

County Hall
The Rhadyr
Usk
NP15 1GA

23rd February 2015

Notice of Meeting:

Planning Committee

**Tuesday, 3rd March 2015 at 2.00pm
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA**

AGENDA

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

Note: Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon the day before the meeting. Details regarding public speaking can be found within the Planning Committee agenda on the Authority's website.

Item No	Item
1.	Apologies for Absence.
2.	Declarations of Interest.
3.	To confirm for accuracy the Planning Committee Minutes dated 3 rd February 2015 (copy attached).
4.	To consider the following report by the Development Plans Manager (copy attached): (i) Monmouthshire Local Development Plan Adoption of Supplementary Planning Guidance.

<p>5.</p>	<p>To consider the following report by the Development Control Manager (copy attached):</p> <p>(i) The Introduction of an administration and monitoring charge for Section 106 Planning Agreements.</p>
<p>6.</p>	<p>To consider Planning Application reports from the Chief Officer – Enterprise.</p> <p>Index and copy of reports attached.</p>

**Paul Matthews,
Chief Executive**

**MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY**

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

D. Blakebrough
P.R. Clarke
D.L.S. Dovey
D.L. Edwards
R.M. Edwards
D.J. Evans
R.J. Higginson
R.G. Harris
S.G.M. Howarth
P. Murphy
M. Powell
B. Strong
F. Taylor
P. Watts
A.E. Webb
A.M. Wintle

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

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.

The Monmouthshire Local Development Plan contains over-arching policies on development and design which may relate to applications being considered by Committee but will not be rehearsed in full in each application. The full text is set out 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 pollution;
- 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.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the Planning Committee held in the Council Chamber, County Hall,
Usk on Tuesday 3rd February 2015 at 2.00 p.m.**

PRESENT: County Councillor R. Edwards (Chairman)

County Councillors: D. Blakebrough, P.R. Clarke, D.L.S. Dovey, D.L. Edwards, R.G. Harris, R.J. Higginson, P. Murphy, M. Powell, B. Strong, P. Watts, A.E. Webb and A.M. Wintle.

OFFICERS IN ATTENDANCE:

Mrs. P. Clarke	-	Planning Control Manager
Mr. R. Tranter	-	Head of Legal Services
Ms. K. Biggs	-	Conservation Officer
Mr. R. Williams	-	Democratic Services Officer

APOLOGIES FOR ABSENCE

1.- Apologies for absence were received from County Councillors D.J. Evans, S.G.M. Howarth and F. Taylor.

DECLARATIONS OF INTEREST

2.- Declarations of interest are identified under the relevant minute.

MINUTES

3.- The minutes of the Planning Committee meeting held on 6th January 2015 were confirmed and signed by the Chairman.

PLANNING APPLICATIONS

4. - Planning applications considered at the meeting were dealt with in line with the agenda index subject to application DC/2014/01226, which was considered first.

Notes

† Denotes that objections were made to these applications.

* Denotes that late correspondence was received in respect of these applications.

We received the report presented by the Planning Control Manager and the Conservation Officer.

**Minutes of the Planning Committee
dated 3rd February 2015 continued**

The following applications were considered where debate ensued.

(a) **Application DC/2014/01226†* - Erection of a New Dwelling House, Garage, Gravel Driveway and Additional Planting / Trees. High Trees, Steep Street, Chepstow**

County Councillor P.S. Farley declared a personal and prejudicial interest in this application under the Member's Code of Conduct. The Head of Legal Services had advised Councillor Farley that he would be able to speak in respect of the application under paragraph 14(2) of the members' code of conduct as a member of the public was speaking on the application, but that he should leave the meeting immediately after making any representations. Councillor Farley therefore spoke in respect of the application but immediately left the meeting after doing so.

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

The local Member for St. Mary's, attending the meeting by invitation of the Chairman, outlined the following points:

- There was another building not far from the proposed dwelling that has received planning permission and was being rebuilt. From the plans it looks as if it will be a better alternative to the original build. However, a different view from local residents might differ and it might be argued that the impact of that particular building was out of scale and inappropriate, too large and too dominant. Therefore, the same principal might apply to the application presented to the Planning Committee today. The application looks good on the plans but was it appropriate to the context, shape, style, mass and in the context of it being in a conservation area, this needed to be fully recognised, as well as the impacts of the elevations on other adjoining properties.
- The Committee needs to take account of Policy S17, which respects local distinctiveness, general design considerations – DES1.
- This is an historic building. The view from it is important. Also, the view of it would be a subject of concern if the application was approved.
- It is a development in a conservation area.
- The local Member urged the Committee to consider all of these matters and listen to the other representations before determining the application.
- The local Member had not received a single representation in favour of this application. However, considerable concerns in respect of the application have been received.

**Minutes of the Planning Committee
dated 3rd February 2015 continued**

Councillor D. Rooke, Chair of Chepstow Town Council Planning Committee, attending the meeting by invitation of the Chairman, outlined the following points on behalf of the Town Council:

- The proposed development and the loss of trees will create a detrimental impact on the visual amenity of the town.
- The proposed development would be highly visible from many aspects of the town.
- There were concerns regarding overlooking.
- The elevation of the property was a major issue looking down into adjoining neighbouring properties.
- The loss of mature trees would create a detrimental impact across Chepstow. It was hoped that trees with a tree preservation order would be retained.
- The design of the proposed building would not be in keeping with the surrounding area.
- The mass of the building would dominate the landscape.
- Numerous complaints had been received from residents. However, no representations supporting the application had been received.

Mr. R. Slaymaker, objecting to the application and representing the views of other objectors, attending the meeting by invitation of the Chairman, outlined their four key objections, as follows:

- Loss of privacy – the application is a large building directly overlooking nearby properties. No adjustments in calculations have been made to take account of elevation. The proposed dwelling is 11 metres short of planning guidance. The height of the proposed building is a minimum five metres higher than the top of the existing boundary wall at its lowest point.
- Conservation Area and Listed Building Status – The proposed building is located within the Chepstow conservation area. The scale of it at approximately 20 metres wide means that its frontage is 2.5 metres larger than the properties that it overlooks. The design of the building is modern with an all glass frontage which is out of character with the historic nature of Chepstow. Planning regulations need to be consistent.
- Loss of protected trees – The proposal includes the felling of 12 trees which are protected by a tree preservation order. Objectors were

**Minutes of the Planning Committee
dated 3rd February 2015 continued**

disappointed that the Planning Department has not given sufficient weight to the removal of these mature trees in a conservation area.

- Structural assessment – The proposed building would be located behind a high retaining wall owned by the residents of nos. 1 and 2 High View. Structural assessments have not been carried out. Objectors were concerned about the physical and financial consequences of major construction work behind this wall. The proposals give insufficient weight to the contents of planning policies. Taking these guidelines into account, the objectors cannot understand why the application had been recommended for approval.
- The objectors were disappointed at the rejection of the proposal by Chepstow Town Council and the historical society had been set aside in the recommendations for approval.

Mr. R.S. Dean, the applicant's agent, attending the meeting by invitation of the Chairman, outlined the following points:

- The impact on the visual amenity of the town – It is very difficult to discern the development. It is hunkered down into the hillside and non-reflected tinted glass had been installed.
- The overlooking and privacy to neighbours has been addressed by putting the plot as far as possible and as low as possible into the site. The level of the first floor is now the ground level. Therefore, most of the building is in the ground.
- A 1.5m evergreen hedge is being planted along a section of the boundary.
- The development is 25 metres away from number 1 High View and 19 metres away from number 2 High View. The privacy issues have been addressed.
- This application removes six trees with eight trees being planted.
- The building is a modern building which is energy efficient with solar reflectors. Material on site will be re-used with material also being used from local sources. The development will have a low carbon footprint.
- It is a large building but there are other large buildings in the surrounding area.
- A large proportion of the building will be below the retaining wall.

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- 771 metric tonnes of material was being removed and being replaced by 451 metric tonnes. Therefore, reducing the load by almost half at the back of the retaining wall.

Having considered the report and the views expressed some Members expressed concern that the design of the proposed development was at odds with the architecture of the surrounding area and that it would be located within a conservation area. Concern was also expressed regarding the amount of material that would be removed from the site which might compromise the integrity of the retaining wall. The removal of trees and shrubs would also create a negative impact on the surrounding area.

However, other Members considered that the development would be lower and that pressure would be removed from the retaining wall. There were no views of adjacent properties and it was considered that there would be no negative impact to the surrounding area.

The Conservation Officer stated that the application adhered to Welsh Government guidance regarding conservation and listed building legislation.

The local Member, in summing up, outlined the following points:

- He reminded the Committee of the points that had been made by all of the speakers.
- The views of the objectors should be respected.
- He considered that the context and character of the building might not be appropriate as there was no other building in Chepstow like the proposed building.

Having summed up, the local Member left the meeting taking no further part in the debate.

It was proposed by County Councillor M. Powell and seconded by County Councillor P. Murphy that application DC/2014/01226 be approved subject to the conditions, as outlined in the report.

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

For approval	11
Against approval	2
Abstentions	0

The proposition was carried.

We resolved that application DC/2014/01226 be approved subject to the conditions, as outlined in the report.

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dated 3rd February 2015 continued**

- (b) **Application DC/2014/00276* - Conversion, Extension and Change of Use of the Redundant Church Hall into a Dwelling. The Onen Hall, Llanfihangel-Ystern-Llewern, Monmouthshire**

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

Members expressed their sympathy for the applicant with regard to this application. However, the application contravened planning policy.

It was therefore proposed by County Councillor R.G. Harris and seconded by County Councillor R.J. Higginson that application DC/2014/00276 be deferred to allow officers to negotiate with the applicant to establish a proposal that would adhere to planning policy.

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

For deferral	-	13
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2014/00276 be deferred to allow officers to negotiate with the applicant to establish a proposal that would adhere to planning policy.

- (c) **Application DC/2014/00961†* - Proposed Demolition of Detached Buildings, Conversion of Hotel Bedroom Annex into Seven Residential Units; Erection of Five Detached Dwellings with Car Parking and Altered Site Access Annex to The Three Salmons Hotel, Porthycarne Street, Usk**

County Councillor P.R. Clarke declared a personal and prejudicial interest in this application under the Member's Code of Conduct as he is a director and shareholder of the Three Salmons Hotel, Usk. He therefore left the meeting taking no part in the discussion or voting thereon.

County Councillor B. Strong declared a personal and prejudicial interest in this application under the Member's Code of Conduct as his son is a partner in the Three Salmons Hotel. He therefore left the meeting taking no part in the discussion or voting thereon.

We considered the report of the application which was recommended for approval subject to nine conditions, as outlined in the report and subject to a Section 106 agreement to secure affordable housing provision and an off-site recreation contribution.

In noting the detail of the application, it was noted that reference had been made by an objector to the application that the site was subject to a restrictive

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dated 3rd February 2015 continued**

covenant limiting the height of any building to 4.27 metres in height for the ridge and 3.05 metres for a flat roof building. The Head of Legal Services stated that he had not seen the covenant. If the covenant existed then it would be a private matter for the applicant to address. A covenant would not fall within the remit of planning regulations.

Having considered the application, it was proposed by County Councillor R.J. Higginson and seconded by County Councillor D.L. Edwards that application DC/2014/00961 be approved subject to nine conditions, as outlined in the report and subject to a Section 106 agreement to secure affordable housing provision and an off-site recreation contribution.

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

For Approval	11
Against approval	0
Abstentions	0

The proposition was carried.

We resolved that application DC/2014/00961 be approved subject to nine conditions, as outlined in the report and subject to a Section 106 agreement to secure affordable housing provision and an off-site recreation contribution.

The meeting ended at 3.21p.m.

**Minutes of the Planning Committee
dated 3rd February 2015 continued**

<p>SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN ADOPTION OF SUPPLEMENTARY PLANNING GUIDANCE</p> <p>MEETING: PLANNING COMMITTEE</p> <p>DATE: 3 MARCH 2015</p> <p>DIVISION/WARDS AFFECTED: ALL</p>

1. PURPOSE:

The purpose of this report is:

- 1.1 To inform Planning Committee of the results of the recent consultation exercise regarding Supplementary Planning Guidance (SPG) documents produced to provide further details of policies and proposals contained within the Monmouthshire Local Development Plan.
- 1.2 To seek Planning Committee's endorsement of the SPG documents, with a view to them being formally adopted as SPG in connection with the Monmouthshire LDP

2. RECOMMENDATIONS:

- 2.1 To endorse the SPGs listed below (subject to the recommended amendments set out in Appendix C), with a view to them being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend to the Cabinet Member for Environment, Public Services and Housing accordingly.
 - Policy H4 (g) (formerly UDP Policy H7 (g)) Conversion / Rehabilitation of Buildings in the Open Countryside to Residential Use: Assessment of Re-use for Business Purposes.
 - Policies H5 and H6 (formerly UDP Policies H13 and H15) Replacement Dwellings and Extensions to Dwellings in the Countryside.
 - Conversion of Agricultural Buildings.
 - Green Infrastructure.

3. KEY ISSUES:

3.1 Background

Planning Committee endorsed the SPG documents that are the subject of this report on 7 October 2014, with a view to issuing them for consultation purposes. Subsequently, on 20 October 2014, the Cabinet Member for Environment, Public Services and Housing took the decision to issue the SPG documents for consultation. Two reports were presented to Planning Committee, one relating to SPG documents that had been adopted under the Monmouthshire Unitary Development Plan and that were being updated to correspond to the LDP and the other relating to a new SPG on Green Infrastructure. These reports are attached as **Appendix A** and **Appendix B** respectively. The Draft SPGs were included as Appendices in the reports to Planning Committee on 7 October 2013. They can also be viewed on the Council's web site at: http://www.planningpolicy.monmouthshire.gov.uk/?page_id=28

- 3.2 The consultation took place for a period of 8 weeks between Thursday 27th November 2014 and Thursday 22nd January 2015. A notice was placed in Monmouthshire Free Press on 26th November 2014 and 380 individual notifications were sent out to:

- Specific (including Town and Community Councils), General and Other consultees, as identified in the LDP Community Involvement Scheme;
- Residents who were on the LDP consultation data base and had specifically requested to be notified of the SPGs;
- Agents/developers who work in the Council area.

3.3 9 replies were received. These are summarised, together with the Council's response in the Report of Consultation provided as **Appendix C**. Generally, no significant objections were received and only minor amendments to the SPG documents have been necessary. It is considered, therefore, that the documents can be formally adopted as SPG to support the Monmouthshire LDP.

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. SPG provides further explanation and guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas. SPG can be a material consideration in the determination of planning applications, provided that appropriate consultation has been undertaken and that it has been approved in accordance with the Council's decision making process.

5. RESOURCE IMPLICATIONS:

5.1 Officer time and costs were associated with the preparation of SPG documents and the carrying out of the required consultation exercises. These were within the existing Development Plans budget and carried out by existing staff.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

6.1 These were considered in the reports presented to Planning Committee on 7 October 2014, which are reproduced as Appendices A and B.

7. BACKGROUND PAPERS:

- Monmouthshire Adopted LDP (February 2014)

8. AUTHOR & 10. CONTACT DETAILS:

Martin Davies (Development Plans Manager).

Tel: 01633 644826.

E Mail: martindavies@monmouthshire.gov.uk

**SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN
UPDATED SUPPLEMENTARY PLANNING GUIDANCE**

MEETING: PLANNING COMMITTEE

DATE: 7 OCTOBER 2014

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

The purpose of this report is:

- 1.1 To seek Planning Committee's endorsement of updated and amended Supplementary Planning Guidance (SPG) notes previously adopted under the Monmouthshire UDP, with a view to issuing for consultation.

2. RECOMMENDATIONS:

- 2.1 To endorse the SPGs listed below (and attached as Appendices to this report), with a view to issuing for consultation and to recommend to the Cabinet Member for Environment, Public Services and Housing accordingly.

- Policy H4 (g) (formerly UDP Policy H7 (g)) Conversion / Rehabilitation of Buildings in the Open Countryside to Residential Use: Assessment of Re-use for Business Purposes.
- Policies H5 and H6 (formerly UDP Policies H13 and H15) Replacement Dwellings and Extensions to Dwellings in the Countryside.
- Conversion of Agricultural Buildings

3. KEY ISSUES:

3.1 Background

The Monmouthshire County Council Local Development Plan 2011-2021 was adopted on 27 February 2014, superseding the Monmouthshire Unitary Development Plan (UDP), to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). The LDP contains sufficient policies and proposals to provide the basis for deciding planning applications, and for determining conditions to be attached to planning permissions, but it was necessary to ensure that it avoided excessive detail. 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.

3.2 Current SPG

The Council has a number of Supplementary Planning Guidance documents (SPGs) which were prepared to supplement the policies contained in the UDP. A report is being taken to this meeting including a list of these, together with a description of their current status, and suggesting a programme for the preparation of SPG to accompany the LDP. It is considered that three of the existing SPGs, as updated, require to be consulted on to ensure that they can continue as adopted Council policy documents and still carry appropriate weight as material considerations in the assessment of planning applications, hence this report to Committee. To take each in turn:

3.3 Policy H4 (g) (formerly UDP Policy H7 (g)) Conversion / Rehabilitation of Buildings in the Open Countryside to Residential Use: Assessment of Re-use for Business Purposes. (Appendix A)

- 3.3.1 Policy H4 of the Adopted LDP includes a criterion which states that:

“(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.”

