAPING.

MONMOUTH LEISURE CENTRE, OLD DIXTON ROAD, MONMOUTH, NP25 3DP

RECOMMENDATION: APPROVE

Case Officer: Craig O'Connor

Date Registered: 27/02/2017

1.0 APPLICATION DETAILS

1.1 Monmouth Leisure Centre is located along Old Dixton Road and shares a site with Monmouth Comprehensive School. The application seeks consent to extend the existing leisure centre on its front elevation with a two storey extension as part of the redevelopment of the leisure centre. Monmouth Leisure Centre is to be redeveloped to include a new swimming pool to replace the pool that was demolished as part of the new school development (DC/2015/00261). The previous application, DC/2015/00261, gave consent for a new swimming pool within the school building however this proposal would now be superseded with the pool now being provided at the Leisure Centre and the sports hall being located at the school. Monmouth County Council has a commitment to replace the demolished swimming pool and this application seeks consent to extend the existing building to provide additional space for the redevelopment. The replacement swimming pool would be a 25m length 5 lane pool. In addition to the swimming pool the leisure centre would also make provision for a 40-50 station gymnasium, children's soft play provision and a toning suite. The consideration of this application should also take into account the proposals within application DC/2017/00030 which proposes to vary the approved plans for the new Monmouth Comprehensive School (DC/2015/00261) to allow for the construction of a new sports hall. In the long term the sports hall within the school building would be available for the use of the Leisure Centre and for local residents of Monmouth out of school operating hours.

1.2 The proposed two storey extension would be sited on the front (south east) elevation and would have a footprint that would measure 13.4m x 8m. The extension would have a flat roof that would measure 8m at its highest point. The roof of the extension would accommodate plant equipment required to service the swimming pool but this would be concealed with PPC cladded panels that would match the existing arrangement. An element of the plant equipment would project above the roof. The proposed extension would be constructed with materials that would match the existing arrangement. The proposals are outlined on the submitted plans Drg No 2128.02.402 REV P6 (proposed elevations), Drg No 2128.02.311 REV P7, Drg No 2128.02.312 REV P6 (proposed ground and first floor plans) and 2128.02.203 REV P3 (proposed site plan).

2.0 RELEVANT PLANNING HISTORY

DC/2017/00030 Alterations to the approved scheme namely: removal of swimming pool, and addition of sports hall facility. Relating to application DC/2015/00261. Concurrent application on the same agenda for determination – Recommended for approval

DC/2015/00261 Demolition of existing secondary school buildings and construction of a secondary school (D1) comprising 14,824m² (gross internal area) of floor space, principles of landscaping, car and cycle parking spaces. Approved July 2015

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S5 Community and Recreation facilities
- S12 Efficient resource use and flood risk
- S13 Landscape, Green Infrastructure and the Natural Environment
- S16 Transport
- S17 Place making and design

Local Policies

- EP1 Amenity and environmental protection
- DES1 General Design considerations
- DES2 Areas of amenity importance
- SD3 Flood risk
- SD4 Sustainable drainage
- G11 Green Infrastructure
- NE1 Nature conservation and development
- MV1 Proposed development and highway considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Monmouth Town Council – No recommendation received to date. The application was deferred on 13th March as the Council required additional information in relation to the following: -

1. What is happening with the replacement sports hall?
2. What is the width of the pool and the swimming lanes?
3. How is the pool accessed from the changing rooms?
4. More detailed information required regarding the viewing area of the pool.

The application is due to be re-considered by the Town Council on 27th March. The recommendation will be added to late correspondence for Planning Committee Members to view.

MCC Biodiversity Officer - Thank you for consulting us on the above application, based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision. It is noted that the site is of negligible value to wildlife, being predominantly hardstanding. Shrub areas are present on site and offer bird nesting opportunities with historic nests present, these areas are noted as being retained. The building itself and trees have been adequately assessed for bats and it was found that the site as a whole has negligible potential for bat roosting. As such I would suggest the below informative notes be added to any consent.

MCC Environmental Health Officer – Whilst there is concern about the potential of noise to impact on nearby residents from the proposed development and in particular the plant equipment on the roof I am of the opinion that providing the findings of the noise assessment are adhered to these should be acceptably managed. Therefore I would recommend as per the findings of the noise assessment that a condition be attached to any planning permission granted that written confirmation is provided from the developer and agreed to by the local planning authority prior to the development commencing of all noise mitigation measures to be implemented on the proposed development to ensure noise does not impact significantly on nearby properties

MCC Highways Officer – No objection to the proposal as there is adequate car parking provision and the development will not have a detrimental impact on highway safety.

Glamorgan Gwent Archaeological Trust – It is likely that there could be features and finds of Medieval date outside the focus of the known settlement and therefore within the proposed development area. We therefore recommend that a condition requiring the applicant to submit a detailed programme of investigation for the archaeological resource should be attached to any consent granted by your Members. This will contain detailed contingency arrangements including the provision of sufficient time and resources to ensure that all archaeological features that are located are properly excavated and removed and a report on the archaeological work submitted.

4.2 Neighbour Notification

No objection received to date.

4.3 Local Member Representations

None

5.0 EVALUATION

5.1 Principle and visual impact

- 5.1.1 The principle of extending the existing leisure centre and its redevelopment is acceptable and would be in accordance with Policy S5 of the Local Development Plan (LDP). The site does lie within Flood Zone C2 however the scale of development would not result in any additional flood risk to any party or the wider area. The scale and design of the proposed two storey extension is considered to be acceptable. The extension is relatively modest in comparison to the existing building and it would enclose an existing recessed section of the building. The proposed extension is of an acceptable size and the design is appropriate for the building. The resultant building would not appear significantly different from its existing arrangement. The plant equipment that would be located on the roof and the majority of the equipment would be concealed from view with a fascia to match the existing arrangement resulting in the plant equipment not being visually intrusive. However there would be an element of the plant equipment above this fascia as outlined on Drg No 2128.02.402 REV P6. This plant equipment is required to install the swimming pool within the building and after detailed discussions there are no appropriate alternative solutions for the siting of this plant equipment. It is considered that the equipment could be housed with panelling in a colour that matches the Leisure Centre to mitigate for its visual appearance. The equipment would also be set back within the roof of the extension and would not be significantly dominant within the street scene. From the adjacent road (Old Dixton Road) it is not considered to be particularly noticeable given the height

of the building. The plant equipment is also a functional requirement to provide the swimming pool at the site and there are no suitable alternative locations for the equipment. The height of the plant equipment is not ideal however on balance it is considered that the visual impact of the equipment is acceptable subject to a condition being added to any consent outlining that it needs to be sensitively housed to mitigate for its appearance. The proposed development would be of an acceptable standard of design that would not harm the appearance of the area.

- 5.1.2 The site does lie within an area of amenity importance as outlined in Policy DES2 and the development would not harm the characteristics of the area and it would be in accordance with the requirements of Policy DES2. The proposed materials would match the existing arrangement and would be appropriate for this type of community building. The proposed development would enhance the facilities that the Leisure Centre offers and the extension would not harm the visual appearance of the building or the wider area. The proposed two storey extension would allow the centre to broaden the range of facilities it offers and the development would be in accordance with Policies S5, S17, DES1 and EP1 of the LDP.

5.2 Residential amenity

- 5.2.1 The proposed two storey extension on the front elevation would not harm any other party's amenity. The development would not harm any party's privacy or private amenity space and would be in accordance with Policy DES1 of the LDP. The additional plant equipment that would be installed at the site has been reviewed by the Council's Environmental Health Team and they have no objections to the proposals. The plant equipment would not harm any other party's health and would be in accordance with Policy EP1 of the LDP.

5.3 Parking and Highway Safety

- 5.3.1 The proposed modest extension to the Leisure Centre would not result in a significant amount of additional traffic at the site and the parking provision is considered to be acceptable. The submitted plans also outline an additional area for overflow parking if required for busy events. The Council's Highways Officer has reviewed the proposals and has no objections to the development. The extension would not have an impact on highway safety in the area and would be in accordance with Policy MV1 of the LDP.

5.4 Response to the Representations of Monmouth Town Council

- 5.4.1 The application proposes a two storey extension to the existing Leisure Centre and in planning terms there are no overriding reasons why the development would be unacceptable. The Local Planning Authority understand the concerns of the local community in relation to the leisure facilities that are provided at the site but the internal layout and functions of the redeveloped building would not be a planning consideration. The development would result in Monmouthshire County Council providing a five lane 25m long swimming pool at the site and the sports hall within the amended Monmouth Comprehensive School application DC/2017/00030 would provide a sports hall for the Leisure Centre (for community use, out of school hours) in the long term. There are no overriding planning matters that should result in the application being recommended for refusal.

5.5 Conclusion

- 5.5.1 The proposed redevelopment of Monmouth Leisure Centre would not have a harmful visual impact on the existing building or the area. The modest extension is of an

acceptable scale and would be of a design that respects its setting. The resultant building would not appear significantly different from the existing arrangement and it would not harm the appearance of the locality. It would not harm any party's amenity or health and the highway implications of the development are negligible. The proposed development would be in accordance with the relevant policies in the LDP.

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

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

6.0 **RECOMMENDATION: APPROVE**

Conditions

1. The proposed development shall commence within 5 years of the date of this consent
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The hereby approved development shall commence in accordance with the approved plans only.
Reason: For the avoidance of doubt
3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
4. Prior to the commencement of development written confirmation of the noise mitigation measures to be implemented on the proposed development to ensure noise does not impact significantly on nearby properties shall be submitted to and agreed in writing by the local planning authority. The development shall be constructed in accordance with those approved details.
Reason: To protect residential amenity
5. As outlined within the Noise assessment on behalf of ISG Construction Ltd dated 16th February 2017 Report number: 101440 the proposed development shall ensure the following noise mitigation measures are implemented at the site : -
 - The plant finally selected for the site will not be louder than those provided by Hensall Mechanical Services and detailed in Table 5.
 - Internal noise from the main plant room is attenuated to not exceed existing external noise levels.
 - The parapet cladding around the roof top plant is at least 1 m in height and a minimum mass of 12 kg/m².Reason: To protect residential amenity
6. No development shall commence until detailed information outlining how the proposed plant equipment on the roof outlined within Drg No 2128.02.402 REV P6 can be housed to mitigate its visual appearance is submitted to and agreed in writing with the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

<p>SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN RURAL CONVERSIONS TO A RESIDENTIAL OR TOURISM USE (POLICIES H4 & T2) SUPPLEMENTARY PLANNING GUIDANCE</p> <p>MEETING: PLANNING COMMITTEE</p> <p>DATE: 4 APRIL 2017</p> <p>DIVISION/WARDS AFFECTED: ALL</p>
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1. PURPOSE:

- 1.1 The purpose of this report is to seek Planning Committee's endorsement of the Draft Supplementary Planning Guidance (SPG) on Rural Conversions to a Residential or Tourism Use (Policies H4 and T2), with a view to issuing for consultation.