- 3.3.2 In order to comply with this criterion, all applications for the conversion of buildings in the countryside for residential use must be accompanied by a Statement giving reasons why a conversion to a use other than housing is not practicable or desirable, including the results of any marketing exercise.
- 3.3.3 In order to facilitate consistency in working practices, it was considered that detailed practical guidance was required on the contents of such a Statement and the requirements of a marketing exercise under Policy H7 of the Adopted UDP. The original Note was adopted on 8 November 2006.
- 3.3.4 The equivalent LDP policy criterion (now H4 (g)) has exactly the same wording as in the UDP. Generally, therefore, only minor changes to wording are required to update policy references, contacts etc., although an additional paragraph (paragraph 2.6) has been added to clarify the relationship of tourism uses to the requirements of this policy criterion.
- 3.4 Policies H5 and H6 (formerly UDP Policies H13 and H15) Replacement Dwellings and Extensions to Dwellings in the Countryside. (Appendix B)
- 3.4.1 The UDP Inquiry Inspector was concerned that the Council’s suggested planning policies did not provide sufficient guidance or control over proposals to replace or extend existing dwellings in the countryside. He felt, therefore, that there was a risk of the County’s rural character and landscape being harmed by the cumulative impact of over-large extensions and replacement dwellings. As a result, he recommended a change in wording to Policy H13, requiring that replacement dwellings should be ‘of a similar size’ to that replaced, and the introduction of a new policy, Policy H15, relating to the extension of dwellings in the countryside. Policy H15 required, in particular, that extensions to rural dwellings should be ‘modest’ and ‘subordinate to the existing building’. The new policies were quite prescriptive and their wording was intended to avoid a scale of extension or enlargement that might have been considered acceptable previously. There was, therefore, a need for detailed guidance on how Policies H13 and H15 would be interpreted, as they would have had significant impacts on development control working practices and the aspirations of applicants. In this respect, the SPG was written to allow for minor extensions or enlargements, setting limits on the size increases that were acceptable dependent on the character of the existing dwelling and the resulting visual impact in the landscape. The SPG was formally adopted by the Council in September 2007. UDP policies H13 and H15 have now been replaced, respectively, by Policies H5 and H6 in the LDP.
- 3.4.2 Generally, only minor changes are required to update policy references, contacts, etc., although this does include a need for quite a substantial explanation of how ‘countryside’ is defined in the LDP in relation to the settlement hierarchy set out in LDP Policy S1, in order to ensure clarity on the areas to which Policies H5 and H6 apply, particularly in respect of ‘Minor Villages’ (previously ‘H4 villages’ in the UDP).
- 3.4.3 There are two exceptions to this. In the replacement dwelling policy (Policy H5) an additional criterion (e) has been added regarding outbuildings but this formalises advice that was already included in the SPG. Policy H5 has also changed further in that an ‘executive housing’ exception has been added to the policy, which makes possible larger replacement dwellings (subject to no harmful landscape impact) if it can be demonstrated that the absence of high quality dwellings prevents the attraction of significant economic investment to Monmouthshire. An additional paragraph (paragraph 4.6) has been added to explain this part of the policy.

3.4.4 In addition, following discussion with Development Control officers, an additional section (section 8) has been added to provide guidance on applications for proposed annexes to existing residential properties.

3.5 Conversion of Agricultural Buildings. **(Appendix C)**

3.5.1 This SPG was prepared by the Conservation Team to provide design guidance on planning applications for the conversion of agricultural buildings in the open countryside. It was adopted in April 2012.

3.5.2 Generally, only minor changes are required to update policy references, contacts, etc. The updated SPG supports LDP Policy H4, which relates to conversions to residential uses in the open countryside, and Policy RE2, which relates to conversions for employment uses in the open countryside. Both of these policies set out detailed criteria which have to be satisfied if planning permission is to be granted. There are also now linkages to Policy T2, which relates to visitor accommodation outside settlements. Outside town and village development boundaries 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 for such uses complies with the criteria set out in Policy H4, although there are some exceptions as set out in criteria a) to c) of Policy T2.

3.5.3 It would be beneficial to provide a more comprehensive approach to SPG on the conversion of rural buildings, including additional policy advice and incorporating the guidance on assessment of buildings for business purposes referred to above. It is considered, however, that other SPG preparation should take precedence at the present time, as set out in the draft SPG programme that is also being reported to this meeting.

3.7 Next steps

3.7.1 As referred to in paragraph 3.2 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 sent to those considered to have an interest in the SPG topic, although all town and community councils will be consulted, notices will be placed in the press and individuals and organisations currently on the LDP consultation data base will be given the opportunity to request to be notified on some or all SPGs should they wish. 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. SPG provides further explanation and guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas.

5. **RESOURCE IMPLICATIONS:**

5.1 Officer time and costs associated with the preparation of SPG documents and carrying out the required consultation exercises. These will be within the existing Development Plans budget and generally carried out by existing staff.

6. **SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

6.1 Sustainable Development

An integrated equality and sustainability impact assessment was carried out in connection with the Deposit LDP. Under the Planning Act (2004), the LDP was required, in any event, to be subject to a Sustainability Appraisal (SA). The role of the SA was to assess 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 Environment 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.

6.2 Equality

6.2.1 The LDP was also subjected to an Equality Challenge process and due consideration 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. New SPG will be subject to integrated equality and sustainability impact assessments to ensure that informed decisions can be made. Where practicable and appropriate, consultation will include targeted involvement of those with the relevant protected characteristics.

6.2.2 Assessments of Equality Impact will be required throughout the Plan's implementation wherever there is likely to be significant impact. In this respect, the LDP will be subject to an Annual Monitoring Report that will include consideration of Equality Impacts.

7. **CONSULTEES:**

- Head of Planning
- Development Control Officers

8. **BACKGROUND PAPERS:**

- Monmouthshire Adopted LDP (February 2014)

9. **AUTHOR & 10. CONTACT DETAILS:**

Martin Davies (Development Plans Manager).

Tel: 01633 644826.

E Mail: martindavies@monmouthshire.gov.uk

**SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN
DRAFT SUPPLEMENTARY PLANNING GUIDANCE
GREEN INFRASTRUCTURE**

MEETING: PLANNING COMMITTEE

DATE: 7 OCTOBER 2014

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

The purpose of this report is:

- 1.1 To seek Planning Committee's endorsement of Draft Supplementary Planning Guidance (SPG) on Green Infrastructure (GI) with a view to issuing for consultation.

2. RECOMMENDATIONS:

- 2.1 To endorse the Draft Green Infrastructure SPG, with a view to issuing for consultation, and to recommend to the Cabinet Member for Environment, Public Services and Housing accordingly.

3. KEY ISSUES:

3.1 Background

The Monmouthshire County Council Local Development Plan 2011-2021 was adopted on 27 February 2014, superseding the Monmouthshire Unitary Development Plan (UDP), to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). The LDP contains sufficient policies and proposals to provide the basis for deciding planning applications, and for determining conditions to be attached to planning permissions, but it was necessary to ensure that it avoided excessive detail. 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.

- 3.2 A report is being taken to this meeting suggesting a programme for the preparation of SPG to accompany the LDP. The programme includes, as a first priority, the GI SPG, which is the subject of this report. A consultants' draft of this SPG has been prepared and is provided as an Appendix. The work took advantage of funding from a specific grant from the Welsh Government's Planning Improvement Fund so it has been provided at no cost to the Council and will be a valuable resource in encouraging high quality planning applications. The SPG has already been used on an informal basis in negotiating on planning applications but would benefit from the additional weight given by formal adoption. In this respect, SPG can be a material consideration in the determination of planning applications, provided that appropriate consultation has been undertaken and that it has been approved in accordance with the Council's decision making process.

- 3.3 GI is defined in the SPG as 'the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect villages, towns and cities. When appropriately planned, designed and managed, green infrastructure has the potential to deliver a wide range of benefits for people and wildlife'. The SPG supports the interpretation and implementation of Green Infrastructure policies S13 and GI1 of the LDP. Using a three-step approach, the SPG outlines the Council's expectations on how on and off-site green infrastructure should be considered and embedded within development proposals. It provides practical design and planning checklists,

supplemented by good practice case studies and signposts to further information and guidance.

3.4 A significant aspect of GI, which the associated LDP policies attempt to draw out, is that it is 'multifunctional'. Landscape elements, biodiversity features and ecological connectivity features can be combined to create interconnected spaces that also offer opportunities for recreation and healthy activities such as walking and cycling. The benefits of GI, which are expanded upon in the SPG (pages 18-19), include enhancing local distinctiveness, supporting the economy, helping mitigate climate change, encouraging sustainable development, protecting the environment/biodiversity, improving community cohesion and social inclusion and promoting health and well-being.

3.5 The SPG sets out a GI vision for Monmouthshire:

'In the future, Monmouthshire will have a well-connected multifunctional green infrastructure network comprising high quality green spaces and links that offer many benefits for people and wildlife. The network's integrity and connectivity will be maintained, protected and enhanced in a planned and managed way, which recognises the interdependency and multifunctionality of landscape, heritage and biodiversity elements. Investment in green infrastructure will underpin the County's ongoing economic, social and environmental success by supporting sustainable growth, improving quality of life and place, delivering ecosystem services and tackling climate change. Monmouthshire will be a greener and healthier place with an increasingly coherent and resilient ecological network of wildlife habitats, helping conserve biodiversity.'

3.6 Section 4 of the SPG identifies potential GI requirements for the key growth locations in the Monmouthshire LDP (Abergavenny, Monmouth, Chepstow and the Severnside settlements). Developments in these locations will inevitably increase pressure on existing GI assets and create a need to enhance and/or create new GI within these areas or in the vicinity. The schemes listed are intended to form a basis for discussion at this stage, highlighting potential schemes that could be developed further in subsequent GI strategies or possibly have the ability to be delivered as part of off-site developer contributions, either through Section 106 agreements or the Community Infrastructure Levy should the Council go down that route. The list will be revised as necessary in the light of competing Council priorities and available resources and as the Whole Place Plan programme and LDP Infrastructure Plan are developed.

3.7 Included in the appendices of the SPG is information for the Abergavenny, Monmouth, Chepstow and the Severnside settlements that has been drawn together from the environmental studies carried out as part of the evidence base of the LDP: the Open Space Study, Greenspace Study, Ecological Connectivity Assessment and Landscape Capacity and Sensitivity Study.

3.8 Next steps

3.8.1 As referred to in paragraph 3.2 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 sent to those considered to have an interest in the SPG topic, although all town and community councils will be consulted, notices will be placed in the press and individuals and organisations currently on the LDP consultation data base will be given the opportunity to request to be notified on some or all SPGs should they wish. 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. SPG provides further explanation and guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas.

5. RESOURCE IMPLICATIONS:

5.1 Officer time and costs associated with the preparation of SPG documents and carrying out the required consultation exercises. These will be within the existing Development Plans budget and generally carried out by existing staff.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

6.1 Sustainable Development

An integrated equality and sustainability impact assessment was carried out in connection with the Deposit LDP. Under the Planning Act (2004), the LDP was required, in any event, to be subject to a Sustainability Appraisal (SA). The role of the SA was to assess 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 Environment 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 existing LDP policies, which were prepared within a framework promoting sustainable development and GI itself provides numerous sustainable development opportunities as set out above.

6.2 Equality

6.2.1 The LDP was also subjected to an Equality Challenge process and due consideration 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. New SPG will be subject to integrated equality and sustainability impact assessments to ensure that informed decisions can be made. Where practicable and appropriate, consultation will include targeted involvement of those with the relevant protected characteristics.

6.2.2 Assessments of Equality Impact will be required throughout the Plan's implementation wherever there is likely to be significant impact. In this respect, the LDP will be subject to an Annual Monitoring Report that will include consideration of Equality Impacts.

7. CONSULTEES:

- Head of Planning
- Development Control Officers
- Countryside Officers

8. BACKGROUND PAPERS:

- Monmouthshire Adopted LDP (February 2014)
- Green Infrastructure Draft Supplementary Planning Guidance (May 2014)

9. AUTHOR & 10. CONTACT DETAILS:

Martin Davies (Development Plans Manager).

Tel: 01633 644826.

E Mail: martindavies@monmouthshire.gov.uk

Appendix C

Individual Reports of Consultation

**Draft Supplementary Planning Guidance
Monmouthshire County Council Adopted Local Development Plan**

**Policy H4(g) Conversion/Rehabilitation of Buildings in the Open
Countryside to Residential Use: Assessment of Re-use for
Business Purposes**

Report of Consultation - March 2015

**Draft Supplementary Planning Guidance
Monmouthshire County Council Adopted Local Development Plan
Policy H4(g) Conversion/Rehabilitation of Buildings in the Open
Countryside to Residential Use: Assessment of Re-use for
Business Purposes
Report of Consultation - March 2015**

Respondent Number	13
Representation Number	1
Respondent Name	Mrs H Counsell
Respondent Organisation	Shirenewton Community Council
Summary of Representation	The Community Council is in agreement with the updates to this policy.
Requested Change	No change requested.
LPA Response	Support noted.
Recommendation	No change necessary.

Respondent Number	112
Representation Number	1
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	<p>Generally, regarding the conversion or rehabilitation of historic buildings, or extensions to them, there are a number of development works which may have an impact and require archaeological mitigation. This relates not only to listed buildings, but also to historic houses or farm outbuildings which do not have statutory designations. Information on these can be accessed in the Monmouthshire Historic Environment Record; hundreds of sites are known and less than 2% of these are on average Scheduled Ancient Monuments: Cadw have responsibility for the SAMs and must be consulted for Consent if any development is proposed that may impact them, both direct physical impact and also any visual impact on their setting (views to and from a Monument). Mitigation may include recording of buildings and associated features as well as mitigation on intrusive works. For sites with non-statutory designations, archaeological mitigation work may be required both pre and post determination to ensure that development complies with Planning Policy Wales Chapter 6: Conserving the Historic Environment, and the Welsh Office Circulars 60/96 and 61/96. Information may also be gained from a number of Cadw publications that deal with the care of farm buildings, details at: http://cadw.wales.gov.uk/historicenvironment/help-advice-and-grants/lookingafteryourproperty/bestpractice/?lang=en. Early consultation with GGAT Archaeological Planning, as the advisors to Monmouthshire County Council, is advisable.</p>
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	112
Representation Number	2
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	<p>The documents note that consideration should be given if a site is with the AONB or a Conservation Area; to this should be added any area on the Register of Landscapes, Parks and Gardens, such as a Registered Historic Landscape (Lower Wye Valley), or Registered Parks and Gardens, of which there are a number in Monmouthshire. The Register is compiled by Cadw, ICOMOS and NRW and any developments of a large scale within a Registered area may need an ASIDOHL report undertaken and submitted (Assessment of the Impact of a Development on a Historic Landscape) Cadw's website which details methodology (http://cadw.wales.gov.uk/docs/cadw/publications/LandscapesRegisterGoodPractice_EN.pdf).</p>
Requested Change	<p>Include reference in document to whether the site is located in a Historic Landscape or a Registered Park and Garden.</p>
LPA Response	<p>Comment noted, whilst the SPG does not refer to these designations directly, the LDP contains reference in the Historic Environment Chapter. The aim of this SPG is to provide supporting information and advice on two particular policies (H5/H6) of the LDP and must as a consequence be read in conjunction with the other policies/guidance set out in the LDP. There is no need to repeat references to all designations in this SPG.</p>
Recommendation	No change necessary.

Respondent Number	112
Representation Number	3
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	All archaeological work undertaken in relation to planning issues should be undertaken to the Standards and Guidance of the Institute for Archaeologists and it is our policy to recommend that either a Registered Organisation with the IfA or a member with MIfA level membership should undertake the work.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	117
Representation Number	1
Respondent Name	Miss Rachael Bust
Respondent Organisation	The Coal Authority
Summary of Representation	No specific comments to make.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	154
Representation Number	1
Respondent Name	Lisa Bullock
Respondent Organisation	National Rail
Summary of Representation	No comment.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	196
Representation Number	1
Respondent Name	S Rossi
Respondent Organisation	NATS LTD
Summary of Representation	No comment.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

**Draft Supplementary Planning Guidance
Monmouthshire County Council Adopted Local Development Plan**

**Policies H5 and H6 Replacement Dwellings and Extensions to
Dwellings in the Countryside**

Report of Consultation - March 2015

**Draft Supplementary Planning Guidance
Monmouthshire County Council Adopted Local Development Plan
Policies H5 and H6 Replacement Dwellings and Extensions to
Dwellings in the Countryside**

Respondent Number	13
Representation Number	1
Respondent Name	Mrs H Counsell
Respondent Organisation	Shirenewton Community Council
Summary of Representation	The Community Council is in agreement with the updates to this policy.
Requested Change	No change requested.
LPA Response	Support noted.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	1
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	We recommend that reference is made in Section 6.4 Design to the fact that BRMs should not be used in areas used as bat roosts or intended to be used as bat roosts (as stated above).
Requested Change	Include reference to Breathable Roof Membranes.
LPA Response	Comment noted, whilst the SPG does not refer to ecology matters directly, the LDP contains reference to such matters in the Landscape and Nature Conservation Chapter. The aim of this SPG is to provide supporting information and advice on two particular policies (H5/H6) of the LDP and must as a consequence be read in conjunction with the other policies/guidance set out in the LDP. Applicants are also encouraged to submit a Biodiversity Checklist and Bats in Buildings Checklist with all planning applications. There is no need to refer to this specifically in this SPG.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	2
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	We recommend that a general comment is also included in respect of an awareness of Protected Species. Former dwellings often provide suitable habitats for a range of protected species including bats and birds. Potential applicants should be aware that appropriate survey work may therefore be required prior to submission of an application.
Requested Change	Include reference to make awareness of protected species.
LPA Response	Comment noted, whilst the SPG does not refer to ecology matters directly, the LDP contains reference to such matters in the Landscape and Nature Conservation Chapter. The aim of this SPG is to provide supporting information and advice on two particular policies (H5/H6) of the LDP and must as a consequence be read in conjunction with the other policies/guidance set out in the LDP. Applicants are also encouraged to submit a Biodiversity Checklist and Bats in Buildings Checklist with all planning applications. There is no need to refer to this specifically in this SPG.
Recommendation	No change necessary.

Respondent Number	112
Representation Number	1
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	<p>Generally, regarding the conversion or rehabilitation of historic buildings, or extensions to them, there are a number of development works which may have an impact and require archaeological mitigation. This relates not only to listed buildings, but also to historic houses or farm outbuildings which do not have statutory designations. Information on these can be accessed in the Monmouthshire Historic Environment Record; hundreds of sites are known and less than 2% of these are on average Scheduled Ancient Monuments: Cadw have responsibility for the SAMs and must be consulted for Consent if any development is proposed that may impact them, both direct physical impact and also any visual impact on their setting (views to and from a Monument). Mitigation may include recording of buildings and associated features as well as mitigation on intrusive works. For sites with non-statutory designations, archaeological mitigation work may be required both pre and post determination to ensure that development complies with Planning Policy Wales Chapter 6: Conserving the Historic Environment, and the Welsh Office Circulars 60/96 and 61/96. Information may also be gained from a number of Cadw publications that deal with the care of farm buildings, details at: http://cadw.wales.gov.uk/historicenvironment/help-advice-and-grants/lookingafteryourproperty/bestpractice/?lang=en. Early consultation with GGAT Archaeological Planning, as the advisors to Monmouthshire County Council, is advisable.</p>
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	112
Representation Number	2
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	<p>The documents note that consideration should be given if a site is with the AONB or a Conservation Area; to this should be added any area on the Register of Landscapes, Parks and Gardens, such as a Registered Historic Landscape (Lower Wye Valley), or Registered Parks and Gardens, of which there are a number in Monmouthshire. The Register is compiled by Cadw, ICOMOS and NRW and any developments of a large scale within a Registered area may need an ASIDOHL report undertaken and submitted (Assessment of the Impact of a Development on a Historic Landscape) Cadw's website which details methodology http://cadw.wales.gov.uk/docs/cadw/publications/LandscapesRegisterGoodPractice_EN.pdf).</p>
Requested Change	Include reference in document to whether the site is located in a Historic Landscape or a Registered Park and Garden.
LPA Response	Comment noted, whilst the SPG does not refer to these designations directly, the LDP contains reference in the Historic Environment Chapter. The aim of this SPG is to provide supporting information and advice on two particular policies (H5/H6) of the LDP. The SPG must as a consequence be read in conjunction with the other policies/guidance set out in the LDP.
Recommendation	No change necessary.

Respondent Number	112
Representation Number	3
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	<p>The impact of a development on the setting of Scheduled Ancient Monuments, Listed Buildings and archaeological features without statutory designations also has to be taken into consideration, and Cadw have produced Conservation Principles, to provide further detailed guidance when dealing with such issues, details at: http://cadw.wales.gov.uk/docs/cadw/publications/Conservation_Principles_EN.pdf. It should also be noted that archaeological features and finds exist outside Registered and Scheduled areas and may require pre-planning and conditioned archaeological mitigation.</p>
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	112
Representation Number	4
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	All archaeological work undertaken in relation to planning issues should be undertaken to the Standards and Guidance of the Institute for Archaeologists and it is our policy to recommend that either a Registered Organisation with the IfA or a member with MIfA level membership should undertake the work.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	117
Representation Number	1
Respondent Name	Miss Rachael Bust
Respondent Organisation	The Coal Authority
Summary of Representation	No specific comments to make.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	154
Representation Number	1
Respondent Name	Lisa Bullock
Respondent Organisation	National Rail
Summary of Representation	No comment.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	196
Representation Number	1
Respondent Name	S Rossi
Respondent Organisation	NATS LTD
Summary of Representation	No comment.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

**Draft Supplementary Planning Guidance
Monmouthshire County Council Adopted Local Development Plan**

Conversion of Agricultural Buildings Design Guide

Report of Consultation - March 2015

**Draft Supplementary Planning Guidance
Monmouthshire County Council Adopted Local Development Plan
Conversion of Agricultural Buildings Design Guide
Report of Consultation - March 2015**

Respondent Number	13
Representation Number	1
Respondent Name	Mrs H Counsell
Respondent Organisation	Shirenewton Community Council
Summary of Representation	The Community Council is in agreement with the updates to this policy.
Requested Change	No change requested.
LPA Response	Support noted.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	1
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	Under the section on Heating it states that breathable felt should be used where roof insulation is required. Breathable roof membranes (BRM) can pose a significant risk to bats and furthermore using such membranes in bat roosts runs the risk of impairing the ability of the membrane to function properly. It is recommended that BRMs should not be used in areas used as bat roosts or intended to be used as bat roosts. The use of BRM in bat roosts is therefore unlikely to be granted a licence by NRW. A product that has a long and proven track record of suitability in bat roosts is bitumastic felt to BS747. We recommend this material in bat roosts and areas intended for use as bat roosts.
Requested Change	No change requested.
LPA Response	It is noted that Breathable Roof Membranes would not be appropriate in buildings where bat roosts are present. The recommendation of an alternative material is welcomed.
Recommendation	Addition of sentence at the end of this section noting; Breathable Roof Membranes (BRM) are unsuitable in buildings where bat roosts are present, a licence would unlikely be granted by NRW for BRMs. Bitumastic felt to BS747 should be used as an alternative in such locations.

Respondent Number	17
Representation Number	2
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	No reference has been made to foul drainage. It should be noted that historically farm buildings did not need to have provision for foul sewage discharge. In view of their location, they are likely to be located in areas not served by the public foul sewer. It should be noted that not all methods of non mains foul drainage will necessarily be suitable at a particular site.
Requested Change	No change requested.
LPA Response	Comment noted, whilst the SPG does not refer to foul drainage directly, the LDP contains reference to foul drainage in the Environmental Protection Chapter. The aim of this SPG is to provide supporting information and advice on design aspects of conversion of agricultural buildings. The SPG must as a consequence be read in conjunction with the other policies/guidance set out in the LDP. There is no need to refer to foul drainage specifically in this SPG.
Recommendation	No change necessary.

Respondent Number	112
Representation Number	1
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	<p>Generally, regarding the conversion or rehabilitation of historic buildings, or extensions to them, there are a number of development works which may have an impact and require archaeological mitigation. This relates not only to listed buildings, but also to historic houses or farm outbuildings which do not have statutory designations. Information on these can be accessed in the Monmouthshire Historic Environment Record; hundreds of sites are known and less than 2% of these are on average Scheduled Ancient Monuments: Cadw have responsibility for the SAMs and must be consulted for Consent if any development is proposed that may impact them, both direct physical impact and also any visual impact on their setting (views to and from a Monument). Mitigation may include recording of buildings and associated features as well as mitigation on intrusive works. For sites with non-statutory designations, archaeological mitigation work may be required both pre and post determination to ensure that development complies with Planning Policy Wales Chapter 6: Conserving the Historic Environment, and the Welsh Office Circulars 60/96 and 61/96. Information may also be gained from a number of Cadw publications that deal with the care of farm buildings, details at: http://cadw.wales.gov.uk/historicenvironment/help-advice-and-grants/lookingafteryourproperty/bestpractice/?lang=en. Early consultation with GGAT Archaeological Planning, as the advisors to Monmouthshire County Council, is advisable.</p>
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	112
Representation Number	2
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	<p>The documents note that consideration should be given if a site is within the AONB or a Conservation Area; to this should be added any area on the Register of Landscapes, Parks and Gardens, such as a Registered Historic Landscape (Lower Wye Valley), or Registered Parks and Gardens, of which there are a number in Monmouthshire. The Register is compiled by Cadw, ICOMOS and NRW and any developments of a large scale within a Registered area may need an ASIDOHL report undertaken and submitted (Assessment of the Impact of a Development on a Historic Landscape) Cadw's website which details methodology http://cadw.wales.gov.uk/docs/cadw/publications/LandscapesRegisterGoodPractice_EN.pdf.</p>
Requested Change	Include reference in document to whether the site is located in a Historic Landscape or a Registered Park and Garden.
LPA Response	<p>Comment noted, whilst the SPG does not refer to these designations directly, the LDP contains reference in the Historic Environment Chapter. The aim of this SPG is to provide supporting information and advice on two particular policies (H5/H6) of the LDP and must as a consequence be read in conjunction with the other policies/guidance set out in the LDP. There is no need to repeat references to all designations in this SPG.</p>
Recommendation	No change necessary.

Respondent Number	112
Representation Number	3
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	All archaeological work undertaken in relation to planning issues should be undertaken to the Standards and Guidance of the Institute for Archaeologists and it is our policy to recommend that either a Registered Organisation with the IfA or a member with MIfA level membership should undertake the work.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	117
Representation Number	1
Respondent Name	Miss Rachael Bust
Respondent Organisation	The Coal Authority
Summary of Representation	No specific comments to make.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	154
Representation Number	1
Respondent Name	Lisa Bullock
Respondent Organisation	National Rail
Summary of Representation	No comment.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	196
Representation Number	1
Respondent Name	S Rossi
Respondent Organisation	NATS LTD
Summary of Representation	No comment.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

**Draft Supplementary Planning Guidance
Monmouthshire County Council Adopted Local Development Plan**

Green Infrastructure

Report of Consultation - March 2015

**Draft Supplementary Planning Guidance
Monmouthshire County Council Adopted Local Development Plan
Green Infrastructure
Report of Consultation - March 2015**

Respondent Number	9
Representation Number	1
Respondent Name	Ryan Norman
Respondent Organisation	Welsh Water
Summary of Representation	We are supportive of the development of this SPG, which supports the interpretation and implementation of the GI policies contained within the MCC Local Development Plan (LDP).
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	9
Representation Number	2
Respondent Name	Ryan Norman
Respondent Organisation	Welsh Water
Summary of Representation	We note and are pleased with the identification of the role of DCWW as a key infrastructure provider in assisting in the delivery of GI, and will look to the provisions of the Town and Country Planning Act 1990 and the Water Industry Act 1991 in providing us with the mechanisms to assist in ensuring we play our part in the delivery of GI assets.
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	9
Representation Number	3
Respondent Name	Ryan Norman
Respondent Organisation	Welsh Water
Summary of Representation	In particular, we are supportive of and will look to assist with the provision of SuDS schemes and the reduction of surface water run-off. As such we are particularly supportive of the inclusion of 'Diagram 2.2 – Range of GI Scales' and the provisions it sets out through the various scales of development.
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	9
Representation Number	4
Respondent Name	Ryan Norman
Respondent Organisation	Welsh Water
Summary of Representation	We welcome any opportunity to reduce and/ or eliminate the amount of surface water that drains to our combined and foul sewerage networks as this can lead to sewer flooding. New development can negatively affect the natural surface water run-off and ground permeability. As such, we support the integration of SuDS into new development in order to moderate flows and filter run-off. We are also fully supportive of design that incorporates water efficiency and sustainable drainage proposals and comply with the Code for Sustainable Homes and BREEAM standards.
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	9
Representation Number	5
Respondent Name	Ryan Norman
Respondent Organisation	Welsh Water
Summary of Representation	We are pleased to see the inclusion of Stebonheath School, Llanelli in the 'GI Case Studies' section. The removal of surface water through our RainScape programme can have the effects of both removing surface water from our combined sewerage network as well as contributing as a GI asset. Outside of our RainScape programme, the implementation of SuDS schemes through the incorporation of ponds, swales and new trees and planting into a development proposal can have the same combined effects and is something we are pleased to see the SPG encouraging.
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	9
Representation Number	6
Respondent Name	Ryan Norman
Respondent Organisation	Welsh Water
Summary of Representation	We are encouraged with the content of this SPG and therefore look to your Council to ensure the appropriate design of development sites that include water efficiency and SuDS proposals.
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	13
Representation Number	1
Respondent Name	Mrs H Counsell
Respondent Organisation	Shirenewton Community Council
Summary of Representation	The Community Council is in agreement with the updates to this policy.
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	13
Representation Number	2
Respondent Name	Mrs H Counsell
Respondent Organisation	Shirenewton Community Council
Summary of Representation	Please use up to date maps when forwarding information on planning applications.
Requested Change	No change requested.
LPA Response	This relates to a Development Control specific matter, the comment has been forwarded to this department for information.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	1
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	We welcome the production of this SPG. The document is comprehensive and includes helpful illustrations of existing studies, which will assist in securing Green Infrastructure through the planning process.
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	2
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	Box 1.5 Other Studies. We suggest that Landscape Character Assessment is included here.
Requested Change	Suggest that Landscape Character Assessment is included in Box 1.5.
LPA Response	Boxes 1.2 to 1.5 refer to studies specifically carried out to form part of the LDP evidence base. Landscape Character Assessment is currently being updated to form part of Landscape SPG and is referred to in Box 1.1.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	3
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	Box 2.3 – Technical Advice Note 15: Development and Flood Risk should be included. Section 8 and Appendix A of TAN15 provide advice on SuDs.
Requested Change	Box 2.3 – Technical Advice Note 15: Development and Flood Risk should be included.
LPA Response	It agreed that it would be useful to refer to this document.
Recommendation	Add a reference to Box 2.3 Page 11 to TAN15.

Respondent Number	17
Representation Number	4
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	Section 2.4 –This section should also refer to the number and importance of the designated sites within Monmouthshire. The County has important international and national designations for both habitats and species. There are approximately 56 Sites of Special Scientific Interest (SSSI) within Monmouthshire. Of these 10 are designated as European Sites under the EC Habitats and Species Directive 1992 (there are 10 Special Areas of Conservation and 1 Special Protection Area/Ramsar site), and includes the River Wye, the River Usk, the Severn Estuary and the Wye Valley Woodlands.
Requested Change	Section 2.4 –This section should also refer to the number and importance of the designated sites within Monmouthshire.
LPA Response	Agreed that it would be useful to make a general reference to SSSIs and European sites.
Recommendation	Add text to first sentence of paragraph 4 page 20 as follows: "...56 Sites of Special Scientific Interest, 10 of which are designated as European Sites..".

Respondent Number	17
Representation Number	5
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	With regard to diagram 2.2 we question whether it is appropriate for all grassland to be included here as some is intensively farmed. We suggest that further consideration be given to this point.
Requested Change	Further consideration be given to the reference to 'grassland' in diagram 2.2.
LPA Response	Diagram 2.2 is a schematic representation intended to give a broad indication of the range of GI scales and their connectivity. While the point made by the representor is appreciated the diagram is illustrative only and it is not considered necessary to provide detailed clarification on this issue.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	6
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	On page 20 we recommend that the following text is added to the last sentence, "... and could become further fragmented unless appropriate GI considerations and measures are included within future developments".
Requested Change	That the following text is added to the last sentence, "... and could become further fragmented unless appropriate GI considerations and measures are included within future developments".
LPA Response	Agreed that the additional text provided useful elaboration and clarification.
Recommendation	Add the following text to the last sentence on page 20: "... and could become further fragmented unless appropriate GI considerations and measures are included within future developments".

Respondent Number	17
Representation Number	7
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	We note that the document has been developed as a result of collaborative working. Has cross-boundary Green Infrastructure with other local authorities been considered? If so, could this be shown on Diagram 2.3 and also highlighted in the projects where joint working is happening/proposed.
Requested Change	If cross-boundary Green Infrastructure with other local authorities has been considered could this be shown on Diagram 2.3 and also highlighted in the projects where joint working shappingening/proposed.
LPA Response	Representatives from Brecon Beacons National Park and the Wye Valley AONB have participated in workshops on the preparation of the GI SPG. All neighbouring authorities have also been consulted on the SPG - no representatations have been received. The need to work jointly with adjoining authorities where appropriate is recognised and will be further developed as GI projects / strategies are advanced. Brecon Beacon National Park GI assets are indicated on Diagram 2.3 as part of the administrative County's assets but this diagram is at such a scale that only very broad indications of the location of such assets can be given and amendments to the diagram are not considered appropriate or necessary.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	8
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	The GI vision for Monmouthshire is very strong and proactive. It could be further improved if it were to include a statement to the effect that it will be managed and enhanced to deliver the right amount of the right kind of ecosystem services in the right place at the right time to bring the optimum benefit to the people, economy and natural environment of the county. This is alluded to in steps 1 to 3 in section 3.1 on page 25 where developers are urged to consider how their development can contribute to GI needs. P27 goes much further in suggesting how GI needs can be assessed - referring to publicly available documents which contain existing evidence.
Requested Change	The GI vision for Monmouthshire could be further improved if it were to include a statement to the effect that it will be managed and enhanced to deliver the right amount of the right kind of ecosystem services in the right place at the right time to bring the optimum benefit to the people, economy and natural environment of the county.
LPA Response	The point made by the representor is appreciated but the Vision Statement is already quite detailed and it is considered that further elaboration would be unwieldy and reduce its effectiveness. As the representor says, the issue raised is covered in later parts of the SPG.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	9
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	Section 3.3. The use of the Landscape Character Assessment can help to identify GI opportunities and could be included here.
Requested Change	The use of the Landscape Character Assessment be included in Section 3.3
LPA Response	The LANDMAP Landscape Character Assessment is currently being updated as part of the preparation of Landscape SPG. It is agreed, however, that it would be useful to make reference to it at this point and the LANDMAP data is utilised in Landscape and Visual Impact Assessment.
Recommendation	Add a reference to LANDMAP Landscape Character Assessment in Section 3.3.