2. RECOMMENDATIONS:

- 2.1 To endorse the Draft Supplementary Planning Guidance (SPG) on Rural Conversions to a Residential or Tourism Use (Policies H4 and T2), with a view to issuing for consultation, and to recommend to the Cabinet Member for Innovation, Enterprise and Leisure accordingly.

3. KEY ISSUES:

Background

- 3.1 The Monmouthshire Local Development Plan (2011-2021) was adopted in February 2014 to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). This statutory development plan contains a number of policies relevant to rural conversions which are set out in Appendix A of the Draft SPG (attached as Appendix 1). Legislation requires that planning applications are determined in accordance with the LDP, unless material planning considerations indicate otherwise. Consequently, the effectiveness and appropriateness of the LDP policies is essential in securing desired housing and tourism outcomes.
- 3.2 The requirement for this Draft SPG has arisen from some concern over the interpretation of Policies relating to rural conversions for both residential and visitor accommodation. This includes the extent to which the LDP policy framework is supportive of the conversion of particular types of buildings for the different uses.
- 3.3 Selective use of SPG is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP will be applied in particular circumstances or areas.

PPW (Edition 9, 2016) at paragraph 2.3.3 states that:

'SPG does not form part of the development plan but it must be consistent with the plan and with national policy. It must derive from and be clearly cross referenced to a generic LDP policy, specific policies for places, and/or – in the case of a masterplan or site brief – a plan allocation. SPG cannot be linked to national policy alone; there must be an LDP policy or policy criterion that provides the development plan 'hook', whilst the reasoned justification provides clarification of the related national policy.'

- 3.4 Paragraph 2.3.4 of PPW further emphasises that SPG can be a material consideration in the determination of planning applications, provided that it is consistent with the development plan and appropriate consultation has been undertaken:

'Only the policies in the development plan have special status under section 38(6) of the 2004 Act in deciding planning applications, but SPG may be taken into account as a material consideration. In making decisions on matters that come before it, the Welsh Government and the Planning Inspectorate will give substantial weight to approved SPG which derives from and is consistent with the development plan, and has been the subject of consultation.'

Draft Rural Conversions to a Residential or Tourism Use SPG

- 3.5 The Draft Rural Conversions to a Residential or Tourism Use SPG is attached to this report as **Appendix 1**. The SPG is intended to provide certainty and clarity for applicants, officers and Members in the interpretation and implementation of the LDP policy framework, specifically Policy H4, in relation to proposals for rural residential conversions. The SPG also provides clarity on the interpretation of the part of Policy T2 (Visitor Accommodation outside Settlements) that relates to rural conversion proposals for visitor accommodation.
- 3.6 The SPG provides an overview of the planning policy context in relation to rural conversions at both the national and local level. The primary focus of the SPG is to provide detailed guidance on the interpretation and implementation of Policy H4 in the assessment of proposals for residential conversions/rehabilitations in the open countryside (Section 3). The SPG also provides relevant information on assessing proposals for rural visitor accommodation conversions and the interpretation of the criteria listed in Policy T2 (Section 4). Information is also provided with regard to submitting a planning application for rural conversions, including details of the Council's pre-planning application advice service. The relevant policies are provided in full in Appendix A of the SPG.
- 3.7 The existing Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG (April 2015) has been incorporated into this SPG. That 2015 SPG would therefore be superseded. The Conversion of Agricultural Buildings Design Guide produced in April 2015 is however retained as a separate document and should be read alongside this SPG. These existing SPGs can be viewed on the Planning Policy web pages using the following link: <http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance> .

Next steps

- 3.8 As referred to in paragraph 3.4 above, for SPG to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process. Following a resolution to consult, targeted notifications will be set to those considered to have an interest in the SPG topic, although all town and community councils will be consulted and a notice will be placed in the press. The consultation will also be publicised via our Twitter account @MCCPlanning. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution for the adoption of any SPG document.

4. REASONS:

- 4.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on

27 February 2014 and decisions on planning applications are now being taken in accordance with policies and proposals in the LDP. The Rural Conversions to a Residential or Tourism Use SPG provides further explanation and guidance on the way in which the Conversion/Rehabilitation of Buildings in the Open Countryside for a Residential Use and Visitor Accommodation policies of the LDP will be implemented.

5. RESOURCE IMPLICATIONS:

- 5.1 Officer time and costs associated with the preparation of SPG documents and carrying out the required consultation exercises. Any costs will be met from the Planning Policy budget and carried out by existing staff.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

- 6.1 Under the Planning Act (2004), the LDP was required to be subject to a Sustainability Appraisal (SA). The role of the SA was to address the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environmental Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. SPG is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

Equality

- 6.2 The LDP was also subjected to an Equality Challenge process and due consideration was given to the issues raised. As with the sustainable development implications considered above, SPG is expanding and providing guidance on these existing LDP policies, which were prepared within this framework.
- 6.3 In addition, a Future Generations Evaluation is attached. This includes Equalities and Sustainability Impact Assessments (attached as **Appendix 2**)

7. CONSULTEES

- Planning Committee
- Development Management Officers

8. BACKGROUND PAPERS:

- Monmouthshire Adopted LDP (February 2014)
- Conversion of Agricultural Buildings Design Guide SPG April 2015
- LDP Policy H4 (g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG April 2015

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**Monmouthshire County Council
Local Development Plan**

**Draft Supplementary Planning
Guidance**

**Rural Conversions to a Residential or
Tourism Use**

(Policies H4 and T2)

March 2017

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Appendices

- A** Local Development Plan Rural Conversion Policy Framework
- B** Contacts

1 Introduction: Purpose of this Supplementary Planning Guidance

- 1.1 This note is one of a series of Supplementary Planning Guidance (SPG) Notes that have been prepared to provide supporting information and advice on the implementation of the Council's LDP policies. The Notes are intended to offer clear guidance on the main considerations that will be taken into account by the Council when reaching decisions on planning applications and in this case how planning policy on the conversion/rehabilitation of buildings in the open countryside to residential use will be implemented in practice.
- 1.2 The existing Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG has been incorporated into this SPG. The April 2015 SPG has therefore been superseded. The Conversion of Agricultural Buildings Design Guide produced in April 2015 is however retained as a separate document and should be read alongside this SPG.
- 1.3 This SPG is prepared in the context of the Monmouthshire County Council Adopted Local Development Plan (LDP), February 2014. The SPG is a material consideration in relation to planning applications and appeals.
- 1.4 This SPG is intended to provide certainty and clarity for applicants, officers and Members in the interpretation and implementation of the LDP policy framework, specifically Policy H4, in relation to proposals for rural residential conversions. The SPG also provides clarity on the interpretation of the part of Policy T2 (Visitor Accommodation outside Settlements) that relates to rural conversion proposals for visitor accommodation.

The SPG contains the following information:

- **Section 2** gives an overview of the planning policy context in relation to rural conversions.
- **Section 3** provides detailed guidance on the interpretation and implementation of Policy H4 in the assessment of proposals for residential conversions/rehabilitations in the open countryside.
- **Section 4** provides information on assessing proposals for rural visitor accommodation conversions and the interpretation of the criteria listed in Policy T2.
- **Section 5** provides information on submitting a planning application for rural conversions, including details of the Council's pre-planning application advice service.

- **Appendices**

LDP Rural Conversion Policy Framework (Appendix A)
Contacts (Appendix B)

National Planning Policy

- 2.1 National planning policy contained in Planning Policy Wales (PPW) is silent on the conversion of existing rural buildings for a residential use. The main emphasis in national planning policy is to adopt a positive approach to the conversion of rural buildings for business re-use (*PPW Edition 9, November 2016, para 7.6.5*).
- 2.2 Technical Advice Note 6 (TAN6) Planning for Sustainable Rural Communities (July 2010) provides guidance on the re-use or adaptation of rural buildings, noting that the primary consideration should be whether the nature and extent of the new use proposed for the building is acceptable in planning terms. TAN6 indicates that the conversion of rural buildings currently in industrial or commercial use to dwellings may have an adverse impact on the local economy (*TAN6 para 3.5.1*). TAN6 nevertheless states that while residential conversions have a minimal impact on the rural economy, conversions to a holiday use can contribute more and may reduce pressure to use other houses in the area for holiday use (*TAN6 para 3.6.1*).

Monmouthshire Local Development Plan

- 2.3 The conversion/rehabilitation of buildings in the open countryside for residential use is an exception to national policies which generally seek to strictly control residential development in the open countryside. In accordance with PPW, the preferred use for such buildings is for employment uses, as well as for tourism, sport and recreation (subject to detailed planning considerations). There has, however, been considerable demand for the rehabilitation and conversion of barns and vacant rural buildings into residential units in Monmouthshire. Reflecting this trend, Policy H4 sets out strict controls to be applied in the consideration of such proposals in order to ensure that the conversion/rehabilitation of buildings does not detract from the special qualities of Monmouthshire's open countryside.
- 2.4 Strategic Policy S1 relates to the spatial distribution of new housing provision in Monmouthshire. The main focus is within or adjoining the Main Towns of Abergavenny, Chepstow and Monmouth. A smaller amount of new housing development is provided in the Severnside sub-region along with lesser amounts directed to the Rural Secondary Settlements of Usk, Raglan and Penperlleni. Some of the identified Main Villages also provide for small scale developments of a maximum of 15 dwellings as well as infill opportunities. A number of Minor Villages are also identified where small scale residential development will be allowed in the circumstances set out in LDP Policy H3. Outside the settlements listed, open countryside policies apply. In relation to rural buildings Strategic Policy S1 states planning permission will only be allowed for:

“Acceptable conversions of rural buildings, in the circumstances set out in Policy H4”

- 2.5 Strategic Policy S1 is supported by a number of detailed development management housing policies which provide a more detailed policy framework to support the provision of housing. Policy H4 is included within this framework.