Respondent Number	17
Representation Number	10
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	The GI design checklists in 3.5 are very comprehensive. Taken as a whole they reinforce the concept that GI is multifunctional, and they do suggest that GI assets are designed, where possible, to deliver many functions in one place. To reinforce the impact on developers (who may be unfamiliar with, and/or resistant to the GI concept) the checklist could start with a statement to the effect that GI assets will normally deliver more than one function in one place at the same time - unlike an old-fashioned "grey" infrastructure asset like a drain, which will only ever deliver one function - which can make them a very efficient way to deliver multiple objectives such as flood mitigation, recreation and wildlife habitats.
Requested Change	The checklist could start with a statement to the effect that GI assets will normally deliver more than one function in one place at the same time
LPA Response	The multifunctional nature of GI is a message that runs throughout the document and it is not considered to add additional text as suggested by the representor.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	11
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	The case studies included will be a resource from which developers will be able to obtain ideas to enhance their proposals. We welcome the collation of this comprehensive set of studies.
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	12
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	We would suggest that your Authority consider making certain checklist items mandatory (e.g. "Have Sustainable Drainage Systems been incorporated into the scheme?"). Some items may become mandatory (e.g. SuDS for developments above a certain size under the Flood and Water Management Act 2010), and the checklist would benefit from highlighting this.
Requested Change	Consider making certain checklist items mandatory (e.g. "Have Sustainable Drainage Systems been incorporated into the scheme?").
LPA Response	This is a matter that should be dealt with in the planning application validation process and is not considered to something that the SPG needs to consider.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	13
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	Section 3.7 –We advise that guidance should be included which encourages long-term commitment to management of GI. Ideally this should be in perpetuity or at least longer-term (25-30 years).
Requested Change	Guidance should be included within Section 3.7 which encourages long-term commitment to management of GI.
LPA Response	The means of ensuring long-term commitment to management of GI is a process that is being considered in negotiation with developers on current planning applications and their associated Section 106 agreements. The importance of long term maintenance is recognised and as policy is developed it will be included in SPG on S106 / Community Infrastructure Levy. It is not considered necessary or appropriate to include such detail in this section of the GI SPG.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	14
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	Section 4.3 - Cattle grazed permanent pasture within the Monmouth area is important for the conservation of the rare Greater Horseshoe Bat, which is a qualifying feature of the Wye Valley and Forest of Dean Bat Sites SAC. As part of GI considerations retention of existing cattle grazed pastures, wherever possible, should be a priority objective.
Requested Change	No specific change requested.
LPA Response	Comment noted. This is a detailed biodiversity issue that it is not considered to require reference in section 4 of the SPG, which is more concerned with the potential for strategic GI schemes.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	15
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	We welcome the list of planned or desired GI enhancements for each area. It is also highly encouraging to see that these include evidence-based requirements to improve access to natural green space (based on the assessment conducted in 2010 using the former CCW greenspace toolkit), alongside access improvements and biodiversity enhancements (e.g. pollinator-friendly planting).
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	17
Representation Number	16
Respondent Name	Mrs Claire McCorkindale
Respondent Organisation	Natural Resources Wales
Summary of Representation	The use of the underlying GIS datasets could allow developers to discover opportunities to create new GI assets which could deliver much needed ecosystem services to both the users of their own developments, as well as to existing residents/users to the benefit of the natural environment. The GIS data sets will also allow your Authority to examine the impact of development proposals. It would be useful if the background mapping could be available through the council's website for ease of public access.
Requested Change	Make the background mapping available through the councils website for ease of public access.
LPA Response	The mapping used in this study is extracted from a number of complimentary studies produced previously by the Council. Whilst the Council's LDP Mapping will soon be available on an online system it is not currently possible to include numerous datasets from other studies.
Recommendation	No change necessary.

Respondent Number	112
Representation Number	1
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	<p>The Green Infrastructure SPG provides information in principle regarding the establishment and expansion of green infrastructure. The SPG includes proposals for various areas, most of which have either statutory, national, or local designations and plans to develop infrastructure may impact on the archaeological resource. Areas which are within the document such as Abergavenny, Monmouth, Chepstow and the Levels villages such as Magor, Undy, Caldicot, Portskewett and also Caerwent include a number of statutory designations as well as the Listed Buildings noted. Much of Caerwent, not just the walls, are Scheduled Ancient Monuments and any development is subject also to a Policy in Monmouthshire's Local Development Plan, HE4, Roman Town of Caerwent, which states: "General development within or adjoining the walls and ditches of the Roman town at Caerwent will not be permitted." Areas within Abergavenny, Chepstow and Monmouth have Archaeologically Sensitive Areas, accepted in the LDP, and areas identified as Historic Settlements.</p>
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	112
Representation Number	2
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	<p>The document notes sites within with the AONB or a Conservation Area; to this should be added any area on the Register of Landscapes, Parks and Gardens, such as a Registered Historic Landscape (Lower Wye Valley and Gwent Levels), or Registered Parks and Gardens, of which there are a number in Monmouthshire. The Register is compiled by Cadw, ICOMOS and NRW and any developments of a large scale within a Registered area may need an ASIDOHL report undertaken and submitted (Assessment of the Impact of a Development on a Historic Landscape)</p> <p>http://cadw.wales.gov.uk/docs/cadw/publications/LandscapesRegisterGoodPractice_EN.pdf).</p>
Requested Change	Include reference in document to whether the site is located in a Historic Landscape or a Registered Park and Garden.
LPA Response	<p>Comment noted, whilst the SPG does not refer to these designations directly, the LDP contains reference in the Historic Environment Chapter. The aim of this SPG is to provide supporting information and advice on Policy GI1 of the LDP. The SPG must as a consequence be read in conjunction with the other policies/guidance set out in the LDP. Section 4 of the SPG relates to key growth locations, identifying historic parks and gardens in each locality as key GI assets. The historic parks and gardens in each locality are plotted on each of the associated diagrams.</p>
Recommendation	No change necessary.

Respondent Number	112
Representation Number	3
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	Information on the archaeological resource can be accessed in the Monmouthshire Historic Environment Record; hundreds of sites are known and less than 2% of these are on average Scheduled Ancient Monuments: Cadw have responsibility for the SAMs and must be consulted for Consent if any development is proposed that may impact them, both direct physical impact and also any visual impact on their setting (views to and from a Monument). Mitigation may include design of areas and routes, as well as mitigation on any intrusive works. For areas or sites with non-statutory designations, archaeological mitigation work may be required both pre and post determination to ensure that development complies with Planning Policy Wales Chapter 6: Conserving the Historic Environment, and the Welsh Office Circulars 60/96 and 61/96.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	112
Representation Number	4
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	Early consultation with GGAT Archaeological Planning, as the advisors to Monmouthshire County Council, is advisable so that best practice can be achieved with regard to the impact of any infrastructure on the historic environment.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	112
Representation Number	5
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	<p>The impact of a development on the setting of Scheduled Ancient Monuments, Listed Buildings and archaeological features without statutory designations also has to be taken into consideration, and Cadw have produced Conservation Principles, to provide further detailed guidance when dealing with such issues, details at: http://cadw.wales.gov.uk/docs/cadw/publications/Conservation_Principles_EN.pdf.</p> <p>It should also be noted that archaeological features and finds exist outside Registered and Scheduled areas, and also outside Conservation Areas, and may require pre-planning and conditioned archaeological mitigation.</p>
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	112
Representation Number	6
Respondent Name	Judith Doyle
Respondent Organisation	Glamorgan Gwent Archaeological Trust
Summary of Representation	All archaeological work undertaken in relation to planning issues should be undertaken to the Standards and Guidance of the Institute for Archaeologists and it is our policy to recommend that either a Registered Organisation with the IfA or a member with MIfA level membership should undertake the work.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	117
Representation Number	1
Respondent Name	Miss Rachael Bust
Respondent Organisation	The Coal Authority
Summary of Representation	Where Green Infrastructure is being provided that facilitates public access that is necessary to consider ground stability considerations to ensure public safety. However, the risks from mining legacy in Monmouthshire lie within the boundary of the Brecon Beacons National Park, which means they fall outwith the geographical scope of this SPG. Therefore, no specific comments to make at this stage.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	123
Representation Number	1
Respondent Name	Mr Dick Cole
Respondent Organisation	Abergavenny and District Civic Society
Summary of Representation	We welcome this comprehensive and informative piece of work that, with periodic review (some details are already being overtaken by events), should be of value well beyond the present LDP timescale. Clearly many of the Requirements of Section 4 are unlikely to be met by 2021. The Civic Society will be pleased to work with the Council and others to delivers the objectives of the guidance.
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	123
Representation Number	2
Respondent Name	Mr Dick Cole
Respondent Organisation	Abergavenny and District Civic Society
Summary of Representation	The Society is particularly interested in pursuing a partnership project to improve the multi-functional potential of the Gavenny river corridor. The SPG will also inform our urban characterisation project and our responses to planning applications. The content, much derived from earlier work, will also be useful when considering options for the town during the next review of the LDP.
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	123
Representation Number	3
Respondent Name	Mr Dick Cole
Respondent Organisation	Abergavenny and District Civic Society
Summary of Representation	Our only significant concerns about this SPG are that relatively few stakeholders will need the guidance and that those who do will not take the trouble to read it in its present lengthy form. The first page refers to 'a simple three-step approach' but this is not explained until page 25 of a total of 138. At least the Introduction needs to direct the typical reader to the key sections, and we would suggest that a separate short summary would introduce a wider readership to this comparatively new planning consideration before encouraging them to study the full SPG.
Requested Change	Suggest that a separate short summary would introduce a wider readership to this comparatively new planning consideration before encouraging them to study the full SPG.
LPA Response	The immediate priority in relation to the LDP GI Policy is to provide the SPG with the status that comes from formal adoption to ensure that applicants and developers are aware of the need to embed GI into their development proposals. The potential GI requirements for the key growth locations in the Monmouthshire LDP identified in section 4 of the SPG, however, could form the basis for the preparation of broader GI settlement strategies with linkages to the Whole Place Plan programme and LDP Intrastructure Plan. The need for a more concise summary document to promote the GI concept to a wider readership, as identified by the respondent, can be appreciated, therefore, and will be taken into consideration as the GI project is taken forward. In the short term it is agreed that it would be helpful to provide an 'up-front' reference to the location of the 'three-step approach' within the SPG document.
Recommendation	Amend the fourth bullet point on the 'Key Messages' page of the SPG so that it begins 'Using a simple three-step approach as set out on page 25 ...'

Respondent Number	138
Representation Number	1
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	The Community Land Advisory Service Cymru is funded over 5 years and managed by the Federation of City Farms and Community Gardens to work with landowners, developers, housebuilders and local authorities to provide land and so that communities have increased access to grow local food. With in-house rural surveying and town planning skills we are well placed to help identify appropriate land for new growing sites and land on prospective housing or employment sites that could incorporate various forms of community growing or work place allotments.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	2
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	Providing high quality green infrastructure (GI) (large or small scale) as part of new development schemes, is a way of improving deficiencies in accessible natural green space in wards. A small growing space on a new development within a densely populated area could go a long way to providing much needed green structure to a ward area. Likewise, it is just as important to provide various types of green infrastructure (including community growing) on larger development schemes that have increased capacity for green spaces to be built in from the start. These are the developments that should lead by example and be at the forefront of quality GI.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	3
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	<p>Community growing has increased exponentially in Wales in the last five years. There is now a clear evidence base of good practice in Wales (and beyond) that could be replicated.</p> <p>The Federation of City Farms and Community Gardens (FCFCG) is well placed to provide information on the different models of community growing including, but not limited to, allotments, community gardens, community orchards, public edible planting, Community Supported Agriculture.</p>
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	4
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	In Box 2.3 on Page 11 – it would preferable for the planning authority to refer to the Welsh Government Consultation on improving the availability of allotment and community gardens. A White Paper is due to follow in 2016.
Requested Change	Refer to Welsh Government Consultation on improving the availability of allotment and community gardens in Box 2.3 Page 11.
LPA Response	It is agreed that it would be useful to refer to this document.
Recommendation	Add a reference to Box 2.3 Page 11 to the Welsh Government Consultation on Improving the Availability of Allotments and Community Gardens

Respondent Number	138
Representation Number	5
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	FCFCG supports recognition of the multi-functional benefits different GI assets can deliver. The reference to food production on page 21 is supported. A commitment to leading by example as a local authority by offering their own land for this purpose would go a long way to reinforcing the Council's GI credentials. Working with the Council's Sustainability Community Officer (Alison Howard) in this context would be very beneficial.
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	6
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	Diagram 3.2 – the GI opportunity Plan suggests providing allotments/ orchards for local food production linked to new green space. This is to be commended. FCFCG would like to see the local food production site in the centre of the development scheme rather than out in one corner of the site. Such spaces are only used effectively by the local community if within 5 minutes walking time of a home. Such spaces are also very effective in terms of community cohesion and bringing people together so it would preferable if such a space represented that by being at the centre of a new development scheme or urban extension.
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	7
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	Page 30 - where development risks harm to existing GI assets compensation should be through high quality and multi-functional green infrastructure such as community growing.
Requested Change	No specific change requested.
LPA Response	It is recognised that community growing could potentially offer a means of compensating for harm to existing GI assets. Such compensatory measures will be considered on a case-by-case basis and it not considered necessary to make a specific reference to this in the SPG.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	8
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	FCFCG would also suggest that food growing spaces should be referred to as an example of connecting people with wildlife.
Requested Change	Refer to food growing spaces as an example of connecting people with wildlife.
LPA Response	The reference to 'improving connectivity for people and wildlife' relates to more strategic means of connecting development sites to the wider GI network (such as greenway). It is recognised that food growing spaces can also connect people with wildlife but it is considered that such a detailed reference is not necessary in this context.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	9
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	Page 31 – GI concept plans should be requested where a ward area is deficient in accessible natural green space or green infrastructure and reference to high quality and multi-functional GI (such as food growing spaces) should be encouraged.
Requested Change	GI concept plans should be requested where a ward area is deficient in accessible natural green space or green infrastructure and reference to high quality and multi-functional GI (such as food growing spaces) should be encouraged.
LPA Response	The requirement for GI Concept Plans and GI Concept Statements is set out on page 31 in the context of the information required to accompany planning applications. If a development was taking place in a location where there was a deficiency in accessible natural green space then this would be a factor that would need to be considered in any GI concept plan and it is not clear what the respondent is specifically requesting.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	10
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	LDP Policy CRF2 on outdoor recreation/ public open space and allotment standards and provision should be evaluated and monitored annually in line with any changes to NRW guidance. For instance FCFCG would suggest a lower threshold for provision of allotments on new developments. Food growing spaces will be increasingly be referred to in forthcoming Welsh Government and NRW guidance and local authorities should be mindful of this.
Requested Change	No change requested.
LPA Response	Comment Noted, Strategic Policy S5 relating to Community and Recreation Facilities is included in the LDP Monitoring Framework and will therefore be monitored accordingly on an annual basis, although it would not be possible for LDP policy itself to be reviewed annually.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	11
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	The Minister, Carl Sargeant will be making a statement in January 2015 on the Welsh Government's consultation on increasing access to land for allotments and community growing spaces. Local planning authorities need to be mindful of speeches and guidance that come out of this forthcoming Green Paper. It will be critical to integrate it with guidance on design. For instance, there is no sense in providing direction on increasing access to land for a particular use if planning authorities are producing design guidance that does not compliment it. Collaboration with Welsh Government and the third sector is needed here.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	12
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	A more holistic approach to resources (such as land, water, soil, plants and biodiversity) should be made so that incoming users of developments feel closer to nature and to the resources that we so heavily rely on. Currently new development schemes do not achieve environmental sustainability as best they could and to the benefit of all. Green infrastructure is an essential component of all new developments and making community growing spaces part of new development schemes (housing and employment) could be essential enablers of environmental sustainability.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	13
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	More efficient use of planning tools such as master plans and planning briefs is welcomed and a more strategic approach to on site resources would be beneficial. For instance if a development is green field (especially on high grade agricultural land) then a strong 'growing' character should be present in the design of the scheme. Likewise, in urban areas where there is a deficiency in accessible natural green space community growing spaces could be built into schemes to help improve the green structure of an area.
Requested Change	No change requested.
LPA Response	Support Noted.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	14
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	A starting point of using community growing spaces to improve environmental sustainability would, in turn, improve the character and community safety of an area. Raising the awareness of users of a new development in this way will increase their sense of social responsibility and could also encourage use of more sustainable modes of travel.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	15
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	FCFCG is aware of numerous examples where management of growing spaces has been passed on after the initial set up phase by the landowner (be it local authority, community or town council or private landowner). This is a successful model that could easily be replicated for developers of new housing and employment schemes if the tools were defined and made consistent. This would overcome the issues that community groups have with the huge challenges of setting up a new growing space for themselves.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	16
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	There are various examples of good practice in the use of development land for community growing (see below). FCFCG would be happy to provide further information if required. One very good example is the Victoria Business Improvement District in London, Green infrastructure audit which recognises food growing spaces as being of particular value to the local economy. This also led to a number of green maps/ guides being produced.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	17
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	Welsh Government has funded FCFCG to produce a comprehensive guide for setting up a Community Growing Project which will be launched in March 2015. This provides a toolkit for groups wishing to create and manage community growing sites. This will be a valuable resource for groups and landowners which will empower communities to grow. FCFCG would be pleased to work with local authorities to develop this guidance further and apply it in the development context.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	138
Representation Number	18
Respondent Name	Lucie Taylor
Respondent Organisation	Federation of City Farms and Community Gardens
Summary of Representation	Currently there are too few examples of master plans that provide well designed green infrastructure at an early stage. There are many different types of community growing that could be incorporated into well designed green infrastructure. Most of these models are easy to provide and some are low maintenance with high value, for example community orchards. NRW's senior urban advisor has offered particular support for community orchards and for their pollinator attributes.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	154
Representation Number	1
Respondent Name	Lisa Bullock
Respondent Organisation	National Rail
Summary of Representation	No comment.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

Respondent Number	196
Representation Number	1
Respondent Name	S Rossi
Respondent Organisation	NATS LTD
Summary of Representation	No comment.
Requested Change	No change requested.
LPA Response	Comment Noted.
Recommendation	No change necessary.

SUBJECT:	The Introduction of an administration & monitoring charge for Section 106 Planning Agreements
DIRECTORATE	Enterprise
MEETING:	Planning Committee
DATE:	03 March 2015
DIVISIONS/WARDS AFFECTED	All Authority

1. PURPOSE:

To seek Planning Committee's support for the introduction of an Administration/Monitoring Charge for Section 106 Planning Agreements to enable the costs incurred in providing this service to be recovered.

2. RECOMMENDATION:

To endorse the introduction of an administration/monitoring charge for Section 106 Planning Agreements commencing from 01 May 2015 and to recommend to Cabinet accordingly.

3 BACKGROUND:

Currently no charges are levied by the Council in respect of the overall administration and monitoring of the S106 Agreement system. The purpose of introducing a new charge for the administration and subsequent monitoring of obligations contained within S106 planning agreements would be to assist the Council in recovering its existing costs in respect of these duties.

Any administrative/monitoring charge will remain *separate* from the Council's legal costs for drafting, approving and amending a S106 legal agreement which will continue to be independently recovered by the Legal Team.

4 REASONS:

There are a number of reasons why the introduction of an administrative charge for the administration and monitoring of S106 Agreements is considered necessary. These include cost recovery, improvements in service efficiency, consistency of approach to development management and CIL administrative charging and consistency of approach with other South Wales local planning authorities.

Cost Recovery –

Considerable officer time and costs are incurred in the administration and ongoing monitoring of Section 106 Agreements. Monitoring compliance with the terms of a S106 agreement ensures that on site measures are provided and financial contributions are received and spent in accordance with the obligations, and in a transparent and accountable way. In addition, a Corporate Working Group ensures effective joint working by different parts of the authority as obligations are often split between different

departments. The aim of charging is to ensure that the system of using developer obligations to secure contributions, either in kind or financial, is cost neutral.

Improvements in Service Efficiency –

The implementation of a charge will allow the Council to provide a consistent, transparent and more efficient service for all matters relating to the administration and monitoring of S106 planning agreements. The preparation of a new draft Service Delivery Agreement (*Briefing Paper Appendix 2*) introduces identified customer care standards for the benefit of all parties involved.

Consistent Approach to Development Management Fee Systems -

The Council has re-examined its existing development management fee systems and introduced a Pre Application Planning Advice Service with associated fee structure. The proposed S106 administration/monitoring fee ensures a consistency of approach to charging across the development management function.

The introduction of an administrative/monitoring charge for Section 106 Agreements has been brought forward in advance of the introduction of any similar charges under the Community Infrastructure Levy in order to recover costs from planning applications which would otherwise remain unrecovered.

Consistent Approach to Other South Wales Local Planning Authorities –

The introduction of a charge is consistent with the approach being taken by other local planning authorities throughout England and Wales for the administration/monitoring of Section 106 Agreements and is consistent with the recent advice produced by the Planning Officers Society for Wales. Monmouthshire is the *only* authority in South East Wales which currently does not levy such a charge.

Consultation undertaken.

Extensive research was conducted with local planning authorities in Wales and England to look at different charging options. This evidence has been used to inform the proposed level of charge. Developers were also consulted to enable their views to be considered on the introduction of any charge. A full report of the findings is included in the Briefing Paper (*section 4*).

5. RESOURCE IMPLICATIONS:

Calculation of the charge was based on charges levied by other local planning authorities. The preferred option of the Corporate S106 Working Group was to set a charge at 3% of the total financial contribution provided by each planning obligation. Based on the total financial contributions received during the past three financial years a S106 administrative/monitoring charge would raise an annual sum of between £30,000 – £44,000.

6 SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

There are no significant implications arising from this report and recommendation.

7. OTHER IMPLICATIONS:

COMMUNICATION – The Service Level Agreement to be made publicly available and promoted, including through the Pre Application Planning Advice Service, to ensure all customers are fully aware of the new charges for this service.

8. CONSULTEES:

Corporate Section 106 Working Group.

8. BACKGROUND PAPERS:

- Monmouthshire Local Development Plan 2011 – 2021, Adopted February 2014.
- Section 106 Administrative/Monitoring Charge Briefing Paper

9. AUTHORS:

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S106 Administration Charge Briefing Paper
Development Plans & Development Management
March 2015

Version Control

1	Development Plans	Jane Coppock Jill Edge	November 2014
2	Development Management	Phil Thomas Karen Bury	November 2014
3	DP/DM	As above	December 2014
4	S106 Corporate Working Group		January 2015
4	Planning Committee		March 2015

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1. Purpose
2. Introduction
3. Legislation, Guidance and Policy Context
4. Research
5. Why is an Administrative Charge Necessary?
6. Financial Options
7. Preferred Option
8. Charging Mechanism

References

Appendix 1: National and Local Planning Policy Context

Appendix 2: Draft Service Level Agreement

1. PURPOSE

1.1 The purpose of this Briefing Paper is to set out the context against which it is intended to establish a Charging Schedule for the administration and monitoring of the S106 Agreements whether these be for large housing sites, employment sites or at the individual householder level. This Paper will provide:

- An outline of the legislative and policy background to Section 106 Agreements
- A summary of the research undertaken to date
- A description of the costs the proposed charge is seeking to recover
- Possible charging options, including the preferred charging option
- Proposed charging mechanism
- Draft Service Level Agreement.

2. INTRODUCTION

2.1 Obligations entered into by developers under the provisions of S106 of the Town & Country Planning Act 1990 represent a substantial source of financial contributions and benefits in kind for Monmouthshire County Council. Over the last 3 years the Council has averaged in the region of £1.3 million in contributions, focussing on affordable housing, recreation and transport provision. The level of financial provision is dependent upon sites with planning consent being brought forward for development.

2.2 The Local Government Act 2003 (Section 93) provides the legislative basis for local authorities to charge for discretionary services such as the administration/monitoring of Section 106 Agreements. In this context it is considered appropriate to recover the cost of administration and monitoring the delivery of obligations.

2.3 It has long been the practice of other Local Authorities in Wales (and in England) to charge applicants entering into a S106 agreement a fee to cover legal costs. This is currently the case in Monmouthshire. Any legal fees associated with the drafting of Section 106 Agreements remain outside the proposed new Administration Charge.

2.4 The aim of charging is to ensure that the system of using developer obligations to secure contributions, either in kind or financial, is cost neutral. The proper administration of the monitoring regime is resource intensive.

3. LEGISLATION, GUIDANCE AND POLICY CONTEXT

3.1 Legislation and Guidance

3.1.1 Section 106 of the Town and Country Planning Act 1990 (amended by Section 12 of the Planning and Compensation Act 1991) provides the enabling legislation to allow Councils to enter into legal agreements with developers. These agreements contain clauses known as 'planning obligations'. Such obligations may be used to:

- restrict the development or use of land
- require specific operations to be carried out
- require land to be used in a specified way
- require specific sums to be paid to the Council in accordance with a payment schedule.

3.1.2 Planning Obligations are a means by which local authorities may seek contributions from developers to enhance the quality of a development, provide community benefits and infrastructure and mitigate any negative impacts that may arise as a result of the development which might otherwise not occur.

3.1.3 Welsh guidance on the implementation of the Act is provided in Welsh Office Circular 13/97, amended by the Community Infrastructure Levy Regulations 2010 (sections 122-123) and Welsh Government Policy Clarification Letter (CL-02-2010).

3.1.4 The Circular identifies broad principles based on the fact that the planning system should operate in the public interest and should aim to foster sustainable development. Negotiations must be seen to be fair, open and reasonable. Obligations cannot be used to offer extra or unnecessary inducements in an attempt to satisfy objectors, influence the planning decision or have wider development implications where there are valid objections to a proposal.

3.1.5 Regulation 122, which details the limitation on the use of planning obligations, applies to all planning applications made to a local planning authority that are determined by the local planning authority, and to appeal and call-in determinations. A planning obligation may only constitute a reason for granting planning permission if it complies with the three tests stated in Regulation 122(2), namely, that it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

3.1.6 A planning obligation which does not meet these three tests would not constitute a reason for granting planning permission.

3.1.7 Regulation 123 details further limitations on the use of planning obligations. In essence a local planning authority cannot take into account or seek a planning obligation which contributes to or funds any specific infrastructure project or type of infrastructure, if five planning obligations have already been entered into which

contribute to or fund the same project or infrastructure type. In addition Regulation 123(2), states that once a local planning authority implements its CIL, it cannot take into account or seek a Section 106 obligation which would fund or provide any infrastructure to which CIL will apply under its charging schedule, the purpose being to avoid duplication of infrastructure requirements by local planning authorities.

3.2 National Policy Context

3.2.1 The Welsh Government supports the principle of planning obligations and their subsequent negotiation and monitoring. Planning Policy Wales (Edition 7) July 2014 (PPW) sets out the key requirements of the 1990 Act and the Welsh Office Circular, providing the national context for local plan policies, and contains specific reference to planning obligations. Extracts of the relevant policy guidance are reproduced in **Appendix 1**.

3.3 Local Policy Context

3.3.1 In February 2014 Monmouthshire adopted its Local Development Plan (LDP). The LDP proposes 4,000 new dwellings over the Plan period 2011-2021 with a broad dispersal of new development amongst the main settlements. A number of strategic housing sites are identified in the main towns ranging from 200 to 370 dwellings. The LDP recognises the importance of appropriate infrastructure to support new development. Indeed, the provision of key infrastructure to support the development of strategic sites is integral to the implementation of the LDP strategy.

3.3.2 Policy S7 of the LDP sets out the requirement for new development to be accompanied by an appropriate level of infrastructure to accommodate this growth. The Policy is reproduced in full in **Appendix 1**.

4. RESEARCH

4.1 Extensive research was carried out by your officers over a period of approximately four months. Local Planning Authorities were contacted, both in England and Wales to gather enough data to enable the Working Group to look at the different options when considering whether to introduce a charge for the *monitoring* of s106 agreements. The broad findings of this research were reported to the October meeting of the S106 Corporate Working Group and include:

- Eleven local planning authorities (LPAs) were reviewed (ten Welsh & one English - North Devon) as well as one National Park (BBNP) providing a total of twelve.
- Nine of the eleven LPAs have supplementary planning guidance (SPG) on Planning Obligations.
- Six of the eleven LPAs have Service Standards available. All of the Welsh LPAs Service Standards are very similar and are based on those included within the document produced by the Planning Officers Society for Wales (sponsored by the WG) 'Section 106: Guidance on the Use of Planning

- Obligations for Welsh Local Authorities’.
- Eight of the eleven LPAs charge an administration and monitoring fee.
 - There are four different ways for charging, these being: a percentage of the financial contributions being raised by the obligation, a percentage of the planning application fee, a fixed rate and a ‘flexible’ rate based on an Officer hourly rate that is calculated against the complexity and number of obligations required.
 - The percentage rates vary between 2 - 5% against the financial contribution within each obligation and 5 - 20% against the application fee. The most common seems to be 2% on contributions and an average of 15% on the application fee with 10% & 20% being the most common.
 - Some Authorities apply a minimum fee, presumably when contributions are small to ensure costs are recovered – e.g. the Vale of Glamorgan minimum charge is £150.
 - Some Authorities apply a maximum fee – e.g. RCT charge a maximum of £5,000.
 - Four of the eleven LPAs offer either/or charges (% of contributions and/ or % of application fee) depending on which is the greater.
 - Some fees have been calculated on a service cost recovery basis to include officer time spent in the negotiation, administration and monitoring of the agreements.
 - 100% of LPA legal services are charged separately for their costs (in addition to administrative/ monitoring costs).
 - The means of delivering the service varies due to the differences between LPA resources; however the three most common ways are:
 1. Via a specialist S106 Officer who deals with solely the development and application of the LPA’s obligations policies. Benefits of this approach include accuracy and consistency in applying obligations policies
 2. One Stop Shop Approach – single point of contact responsible for dealing with applicants and others in regards to an LPA’s obligations policy and/or their application to individual developments. The customer interface may be a single Planning Officer or a Cross-Authority Team (including legal services)
 3. Project Management Approach – generally involves drawing up a detailed project timetable at the outset of each application and setting out the different activities that need to take place over the various stages by the parties and dates of the process to ensure the obligations are agreed on time.
 - The Pre-application advice service of each LPA plays a key role in meeting service standards, as does the availability of supplementary planning guidance (SPG).
 - Only two of the ten Welsh Authorities have a designated S106 Officer primarily due to resource/financial constraints. However feedback from some Council’s (e.g. Cardiff CC) and some customers have highlighted the benefits of having a designated Officer primarily due to consistency, continuity and subject knowledge.
 - Other Councils have adopted a designated main point of contact (often a Principal Planner), Technical Planning Administrator or other way such as the

- Project Management Approach (similar to current MCC practice).
- Only one Authority has provided a target timescale for Service Standards (Blaenau Gwent). They aim to provide a first draft legal agreement within 3 weeks of approval at planning committee. All other Authorities aim to deal with agreements 'as quickly as possible'.
- All Welsh Authorities apply the administrative charge at the time of completion of the obligation.

4.2 Local Planning Authority Feedback

4.2.1 Nine Welsh Authorities were approached for feedback on the charging of planning obligations with three LPAs responding (Cardiff, Newport & Bridgend). Questions queried whether the service has been successful, what are the issues experienced with service delivery in terms of meeting their service standards, whether the service is valued by customers, recommendations to improve the service and how the fees were calculated. Responses included:

- The charges raised are intended to cover the cost of providing a monitoring service relating to the preparation of policy to support the infrastructure requirements contained in s106, pre-application negotiation of terms, the monitoring and enforcement of obligations over the life of the project and any reporting requirements to committee and the public.
- Success of the process can be limited primarily due to resources. A dedicated S106 Officer makes service delivery more achievable but with limited funds S106 agreements are delivered by officers as a 'bolt on'.
- Without the dedicated Officer the service is generally reactive rather than proactive
- Positive feedback has been provided for having a single point of contact and a dedicated monitoring service which provide improved knowledge of agreements and the processes involved, together with consistency and continuity.
- The funds generated from the charges will normally contribute towards the employment of a dedicated Officer to meet customer expectation and service standards.
- Charges do not apply to contributions (such as on-site affordable housing) simply because of the difficulty in calculating the value of such contributions and the work involved in monitoring them is fairly minimal compared to monitoring and spending financial receipts.
- The fees are accepted by developers in the large majority of cases as it is only a small proportion of the overall payment and is considered to be additional work that the planning application fee does not cover.
- Thought needs to be given to the timing of implementation and to consider implications and approach to S106 agreements that pre-date the introduction of the charge.

4.3 Developer/Customer Feedback

4.3.1 Four customers (planning consultancies/developers) were approached for feedback on the charging of planning obligations. Two responses were received; comments included:-

- Agents do not mind paying a fee in return for a 'reasonable service'
- Each Authority needs to be commercially shrewd – in terms of 'selling' its service and meeting customer needs
- Some Authorities are failing to provide an acceptable level of service and the customer is not getting value for money (charging for the service will raise expectations that the service will be better than before, notably reduced time)
- Caveats are always applied that allows the Authority a 'get out clause' or 'excuse' if service standards are not met
- Delays are frustrating and normally are a result of the instruction between the planning officer and Legal Department (the agreement is not passed on promptly for review) and/or the legal team are not willing to look at the draft obligation until there is a more advanced position in the planning process to prevent abortive works
- Suggestions included improving consistency and reducing time. One example provided was the use of a standardised legal template where customers just need to 'fill in the blanks'
- On instruction provide a timescale for a draft agreement to be issued (not necessarily as 'soon as is possible' of which some other Authorities state due to uncertainty and lengthy delays)
- Consultants would like to agree contributions as early as possible (ideally at pre-application advice stage, where appropriate)
- They would like a nominated point of contact(s) specialising in planning obligations and deal with agreements to ensure speed, consistency and continuity
- S106 agreements do not get the attention they need/ deserve.