- 2.6 Tourism is of importance to the economy of Monmouthshire. Strategic Policy S11 relates to the Visitor Economy and specifically seeks to enable the provision and enhancement of sustainable tourism development in Monmouthshire. Strategic Policy S11 is supported by a number of detailed development management tourism policies, including Policy T2.
- 2.7 Policy T2 relates specifically to visitor accommodation outside settlements. Policy T2 notes that proposals for visitor accommodation outside settlements should look to the re-use of existing buildings in order to protect the countryside from inappropriate development. This is in line with national guidance, which recognises that the re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for tourism development. This SPG only relates to the part of Policy T2 relating to rural conversion proposals for visitor accommodation.
- 2.8 Proposals for rural conversions should also have regard to the Council's Conversion of Agricultural Building's Design Guide SPG, Affordable Housing SPG (for residential conversions), Green Infrastructure SPG and the emerging Landscape SPG.

3 Interpretation and Implementation of Policy H4 for Assessing Proposals for Residential Conversions/Rehabilitation in the Open Countryside

- 3.1 The primary focus of this SPG is to provide further clarification on the criteria set out in Policy H4 in the Local Development Plan. Policy H4 contains a total of seven criteria that must all be given further consideration in the determination of planning applications, for the conversion/rehabilitation of buildings for residential use in the open countryside. It is important that any such proposals conserve the character and quality of Monmouthshire's countryside and natural heritage value. Such proposals will only be permitted where they meet the criteria set out in Policy H4 and other relevant policies of the plan, particularly those which seek to minimise any detrimental effect on landscape value, environmental quality and amenity (including S13, LC5, EP1, MV1, DES1 and NE1). Proposals should be sympathetic to the rural setting in terms of the particular location, appropriate design and traffic considerations.

Policy H4 – Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use

The conversion / rehabilitation of a building in the open countryside for residential use will be permitted where all the following criteria are met:

- a) the form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building;**
- b) the proposal, including curtilage and access, is in scale and sympathy with the surrounding landscape and does not require the provision of unsightly infrastructure and ancillary buildings;**
- c) rebuilding works, necessitated by poor structural conditions and/ or the need for new openings in walls, should not involve substantial reconstruction, with structural surveys being required for marginal cases;**
- d) the more isolated and prominent the building, the more stringent will be the design requirements with regard to new door and window openings, extensions, means of access, service provision and garden curtilage, especially if located within the Wye Valley AONB;**
- e) buildings of modern and /or utilitarian construction and materials 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. Other buildings will be expected to have been used for their intended purpose for a significant period of time and particularly close scrutiny will be given to proposals relating to those less than 10 years old, especially where there has been no change in activity on the unit;**
- f) the building is capable of providing adequate living space (and ancillary space such as garaging) 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; and**
- g) the conversion of buildings that are well suited for business use will not be permitted unless the applicant has made every reasonable**

attempt to secure suitable business use and the application is supported by a statement of the efforts that have been made.

The above criteria will be applied strictly; proposals that are deemed not to comply with them will be judged against national policies relating to the erection of new dwellings in the countryside or against Policy T2 relating to the re-use and adaptation of existing buildings to provide permanent serviced or self-catering visitor accommodation. The above criteria will also be applied to proposals to extend buildings that have already been converted.

- 3.2 The majority of rural buildings for which planning permission is sought for conversion and re-use in Monmouthshire are farm buildings. Notwithstanding this, the following guidance relates to the conversion of all types of rural buildings in the open countryside. The guidance is also applicable to the rehabilitation of abandoned dwellings i.e. former dwellings that have lost their residential use.
- 3.3 Many rural buildings are also important historical assets and may therefore have Listed Building status. Listed Buildings and rural buildings located in Conservation Areas are afforded a higher level of protection that seeks to preserve this special character. While all rural conversions should be carefully considered, the special character of Listed Buildings demands a higher level of control. As with all Listed Buildings, the Listed Building Consent process extends to protecting the internal character of the building as well as the external appearance and the wider setting. Further guidance in relation to Listed Building rural conversions is set out in the Conversion of Agricultural Buildings Design Guide. Pre-planning application advice is strongly advised in respect of rural conversions relating to Listed Buildings.

Form, bulk and general design requirements (criteria a), c) and d) of relevance)

- 3.4 As a predominately rural County, farm buildings can range from a pigsty to a large corn barn. Many of these buildings are in close proximity to the main farmhouse but can also be in isolated locations. All rural buildings suitable for conversion must be traditional in design and material, of good quality and have character in their appearance. The conversion of traditional buildings can successfully secure the retention of buildings in perpetuity in the countryside which may otherwise be lost.
- 3.5 Rural buildings suitable for conversion are generally made of stone, brick or are timber framed and normally have a slate, stone or pantile roof. In accordance with criterion a), the diversity of rural buildings should be respected by retaining individual features, materials, architectural style and setting of the building/group of buildings. Paragraph 3.2.3 of TAN6 strengthens this approach noting that conversion proposals should respect the landscape along with local building styles and materials.
- 3.6 Criterion (c) relates to the need for new openings in walls. Additional openings should be avoided as far as possible due to the potential damaging impact on the existing character of rural buildings. Existing openings should be retained and blocked up openings should be reused, wherever possible. Where there is an overriding need for new openings they must be kept to a minimum, be sympathetic in design and proportional to the existing building. As noted in criterion d), design requirements will be more stringent within the Wye Valley Area of Outstanding Natural Beauty and where

rural buildings are located in more isolated or prominent areas. Further detailed design guidance is set out in the Conversion of Agricultural Buildings Design Guide.

- 3.7 Permitted Development rights to modify any rural buildings that have been converted will be withdrawn, in order to retain and protect the character of such conversions.

Structural condition (*criterion c*) of relevance)

- 3.8 Substantial rebuilding/reconstruction works to enable a rural conversion to a residential use will not be permitted. This would be tantamount to a new build dwelling in the open countryside, contrary to other policies set out within the LDP. This also applies to applications to convert rural buildings where substantial reconstruction has already taken place in association with the building's former use.
- 3.9 Generally, the building should be capable for conversion without the need for rebuilding/reconstruction works. In some instances, however, a small amount of rebuilding/reconstruction may be necessary to facilitate a rural conversion to take place. Approval for this will depend on the nature and extent of the works, due to the potential impact on the existing character and structural integrity of the building. Any such works will be considered on a case by case basis and should be detailed on the submitted plans. Pre-planning application advice is strongly advised in such instances.
- 3.10 Where the structural condition of a rural building is uncertain, a structural survey from a suitably qualified person must be submitted to demonstrate that the original building is structurally sound, largely intact and capable of conversion for a residential use. Due to the nature of the work involved in rural conversions, applications may be sent to officers in the Building Control department for comment.
- 3.11 Once conversion work has commenced, great care must be taken to ensure that the conversion works do not result in the collapse of the existing building's structure, which would result in the need for rebuilding works not permitted under the original planning permission. A further planning application would be required for any additional works. Substantial reconstruction, however, would be resisted as this would be tantamount to a new build dwelling in the open countryside.
- 3.12 While not required in all circumstances, evidence in the form of a structural survey from the outset of the proposal is recommended. This will provide confidence that the building is structurally sound and to ensure the integrity of the building is not compromised during the conversion works.

Determining the suitability of a conversion (*criterion e*) of relevance)

- 3.13 Modern and utilitarian buildings are designed to be functional and are not generally considered to be aesthetically pleasing. These buildings are often of an industrial character and due to their design and modern construction methods are unlikely to be suitable for residential conversion. Modern construction methods include, but are not limited to: steel frame construction, buildings clad in metal sheeting, corrugated sheets, concrete blockwork and plastic. These buildings do, nevertheless, have an important role in the economy of rural areas and may be suitable for conversion to alternative employment uses, subject to other detailed planning considerations.
- 3.14 Open structures such as Dutch Barns do not lend themselves to conversion. These are often large open structures of steel frame construction and would require a substantial amount of new build development to enable them to accommodate a

residential use. Buildings of substandard quality or incongruous appearance will not be considered favourably for conversion.

- 3.15 For other quality buildings of a traditional character and appearance that are not historic and have been built using modern construction methods, it is expected that these will have been used for their intended purpose for a significant period of time. As noted in criterion (e) proposals to convert buildings of less than 10 years old will be given particular close scrutiny. This will assist in ensuring that buildings have not been constructed for an agricultural or rural diversification purpose with the intention of early conversion to an alternative use. Comprehensive evidence of the building's use since completion will be required in support of any application. This will be of particular importance where there has been no change in activity on the unit. This approach is reflected in Welsh Government Guidance set out in paragraph 3.2.1 of TAN6.
- 3.16 The definition of modern is not limited solely to buildings less than 10 years old. The policy states particular scrutiny will be given for buildings of less than 10 years old. Even for buildings older than 10 years the Council would need to be satisfied that there has not been a deliberate attempt to abuse the planning system and that the building has legitimately been used for its original purpose.

Provision of adequate living space (*criterion f) of relevance*)

- 3.17 As outlined in criterion f) buildings proposed for rural conversion should be capable of providing adequate living space within the existing structure (including ancillary space such as garaging, which is discussed in paragraphs 3.18 to 3.20). Buildings that are deemed to be too small to accommodate a permanent residential use would not be considered appropriate for rural conversion. The conversion of an unsuitably sized building would potentially result in additional planning applications for extensions at a later date in order to provide more living space. This approach would be contrary to criterion (f) of Policy H4.