It is proposed that Monmouthshire's S106 administrative charge would cover the post-decision aspects of planning obligations i.e. monitoring, including the setting up and maintenance of a data base for internal use and to make information on obligations publicly accessible. Thus, many of the criticisms of existing charging systems which focus on the planning application process and the speed of drafting an obligation raised by developer/customer feedback would *not* apply.

5. WHY IS AN ADMINISTRATIVE CHARGE NECESSARY?

5.1 There are a number of reasons why the introduction of an administrative charge for the administration and monitoring of S106 Agreements is considered necessary. These include cost recovery, improvements in service efficiency, consistency of approach to development management and CIL administrative charging and consistency of approach with other South Wales local planning authorities.

5.2 Cost Recovery

5.2.1 Currently no charges are levied by the Council in respect of the overall administration and monitoring of the S106 Agreement system. The purpose of a separate fee system for the administration and subsequent monitoring of S106 planning agreements would be to assist the Council in recovering its existing costs in respect of these duties.

5.2.2 While some costs are individually quite small and difficult to separate out from staff's other duties e.g. the processing of cheques received in payment of obligations, others, such as officer attendance at pre-application meetings, or the carrying out of a site visit to monitor compliance with the terms of an agreement, are considerably more substantial. This ensures that on site measures are provided and financial contributions are received and spent in accordance with the obligations. Monitoring is also required irrespective of whether a consent is implemented. In addition, there are officer and Member time and cost implications in administering a Corporate S106 Working Group. This Group helps to ensure the effective joint working by different parts of the authority as obligations are often split between different departments. This monitoring provides transparency to the process and ensures that any expenditure is for the purposes intended.

5.2.3 It is important that the expenditure of any contributions received from developers are carefully monitored in a transparent and accountable way. The monitoring fee will cover:

- Monitoring compliance with each provision contained in the legal agreement and other planning conditions
 - Ensuring compliance with obligations
 - Checking development triggers (i.e. the number of houses built or occupied) through site visits; communication with developers.
 - Ensuring that benefits and/or monies identified in the Agreements are secured.
 - Raising invoices at the appropriate trigger date/ event.
 - Chasing outstanding monies where invoices not paid.
 - Liaising with other Council departments.
 - Maintaining a proper audit trail in respect of the collection and expenditure of the contributions received.
 - Dealing with enquires post-development.
- Administrative support for the Corporate S106 Working Group.

5.2.3 Currently, developers are expected to pay the Council's legal fees for drafting, approving and amending a S106 legal agreement. It should be noted that any administrative charge will remain *separate* from the Council's legal costs which will remain independently recovered by the Legal Team.

5.3 Improvements in Service Efficiency

5.3.1 Planning Officers Society for Wales' advice, sponsored by the Welsh Government, encourages local authorities to employ standard charges as part of their framework for negotiating and securing planning obligations where appropriate. Local planning authorities should decide which matters, if any, to address through standard charges. These may include charges to be applied for preparing and completing the planning obligation agreement itself.

5.3.2 It is recognised that standard charges can:

- Help to speed up systems
- Ensure predictability by indicating charges in advance

- Promote transparency and assist with accountability in the spending of monies.

5.3.3 The implementation of an administrative charge will allow the Council to clarify its approach and provide a more efficient service for all matters relating to the administration and monitoring of S106 planning agreements. This should be of benefit to all parties involved in the process.

5.3.4 A new draft Service Delivery Agreement has been prepared and is included at **Appendix 2**.

5.4 Consistent Approach to Development Management and CIL Administrative Charging Systems

5.4.1 The Council has recently re-examined its existing development management fee systems and introduced a new Pre Application Planning Advice Service with associated fee structure as part of the development management process. The Council should ensure that it adopts a consistent approach to charges across its development management functions.

5.4.2 The introduction of any administrative charge in respect of the Community Infrastructure Levy (CIL) will be considered by the authority during CIL preparation. UK Government guidance outlines that a percentage of total CIL receipts may be levied as an administrative charge. Again, the Council should ensure that it adopts a consistent approach to administrative charging for both S106 Agreements and CIL.

5.4.3 It is considered that the LDP strategic sites can be delivered without the need for CIL as each site has specific infrastructure requirements that can be dealt with through a standard S106 Agreement. Therefore there is still a legitimate role for S106 Agreements to enable the Council as local planning authority to be confident that sites can be developed with the necessary infrastructure and any consequences of development mitigated. The introduction of an administrative charge for Section 106 Agreements has been brought forward in advance of the introduction of any CIL charges in order to recover costs on the increased number of planning applications submitted, particularly on large strategic sites, following the adoption of the LDP.

5.5 Consistent Approach to Other South Wales Local Planning Authorities

5.5.1 The introduction of a fee system for the administration of S106 Planning Agreements is consistent with the approach being taken by other local planning authorities throughout England and Wales and is consistent with the recent advice produced by the Planning Officers Society for Wales. Monmouthshire is the *only* authority in South East Wales which currently does not levy a charge in respect of the administration and monitoring of its Section 106 Agreements.

6. FINANCIAL OPTIONS

6.1 The table below sets out how other South Wales Authorities are levying a monitoring fee. They vary from:

- A flat rate per planning obligation, regardless of the number of obligations, complexity or value of the agreement;
- A flat rate per planning obligation;
- A percentage of the financial value of the whole agreement; or
- A percentage of the planning application fee originally paid.

Local Planning Authority	Reference Document	Date	Administrative Fee Levied
Blaenau Gwent	SPG	Adopted September 2011	10% of the planning application fee, subject to a minimum fee of £500.
Brecon Beacons NP	Planning Obligations Strategy	Authority Approved October 2008	A minimum charge of £500; further charges made to reflect the complexity and time spent working on the agreement
Bridgend	SPG	Adopted November 2007	2% of financial value of Agreement. An element of each monetary payment is used to contribute towards the Council's associated administrative costs in facilitating the agreements. No specified maximum charge. 2% is charged over and above the total amount i.e. if PO is £100k then fee requested is £102k.
Cardiff	5% of total financial contribution.		
Carmarthenshire	Not stated although charge levied.		
Newport	SPG	Adopted December 2007	Monitoring fee equal to 15% of planning application fee. In addition, a 3% admin fee or 15% of planning application fee (whichever is the greater) is charged for negotiation,

Local Planning Authority	Reference Document	Date	Administrative Fee Levied
			administration & ongoing compliance.
Pembrokeshire	£100 for administration and monitoring.		
Rhondda Cynon Taff	SPG	Adopted March 2011	2% of value of contribution to a maximum charge of £5,000.
Swansea	20% of planning app fee or 2% of value of obligations in 106 agreement whichever is the greater and is subject to a min charge of £150.		
Torfaen	SPG	Adopted June 2011	Charge levied for monitoring, based on likely officer time required.
Vale of Glamorgan	SPG & Review	Adopted March 2009 Review July 2012	20% of value of planning app fee OR 2% of total financial contribution (whichever is the greater). A minimum fee of £150 applies.

6.2 A selection of approved developments in Monmouthshire were analysed including major and minor housing, major retail and householder proposals, for which planning obligations had been signed over the last three years. Two ways of calculating administrative charges on the different types of development were assessed, based on a percentage of the planning application fee or a percentage of the total financial contribution. The percentages used were based on those used by other local planning authorities at 10% or 20% of the planning application fee, and 2%, 3% or 5% of the total financial contribution. The results are summarised in paragraphs 6.3 – 6.5 below.

6.3 Agreements signed between 1st April 2011 and 31st March 2012 provided total planning application fees of approximately £88,000; a charge of 10% of the application fee would have raised £8,800 and a charge of 20% would have given £17,600. The total financial contribution for that period was just over £1million; a charge based on 2% of the overall financial contribution would have provided £20,500; 3% £30,700 and 5% just over £51,000.

S106 Agreements signed between 01 April 2011 – 31 March 2012						
Total Planning fees	10%	20%	Total financial contribution	2%	3%	5%
£88,042	£8,805	£17,608	£1,024,429	£20,489	£30,733	£51,223

6.4 Planning obligations signed between 1st April 2012 and 31st March 2013 provided total planning fees of approximately £39,000; a charge of 10% of the

application fee would have raised £3,900 and 20% £7,700. During that year the total financial contribution was nearly £1.25 million. A charge based on 2% of the overall financial contribution would have provided £29,000; 3% £44,000 and 5% £73,000.

S106 Agreements signed between 01 April 2012 – 31 March 2013						
Total Planning fees	10%	20%	Total financial contribution	2%	3%	5%
£38,858	£3,886	£7,772	£1,467,788	£29,356	£44,034	£73,389

- 6.5 During the year April 2013 to March 2014 the total planning fees received were just over £51,000; 10% of the application fee would have raised just over £5,000; 20% would have delivered just over £10,000. The total financial contribution from planning obligations was nearly £1.4 million; a 2% charge would have raised nearly £28,000; a 3% charge would have generated just over £41,500 and 5% charge nearly £70,000.

S106 Agreements signed between 01 April 2013 – 31 March 2014						
Total Planning fees	10%	20%	Total financial contribution	2%	3%	5%
£51,190	£5,119	£10,238	£1,389,190	£27,784	£41,675	£69,459

7. PREFERRED OPTION

- 7.1 It can be seen that at a rate of 3% total financial contribution a S106 administrative charge would have raised an annual sum of between £30 – 44,000 over the three most recent financial years assessed.

- 7.2 When considering an appropriate charge it is important to take into account the following:

- The administration charge should not be so significant to deter development
- The middle 3% option, may be utilised to reflect the higher land values in Monmouthshire
- Householder developments and affordable housing schemes require less monitoring; it was therefore felt in those cases it would only be appropriate to charge a nominal, minimum fee of £150 to cover basic administrative costs/ monitoring (as there would not tend to be a financial contribution for those types of development, whereas a planning application fee based approach would have meant those proposals would have been captured by a more substantial administrative charge)
- The levels of service delivery to developers
- The amount of officer time spent monitoring developments.

- 7.3 **Based on the extensive research carried out, the Working Group's preferred option is to set a charge of 3% of the total financial contribution provided by**

each planning obligation.

8. CHARGING MECHANISM

- 8.1 It is important that the evidence informing any standard charge remains accurate and relevant to the estimation of costs over time. Reviews and updates should be undertaken sufficiently frequently to ensure charges are relevant over time, but not so often to introduce uncertainty into the system in regard to an applicant's likely costs.
- 8.2 It is considered that the proposed administrative charge should be subject to annual review to ensure that the charge continues to accurately reflect the existing costs of provision.
- 8.3 Any future review of the proposed S106 administrative charge should ensure a consistency of corporate approach with both other development management charging systems and any CIL administrative charge. As such, it is considered appropriate to base the charging mechanism on the following:
- i) The charge would be paid when planning permission is granted (i.e. when the s106 agreement is signed, to be consistent with the timing of the charge for CIL);
 - ii) A minimum fee of £150 would be chargeable to recover monitoring costs, which is consistent with the minimum amount charged by other South-East Wales local planning authorities;
 - iii) The fee would be paid to the Development Control service and apportionment to contributing Council services would be worked out by appointed staff.

REFERENCES

- Local Government Act 2003
- Town and Country Planning Act 1990
- Planning and Compensation Act 1991
- Community Infrastructure Levy Regulations 2010
- Welsh Government Policy Clarification Letter (CL-02-2010)
- Welsh Office Circular 13/97 'Planning Obligations'
- Planning Policy Wales, July 2014 (Edition 7)
- Monmouthshire Local Development Plan 2011 - 2021, Adopted 2014

- 'Section 106: Guidance on the Use of Planning Obligations for Welsh Local Authorities' Planning Officers Society for Wales (sponsored by the WG), 2008

APPENDIX 1 –

National Planning Policy Context

Planning Policy Wales, Edition 7, July 2014

- Planning obligations are useful arrangements to overcome obstacles which may otherwise prevent planning permission from being granted. Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. It is essential that arrangements are fair to both the developer and the community, that the process is as transparent as possible, and that development plans provide guidance on the types of obligations which authorities may seek from developers (*Para 3.7.1*).
- Development Plans should include policies to indicate where developer contributions will be expected towards infrastructure, community facilities and affordable housing (*Para 9.2.24*). For new settlements, Plans should state clearly the contribution which developers will be expected to make towards infrastructure provision as above (*Para 9.2.7*).
- Chapter 12 'Infrastructure and Services' stresses that the planning system has an important part to play in ensuring that infrastructure is adequate to accommodate proposed development so as to minimise risk to human health and the environment, prevent pollution and minimise impacts associated with climate change (*Para 12.1.5*).
- A strategic and long term approach to infrastructure provision is required in development plans including early consultation with utility companies and other infrastructure providers so that plan policies are realistic and capable of implementation (*Para 12.1. 8*).

Local Planning Policy Context

Policy S7 - Monmouthshire Local Development Plan 2011 - 2021, Adopted 2014

Policy S7 – Infrastructure Provision

The infrastructure needed to service and deliver sustainable development must be in place or provided in phase with proposed development. Where existing infrastructure is inadequate to serve the development, new or improved infrastructure and facilities to remedy deficiencies must be provided. Where provision on-site is not appropriate, off-site provision, or a financial contribution towards it, will be sought.

Financial contributions will also be required towards the future management and maintenance of facilities provided, either in the form of initial support or in perpetuity.

Planning Obligations may be sought to secure improvements in infrastructure, facilities, services and related works, where they are necessary to make development acceptable. In identifying appropriate contributions due regard will be paid to the overall development viability, including the cost of measures that are necessary to physically deliver a development and ensure that it is acceptable in planning terms.

Such obligations may include:

1. Strategic utilities
2. Community and cultural facilities
3. Formal and informal open space
4. Recreation and leisure facilities
5. Green infrastructure
6. Ecological mitigation
7. Educational facilities
8. Transport infrastructure
9. Sustainable transport measures
10. Waste management facilities
11. Renewable / low carbon energy infrastructure
12. Local climate change mitigation and adaptation measures
13. Flood risk management measures
14. Commuted payments for the management and maintenance of facilities provided
15. Broadband infrastructure
16. Other facilities and services considered necessary.

In the event that viability considerations indicate that not all the identified contributions can be reasonably required, priority contributions will be determined on the basis of individual circumstances of each case. In the case of housing developments, priority will be given to the affordable housing required by Policy S4 unless there is an overwhelming need for the available contribution, in whole or in part, to be allocated for some other necessary purpose/s.

Proposals for utility services to improve infrastructure provision will be permitted, subject to detailed planning considerations.

APPENDIX 2 - DRAFT SERVICE LEVEL AGREEMENT

From xxxx the Council introduced a separate fee system for the monitoring of planning agreements or obligations (often known as S106 agreements).

The implementation of the new fee system will allow Monmouthshire County Council to provide an efficient approach to monitoring all matters relating to planning agreements, to the benefit of all parties involved.

These service standards have been devised to demonstrate the Council's commitment to delivering a quality service to developers and interested persons in respect of all matters relating to planning obligations.

- **To check commencement of development**
- **To monitor trigger points e.g. the number of houses built/occupied**
- **To raise invoices in a timely manner**
- **To provide one point of contact for post planning obligation queries**
- **To ensure money is spent in accordance with the terms of agreements including any expenditure deadlines**
- **To confirm obligations have been complied with in writing**
- **To ensure delivery of agreed community benefits on time**
- **To provide improved public information**
- **To ensure details of agreements are recorded on database**
- **To improve accountability to developers for the expenditure of contributions.**

The Council's Section 106 Working Group, which includes elected Members, will meet quarterly and will report on the Council's overall position on planning obligations in terms of receipts and expenditure. Copies of these reports will be made publicly available on the Council's website.

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DC/2014/00692

THREE DETACHED DWELLINGS AND ASSOCIATED WORKS

LAND TO THE REAR OF 252 NEWPORT ROAD, CALDICOT

RECOMMENDATION: APPROVE

Case Officer: Kate Young
Date Registered: 25/06/2014

1.1 Introduction

This application was presented to Members of the Planning Committee at their meeting in November 2014 with a recommendation for approval. Members deferred the application for officers to negotiate amendments to the scheme. The scheme has since been significantly amended with the number of units being reduced from three to two. All interested parties have been re-consulted on the amended plans. The application is now represented with a recommendation of approval.

The application now seeks the erection of two detached, four-bedroomed properties in the rear gardens of no. 152 and 154 Newport Road. It is proposed that the new dwelling would utilise the existing (non-adopted) vehicular access known as Ferney Cross. Each new dwelling would have off-street parking provision for up to four cars. In addition a turning area and an additional two parking spaces would be provided in front of the dwellings, inside the site. The overall design and finishing materials of the proposed dwellings are very similar to those proposed in the original scheme. The footprints and ridge height are slightly greater, but are not considered to harm the amenity of existing dwellings, including those opposite in Ferney Cross which are at least 18m from the frontage of the new dwellings, and where the intervening areas are not private gardens (where one would expect a higher degree of privacy) but parking / access areas.

1.2 Representations received following re-consultation on 6/1/15:

1.2.1 Consultation Responses

Highways:

‘The development proposal has been revised and now consists of 2 new dwelling units in accordance with drawing 2152/101. Each unit has parking provision for up to 4 cars with a separate parking area reserved for visitors. The access to the site has now been reduced to shared access standard eliminating the shared turning area described above.

Whilst we have no objection to the reduced density development we would wish to see the open frontage access remain as part of the proposal to assist with the manoeuvrability of vehicles accessing/exiting the site and to assist with the manoeuvrability for vehicles on Ferney Cross.

In light of the revised proposals it is accepted that there is no net increase in the number of dwellings served off Ferney Cross. However, to provide a shared vehicle turning area for all residents within the estate and to assist with the manoeuvrability of vehicles on Ferney Cross and manoeuvrability of users accessing/exiting the new dwellings, it is recommended that the open frontage access remain as part of the revised proposal.

Further to the comments above, 10/02/2015, revised drawing no. 2152/101a has been submitted which now demonstrates that the open frontage access has been reinstated in order to assist with the manoeuvrability of vehicles accessing/exiting the site and vehicles serving Ferney Cross.

20/02/2015 – In light of the revised proposals there are no highway grounds to sustain an objection to the application subject to the following conditions being applied to any grant of planning approval:-

1. That the development be constructed in accordance with the approved drawing '2152/101a'.
2. That the shared turning/parking area be available to all residents of the new development and Ferney Cross/Kipling Road in perpetuity.
3. All surface water shall be drained and disposed of within the development site.

Should the Planning Authority be minded to approve the application it should be noted that Ferney Cross is a private estate road therefore is within third party ownership. It should be noted therefore that the developer is responsible for seeking the appropriate permission from the land owner for grant of access rights over said private estate road.'

1.2.2 Neighbour Notification

Six letters/emails from five households have been received.

We have not seen any legal rights or documentation related to the access.

Will the road be adopted?

Who will pay for damage to the unadopted road?

Quality of life reduced for residents and future generations.

There are better alternative sites for housing.

There are many children living in this cul-de-sac and their health and safety should be paramount.

The building of the houses and the increased traffic will lead to accidents

Members should see how bad the access is.

Previous objections still stand; even if there are extra parking spaces allotted for the proposed houses, the families will have visitors and deliveries - where are these cars going to park? They will still have to travel down Kipling Road to Ferney Cross adding to the traffic congestion. We could be looking at 3 or 4 cars extra per residence - we already have one family who has four cars for their residence. It is difficult enough at the moment, and I would politely suggest that before consideration be given for more parking for cars, investigations should take place by the council to improve on the current car parking issue.

- 2.0 The proposal is now considered to be acceptable in planning terms, having responded to Members' concerns. It is self-contained in respect of off-street parking, so it should not have a harmful effect on existing residents' amenity. The design of the two dwellings is also considered acceptable and would accord with LDP Policies S17, DES1 and EP1. The proposal also offers some benefit to existing residents in providing a viable turning area on the site, given the narrow approach from Ferney Cross.

Any rights of access issue for the applicant/ developer involving the unadopted Ferney Cross is a civil matter.

The report that was previously presented to Members is re-presented here for information.

PREVIOUS REPORT

1.0 APPLICATION DETAILS

252 Newport Road is a large detached dwelling facing onto Newport Road with an exceptionally large garden to the rear which contains a double garage and several out buildings. It has vehicular access to the front onto Newport Road. The application seeks the erection of 3no. three-bedroomed properties in the rear garden, which also extends to the rear of the adjacent bungalow 154 Newport Road. It is proposed to utilise the existing vehicular access from the highway known as Ferneycross. The existing bungalow, 154 Newport Road, would be provided with a new vehicular access from Newport Road. The three new dwellings proposed would all be provided with three off street parking spaces. Following negotiations with officers the layout of the proposal has been amended. There was re-consultation after these amendments had been made.

2.0 RELEVANT PLANNING HISTORY

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
DES1
H1 – Residential Development in Main Towns
MV1 – Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Caldicot Town Council – refuse; over development of the site.

Welsh Water – no objection, subject to conditions that foul and surface water be drained separately from the site.

Development Plans – This application meets the requirements of Policy S1 and H1 in principle, subject to detailed planning considerations. There is no requirement for a proportion of the units to be affordable although Policy S4 will be relevant once there is SPG in place. Policies S5, S12, S13 and S17 as well as MV1 are also relevant.

Highways - no objection.

It is accepted that the development consists of a net increase of only one additional dwelling and its associated traffic and based on the proposal to provide a shared vehicle turning/parking area for all residents within the estate it is considered that these improvements are such that will afford improved vehicle manoeuvrability and parking to the benefit of all residents and that these improvements will not be compromised by the additional traffic generated by one additional dwelling.

4.2 Neighbour Notification

Initial comments received from five addresses:

- Poor access for emergency vehicles
- Increase in traffic
- Health and safety issues
- Inconvenience during building works
- Road is not adopted
- Poor parking provision
- Loss of light
- Danger to lives
- Decrease in property values

Responses received following re-consultation Letters received from six addresses:

- Poor access
- Difficult to park in the surrounding area
- Very dangerous for emergency vehicles
- Access is too narrow
- The amendments do not overcome the problems
- Disruption during construction
- Pipes under neighbouring properties
- Health and safety issues
- Reduced house prices
- Increased congestion
- Neighbours were refused disabled parking on this road.
- Car parking inadequate

A petition was received with 30 signatures from 10 addresses

5.0 EVALUATION

5.1 Principle of Development

The site is located within the Caldicot Development Boundary within which there is a presumption in favour of new residential development, subject to detailed planning considerations. Policy S1 and H1 of the LDP allows for new build residential development within development boundaries, and thus, the principle is therefore acceptable. The site is of adequate size to accommodate the three dwellings with associated parking provision and private amenity space.

5.2 Residential Amenity

The site is surrounded by residential properties. There is a high laurel hedge along the southern boundary of the site and beyond this is the long rear garden of no 250 Newport road. Given the length of that garden, the existing hedge and the distance of the proposed dwellings from the common boundary, no 250 will not be adversely affected by the development. Along the western boundary of the site is a coniferous hedge and a 1.7 metre high wall. There are no windows on the side elevation of no 22 Kipling Close, which is the adjoining property. Since the application was originally submitted the layout has been amended so that plot no 1 has been moved further away from this common boundary. There is no discernible building line in this area of Ferneycross but plot no. 1 would be set forward of the front elevation of no.22 Kipling Close. There would be a gap of 5 metres and a hedge between the two properties and this is sufficient to ensure adequate outlook for the occupiers of no. 22. The properties to the north of the site are at least 15 metres from the proposed houses, this allows for sufficient privacy to be maintained to the occupiers of those dwellings and furthermore there is a road and a parking area between the existing and the proposed dwellings. Adjacent to the eastern boundary of the site are the existing properties of no 252 and no. 250 Newport Road. While no 252 is located well away from the proposed dwellings, the bungalow at no 250 is set further back into the plot and is therefore closer to the proposed development, especially plot 3. It is proposed to erect a 1.8 metre close boarded fence between the two properties. The scheme has been further amended so that plot 3 is set further away from the existing bungalow. The upstairs window of plot 3 will face into the front garden of the bungalow but this is considered acceptable, as it is not a private, secluded space. There would be no overlooking of existing windows and no overbearing impact.

5.3 Design

There is a broad mix of housing types in this area of Caldicot. The proposed two storey dwellings have a simple design and traditional materials. The design of the proposed dwellings is considered acceptable in this location and conforms with the broad objectives of policy DES1 of the LDP.

5.4 Highway Considerations

At present no. 254 and no 252 Newport Road both have existing vehicular access to the rear of their properties via an estate road known as Kipling Road leading to Ferneycross. As part of the proposal a new access and parking area will be provided at the front of no. 254 off Newport Road via an existing access which serves no. 252 Newport Road. The existing access would be improved to provide a shared access for no's. 252 and 254 Newport Road. The existing access to the rear of no's. 252 and 254 would be modified to create a shared access, parking and turning area for the three new dwellings. The proposal therefore results in the net increase of one vehicle with access off Ferneycross/ Kipling Road.

The existing road proposed to serve the 3 no. units consists of two estate roads known as Kipling Road and Ferneycross. Kipling Road is an adopted estate road which serves 19 houses whereas Ferneycross is an extension of Kipling Road, which was developed sometime after, and serves an additional seven houses. Ferneycross was developed in the absence of a Highway Agreement with the Highway Authority and therefore remains a private road.

Both Kipling Road and Ferneycross suffer from extensive on-street parking which creates difficulty for vehicle manoeuvrability, particularly at their respective turning heads, causing a restriction to the free flow of two-way traffic throughout the estate. Vehicle manoeuvrability at Ferneycross is further restricted due to the narrower carriageway and turning head widths.

The applicant has given consideration to the concerns raised about on street parking and congestion and has submitted a revised drawing, no. 2152/15 to reflect the proposed improvements. To improve the current difficulties experienced with on street parking and vehicle manoeuvrability the applicant has opened up the entire site frontage onto Ferneycross to create a shared turning area for all new and existing residents of Ferneycross. In addition there is available space within the shared area for additional parking for residents and visitors. In providing this shared turning area and parking area the parking provision of three spaces for each unit has also been provided in accordance with the Monmouthshire Parking Standards 2012.

On balance, the Council's Highway Engineer considers that the improvements offered in terms of parking and turning provision outweigh the issues arising from the road being used by one additional property (the net increase as a result of this proposal). Based on the proposal to provide a shared vehicle turning/parking area for all residents within the estate it is considered that these improvements are such that will afford improved vehicle manoeuvrability and parking to the benefit of all residents and that these improvements will not be compromised by the additional traffic generated by one additional dwelling.

5.5 Drainage

It is proposed that foul sewerage be disposed of via the main sewer. Welsh Water has no objection to this, provided that a condition be imposed that foul and surface water be drained separately.

5.5 Design Amendments/ Negotiations

The layout of the site has been amended during the course of the application in order to protect residential amenity and to provide for adequate parking provision.

5.6 Response to the Representations of the Town Council

The application relates to relatively small three-bedroomed dwellings. The site plan demonstrates that these dwellings can be comfortably accommodated on this site, with adequate levels of amenity space and car parking, without adversely affecting the residential amenity of the adjoining properties.

5.7 Other issues raised.

The proposal will generate more traffic along Kipling Road and Ferneycross, but these are quiet residential streets and the Highway Engineer is satisfied that they can accommodate this small increase in traffic. At present the dwellings at 252 and 254 Newport Road are accessed via Ferneycross. It is proposed for those properties to have a shared access off Newport Road, and thus the net increase in traffic will be that generated by one additional dwelling. The proposal includes 12 off street parking spaces which is well in excess of the 9 required by the the adopted parking standards so the proposal should not exacerbate the existing parking problems as there is sufficient provision within the site.

The inconvenience of construction work to local residents would only be for a temporary period and can be controlled via a Construction Management Plan. The impact on property prices is not a material planning considerations. The provision of disabled parking bays for other properties on this street is not relevant to this application.

6.0 RECOMMENDATION: APPROVE

Conditions/Reasons

5 years in which to commence development

Foul and surface water to be drained separately

Retention of hedges

Parking to be provided prior to occupation

Details of boundary treatments

Permitted development rights for extensions to be removed

The shared turning/parking area be available to all residents of the new development and Ferneycross/Kipling Road in perpetuity and prior to the occupation of the dwelling hereby approved.

All surface water shall be drained and disposed of within the development site.

Informative to applicant

Should the Planning Authority be minded to approve the application it should be noted that Ferneycross is a private estate road and is therefore within third party ownership. It should be noted therefore that the developer is responsible for seeking the appropriate permission from the land owner for grant of access rights over the said private estate road.

DC/2014/01433

FIRST FLOOR EXTENSION AND GLAZED ENTERANCE PORCH WITH EXTERNAL ALTERATIONS

THE WILLOWS, LLANTRISANT

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 23/12/14

1.0 APPLICATION DETAILS

- 1.1 The Willows is a modern dormer bungalow with a large single story element to the side and a detached garage. The application seeks a first floor extension and modernisation of the property including a significant amount of glazing. The rear garden area would also be landscaped providing an outdoor seating area.

This application is being presented to Members of Planning Committee as the applicant is an officer of the Council.

2.0 RELEVANT PLANNING HISTORY

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13

S17

Development Management Policies

EP1 Amenity and Environmental Protection

DES1 General Design Considerations

NE1 Nature Conservation and Development

4.0 REPRESENTATIONS

4.1 Consultations Replies

Llantrisant Community Council – Refuse

The style of the proposed extension is not in keeping with the local village area.

4.2 Neighbour Notification

No responses received.

5.0 EVALUATION

5.1 Visual Impact

This is a modern building set back from the road, and not visually prominent in the street scene. The proposed extension is acceptable in design terms and represents a visual improvement. The use of glazing and timber is an appropriate finishing material, within the context of this part of the village. Several other properties have had extensions above the flat roofed elements of their properties. This is a modern contemporary design; however there is a wide mix of housing types in this area and the proposal is not out of keeping with the prevailing character.

5.2 Residential Amenity

There are residential properties on either side of this property Holmbush, which is to the north-east, is about seven metres from the Willows. The only alterations to the elevation facing towards Holmbush are slightly smaller windows on the side elevation. On the western side is the dwelling known as Tregaron. Building over the flat roof would mean that the first floor of the proposed extension would come closer to Tregaron but no closer than the existing foot print and there is a garage and hedge between the two properties. The proposed extension would have a significant level of glazing on the side elevation serving a dressing room and bedroom. Given the juxtaposition with the intervening hedge, there will be no significant loss of privacy or serious overlooking. Tregaron has a door and window, serving the kitchen, on the side elevation at ground floor level but the glazing to the extension will not directly over look these.

5.3 Biodiversity

The proposal does involve cutting into the existing roof to form the extension. A 'Bats in Buildings part 1A and B' form has been completed. The building is modern with uPVC soffits and fascia, all of which are closely sealed with little potential to accommodate bats. An informative can be applied to the approval, if forthcoming, advising on the need to have regard to bats.

5.4 Response to the Community Council's representations

These have been considered in paragraph 5.1 above in respect of impact on local character.

6.0 RECOMMENDATION: APPROVE

Conditions/Reasons

Standard 5 years in which to commence development.

The development shall be carried out in accordance with the approved plans

Trees on the side boundary shall be retained.

Informative – Bats

DC/2014/01469

**CHANGE OF USE TO EXISTING CARETAKERS BUNGALOW TO FORM
FAMILY CONTACT CENTRE**

**KING HENRY VIII COMPREHENSIVE SCHOOL, OLD HEREFORD ROAD,
ABERGAVENNY**

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham

Date Registered: 12/02/2015

1.0 APPLICATION DETAILS

This application relates to an existing caretaker's bungalow at the King Henry VIII school site. It is proposed to convert the building to a contact centre for families within the Abergavenny area. This centre will enable parents whose children have been taken into care to meet with their children in a supervised environment and retain contact with them.

No external alterations that would require the benefit of planning permission are proposed.

2.0 RELEVANT PLANNING HISTORY

Various applications relating to the school

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 – Community Facilities

Development Management Policies

EP1 – Amenity and Environmental Protection

4.0 REPRESENTATIONS

4.1 Consultations Replies

Abergavenny Town Council – Recommends approval.

MCC Highways – Consulted 10/02/2015; awaiting response.

4.2 Neighbour Notification

No comments received.

5.0 EVALUATION

5.1 Principle of Development

The use is of a benefit to the community and is appropriate in the setting of a public building such as a school. Professional staff within children support services would manage the building and visitors using the facility, and meetings would be set up by appointment.

5.2 Visual Impact

There will be no external changes to the building. Minor works involving the resurfacing and making good of patio areas, paths etc. and re-establishing existing gates etc., are proposed that will generally improve the overall appearance of the immediate area.

5.3 Effect on local amenity

The proposed change of use will have a negligible impact on any neighbouring occupiers. Under the supervision proposed for the facility the proposal should have no harmful impact on local amenity or public safety.

5.4 Highways

The school and leisure centre has a large car park that staff and visitors to the contact centre can use. Access is existing and involves an established one-way system.

6.0 RECOMMENDATION: APPROVE

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.

Informatives:

Please note that Bats are protected under The Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately.

DC/2014/01517

CONSTRUCTION OF NEW CAR PARK TO SERVE MARDY PARK RESOURCE CENTRE

MARDY PARK RESOURCE CENTRE, HEREFORD ROAD, ABERGAVENNY

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones

Date Registered: 22/12/2014

1.0 APPLICATION DETAILS

- 1.1 This application relates to the Mardy Park Resource Centre which is a residential care home for elderly residents, located off the eastern side of Hereford Road in Mardy. The proposal is to construct a car park containing 31 additional spaces laid out in a linear form and located off a spur to the south of the existing access road into the site. The proposal is needed because the existing car park is at capacity and staff/ visitors often have to park on the main road or in residential streets near the building. In addition, it is proposed to make greater use of the grounds around the building for community-related uses and the car park would help to serve these potential uses.
- 1.2 The proposed car park would be made up of a 6m wide tarmac roadway with parking spaces either side of this. The parking spaces would be made up of permeable surfacing (open-jointed brick paviors) with a new brick pavior footway along the eastern edge of the car park. Additional landscaping would be planted along the southern, northern and western edges of the proposed car park to screen the engineered area from the residential home itself, Mardy Park Lodge and dwellings opposite the site on Hereford Road. Lighting is proposed in the form of relatively low-level lighting columns (3m high).
- 1.3 A large evergreen tree (a Lawson Cypress) would be removed to accommodate the proposed car park.