Extensions and ancillary buildings (*criterion f) of relevance*)

- 3.18 The starting point for rural conversions should be the conversion of the existing structure without the need for extensions. However, criterion (f) in Policy H4 does allow for very modest extensions. Any such extensions would need to be carefully assessed to ensure that any additions respect and harmonise with the existing building in relation to its size, scale and form. Extensions must be unobtrusive and subservient to the existing building in every respect. Extensions that would introduce incongruous elements will not be permitted.
- 3.19 The Council will need to be satisfied at the time of the application that adequate ancillary garaging and storage space can be achieved for the dwelling in order to avoid pressure for further, possibly harmful, development at a future date. Vehicles should ideally be parked within an existing enclosed area or an existing outbuilding. New build outbuildings will not normally be acceptable except where modest in size and sensitively located. Where new buildings are permitted in exceptional circumstances, they should reflect their surroundings and be of traditional agricultural design, such as open fronted byres.
- 3.20 The re-use of existing buildings for ancillary garaging and storage space should be considered in the first instance, before contemplating the option of new build. Where appropriate, the utilisation of existing smaller buildings such as pigsties, cattle pens and small stables through conversion would be preferable to new build development.

These are often easy to convert but are limited in size so would not be suitable for residential conversion. The criteria of H4 would nevertheless need to be met in all circumstances.

- 3.21 Conservatories and sunrooms are not considered suitable for rural conversions and will not normally be acceptable.
- 3.22 Permitted Development rights to extend further, modify or to construct ancillary buildings will be withdrawn from planning permissions for all rural conversions, in order to retain and protect the character and setting of such conversions.

Conversion of buildings well suited for business use (*criterion g) of relevance*)

- 3.23 As noted in paragraph 2.1 the Welsh Government advocate a positive approach to the conversion of rural buildings for a business use. Criterion (g) of Policy H4 relates specifically to the conversion of rural buildings well suited for a business use and notes that these will not be permitted to be converted to a residential use unless the applicant has made every reasonable attempt to secure a suitable business use. In order to comply with criterion g) all applications for the conversion of buildings in the countryside to a residential use must be accompanied by a **statement** giving reasons why a conversion to a business use is not practicable or desirable. Paragraph 3.26 provides details on the type of information such a statement should contain.
- 3.24 Applications for the rehabilitation of former dwellings (i.e. abandoned dwellings that have lost their residential use) do not require such a statement. It is accepted that such buildings would not generally have a design and layout that is appropriate for business use. It is also considered unreasonable to require a statement in such circumstances, given that the buildings have previously been used as dwellings.
- 3.25 Additionally, while it is recognised that visitor accommodation provides some employment opportunities and contributes to the rural economy, it is not considered a business use in terms of criterion (g) of Policy H4. As both residential and visitor accommodation uses relate to a C3 use¹, most residential conversions have the potential to be used as holiday accommodation. Further information in relation to Policy H4 and the links to Policy T2 relating to visitor accommodation use are set out in Section 4 of the SPG.

Business Use Statement Content

- 3.26 Some of the factors that might result in a building **not** being suitable for a business use are:

General Location - In many instances, buildings located in very remote areas will be unsuitable for business uses. Delivery of goods may be difficult, distribution costs are likely to be high and sufficient staff may be unobtainable.

Local road network - For road safety reasons, the intensive use of narrow, single carriageway country lanes with few passing places is normally undesirable.

Site access - Where site access is difficult, as, for example, where visibility is obstructed by buildings and boundary walls or hedges, its use by significant levels of additional traffic may be hazardous.

¹ as identified in the Town and Country Planning (Use Classes) Order 1987

Parking - A building suitable for a business use must have sufficient parking space available within the existing curtilage. At the same time, the provision of such parking should not be visually intrusive or cause harm to the rural character of the area.

External appearance - Conversions of agricultural buildings should seek to maintain the agricultural character and appearance of the existing structure. Generally, business conversions can often be carried out with less harm to the appearance of the building than residential conversions. Business uses that require major alterations, however, such as the insertion of larger windows, delivery doors, air vents and the attachment of other external equipment are unlikely to be appropriate.

Planning history - If there is an existing planning permission that could be implemented for the residential conversion of the same building it would be unreasonable to require proof that the building is not suitable for a business use in any subsequent applications for amended schemes.

3.27 If planning permission has already been granted for residential conversion within the same group of buildings this may be sufficient reason for determining that the remaining buildings are not suitable for business uses where this would lead to harm to residential amenity and/or an unsatisfactory relationship between incompatible land uses.

3.28 When a planning application for the conversion of a building in the open countryside to residential use is submitted, a failure to provide a supporting statement to demonstrate that the building is unsuitable for business use may result in the application being refused.

The Marketing Exercise

3.29 Where it appears that a building is suitable for business use, applicants will be expected to market it for sale or lease for business purposes prior to submitting a planning application. The results of the marketing exercise should be included in the supporting Statement. If a marketing exercise has not been carried out the Council will request that this be done after the submission of the application, failure to do so may result in the application being refused. If there is any doubt regarding the suitability of the building for business use, marketing will be essential.

3.30 Where a building is considered well suited for a business use the absence of appropriate details of the marketing undertaken may result in the application being refused.

3.31 The marketing period should last for a continuous period of at least 6 months from the date of the first advert.

3.32 It is difficult to be prescriptive about the definition of the marketing exercise as each case will be different. However, the Council will expect a marketing exercise to comprise the equivalent of:

- A minimum of 3 adverts at 2-monthly intervals in a regional newspaper, such as *The Western Mail* or *The South Wales Argus*;
- Active marketing through a recognised and independent commercial property agent covering South and Mid Wales and bordering English regions;

- Notifying other organisations who may have an interest in promoting the site (e.g. Monmouthshire County Council Business and Enterprise Section)
- 3.33 The Council will need to be satisfied that genuine attempts have been made to market the property. The supporting statement should include evidence of:
- the extent of the marketing, including copies of all adverts (with dates), when and for how long the advert was in the agent’s window, websites etc.;
 - the price at which the property has been marketed (which should reasonably reflect its value as a business premises and is appropriate to the potential business use of the building and its location);
 - written details of any enquiries received, including any firm offers (conditional or unconditional); and
 - a written statement of the commercial property agent’s view as to the commercial viability of the site.

Other considerations in relation to Rural Conversions

Access (criteria b) and d) of relevance)

- 3.34 Existing accesses to rural buildings should be retained and used wherever possible. If for any reason the existing access cannot be retained, any new access should follow natural boundaries and be in scale and sympathy with the surrounding landscape in accordance with criterion b) of Policy H4. Accesses must be as unobtrusive as possible; formal drives and tarmac surfacing must be avoided. New accesses across open fields will be strongly resisted. This is of particular relevance in relation to the conversion of former agricultural buildings. New single access points for individual rural conversions would also be resisted, where there is an opportunity to utilise a shared arrangement. As noted in criterion d), design requirements for means of access will be more stringent within the Wye Valley Area of Outstanding Natural Beauty and where rural buildings are located in more isolated or prominent areas. Further information on this matter is contained in the Conversion of Agricultural Buildings Design Guide.

Curtilage and infrastructure (criteria b) and d) of relevance)

- 3.35 As noted in criterion b) of Policy H4, the curtilage of rural conversions should be in scale and sympathy with the surrounding landscape and should not include unsightly infrastructure. Criterion d) adds that design requirements for garden curtilage and service provision will be more stringent in more isolated and prominent buildings, especially if the rural building is located within the Wye Valley Area of Outstanding Natural Beauty.
- 3.36 Rural conversions should avoid overly domesticated settings, the curtilage should generally remain open and uncluttered. Curtilages should be kept to the minimum area required for occupation of the premises and follow established boundary walls and hedgerows, where appropriate. Suburban walls and fences will be resisted. In order to retain and protect the character and setting of rural buildings, permitted development rights will be withdrawn. Additional planning conditions relating to landscaping may also be sought. The Conversion of Agricultural Buildings Design Guide provides detailed information in relation to this matter.

Lighting

- 3.37 The use of excessive external lighting should be minimised to reduce light pollution and over domestication. Policy EP3 should be considered in relation to the incorporation of lighting into any rural conversion scheme. Further information on the design of external lighting is provided in the Conversion of Agricultural Buildings Design Guide.

Successive Applications for Rural Conversions

- 3.38 The criteria of Policy H4 are applicable to proposals to extend rural buildings that have previously been converted. While Policy H4 does not exclude extensions to rural conversions, any successive applications must be carefully considered against the criteria. The final paragraph of Policy H4 emphasises this approach and will help ensure there is no detrimental cumulative effect arising from subsequent applications.

3.39 Other Policies and SPG

LDP Policy S4 - Affordable Housing

- 3.40 Rural conversions have the opportunity to assist in meeting the affordable housing requirements in Monmouthshire. Strategic Policy S4 requires that in the open countryside developments involving the conversion of existing buildings or sub-division of existing dwellings to provide 3 or more dwellings will make provision for 35% of the total number of dwellings to be affordable. Affordable Housing contributions will be sought for schemes below the threshold.
- 3.41 The Affordable Housing SPG (March 2016) must also be referred to, the SPG recognises the provision of affordable housing on site is not always practicable in rural conversion schemes. A more flexible approach has therefore been adopted by the Council in such situations. A financial contribution towards affordable housing in the local authority area is still likely to be required, the level of which will nevertheless be carefully considered to take account of the viability and practical implications of conversions.

LDP Policy SD3 – Flood Risk

- 3.42 Both residential and visitor accommodation schemes are considered to be highly vulnerable development. Policy SD3 specifies that proposals for highly vulnerable development will not be permitted in areas which may be liable to flooding. Specifically, rural conversions to highly vulnerable uses in areas of Zone C2 (undefended) floodplain will not be supported.

Nature Conservation and Development

- 3.43 The impact of rural conversions on biodiversity must be considered under the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) and Environment (Wales) Act 2016. A number of bats and nesting birds commonly make use of rural buildings and other habitats and species can be affected in their development however, this does not preclude development. Technical Advice Note 5 Nature Conservation and Planning (2009) provides advice in relation to development affecting both protected sites and species.

- 3.44 Enhancements for bats and or nesting birds are promoted by Welsh Government Policy and we encourage the inclusion of appropriate opportunities for example integrated bat or bird boxes at the application stage.

Additional LDP Policies

- 3.45 Consideration will need to be given to a proposal's compliance with other relevant LDP policies. The list below provides details of the relevant policies rural conversions are likely to need to address. The policies listed are not exhaustive and others may need to be considered, dependent on the sites location.

- DES1 – General Design Considerations
- EP1 – Amenity and Environmental Protection
- EP3 – Lighting
- G11 – Green Infrastructure
- LC5 – Protection an Enhancement of Landscape Character
- MV1 – Proposed Developments and Highway Considerations
- NE1 – Nature Conservation and Development.

Supplementary Planning Guidance

- 3.46 Rural conversion schemes should also have regard to the Council's Supplementary Planning Guidance, including:

- Conversion of Agricultural Buildings Design Guide SPG (April 2015)
- Green Infrastructure SPG (April 2015)
- Affordable Housing SPG (March 2016)
- Emerging Landscape SPG

4 Assessing Proposals for Rural Visitor Accommodation Conversions: Interpretation of Criteria listed in Policy T2

- 4.1 The LDP recognises that the provision of visitor accommodation has an important role to play in meeting the Council's aspirations for Monmouthshire to realise its potential as a high quality and competitive tourist destination. Proposals for such development should not be at the expense of environmental considerations and Policy T2 therefore seeks to carefully manage the development of visitor accommodation in the open countryside. Accordingly, Policy T2 discourages new build development in the open countryside other than where it is in the form of ancillary development to established medium or large hotels.
- 4.2 Policy T2 relates to visitor accommodation outside settlements and makes reference to Policy H4. Policy T2 states that self-catering visitor accommodation will only be permitted outside town and village development boundaries if it consists of the re-use and adaptation of existing buildings and the conversion of buildings for such uses complies with the criteria set out in Policy H4 (as detailed in Section 3). All proposals for the conversion/rehabilitation of buildings in the open countryside to visitor accommodation must therefore be assessed against the criteria listed in Policy H4. In addition, Policy T2 sets out the exceptional circumstances where further consideration can be given to proposals that do not comply with the criteria of Policy H4.
- 4.3 LDP Strategic Policy S11 provides further emphasis on the importance of the tourism economy to Monmouthshire and provides support for sustainable forms of tourism, subject to detailed planning considerations. As the primary focus of this SPG relates to rural conversions, it only relates to part of Policy T2 and does not incorporate guidance on other forms of tourism accommodation. Draft Supplementary Planning Guidance on Sustainable Tourism Accommodation has been prepared to provide further information on this subject, offering detailed guidance on sustainable tourism accommodation proposals.
- 4.4 The relevant part of Policy T2 in relation to visitor accommodation outside town and village development boundaries is listed below:

“...outside town and village development boundaries, the provision of permanent serviced or self-catering visitor accommodation will only be permitted if it consists of the re-use and adaptation of existing buildings and the conversion of buildings for such uses complies with the criteria set out in Policy H4.

As an exception to the above proposals to provide visitor accommodation may be permitted where they involve:

a) the substantial rebuild of a building within the curtilage of an existing and occupied farm property where it assists in an agricultural diversification scheme in accordance with Policy RE3.

b) the conversion of buildings of modern construction and materials provided the buildings are appropriate for residential use (e.g. not modern agricultural or factory buildings); not of substandard quality and/or incongruous appearance; and have been used for their intended purpose for a significant period of time. Particularly close scrutiny will be given to proposals relating to those buildings less than 10 years old, especially where there has been no change in activity on the unit.

c) the conversion of buildings that are too small or are inappropriately located to provide appropriate standards of space and amenity for conversions to

permanent residential accommodation but are suitable for tourist accommodation

Where conversions to tourist accommodation are allowed in the exceptional circumstances set out in criteria a) to c) above then the occupancy of the building will be restricted in perpetuity to short stay tourist accommodation...”

- 4.5 As noted in paragraph 3.25, in most instances a self-catering visitor accommodation use would be acceptable in rural conversions that are suitable for a residential use. However, rural conversions that have been allowed for visitor accommodation as exceptions to Policy H4 in accordance with the criteria below and conditioned accordingly would generally be expected to remain as such in perpetuity.

Policy T2 – criterion a)

- 4.6 The first exception relates to substantial rebuild for visitor accommodation where it assists in an agricultural diversification scheme in accordance with Policy RE3. Substantial reconstruction of an existing building would not normally be acceptable under criterion c) of Policy H4. Criterion d) of Policy RE3 however allows for proposals for visitor accommodation to involve reconstruction, noting that new build will only be permitted where it consists of the substantial rebuild of a building within the curtilage² of an existing and occupied farm property. Any rebuilding work must respect or be in sympathy with the local and traditional characteristics of the building. The other criteria in Policy RE3 must be addressed where appropriate in order for visitor accommodation proposals to be considered as an exceptional circumstance.

Policy T2 – criterion b)

- 4.7 Criterion b) of Policy T2 sets out circumstances where further consideration can be given to proposals for the use of modern buildings as visitor accommodation. Some modern construction methods such as concrete block and/or rendered buildings may provide opportunities for visitor accommodation as an exception given by Policy T2, even though they would be considered contrary to Policy H4. Criterion b) however stipulates that buildings that are not appropriate for a residential use, i.e. modern agricultural and factory buildings, would be considered inappropriate for visitor accommodation. Rural buildings of steel frame construction and those clad in metal sheeting or corrugated sheets would also not be appropriate for a tourism use.
- 4.8 As noted in paragraph 3.15 in relation to criterion (e) of Policy H4 it is expected that these buildings will have been used for their intended purpose for a significant period of time. Proposals to convert buildings of less than 10 years old to visitor accommodation will be given particular close scrutiny and consistent with Policy H4, the definition of modern is not limited solely to buildings less than 10 years old. The Council need to be satisfied at the time of the application for conversion to visitor accommodation that adequate ancillary garaging and storage space can be achieved for the existing dwelling, to avoid pressure for further, possibly harmful, development at a future date. Any future applications for garaging will be resisted.

Policy T2 – criterion c)

- 4.9 It is acceptable for visitor accommodation to have a smaller floor area than is usually considered appropriate for a permanent residential use, as reflected in criterion c).

² The curtilage would typically relate to the farmhouse, farmyard and any immediately surrounding buildings.

Rural conversions can offer scope for a tourism use where they would normally be resisted for a residential use due to limited space and amenity, as they are intended to be used on a short term basis only. The conversion of an unsuitably small sized building to a permanent residential use would potentially result in additional planning applications for extensions at a later date in order to provide more living space. This approach would be contrary to criterion (f) of Policy H4. Paragraphs 3.18 – 3.21 provide further information in relation to extensions and ancillary buildings. Criterion c) also relates to buildings that are inappropriately located, for instance that are deemed unsuitable for a permanent residential use in terms of privacy and amenity in relation to an existing dwelling. These may also be considered to be suitable for visitor accommodation as an exception given by Policy T2.

- 4.10 In instances where rural conversions to visitor accommodation are allowed in the exceptional circumstances noted above, appropriate planning conditions will be applied to restrict the use of buildings to short stay visitor accommodation in perpetuity. These conditions are required to ensure that rural conversions are occupied solely for holiday accommodation purposes. As exceptions they would have not been considered suitable for general residential accommodation. The Council will maintain a database of all visitor accommodation permissions and will regularly monitor such permissions to ensure that these conditions are complied with.

Other LDP Policies

- 4.11 Consideration will need to be given to a proposal's compliance with other relevant LDP policies and SPG, as set out in paragraph 3.45 and 3.46.

5 Submitting a Planning Application

- 5.1 Applicants and/or agents are advised to discuss with Development Management Officers whether their proposals for the conversion of rural buildings/applications relating to existing rural conversions are likely to be acceptable. These discussions can also include the likelihood of the building being suitable for business purposes, the content of any necessary statement and the resulting requirement for marketing prior to the submission of a planning application. Please note this is by means of a formal pre-planning application service which is available at a modest cost (dependent on the level of service required). Certain exemptions apply. Full details can be found on the Council's website at the following link: <http://www.monmouthshire.gov.uk/planning/pre-application-advice-service>. However, the views given at the pre-planning stage are given at an officer level only and do not prejudice the decision of the Council if a formal planning application is received.
- 5.2 Guidance is available on the Council's website relating to the information required to accompany a planning application. Applications for Rural Conversions must be submitted in Full rather than in Outline, as they relate to a change of use and full details are required to provide sufficient information to enable the Council to assess the proposal.
- 5.3 Ecological surveys are likely to be required to support applications and may be seasonally restricted, depending on the ecology at the site. A Bats in Buildings Building Information Record is essential for all rural conversion applications. Information in relation to this and other ecology and landscape matters is available on the Council's website in the following location: <http://www.monmouthshire.gov.uk/home/for-businesses/ecology-and-landscape>. Pre-planning advice is however recommended in order to provide guidance in relation to such matters.
- 5.4 Building regulations approval will be required for rural conversions. Further information can be found on the Council's website: <http://www.monmouthshire.gov.uk/building-control>. Building Control Officers can also be included in pre-planning advice when requested.

Appendix A

Local Development Plan Rural Conversion Policy Framework

Policy S1 – The Spatial Distribution of New Housing Provision

The main focus for new housing development is within or adjoining the Main Towns of:

- Abergavenny, Chepstow and Monmouth.

The Severnside sub-region consists of the settlements of Caerwent, Caldicot, Magor, Portskewett, Rogiet, Sudbrook and Undy. A smaller amount of new housing development is provided in the Severnside sub-region, particularly at Magor/Undy, Caldicot/Portskewett and Sudbrook.

The Rural Secondary Settlements are Usk, Raglan, Penperlleni and Llanfoist. A small amount of new housing development is directed to the Rural Secondary Settlements of Usk, Raglan and Penperlleni.

Some sites are allocated for small scale residential development (up to a maximum of 15 dwellings) in identified Main Villages with the primary aim of providing affordable housing to meet local needs. The identified Main Villages are:

Cross Ash	Llanishen
Devauden	Llanvair Kilgeddin
Dingestow	Mathern
Grosmont	Penallt
Little Mill	Pwllmeyric
Llanddewi Rhydderch	Shirenewton /Mynyddbach
Llandogo	St Arvans
Llanellen	Trellech
Llangybi	Werngifford /Pandy

Development Boundaries are drawn around the Main Towns, Severnside settlements, Rural Secondary Settlements and Main Villages listed above. Outside these development boundaries planning permission for new residential development will not be allowed in any other settlements except in or adjoining identified Minor Villages where small scale residential development will be allowed in the circumstances set out in Policy H3. The identified Minor Villages are:

Bettws Newydd	Llanover
Broadstone/Catbrook	Llansoy
Brynygwenin	Llantilio Crossenny
Coed-y-Paen	Llantrisant
Crick	Llanvair Discoed
Cuckoo's Row	Llanvapley
Great Oak	Mitchel Troy
Gwehelog	Penpergwm
Llanarth	The Narth
Llandegveth	The Bryn
Llandenny	Tintern
Llangwm	Tredunnoch

Outside the settlements listed above open countryside policies will apply where planning permission will only be allowed for the following types of new residential development:

- Acceptable conversions of rural buildings, in the circumstances set out in Policy H4.
- Sub-divisions of existing dwellings, subject to detailed planning criteria.
- Dwellings necessary for agricultural, forestry or other appropriate rural enterprises, in accordance with TAN6.

Policy S4 – Affordable Housing Provision

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

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

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

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

Strategic Tourism Policy

Policy S11 – Visitor Economy

Development proposals that provide and /or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations.

Development proposals that would have an unacceptable adverse impact on features and areas of tourism interest and their settings, or that would result in the unjustified loss of tourism facilities will not be permitted.

Policy H4 – Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use

The conversion / rehabilitation of a building in the open countryside for residential use will be permitted where all the following criteria are met:

- a) the form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building;
- b) the proposal, including curtilage and access, is in scale and sympathy with the surrounding landscape and does not require the provision of unsightly infrastructure and ancillary buildings;
- c) rebuilding works, necessitated by poor structural conditions and/ or the need for new openings in walls, should not involve substantial reconstruction, with structural surveys being required for marginal cases;
- d) the more isolated and prominent the building, the more stringent will be the design requirements with regard to new door and window openings, extensions, means of access, service provision and garden curtilage, especially if located within the Wye Valley AONB;
- e) buildings of modern and /or utilitarian construction and materials 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. Other buildings will be expected to have been used for their intended purpose for a significant period of time and particularly close scrutiny will be given to proposals relating to those less than 10 years old, especially where there has been no change in activity on the unit;
- f) the building is capable of providing adequate living space (and ancillary space such as garaging) 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; and
- g) the conversion of buildings that are well suited for business use will not be permitted unless the applicant has made every reasonable attempt to secure suitable business use and the application is supported by a statement of the efforts that have been made.

The above criteria will be applied strictly; proposals that are deemed not to comply with them will be judged against national policies relating to the erection of new dwellings in the countryside or against Policy T2 relating to the re-use and adaptation of existing buildings to provide permanent serviced or self-catering visitor accommodation. The above criteria will also be applied to proposals to extend buildings that have already been converted.

Policy RE3 – Agricultural Diversification

Development proposals which make a positive contribution to agriculture or its diversification will be permitted where the new use or building meets the following criteria:

- a) the proposed non-agricultural development is run in conjunction with, and is complementary to, the agricultural activities of the enterprise;
- b) the proposal is supported by an appropriate business case which demonstrates the link to existing business activity and the benefits of the scheme in terms of sustaining employment / the rural economy;
- c) in relation to new build, the applicant must demonstrate that there are no existing buildings suitable for conversion / re-use in preference to new build;
- d) with regard to diversification proposals for visitor accommodation, new build will only be permitted where it consists of the substantial rebuild of a building within the curtilage of an existing and occupied farm property, as specified in Policy T2;
- e) where rebuild is permitted under criteria c) and d) any rebuilding work should respect or be in sympathy with the local and traditional characteristics of the building;
- f) proposals for new built development meet the detailed criteria set out in Policy LC1;
- g) proposals for renewable energy schemes meet the criteria set out in Policy SD1.

Policy T2 – Visitor Accommodation outside Settlements

New build serviced or self-catering visitor accommodation will be allowed outside town and village development boundaries as ancillary development to established medium or large hotels.

Otherwise, outside town and village development boundaries, the provision of permanent serviced or self-catering visitor accommodation will only be permitted if it consists of the re-use and adaptation of existing buildings and the conversion of buildings for such uses complies with the criteria set out in Policy H4.

As an exception to the above proposals to provide visitor accommodation may be permitted where they involve:

- a) the substantial rebuild of a building within the curtilage of an existing and occupied farm property where it assists in an agricultural diversification scheme in accordance with Policy RE3.
- b) the conversion of buildings of modern construction and materials provided the buildings are appropriate for residential use (e.g. not modern agricultural or factory buildings); not of substandard quality and /or incongruous appearance; and have been used for their intended purpose for a significant period of time. Particularly close scrutiny will be given to proposals relating to those buildings less than 10 years old, especially where there has been no change in activity on the unit.
- c) the conversion of buildings that are too small or are inappropriately located to provide appropriate standards of space and amenity for conversions to permanent residential accommodation but are suitable for tourist accommodation.

Where conversions to tourism accommodation are allowed in the exceptional circumstances set out in criteria a) to c) above then the occupancy of the building will be restricted in perpetuity to short stay tourist accommodation.

All proposals will be considered against other plan policies and should integrate with their surroundings, in terms of design and how the proposal will function.

Appendix B

Contacts

If you would like further advice on the pre-planning application service or planning application forms/guidance, please contact the Development Management Section using one of the methods below:

Development Management

Monmouthshire County Council
County Hall
The Rhadyr
Usk
NP15 1GA

Tel: 01633 644880

Email: planning@monmouthshire.gov.uk

If you would like further guidance on the policies contained in the Local Development Plan please contact the Council's Planning Policy Section:

Planning Policy

Monmouthshire County Council
County Hall
The Rhadyr
Usk
NP15 1GA

Tel: 01633 644429

Email: planningpolicy@monmouthshire.gov.uk

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Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p>Name of the Officer completing the evaluation Mark Hand</p> <p>Phone no: 01633 644803 E-mail: markhand@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>The Local Development Plan (LDP), adopted on 27 February 2014, sets out the Council's vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over the ten year period to 2021. Supplementary Planning Guidance (SPG) sets out detailed guidance on the way in which the policies of the LDP will be interpreted and implemented. The Draft Rural Conversions to a Residential or Tourism Use SPG provides certainty and clarity on the interpretation and implementation of the existing LDP policy framework in relation to proposals for both rural residential conversions and rural visitor accommodation conversions.</p>
<p>Name of Service</p> <p>Planning (Planning Policy)</p>	<p>Date Future Generations Evaluation form completed</p> <p>14/03/2017</p>

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1. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.


Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive: The Draft SPG seeks to support appropriate rural residential conversions in the open countryside where they accord with the LDP policy framework, specifically Policy H4. New residential development is usually strictly controlled, rural conversions will increase the local housing stock for communities and residents. The SPG also seeks to support appropriate rural conversions to visitor accommodation where they</p>	<p>Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.</p>



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>will accord with the LDP policy framework specifically part of T2. These will assist in supporting the County's visitor economy – essential to the well-being and enjoyment of local communities and residents.</p> <p>Negative: None.</p>	
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>Positive: Potential for proposals to conserve the character and quality of Monmouthshire's countryside. Potential to also protect and enhance landscape, environmental quality etc. in accordance with LDP policy framework.</p> <p>Negative: Rural conversions may be located in rural areas where there is limited public transport and likely to be reliant on the use of the private car. The car usage likely to result from rural conversions is considered to be justified because of the retention of existing buildings in the countryside preserves its character while at the same time making a contribution to meeting housing needs. While the same applies to visitor accommodation proposals, these conversions assist in supporting the visitor economy thus providing economic benefits.</p> <p>Also there is potential for some negative landscape impact, however, given that rural conversion proposals must ensure that conversions do not detract from the special qualities of Monmouthshire's open countryside, the scope for this is limited. By definition, the building already exists.</p>	<p>Mitigate Negative Impacts: It will be ensured that biodiversity, landscape interests etc. are appropriately considered in assessing any planning application and that good standards of design, landscaping etc. are achieved.</p>



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p>Positive: The provision of appropriate rural housing conversions can assist in promoting good health, independence and well-being by opening up opportunities for housing in rural areas where it is otherwise restricted. Appropriate rural conversions for visitor accommodation also assists by providing tourism opportunities in attractive environments.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.</p>
<p>A Wales of cohesive communities Communities are attractive, viable, safe and well connected</p>	<p>Positive: The provision of appropriate rural housing conversions contributes to the sustainability and cohesiveness of rural areas by opening up opportunities for housing in rural areas where it is otherwise restricted, providing opportunities to support the local economy. Conversions to visitor accommodation also assist in supporting the County's tourist economy – essential to the well-being and enjoyment of local communities and residents.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.</p>
<p>A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p>Positive: The Draft SPG supports the implementation of housing and tourism related policies of the LDP, which have been subject to a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) to ensure that social, economic and environmental objectives are met, thereby contributing to sustainable development and global well-being.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that any LDP review/revision is subject to appropriate SA/SEA testing.</p>
<p>A Wales of vibrant culture and thriving Welsh language</p>	<p>Positive: The Draft SPG has a positive general impact on culture, heritage and language, there is potential for proposals to conserve the character</p>	<p>Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	<p>and quality of Monmouthshire's countryside and natural heritage value. Supporting visitor accommodation proposals assists in supporting the visitor economy including the County's historic town centres and heritage/cultural assets.</p> <p>Negative: None.</p>	accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.
<p>A more equal Wales People can fulfil their potential no matter what their background or circumstances</p>	<p>Positive: The Draft SPG should bring positive benefits to Monmouthshire's residents by opening up opportunities for appropriate residential conversions where they comply with the LDP policy framework, offering housing in rural areas where it is otherwise restricted. Provision of additional visitor accommodation will assist in supporting the visitor economy. Housing and Tourism policies as with all LDP policies, have been subject to a Sustainability Appraisal that measures their performance against sustainability objectives, including equality measures.</p> <p>Negative: None.</p>	Better contribute to positive impacts: Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Balancing short term need with long term and planning for the future</p>	<p><i>We are required to look beyond the usual short term timescales for financial planning and political cycles and instead plan with the longer term in mind (i.e. 20+ years)</i></p> <p>The LDP covers the period 2011-21. The Draft SPG supports the implementation of the LDP. By its nature, therefore, it cannot look beyond this period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations.</p> <p>The LDP housing policy framework seeks to balance the short term need for housing development and viability issues with the longer term need to create balanced and sustainable communities. The provision of appropriate rural residential conversions in the open countryside, where new residential development is usually strictly controlled, increases opportunities within the local housing stock for local communities and residents.</p> <p>The LDP tourism policy framework seeks to support and enable sustainable forms of tourism development while at the same time ensuring that the natural and built environment, key drivers of the visitor economy, are preserved and enhanced for future generations.</p>	<p>Ensure that the relevant LDP policies, as set out in the SPG, are accurately interpreted and implemented, and that their effectiveness is monitored on an annual basis.</p> <p>The LDP and its policies have been subject to SA/SEA. Any LDP review/revision will be subject to SA/SEA.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance, including housing and tourism policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review/revision.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p data-bbox="344 352 517 517">Working together with other partners to deliver objectives</p>	<p data-bbox="544 196 1328 564">The Draft SPG has been produced in liaison with the Council's Development Management Officers following discussions regarding planning applications for rural conversions. It will be subject to further internal consultation (including with Development Management, Heritage and Green Infrastructure officers) and external consultation. Public consultation will be targeted to those who are considered to have a specific interest in the topic but also including all town and community councils and notices in the press. The consultation will also been publicised via our Twitter account @MCCPlanning.</p>	<p data-bbox="1350 196 2112 427">The Draft SPG supports both LDP housing and tourism policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p data-bbox="1350 467 2112 730">LDP AMRs will provide both an annual evaluation of plan performance, including housing and tourism policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review/revision. Any review/revision of the LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.</p>
 <p data-bbox="344 932 517 1096">Involving those with an interest and seeking their views</p>	<p data-bbox="544 743 1328 804"><i>Who are the stakeholders who will be affected by your proposal? Have they been involved?</i></p> <p data-bbox="544 834 1328 1203">The Draft SPG has been produced in liaison with the Council's Development Management Officers following discussions regarding planning applications for rural conversions. It will be subject to further internal consultation (including with Development Management, Heritage and Green Infrastructure officers) and external consultation. Public consultation will be targeted to those who are considered to have a specific interest in the topic but also including all town and community councils and notices in the press. The consultation will also been publicised via our Twitter account @MCCPlanning.</p>	<p data-bbox="1350 743 2112 975">The Draft SPG supports both LDP housing and tourism policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p data-bbox="1350 1015 2112 1278">LDP AMRs will provide both an annual evaluation of plan performance, including housing and tourism policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review/revision. Any review/revision of the LDP will be taken forward through extensive stakeholder engagement, expanding on the methods used previously.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The requirement for this Draft SPG has arisen from some concern over the interpretation of Policies relating to rural conversions for both residential and visitor accommodation. This includes the extent to which the LDP policy framework is supportive of the conversion of particular types of buildings for the different uses. The Council seeks to support and adopt a positive approach to appropriate rural conversions where they accord with the LDP policy framework, specifically H4 and T2, particularly where they seek to minimise any detrimental effect on landscape value, environmental quality and amenity.</p> <p>The Draft SPG therefore provides certainty and clarity for applicants, officers and Members in the interpretation and implementation of the existing LDP policy framework, specifically Policy H4, in relation to proposals for rural residential conversions. The SPG also provides clarity on the interpretation of the part of Policy T2 that relates to rural conversion proposals for visitor accommodation.</p>	<p>The future adoption and implementation of this Draft SPG will support appropriate rural residential conversions in the open countryside where they accord with the LDP policy framework, specifically Policy H4. New residential development is usually strictly controlled, rural conversions will increase the local housing stock for communities and residents. The SPG also supports appropriate conversions to visitor accommodation where they accord with the LDP policy framework set out in Policy T2. These will assist in supporting the County's visitor economy – essential to the well-being and enjoyment of local communities and residents.</p>
 <p>Positively impacting on people, economy and environment and trying to benefit all three</p>	<p><i>There is space to describe impacts on people, economy and environment under the Wellbeing Goals above, so instead focus here on how you will better integrate them and balance any competing impacts</i></p> <p>The Draft SPG supports the implementation of the LDP which has been subject to a SA/SEA that balances the impacts on social, economic and environmental factors.</p>	<p>The AMRs will examine the impacts of the LDP over the longer term and evidence the emergence of any trends at different spatial scales. Delivering sustainable development (social, economic and environmental) is central to the LDP. Continue to monitor indicators, including housing and tourism policy indicators and targets, to inform future AMRs.</p> <p>Any review/revision of the LDP will be subject to a SA/SEA that balances the impacts on social, economic and environment factors.</p>

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	None	None	N/A
Disability	None	None	N/A
Gender reassignment	None	None	N/A
Marriage or civil partnership	None	None	N/A
Race	None	None	N/A
Religion or Belief	None	None	N/A
Sex	None	None	N/A
Sexual Orientation	None	None	N/A
Welsh Language	None	None	N/A

4. **Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities?** For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?

Safeguarding	None	None	N/A
Corporate Parenting	None	None	N/A

5. What evidence and data has informed the development of your proposal?

- Monmouthshire Local Development Plan (2011-2021).
- Monmouthshire Planning Appeal Decisions (2014 – 2017)

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

This section should give the key issues arising from the evaluation which will be included in the Committee report template.

Positive: The Draft SPG seeks to support rural residential conversions and visitor accommodation conversions in the open countryside, subject to compliance with the LDP policy framework, specifically policies H4 and T2, providing this is not at the expense of the County’s natural and built environment. This will assist in supporting the local housing stock in rural areas providing positive impacts on the local economy and also supporting the County’s visitor economy through additional visitor accommodation offer. The positive impacts on the local economy and wider visitor economy are both essential to the well-being of local communities and residents throughout Monmouthshire. A positive approach to tourism accommodation is vital if Monmouthshire is to fully realise its potential as a high quality and competitive visitor destination.

Future: Ensure that LDP housing and tourism policies are accurately interpreted and implemented fully through use of this Draft SPG, measuring the effectiveness of the relevant policies on an annual basis in the LDP AMR.

Negative: Potential for some negative sustainability impacts in remote countryside locations for example landscape impacts and increased car use. However, as proposals for rural conversions will be assessed against the strict criteria set out in policies H4 and T2, the scope for such negative impacts is limited and will be carefully considered against the LDP policy framework.

Future: LDP AMRs will provide both an annual evaluation of plan performance, including housing and tourism policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review/revision.

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Public consultation on the draft SPG, with appropriate amendments in response prior to proceeding to adoption	For approximately 6 weeks following approval of the draft SPG.	Head of Planning, Housing & Place-shaping	

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

<p>The impacts of this proposal will be evaluated on:</p>	<p>Impacts will be evaluated on a regular basis in the required LDP Annual Monitoring Report. The next AMR will be reported for political decision prior to submitting to the Welsh Government by 31 October 2017 and will be publicly available on the MCC website.</p>
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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 01/02/17

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 13.02.2017

Appeal Decision

Site visit made on 01/02/17

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers
Date: 13.02.2017

Appeal Ref: APP/E6840/A/16/3162841

Site address: Orchard House, Llanbadoc, Usk NP15 1TE

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs L Warner against the decision of Monmouthshire County Council.
- The application Ref DC/2015/00938, dated 28 July 2015, was refused by notice dated 11 October 2016.
- The development proposed is Demolition of existing dwelling and detached garage. Erection of replacement dwelling and detached garage. Relocation of existing vehicular access.

Decision

1. The appeal is allowed and planning permission is granted for 'Demolition of existing dwelling and detached garage. Erection of replacement dwelling and detached garage. Relocation of existing vehicular access' in accordance with the terms of the application, Ref DC/2015/00938, dated 28 July 2015, subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. During the planning application process the proposal was materially amended. I have considered the appeal on the basis of the amended proposal.
3. Whilst a single reason for refusal was included in the Council's Decision Notice, I note that a second, relating to highway safety, was alluded to in the Council's Committee report. I have determined the appeal on the basis of both the eventual and tentative reasons for refusal, and with regard to all other submitted information.
4. The east elevation on drawing no 1198[BD]12 is labelled as the west elevation, and vice versa. I have taken the orientation of the dwelling to be as it appears in the ground floor plans.

Main Issues

5. The main issues in this case are: a) the effect of the proposal on the character and appearance of the area; and b) highway safety.

Reasons

6. The appeal site hosts a detached dwelling of early-to-mid 20th century design and a modest single garage, situated within the small settlement of Llanbadoc and fronting onto the main road between Usk and Llangybi, from which vehicular access is obtained. Bounded by hedgerows and fences, the site is bisected by a mixed hedgerow, south of which lie the appeal buildings. The northern section of the site has an open character and slopes gently down to a watercourse.

Character and appearance

7. A Grade II listed church and cluster of modest rural cottages mark the centre of this small settlement. South of the appeal site are former farm buildings now in residential use, which have been modified or extended in various ways. In addition to these original buildings and the surrounding rural landscape, the character of Llanbadoc is also derived from infill dwellings of various designs and scales fronting onto or set well back from the main road.
8. The appeal site sits within this varied context and appears as part of the fabric of this minor, relatively dispersed settlement. Despite partial screening by hedgerows, the existing house on the site is readily visible from the road, and appears as a well-proportioned detached dwelling of simple, symmetrical form. Nonetheless, whilst it could be described as aesthetically pleasing, it is of unexceptional design. Further, its scale, hipped roof form and large front garden lend it a suburban appearance which has little in common with the adjacent former agricultural buildings and cottages.
9. The mixed stone and render finishes, flat and mono-pitched roofs, stone chimneys and varied and extensive glazed areas of the proposed replacement dwelling would differ substantially from the design of the existing house. Nonetheless, Technical Advice Note 12 – Design (TAN 12) advises that a contextual approach should not necessarily prohibit contemporary design. Whilst Llanbadoc accommodates a number of original rural buildings, there is little consistent vernacular, siting or form. Consequently, and given the overtly domestic appearance of the existing house, I find that its replacement with a dwelling of contemporary design would not be inappropriate.
10. The proposed dwelling would be sited more centrally within the plot, and both the house and garage would be positioned closer to the road than the existing buildings, but due to the absence of any consistent building line or orientation in the vicinity their siting would not result in visual harm. Whilst undeniably geometric in form, the glazed openings, variation in external materials and stone chimneys would provide a strong vertical emphasis. The principal elevations would be well broken up with recessed and projecting elements of various heights, providing visual interest. As a result, despite its geometric design, the proposal would not appear markedly bulky.
11. The dwelling would be materially wider and somewhat deeper than the existing property, and the garage would occupy a relatively significant footprint. Nonetheless, the appellant contends that structures and hardstanding areas would cover only around 27% of the total site area, a figure which I have no reason to dispute. Given the ample size of the curtilage, the footprint of the proposed buildings would not be unacceptable, and the relatively modest height of both structures would further reduce their apparent scale. Viewed from the road, the appeal buildings would be seen against a backdrop of mature trees and raised ground, and the proposed reinstated hedgerow at the existing access point would further reduce their visual prominence, as would additional landscaping, which could be secured by conditions. Due to the

various sizes of residential properties nearby, the scale of the proposed dwelling would not harm the character of this small settlement. As a whole, I consider that the design, including the use of external materials such as slate, grey stone, oak and wood, would respond positively to the site context.

12. My attention has been drawn to the Council's Replacement Dwellings and Extensions to Dwellings in the Countryside Supplementary Planning Guidance (SPG), which amongst other things states that any increase in the volume of the replacement dwelling over the existing will normally be no more than 30%, and that an increase of more than 50% in volume over the size of the existing dwelling will not normally be considered to comply with Policy H5 of the Monmouthshire Local Development Plan (LDP). I am informed that the proposal would represent an increase in volume of around 57% over the existing house, although some residents consider this to be an underestimate as it excludes the proposed conservatory and garage, which includes a 'hobby' room. Nonetheless, although I accept that the proposed living accommodation would be more extensive than the existing house, I find that the proposed design, scale and siting of the dwelling would not result in significant visual harm or materially intrude into the landscape. Whilst I accept that the proposal would breach the 50% upper limit, the SPG represents guidance rather than rigid guidelines and each proposal must be considered on its merits. Given the specific circumstances of the case I find that there would be no material conflict with the aims of the SPG.
13. I acknowledge that there is some element of subjectivity in determining whether or not a particular design is attractive, but I am conscious that Planning Policy Wales Edition 9 (PPW) says that particular architectural tastes or styles should not be imposed arbitrarily and opportunities for innovative design solutions should not be inhibited. For the reasons given above, I conclude that the proposal would accord with the design objectives of LDP policies DES1 and H5, and with the general thrust of the Council's SPG, PPW and TAN 12.

Highway safety

14. It is proposed to relocate the vehicular access to a point further north within the site. Visibility from this location is currently significantly restricted. Whilst the proposed relocation of the boundary hedgerow away from the footway would substantially improve visibility, the location of the access on the inside of a slight bend would prevent sightlines from achieving the minimum 120 metres sought by Technical Advice Note 18 – Transport (TAN 18) for a road subject to a 40mph speed limit.
15. Notwithstanding this, I saw on my site visit that visibility from the existing access point is poor. Opportunities to improve the safety of this access are minimal as sightlines to the south are inhibited by the neighbouring dwelling. I note that the Highways Authority has supported the appeal proposal due to the relative improvement in highway safety that would result. I too consider that, whilst visibility from the relocated access point would not meet the minimum distances set out in TAN 18, the proposal would result in a material improvement in highway safety.
16. Whilst the proposed access point would be located opposite those for 1 and 2 Church Cottages, sightlines between the driveways would be sufficient to avoid harmful vehicle conflicts. I saw that a bus stop, post box and church lie near to the proposed access, but any stationary vehicles associated with these uses, or vehicles overtaking in the northbound carriageway, would be readily visible to drivers exiting the relocated access point. I do not dispute that collisions may have occurred in the vicinity, or that the 40mph limit may be exceeded by motorists. Nonetheless, I find that the appeal

proposal would result in a material improvement to highway safety, a benefit to which I attach substantial weight. For the reasons given I conclude that the proposal would accord with the aims of TAN 18.

Other Matters

17. Representations have raised concerns regarding the effect of the proposal on the privacy of neighbouring occupants. However, the separation distances to nearby dwellings, absence of south-facing first floor habitable room windows, existing boundary treatments and relatively modest height of the proposal would avoid any harmful reduction in privacy for adjacent occupants or adverse overbearing effects. The separation distances would similarly ensure that there would be no unacceptable noise or disturbance to neighbours from the occupation of the dwelling, or during the construction phase, the effects of which would be temporary in nature.
18. Whilst the site falls partly within an area designated Zone C1 by the Technical Advice Note 15 – Development and Flood Risk Development Advice Maps, the proposed dwelling and garage would be located outside this area. Detailed flood maps supplied by Natural Resources Wales, dated September 2013, indicate that adjusted for climate change or based on a 1 in 1000 year event the northern part of the site, including the proposed access point, would fall within an area of shallow flooding. However, these maps forecast that the current access would also be affected in such circumstances. Whilst I do not dispute the anecdotal evidence of residents that the road adjacent to the proposed access point has previously been inundated, the gradient of the road is not so pronounced that the relocated access would result in materially increased harmful risks to life for future occupants. In any event, due to the site's location on the periphery of the Zone C2 area, other escape routes would be possible. I am satisfied that the proposal would be acceptable in this regard.
19. Part of the existing hedgerow would need to be removed to make way for the relocated access point, and sections relocated to improve visibility for drivers. A proposed relocated or replanted native hedgerow would, however, adequately mitigate any harm to natural habitats and species arising from its loss or removal, subject to a condition to ensure that any works avoid bird breeding seasons. Whilst I note that the bat survey report found little evidence of bats on the site, the current dwelling and garage feature significant loft voids which provide substantial potential for roosts or nesting space for birds. The form of the appeal buildings, in contrast, would provide limited potential habitats. However, compensatory bat and bird boxes, secured by condition, would provide sufficient mitigation in this regard.
20. I have had regard to representations relating to the absence of an economic justification for demolishing the existing dwelling or evidence that similar energy efficiency benefits could not be achieved via insulation measures. But irrespective of the rationale for the proposal or the previous planning decisions of the Council on nearby sites I must determine the appeal based on the specific merits of the scheme before me. I attach limited weight to these matters.
21. Representations have also raised concerns that some submitted documents, including photo visualisations and the Design and Access Statement, are not accurate or contain errors. Whilst I accept that some of these concerns have substance, I am satisfied that sufficient, accurate information is before me. I have considered the submitted visualisations on the basis that these represent indications rather than accurate representations, and instead have used the submitted plans and elevations as the principal basis for considering the visual impacts of the proposal.

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

Conditions

23. Other than the standard plans and time limit conditions, which are necessary in the interests of proper planning, a number of other conditions have been suggested to which I have had regard.
24. A condition requiring the approval of samples of external materials by the Council prior to the construction of the buildings is necessary in the interests of the character and appearance of the area. For the same reason, and in the interests of nature conservation, it is necessary to impose a condition requiring a scheme of landscaping to be submitted, approved by the Council and implemented accordingly.
25. Given the extent of proposed changes to hedgerows and trees and demolition works, a condition restricting works during the bat activity and bird breeding season is necessary in the interests of nature conservation. For the same reason, a condition requiring the installation of bat and bird boxes is necessary to compensate for the loss of the existing loft voids.
26. Due to the proximity of the appeal dwelling to the southern site boundary, a condition removing permitted development rights is necessary to prevent any modifications to the appeal dwelling that may detrimentally affect the privacy of adjacent occupants. Such a condition would also restrict the installation of visual obstructions near to the proposed access point, and is therefore also necessary in the interests of highway safety.

Conclusion

27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Paul Selby

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan at 1:1250; Topo at 1:200; 1198[BD]16 (Proposed Site Block Plan); 1198[BD]10 (Proposed Ground Floor Plan); 1198[BD]11 (Proposed First Floor Plan); 1198[BD]12 Proposed East and West

- Elevations); 1198[BD]13 (Proposed North and South Elevations); 1198[BD]15 (Proposed Garage).
- 3) Prior to the construction of the buildings hereby approved samples of the materials to be used in the construction of the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. 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 or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - 5) 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.
 - 6) No demolition of any buildings or structures, or removal of hedgerows, trees or shrubs shall take place between 1st April and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building and vegetation for active birds' nests immediately before 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.
 - 7) The development hereby permitted shall not be occupied until the bat box (Schwegler 1 FR) and bird box (Schwegler 1 SP) have been installed in accordance with the details shown on submitted plan 1198[BD]13.
 - 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995, as amended (or any order revoking and re-enacting that Order with or without modification) no development within Part 1 of Schedule 2 to the Order, shall be carried out on land to which this permission relates, without express planning permission having first been obtained from the local planning authority.