2.0 RELEVANT PLANNING HISTORY

There have been various applications relating to the building itself, between 1977 and 2011.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S5 – Community Facilities
- S7 – Infrastructure provision
- S17- Place Making and Design

Development Management Policies

EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations

SD4 – Sustainable Drainage

GI1- Green Infrastructure

EP3 - Lighting

4.0 REPRESENTATIONS

4.1 Consultations Replies

Llantilio Pertholey Community Council – Recommends approval.

MCC Highways – request clarity about tracking of vehicles using the site and the provision of disabled parking spaces, not shown on the initial drawing.

MCC Tree Officer – There are a number of trees at the site that make a positive contribution to the landscape, not least of which is a row of 5 mature Copper Beech trees along the western boundary adjacent to the Hereford Road. There is also a mature Lawson Cypress in the centre of the proposed car park which will have to be removed in order to facilitate the construction of the car park. Whilst this is regrettable, I believe that the tree has limited landscape value as it can only be seen within the site itself. The other that will be lesser affected is the mature Weeping Willow to the east of the car park site.

The proposed site layout shows that it will be necessary to construct the access within the root protection areas of Trees 1 and 2 in particular. Consequently, I advised Howard Hicks the Project Officer in Property Services that I would require an Arboricultural Method Statement (AMS) detailing how damage to the roots of these trees will be mitigated.

A comprehensive and detailed report was commissioned and carried out by Broadway Tree Consultancy under the terms of the above British Standard. Section 5 of the report is a detailed AMS which will suffice as a condition of the planning permission. The condition should read as follows:

Condition:

All retained trees within and adjacent to the development boundary will be protected in accordance with the terms listed in Section 5.1 to 5.11 (inc.) of the Tree Report prepared by Broadway Tree Consultancy dated January 2015.

Reason: To protect the Landscape and Green Infrastructure provisions of the site.

MCC Biodiversity Officer –

“Car Park grassland habitat:

The proposed car park is to be located in an area of amenity, mown grassland. Therefore, I can confirm that there are no issues with reptiles or amphibians in this instance. However, from checking the aerial images it is evident that there is a single immature tree within the footprint of the car park. As this is likely to provide suitable bird nesting habitat I would recommend that the following information note is placed on any consent as a precaution

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.

Bats and Lighting:

Bats have been recorded in the local area (SEWBReC, 2014) and are likely to be using the beech tree line as a commuting and feeding habitat. Common Pipistrelle bats are the dominant bat species within and around the application area and are more tolerant of LED lighting than slower flying bat species (Stone et al., May 2012. Conserving energy at a cost to biodiversity? Impacts of LED lighting on bats. Global Change Biology). In light of the low number of lighting columns and distance from the beech tree line (10m) I can confirm that the proposed lighting will have a negligible impact on bats. Therefore, no further information is required in relation to this protected species.

Planting Scheme

I welcome the addition of a planting scheme along the southern and northern end of the new car park as this provides additional Green Infrastructure benefits. However, no species details or planting/ maintenance information have been submitted. I would recommend that you consult with Colette Bosley (Principal Landscape Officer) on these details. As a biodiversity enhancement I would suggest the use of native shrubs/ trees of UK provenance in order to provide additional bird and pollinating insect habitat. It may also be worth considering providing further planting along the western boundary of the car park to link with the southern and northern planting strips. This will also act as a buffer to counteract any light spillage towards the beech tree line.”

4.2 Neighbour Notification

12 individual items of correspondence have been received from eight households, with all but one being from residents living close to the site. The following objections or concerns are made:

- Mardy has little in the way of green spaces, most having been developed in recent years; the lawned area in front of the building is one of the few remaining green spaces, valued for its wildlife benefits and wider community benefits, close as residents have to a village green and a link to the heritage of the area;

- additional parking is accepted but could be located in a more discreet location to the rear of the building;
- the proposed site is attractive and intrinsic to the charm of the centre;
- the car park and its lighting would cause light pollution to nearby dwellings and would harm local wildlife interests; existing lighting already causes light pollution to local residents; if allowed lighting should not spill out onto adjoining areas; lower level lighting should be considered;
- the proposal is over-bearing, out of scale and out of character compared with existing development in the vicinity and would involve the loss of the open aspect of the neighbourhood;
- loss of views from neighbouring properties would adversely affect local amenity;
- there is a lack of proposed screening of the proposed car park for existing residents opposite the site;
- lack of community consultation on these plans;
- we acknowledge the need for further development at the resource centre but feel it must be developed sympathetically and in harmony with the surroundings, not where the proposal is intended;
- allowing a car park at the front of the park would draw unwanted attention to the site and may encourage anti-social behaviour; a car park at the rear would be less likely to do so;
- seek assurance that the drainage from the car park would not exacerbate existing flooding issues to identified neighbours;
- expansion of the car park would lead to an increase in traffic on what is already a busy, narrow stretch of Hereford Road;
- security measures for the proposed car park to deter misuse should be considered, including signage and hedging;
- assurance is sought that the access would not be from the driveway to The Lodge and The Old Mill;
- expansion of car park is supported; suggest space 31 is omitted as it would shine headlights into the end bedroom of the Resource Centre; the roadway should be narrowed from 6m to 3.5m to reduce the dominance of the road; bays 14-15 need to be amended to accommodate a mini-hammerhead in accordance with good design principles;
- proposed car park should be reduced by six spaces so that it is further way from The Lodge; screen hedging should be extended all along the western side for aesthetically acceptable and to reduce light pollution;
- the removal of the tree near the 'electric socket' should be replaced in a location near it.

4.3 Local Member Representations – Cllr. Chapman: the proposed car park is not acceptable and should be at the rear of the building.

5.0 EVALUATION

5.1 Principle of Development

The proposal would benefit the Mardy Park Resource Centre, in whose grounds the site is located. The site is in the development boundary of Abergavenny/ Mardy and is not designated as an Area of Amenity Importance

under Policy DES2 of the adopted Local Development Plan. The principle of constructing a car park to serve this community facility is acceptable under Policy S5 of the LDP, subject to detailed planning considerations which are considered below.

5.2 Visual Impact

The proposed car park would be set in a green, open space in front of the Resource Centre building. There is little doubt that the proposed car park would erode the sense of openness in this part of Mardy, and that is regrettable. Mitigation can be put in place by the softening of the car park with additional hedge planting to the south, west (to screen the site from Hereford Road) and the north (from the Resource Centre itself). Proposed lighting is in the form of low-level lighting columns which would be approximately half the height of a standard street light (3m compared to 5-6m high). While the illumination would be visible from the main road and to some degree from neighbouring dwellings, the lighting would be seen in the context of the building it serves and as the lighting columns would be at a relatively low level they would not be highly visible once the hedge has matured in the medium term. As such they would not be unacceptably obtrusive. The level and orientation of illumination could be controlled to minimise light spillage and to reduce its wider visual impact and a lighting plan to be agreed can be conditioned. This could involve the lighting being dimmed or even switched off during the night time.

5.3 Effect on local residential amenity

The proposed car park would to some extent reduce the standard of residential amenity in the area, by incorporating an engineered linear form into a green, open space opposite dwellings on Hereford Road and in relatively close proximity to The Lodge to the south-west of the southern end of the car park. There is the prospect of light spillage into the surrounding area as well car lights shining from cars within the car park towards residential properties.

The light spillage and pollution could be addressed through a sensitive lighting scheme to minimise illumination to that necessary to ensure the car park can safely function. The submitted lighting statement from the applicant advises that:

‘The proposed lighting scheme for the new car park uses column mounted flat glass LED lanterns. The lanterns give a sharp light cut-off which allows the light to be directed where needed with no light spill onto surrounding properties. Lighting levels have been selected to comply with the British Standards, regulations and industry guidance in order to provide an installation that gives the required illumination for pedestrian safety, security and movement of vehicular traffic. The design has also been prepared to ensure that light pollution from the site has been mitigated as far as practical, with the aim of eliminating light spill, nuisance and not over lighting the roadway and causing sky glow.

The car park illumination levels shall be in accordance with BS 5489 Part 9, CIBSE Technical Lighting Guides and E3 zone requirements. The post top lanterns shall be mounted on 3 metre columns and shall be high efficiency LED type, exceeding the requirements of Part L Building Regulations. Luminaires on the perimeter of the site shall, if necessary, be fitted with baffle plates to minimise light pollution to any adjacent areas.

As detailed on the drawings the lighting will provide no significant spill light to surrounding areas and lanterns have been selected to eliminate glare to surrounding residential properties.

When considered in the context of the wider site, adjacent buildings, highway lighting, etc. any impact from the new surface car park lighting scheme can be considered negligible and a significant improvement to the lighting scheme currently employed at the site.

The following measures have been also been considered as part of the lighting design selection process

Extension of the existing car park lighting with like for like fittings was rejected as the existing lighting would fail to meet today's design standards in particular with regards to sky spill and glare.

Bollard lighting was considered for the scheme but discounted for the following reasons:

Bollards as a primary lighting source do not provide adequate vertical illumination and therefore any people, friend or foe, can be daunting to others in the area due to the fact that clear recognition of this person is not achievable.

Bollards are more susceptible to damage due to their height and their location. A bollard could be reversed into at the rear of a parking bay or conversely driven into.

Bollard distribution is only semi effective if the car park is empty, a car parking in a space that has a bollard located at the head will block out a high percentage of the useful light. Shadows and lower lighting levels will therefore be produced, becoming progressively worse with each car that parks in the space

Bollards can cause a higher degree of glare to the driver, depending on the location and height of the bollard and also the vehicle being driven. The light source can be in the eye line region

Bollards tend not to be an efficient light source as additional bollards are required to achieve the correct levels of illumination this is compounded by the fact that the more light fittings that are deployed the greater the amount of energy will be required to power them.

Further considerations as part of the lighting design selection process:

Selecting luminaires to limit spill light beyond the task area and eliminate glare

The provision to install baffles, etc. as required to control light output (will be assessed on site at completion)

The extension of the site's existing controls to ensure lighting is not in use when not required and the additional enhancement of night time dimming to 50% output 3 hours before midnight and 5 hours after midnight for the new car park.'

It is considered that the approval of a lighting scheme by the Planning Authority, required under a condition, could satisfactorily control the level and extent of illumination at the site. This could well include a switching off or the dimming of the lighting during the night time period.

The proposed hedgerow planting to the front and lower end of the car park would also help screen the lighting and provide a soft, visual barrier to the car park when viewed from nearby dwellings. It is considered that while some reduction in amenity would occur, the mitigation proposed should ensure the car park proposal would not cause unacceptable harm to local residential amenity.

5.4 Loss of Trees/ Landscaping and green infrastructure

The loss of the large cypress tree to accommodate the proposal is unfortunate, but this is not a native variety and the more valuable trees in relation to biodiversity – the roadside beeches and the willow to the east – are being retained. The Council's Tree Officer has no objection to the proposal subject to a tree root protection condition being applied. The additional hedgerow planting would enhance the proposal and provide additional green infrastructure in accordance with LDP Policy GI1. The Council's Biodiversity Officer has noted that the site is presently in an area of amenity, mown grassland and has confirmed that there are no issues with reptiles or amphibians in this respect. An informative is recommended to be applied as one tree is to be removed and it is advised that this is carried out outside the bird nesting season. There is no objection to the proposed lighting on the basis of impact on biodiversity interests by the Council's Ecologist.

5.5 Highways

The proposed car park would be accessed off the existing driveway. While the proposed access is close to the junction with Hereford Road, the Council's Highways Engineer is satisfied that the proposed car park can be safely accessed. Moreover, the additional parking proposed would reduce parking on the main road, and would assist the free flow of traffic on Hereford Road, as well as reducing inconvenience to residential occupiers of nearby properties who would otherwise be hampered from parking outside or close to their dwellings. The car park 'roadway' would be 6m wide and although this was criticised by a third party, the scheme functions efficiently from a highway safety perspective and the hedge screening would reduce any visual impact to an acceptable degree. The 6m width between the opposite bays also ensures vehicles can reverse and move off without the need for a hammerhead. Space no. 31 is not directly opposite the end window of the bedroom in the Centre, and in addition planting is proposed between the bedroom and the proposed

car park to help screen any light emissions from car headlights and the car park lighting.

An additional disabled parking bay is proposed within the existing car park, which would meet the Council's adopted Parking Standards.

5.6 Drainage

The parking bays themselves would be porous and so would drain naturally into the surrounding extensive grounds which slope down towards the south-east, away from the nearest dwelling, The Lodge. The non-porous tarmac area would drain to a proposed soakaway which would again run towards the south-east and would percolate into the large, grassed open space in which Mardy Park sits. There is not anticipated to be any additional harm from surface water resulting from the proposed car park to any dwellings in the locality, including the Old Mill to the south-east.

5.7 Other issues raised by third parties

The possibility of an alternative site to the rear is not in itself material as the proposed site is considered to be acceptable on its own merits, subject to mitigation in the form of landscaping and discreet lighting. Having said that the land suggested as the alternative location to the rear of the building is outside the development boundary of the settlement within the context of the LDP and is thus less desirable to develop than a site within the boundary. In addition, that area is earmarked for community use in the future by the Resource Centre and a car park would erode that space. It would also be less overlooked and would be less easy to supervise than the present site nearer the main road and could therefore be more vulnerable to crime.

5.8 Conclusion

It is considered that on balance, the benefits of providing the additional car parking to support this community facility, allied to the mitigation that can be put in place to reduce its visual impact or its effect on local amenity, would mean that the proposal is acceptable in planning terms, and would meet the objectives of Local Development Plan policies set out above.

6.0 **RECOMMENDATION: APPROVE**

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below (set out on the decision notice).
3	Landscaping implementation and maintenance condition.
4	A scheme of lighting/ illumination shall be submitted to and agreed by the LPA before the car park is brought into use, and shall be

	implemented in accordance with the approved details. Reason: To minimise its impact on neighbouring properties.
5	Drainage as submitted shall be implemented prior to the car park being brought into use.
6	All retained trees within and adjacent to the development boundary will be protected in accordance with the terms listed in Section 5.1 to 5.11 (inc.) of the Tree Report prepared by Broadway Tree Consultancy dated January 2015. Reason: To protect the Landscape and Green Infrastructure provisions of the site.
7	The colour of the parking bay paviors shall be agreed with the LPA prior to the car park being brought into use, and the agreed pavior shall be used to construct the car park, hereby approved.

Informatives:

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.

DC/2015/00013

REAR EXTENSIONS & INTERNAL ALTERATIONS

119, PARK CRESCENT, ABERGAVENNY

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham

Date Registered: 11/02/2015

1.0 APPLICATION DETAILS

This is a householder planning application for a two storey rear extension and a single storey flat roofed garden room (also to the rear) to an existing detached house in Abergavenny.

The application is brought to Committee because the applicant is related to a Member of Planning Committee.

2.0 RELEVANT PLANNING HISTORY

GW17791 – Conservatory and Garage. Approved 1982.

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

NE1 – Nature Conservation and Development

4.0 REPRESENTATIONS

4.1 Consultations Replies

Abergavenny Town Council – Recommends approval.

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

4.2 Neighbour Notification

No comments received.

5.0 EVALUATION

5.1 Principle of Development

The dwelling is well within the settlement area of Abergavenny where extensions to existing dwellings are acceptable subject to general development management policies DES1 and EP1.

5.2 Visual Impact

The proposed extension is to the rear of the dwelling and so it will not be visible from the public highway or any other public area. The extension will be built to match the existing dwelling in terms of materials, fenestration and roof pitches with a lower ridge to break up the massing of the building and provide a distinction between the original dwelling and the extension. The proposed extension is therefore considered to be acceptable in terms of its design and scale and will not harm the appearance of the existing dwelling or the wider area.

5.3 Residential Amenity

The proposed extension will introduce a new bedroom window at first floor within 6.5m of the boundary with the neighbouring garden at no.121 Park Crescent. However, this garden is already visible from first floor windows in both neighbouring properties and is screened from view by the existing pitched roofed garage that is located on the boundary. The garage is to remain. As such, it is not considered that there will be additional significant harm to residential amenity as a result of the position of the proposed window on the side elevation of the proposed extension.

5.4 Biodiversity Considerations

As the proposed development will affect the existing roof of the dwelling, the building has been assessed for its suitability as a habitat for bats. In this case the building features and location were considered to have low to medium potential for bats (no gaps in the roof, no evidence of bats using the loft etc.,) and so no further survey work is considered to be required. However, an informative reminding the applicant of their responsibility under the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 should be included on any consent.

6.0 RECOMMENDATION: APPROVE

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
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2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
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Informatives:

Please note that Bats are protected under The Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately.