

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 24 July 2017

Notice of meeting:

## Planning Committee

Tuesday, 1st August, 2017 at 2.00 pm,  
County Hall, The Rhadyr, Usk, NP15 1GA

### AGENDA

Item No	Item	Pages
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	To confirm for accuracy the minutes of the previous meeting	1 - 10
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise	
4.1.	APPLICATION DC/2015/01465 - DEMOLITION OF EXISTING BUILDING AND ERECTION OF SINGLE DWELLING AND ANNEX, 29 HARDWICK AVENUE, CHEPSTOW	11 - 16
4.2.	APPLICATION DC/2015/01556 - CHANGE OF USE FROM FIRST FLOOR OFFICE TO RESIDENTIAL USE, PICTON HOUSE, LOWER CHURCH STREET, CHEPSTOW	17 - 24
4.3.	APPLICATION DC/2016/00936 - DEMOLITION OF EXISTING DILAPIDATED WORKSHOP AND CONSTRUCTION OF REPLACEMENT WORKSHOP, MAYHILL WHARF, STAUNTON ROAD, MONMOUTH NP25 3LX	25 - 38
4.4.	APPLICATION DC/2017/00035 - CONSTRUCTION OF A NEW VEHICULAR ACCESS FROM THE PUBLIC HIGHWAY INTO PART OF THE WOODSIDE TRADING ESTATE, WOODSIDE TRADING AND INDUSTRIAL ESTATE, WOODSIDE, LLANBADOC, USK, NP15 1SS	39 - 44
5.	APPLICATION DC/2017/00122 - PROPOSED CONVERSION OF REDUNDANT BARN TO SINGLE DWELLING, DYFFRYN FARM, LLWYNA	45 - 54

	<b>LANE, PEN-Y-CAE-MAWR, USK, NP15 1LR</b>	
<b>6.</b>	<b>FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received</b>	
<b>6.1.</b>	<b>Appeal Decision - Langley House, Babington Close, Trellech, Monmouthshire, NP25 4SD</b>	<b>55 - 56</b>
<b>7.</b>	<b>New Appeals Received 26.05.17 to 19.07.17</b>	<b>57 - 60</b>

**Paul Matthews  
Chief Executive**

## MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

### Public Information

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

#### **Access to paper copies of agendas and reports**

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#### **Watch this meeting online**

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#### **Welsh Language**

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

# Aims and Values of Monmouthshire County Council

## Sustainable and Resilient Communities

### Outcomes we are working towards

#### **Nobody Is Left Behind**

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

#### **People Are Confident, Capable and Involved**

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

#### **Our County Thrives**

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

### Our priorities

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

### Our Values

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

## **Purpose**

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

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

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

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

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

## **Decision-making**

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

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

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

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

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

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

## **Main policy context**

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

### *Policy EP1 - Amenity and Environmental Protection*

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

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

### *Policy DES1 – General Design Considerations*

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

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

spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

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

#### Supplementary Planning Guidance (SPG):

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

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

#### National Planning Policy

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

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

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

### **Other matters**

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

#### Planning (Wales) Act 2015

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

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

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

#### Environmental Impact Assessment Regulations 2016

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

#### Conservation of Species & Habitat Regulations 2010



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

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

#### Well-being of Future Generations (Wales) Act 2015

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

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

A number of sustainable development principles are also set out:

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

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

#### Crime and Disorder Act 1998

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

## Equality Act 2010

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

## Children and Families (Wales) Measure

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

## **Protocol on Public Speaking at Planning Committee**

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

### **Who Can Speak**

#### **Community and Town Councils**

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

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

Not to introduce information that is not:

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

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

#### **Members of the Public**

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

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

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

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

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

## Applicants

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

When is speaking permitted?

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

### Registering Requests to Speak

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

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

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

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

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

### Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

### Procedure at the Planning Committee Meeting

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

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

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

# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th July,  
2017 at 2.00 pm

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

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

County Councillor R. Roden attended the meeting by invitation of the  
Chair.

### **OFFICERS IN ATTENDANCE:**

Philip Thomas	Development Services Manager
Andrew Jones	Senior Development Management Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

None.

County Councillor J. Becker left the meeting during consideration of application  
DC/2017/00159 and did not return.

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

County Councillor M. Feakins informed the Committee that he has discussed  
applications DC/2017/00159 and DC/2017/00188 at a Monmouth Town Council meeting  
prior to his election as a county councillor and therefore left the meeting taking no part  
in the discussion or voting thereon.

### **2. Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 6<sup>th</sup> June 2017 were confirmed  
and signed by the Chair.

### **3. APPLICATION DC/2016/00537 - REMOVAL OF CONDITIONS 10, 11 AND 12 (RESTRICTION TO HOLIDAY LET) OF PLANNING PERMISSION DC/2014/00441. HAZEL AND OAK COTTAGES, WERNDDU FARM, ROSS ROAD, LLANTILIO PERTHOLEY, ABERGAVENNY**

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

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th July, 2017 at 2.00 pm

Members had raised concerns at the site inspection regarding the lack of marketing information available in respect of this application and that a more comprehensive marketing exercise was required to assess if there was demand for holiday let accommodation.

It was therefore proposed by County Councillor M. Feakins and seconded by County Councillor R.J. Higginson that we be minded to defer consideration of application DC/2016/00537 to a future meeting to allow officers to request a more comprehensive marketing exercise with a view to assessing if there is demand for holiday let accommodation.

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

For deferral	-	15
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to defer consideration of application DC/2016/00537 to a future meeting to allow officers to request a more comprehensive marketing exercise with a view to assessing if there is demand for holiday let accommodation.

#### **4. APPLICATION DC/2017/00159 - TWO DETACHED DWELLINGS AND ACCESS DRIVE EXTENDING EXISTING DRIVE. CAE ELGA, HIGHFIELD ROAD, OSBASTON, MONMOUTH, NP25 3HR**

We considered the report of the application and late correspondence, which was recommended for approval subject to the five conditions, as outlined in the report and subject to a Section 106 Agreement in relation to an affordable housing contribution.

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

#### **Flooding and Drainage**

- The area is at risk of summer flash floods, as well as flooding in winter due to the heavy clay soil and the degree of the slope.
- The local Member has personal experience of flash floods.
- Of the Highfield Road objectors, there is only one objector from above Cae Elga, with five objectors situated below the property. All of these objectors have mentioned the issues of drainage and flooding.
- The properties on Agincourt Road, which overlook this site, did not object to the application.



## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th July, 2017 at 2.00 pm**

- A sustainable drainage system (SUDS) might not be able to cope with the effects of a summer flash flood.
- Modern houses abutting the site also have existing drainage issues.
- Perhaps a soil survey needs to be undertaken prior to approval of the application to assess the viability of SUDS.

#### **Sewage**

- Local residents have informed the local Member that a sewage pipe that runs under Highfield Road is below adoptable standards, which was originally refused for adoption by Welsh Water but had subsequently been adopted.
- As Cae Elga has a septic tank and the proposed new dwellings are below the road level, concern was expressed that the current sewage system might not be able to cope with the three new dwellings attached to it.
- The septic tank has broken in the past causing problems for a number of properties, for a period of time.
- A pump system would be required for the new dwellings. Future potential mechanical failure might result in sewage release affecting local properties.

#### **Scale of Development**

- Local residents are not in favour of the proposed scale of development.
- Removal of trees, the tightness of the plots from a parking perspective, the removal of an appropriate amount of amenity space for a building of the scale of Cae Elga. Residents would find it more acceptable if the applicant returned with an application for a single dwelling rather than two dwellings.

Ms. K. Potts, representing objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

- Highfield Road is steep, narrow and without a pavement.
- Healthy living encourages walking.
- Parents with young children and pushchairs walk to the local primary school, older children walk to the three senior schools and elderly people walk to the local bus stop, keeping active to help reduce traffic pollution by not using vehicles.
- The location is already hazardous for pedestrians, especially at peak school and work times.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th July, 2017 at 2.00 pm

- There are large volumes of traffic traversing up and down the hill, often travelling at excessive speeds at these peak times.
- The number of traffic movements that will be generated daily by the new parking spaces and the amount of vehicles involved in the development of the site will make the potential for danger worse.
- Overdevelopment of the plot will put lives at risk.
- The ground around Highfield close consists of heavy clay. Rainwater runs down as surface water from Agincourt Road over the fields and into Cae Elga, which is soaking up the excess water. Some water exits via the gardens and onto Highfield Road taking debris with it which has blocked gutters and drains.
- The water also fills the field ditch which runs at the end of the garden at Cae Elga through three other gardens and down under Highfield Road if the drain can cope with the run off.
- It appears that one of the proposed dwellings will be located close to the field ditch. Concern was expressed that this property might be prone to flooding because of the ditch and the intended lowering of the slope.
- Existing residents have already experienced flooding of garages and standing water on rear lawns.
- There are numerous springs in the area. During a wet period, water in the objector's garden was forced under pressure above ground into the air.
- With the proposed overdevelopment of the plot, a large area of the garden of Cae Elga will disappear under hard surface either by housing, car parking, hardstanding or extended driveway.
- The water that cannot be absorbed by the land will need to run off somewhere but the land cannot cope with this issue now. Future development will only exacerbate the situation.
- The proposed development is putting existing houses at risk of flooding.
- According to the plan, not all of the trees affected by the proposed development are shown and it is not clear which trees are to be kept.
- The trees are deciduous so coverage is reduced during parts of the year.
- The garden is surrounded on two sides by mature field hedges. The proposed dwellings are to be located close to these hedges and trees putting them under pressure during and after the development.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th July, 2017 at 2.00 pm

- The proposed development will create a detrimental effect on the ecology of the garden and the surrounding area.

Mr. B. Spencer, representing the applicant, attended the meeting by invitation of the Chair and outlined the following points:

- Every site can experience summer flash floods.
- If the site acts as a 'sponge' then flooding should not be an issue.
- If the proposed dwellings are built on the site, all external areas including parking will be required to be permeable, as this is the British Standard requirement.
- The sewage is controlled by Welsh Water. There is sufficient capacity for new dwellings to be connected.
- The pump system to raise sewage from a lower to a higher level is well documented and is now used in building circumstances.
- The pumping station at Osbaston Road has never failed.
- Regarding the scale of the proposed properties, this matter is not for consideration as part of this application. This application refers to the principle of the development and access. The plan shows what could be fitted onto the site.
- The plan shows that all of the trees on the site are to be protected.
- The highways department has stated that the proposed development will not adversely affect the local road network.
- Regarding the deciduous trees and hedge cover, the development is close but away from the root spread of the trees and will be designed to arboriculture standard.

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

- There will be no visual impact on neighbouring properties due to the existing natural screening.
- An additional two properties will not exacerbate any existing traffic issues.
- Some Members considered that there is scope to fit two dwellings onto the site.
- A condition could be added requiring surface water drainage details to be submitted as part of the reserved matters.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th July, 2017 at 2.00 pm**

- The proposed development will be located on a brownfield site.
- Gardens are precious areas to preserve as they improve air quality, reduce flood risk and provide a haven for wildlife.
- Some Members considered that guidelines were required with regard to building properties within gardens.
- Some Members expressed concern that two properties located on this site is excessive when taking into account the domestic infrastructure surrounding the development.
- It was acknowledged that there was a need for housing in Monmouthshire, in particular, the need for affordable housing.
- Concern was expressed that one of the proposed properties will be located in an area of low / medium risk of flooding.
- Reference was made to the Local Development Plan (LDP) Policies relating to flooding, for consideration.
- Concern was expressed regarding the scale of the development and that one dwelling would be more appropriate to provide more land to soak up surface water.
- It was noted that each application is looked at on its merits. Gardens in Wales are considered to be Brownfield sites providing an opportunity for them to be developed in a sustainable manner.
- The Highways Department has been consulted regarding the surface water issue and has not objected to the application. A condition has been suggested to ensure that the water run off is green field run off so that the situation is made no worse than it currently is.
- There is a landscape condition that will need to be approved via reserved matters allowing for increased planting, particularly along the periphery of the site, which will help to increase absorption levels on the site.
- A condition regarding the lower of the proposed properties could be added requesting the agent to reduce the scale parameters for the maximum ridge height of the plot by a minimum of one metre, setting it deeper into the slope if necessary, to achieve that.
- Greenfield run off rate could be dealt with at reserved matters stage by installing an attenuation system to catch any run off that might not be caught via the permeable surfaces.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th July, 2017 at 2.00 pm

It was proposed by County Councillor Murphy and seconded by County Councillor M. Powell that application DC/2017/00159 be approved subject to the five conditions, as outlined in the report and subject to a Section 106 Agreement in relation to an affordable housing contribution. Also, that an additional condition be added requiring surface water drainage details to be submitted as part of reserved matters, to seek the green field run off rate via permeable surfacing and an attenuation system. In addition, the agent to be requested to reduce the scale parameters for the maximum ridge height of Plot A by a minimum of one metre, setting it deeper into the slope if necessary to achieve that and that this should be agreed via the Delegation Panel before issuing a decision.

County Councillor L. Brown proposed that we be minded to refuse application DC/2017/00159 on the grounds that the site is prone to flooding and that an additional two properties located on the site will exacerbate the flooding issues. County Councillor G. Howard seconded the proposal.

The Chair asked the Committee to vote on the proposal that the Committee be minded to refuse the application.

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

For refusal	-	5
Against refusal	-	7
Abstentions	-	1

The proposition that the Committee be minded to refuse the application was not carried.

We resolved that application DC/2017/00159 be approved subject to the five conditions, as outlined in the report and subject to a Section 106 Agreement in relation to an affordable housing contribution. Also, that an additional condition be added requiring surface water drainage details to be submitted as part of reserved matters, to seek the green field run off rate via permeable surfacing and an attenuation system. In addition, the agent to be requested to reduce the scale parameters for the maximum ridge height of Plot A by a minimum of one metre, setting it deeper into the slope if necessary to achieve that and that this be agreed via the Delegation Panel before issuing a decision.

#### **5. APPLICATION DC/2017/00188 - TWO DETACHED TWO STOREY DWELLINGS LOCATED IN REAR GARDEN OF ROSEBROOK. ROSEBROOK, WATERY LANE, MONMOUTH, NP25 3AT**

We considered the report of the application and late correspondence, which was recommended for approval subject to the eight conditions, as outlined in the report and subject to an additional condition, as outlined in late correspondence regarding the protection of trees. Also, subject to a contribution towards off-site affordable housing provision via a Section 106 Agreement.

In noting the detail of the application, it was proposed by County Councillor P. Murphy and seconded by County Councillor R. J. Higginson that application DC/2017/00188 be

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th July, 2017 at 2.00 pm

approved subject to the eight conditions, as outlined in the report and subject to an additional condition, as outlined in late correspondence regarding the protection of trees. Also, subject to a contribution towards off-site affordable housing provision via a Section 106 Agreement.

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

For approval	-	11
Against approval	-	0
Abstentions	-	2

The proposition was carried.

We resolved that application DC/2017/00188 be approved subject to the eight conditions, as outlined in the report and subject to an additional condition, as outlined in late correspondence regarding the protection of trees. Also, subject to a contribution towards off-site affordable housing provision via a Section 106 Agreement.

#### **6. APPLICATION DC/2017/00257 - RETENTION OF SINGLE STOREY TIMBER CLAD STABLE BLOCK AND TWO FREESTANDING CONTAINERS; NEW STEEL GATES AND FENCING; CONSTRUCTION OF TWO NEW STABLES. BLACKWALL STUD, STOKE BARN, MAGOR**

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

In noting the detail of the application, it was considered that condition 3 should be amended to omit reference to the gates being set back by five metres, as they already are. Condition 3 should be amended to ensure that the gates are painted a dark green colour within three months of the date of permission, should the Committee approve the application.

Concern was expressed regarding the health and safety issues in respect of the 'spiked' gates. The Head of Legal Services and Monitoring Officer informed the Committee that this was not a Planning consideration. However, it was a safety issue which should be addressed by the applicant.

It was therefore proposed by County Councillor R.J. Higginson and seconded by County Councillor P. Murphy that application DC/2017/00257 be approved subject to the four conditions, as outlined in the report and that condition 3 should be amended to omit reference to the gates being set back by five metres, as they already are. Condition 3 should also be amended to ensure that the gates are painted a dark green colour within three months of the date of permission.

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

For approval	-	13
Against approval	-	0

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th July,  
2017 at 2.00 pm**

Abstentions - 1

The proposition was carried.

We resolved that application DC/2017/00257 be approved subject to the four conditions, as outlined in the report and that condition 3 would be amended to omit reference to the gates being set back by five metres, as they already are. Condition 3 would also be amended to ensure that the gates are painted a dark green colour within three months of the date of permission.

### **7. APPLICATION DC/2017/00444 - PROPOSED CONVERSION OF REDUNDANT AGRICULTURAL BARN TO 2 NO. DWELLINGS. NEW HOUSE FARM, LITTLE MILL, USK**

We considered the report of the application and late correspondence, which was recommended for approval subject to the eight conditions, as outlined in the report and subject to resolving the necessary bat mitigation conditions with Natural Resources Wales (NRW) and the County Council's Ecology officer. Also, subject to achieving funding towards a Section 106 Agreement for affordable housing.

Having considered the report of the application, it was proposed by County Councillor A. Davies and seconded by County Councillor P. Murphy that application DC/2017/00444 be approved subject to the eight conditions, as outlined in the report and subject to resolving the necessary bat mitigation conditions with Natural Resources Wales (NRW) and the County Council's Ecology officer. Also, subject to a contribution towards off-site affordable housing provision via a Section 106 Agreement.

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

For approval	-	13
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2017/00444 be approved subject to the eight conditions, as outlined in the report and subject to resolving the necessary bat mitigation conditions with Natural Resources Wales (NRW) and the County Council's Ecology officer. Also, subject to a contribution towards off-site affordable housing provision via a Section 106 Agreement.

### **8. Appeal Decision - White House Gwehelog**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 11<sup>th</sup> May 2017. Site: White House, Pant y Rheos Road, Gwehelog, Usk.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th July, 2017 at 2.00 pm**

The appeal was allowed and planning permission was granted for existing agricultural building (goat barn) attached to an existing outbuilding at White House, Pant y Rheos Road, Gwehelog, Usk, in accordance with the terms of the application, Ref. DC/2016/01221, dated 21 October 2016, subject to the following condition:

1) The development shall be carried out in accordance with the approved plans and documents: 1238(2)/PLN/01 (Goats Barn as Built); 1238(2)/PLN/02 (Goats Barn Site Layout).

#### **9. Appeal Decision - Caxton Tower Rockfield**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 11<sup>th</sup> May 2017. Site: Caxton Tower, Newbolds Farm, Rockfield, Monmouth.

The appeal was allowed and planning permission was granted for 'Amendment to existing planning permission DC/2013/00623. Rehabilitation and extension of former hunting lodge to provide 1 no 3 bed dwelling to include the construction of an outbuilding and underground service route to connect the dwelling and outbuilding at Caxton Tower, Newbolds Farm, Rockfield, Monmouth. Following refusal of application for non-material amendment' at Caxton Tower, Newbolds Farm, Rockfield, Monmouth, in accordance with the terms of the application, Ref. DC/2016/01131, dated 27<sup>th</sup> September 2016, subject to the conditions set out in the schedule to the decision letter.

**The meeting ended at 3.30 pm.**



**DC/2015/01465**

## **DEMOLITION OF EXISTING BUILDING AND ERECTION OF SINGLE DWELLING AND ANNEX**

**29 HARDWICK AVENUE, CHEPSTOW**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Young  
Registered:

### **1.0 APPLICATION DETAILS**

- 1.1 Number 29 Hardwick Avenue was a two story detached dwelling which was damaged by fire several years ago and has remained derelict ever since. Hardwick Avenue is a no through road which serves approximately twenty dwellings, it is located within the Chepstow Conservation Area. The current application seeks a new two story detached dwelling on the site with access off Hardwick Avenue and a detached garage at the rear. Attached to the garage would be a one bedroomed annex. The site is located within the Chepstow town development boundary identified on the LDP proposals map.
- 1.2 Initially this application related to the redevelopment of the site with four flats, but following extensive negotiations with officers, the scale of the proposal has been significantly reduced and the design revised comprehensively.

### **2.0 RELEVANT PLANNING HISTORY**

DC/2015/01466 Conservation Area Consent - Demolition of existing house and provision of a replacement house and garage - Concurrent

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### Strategic Policies

S13 Landscape, Green Infrastructure and the natural environment  
S17 Place making and design  
S1 Spatial Distribution of New Housing Provision  
S16 Transport  
S4 Affordable Housing Provision

#### Development Management Policies

EP1 Amenity and Environmental Protection  
DES1 General Design Considerations  
H1 Residential Development in Main Towns  
MV1 Proposed Developments and Highway Considerations  
HE1 Development in Conservation Areas

### **4.0 REPRESENTATIONS**

#### 4.1 Consultation Responses

Chepstow Town Council – Approve

Highways – I refer to previous comments provided on the 27th June 2016 with regard to the demolition of the existing building and multiple flat replacements, the amended proposal to demolish the existing building and replace with a new detached building and separate annex is duly noted and welcomed.

Although I offer no objections to the current proposal in principle I would raise the following issues that that the applicant should consider and introduce;

Hardwick Avenue suffers from extensive parking stress whereby existing residential terraced properties do not have the benefit of off street parking and compete with each other for on street parking; the current proposal will increase the stress if the design and layout of the proposal is not designed well and built out to enable accessible and well provided parking provision. This is a significant issue because the existing derelict property is not currently contributing to the stress and the creation of a drive will further reduce the available on street parking and the new builds will themselves further reduce available on street parking provision if as I say the off street parking provision is not designed well.

In this regard I have concerns with the ability of vehicles to manoeuvre within the curtilage of the property and whether there is sufficient parking provision; if vehicles cannot readily enter and exit in a forward gear then drivers are more likely to park vehicles on street outside the property.

I would therefore wish to see the applicant provide dedicated turning provision for both properties and particularly the annex due to the length and restricted driveway width, this would avoid unnecessary lengthy reversing manoeuvres and on site conflicts and the need to reverse onto what is already a congested street. A minimum of 3 car parking spaces for the new build and 2 spaces for the annex is advised.

I appreciate that the proposal is located in the centre of Chepstow and within walking distance of most amenities and public transport provision, in what may be considered a sustainable location in Monmouthshire. This does not, however, avoid that car ownership for this development is likely to be high and the need to park them off street is essential in this instance to avoid further parking stress. I would therefore recommend that the applicant consider the comments and re-submit amended proposals that address the comments and concerns raised. It should also be noted that the applicant / developer will be required to construct a footway vehicular crossing and I would refer them to the note below.

Welsh Water – No objection subject to conditions [these are covered under the Building Regulations and so are not applied in this instance].

MCC Landscape Officer- I consider the overall impact on the conservation area and street scene to be minimal, subject to a condition relating to materials.

MCC Ecologist - The building to be demolished was found on inspection to offer negligible potential for bats; the dilapidated state of the structure has led to a lack of suitable voids or crevices. Furthermore no evidence of nesting birds was found although there potential was noted for nesting in the future. The garden area was inspected as far as possible although due to the overgrown nature of the site not all the areas were covered. The garden was found to hold low potential for reptiles due to its overgrown state and lack of open basking areas, although there is potential for this area to be used by reptiles as part of a network of gardens in this area and records of slow worm within 150m of the site are noted. I am satisfied that if the report recommendations are implemented, then there should be no negative impacts on biodiversity as a result of the proposed development. If you are minded to grant planning permission for this development then suitable planning conditions are advised below.

#### 4.2 Neighbour Consultation Responses

Seven Letters of support following re-consultation on the amended plans:

All these neighbours have said that they support the application for the redevelopment of the site believing that it will improve the visual appearance of the area. They were pleased that the plans had been reconsidered and made more sympathetic but have several issues they wish to be considered, these being:

The Japanese Knotweed on the site needs to be eradicated properly

Loss of on street parking provision for existing residents

Repositioning of the drive way would be beneficial

The annex should be moved further from the boundary with no 27

Support the design but it could be more contemporary

Height of the garage could be reduced.

Prior to the amendments when the proposal was for four flats there were objections received from three addresses

Exacerbate parking problems

Appearance of the building out of keeping with the area

Balcony would result in overlooking

Adverse impact on the Conservation Area

Proposal is out of scale

Overdevelopment of the site

A family home would be more appropriate than flats.

## **5.0 EVALUATION**

### **5.1 Visual Impact**

5.1.1 The eastern side of Hardwick Avenue is characterised by two rows of terraced properties and a pair of semi detached properties. On the opposite side of the road there is a mix of semi-detached and detached properties. No 29 was a detached property on the eastern side of the street set forward of the established building line. The merits of the demolition of this fire damaged building is being considered in detail in the Conservation Consent Application.

5.1.2 The proposed new build seeks a three story detached dwelling, set back within the plot so that it will sit slightly behind the established building line. The dwelling would be sited to the south of the plot to allow for a driveway to the side of the dwelling enabling off road parking. The proposed dwelling would have a front gable and a pitched roof. It would have a dormer window on the rear elevation as well as one roof light. The dwelling would be finished in red/brown facing brick and natural stone with a natural slate roof. The roof would be half hipped to reduce the overall height of the building. The height and massing of the building would reflect that of other dwellings on the street. The stone wall at the front of the plot will be retained, except where the proposed driveway access would be located. The proposed dwelling would reflect the overall character of the street scene and would enhance this part of the Chepstow Conservation Area. The finishing materials are appropriate for this area. The proposed detached garage and annex will be set behind the house and will not be visually prominent within the street scene. The garage, which is single story, would be finished in facing brick and natural slate to match the main dwelling.

5.1.3 The proposal does accord with the objectives of policy DES1 of the LDP as the new dwelling will contribute towards a sense of place and because the new dwelling will reflect the existing form, scale, siting, massing and materials of neighbouring properties

## 5.2 Residential Amenity

5.2.1 The main property affected by this proposal is no 27 Hardwick Avenue which is an end of terrace property set at a slightly higher level than the proposal due to rising ground levels. Number 27 has a blank gable wall facing towards the site. The proposed dwelling would have a ground floor door on the side elevation facing towards no 27 as well as first and second floor windows, although the latter would serve the stairs and not a habitable room. The existing fire damaged property is sited further forward in the plot, and by moving the proposed dwelling further back the outlook for the occupiers in number 27 is improved. The proposed garage is close to the common boundary with no. 27 but is at least 16 metres from the rear elevation of the house, this combined with the fact that the garage is single story means there is no overbearing impact on the occupiers of number 27.

5.2.2 The property on the other side of the new dwelling is no 31 Hardwick Avenue, it is a semi-detached property set away from the common boundary. It has a single story garage on the side boundary adjacent to the proposed dwelling. No 31 has no side windows facing towards the site.

5.2.3 The proposal will meet the objectives of criteria d) of policy DES1 and policy EP1 of the LDP as it will maintain reasonable levels of privacy and amenity to the occupiers of neighbouring properties.

## 5.3 Highways and Parking

5.3.1 At present the existing dwelling does not benefit from off street parking and neither do many other properties on Hardwick Avenue which is a no-through road serving approximately twenty dwellings. The current proposal provides seven off street parking spaces as well as a turning area to allow vehicles to enter and leave the site in a forward gear. The level of parking provision is in excess of what is required in the adopted Monmouthshire parking standards which require one space per bedroom up to a maximum of three spaces. By providing off street parking where none exists is an improvement in highway terms. As with many terraced streets residents have to park on the road, it is known that this may lead to some parking stress in the area but by providing adequate off street parking for the new dwelling the parking stress in this area should not be made worse by this proposal. Local residents have suggested that providing a driveway with dropped kerbs for this property will result in one or two on street parking spaces being lost. Although this is the case this loss is more than compensated for by the provision of parking within the site. Local residents have suggested that the driveway be re-positioned in the site (lower down the slope towards no. 31's frontage), but there is not a justification for doing this in highway terms. Overall the parking provision in the area will be improved by this proposal as it provides off street parking in accordance with the adopted standards on a site where no off street parking was previously available. Following the response from MCC Highways the layout plan has been amended and a turning area is now provided within the site.

## 5.4 Other Issues Raised

5.4.1 It is known that there is Japanese Knotweed on the site. MCC Environmental Health Officers have visited the site and will be advising on how to eradicate the weed during the clearance of the site after demolition. The proposed garage is single story with an eaves height of 2.7 metres and a maximum ridge height of 4.9. The roof to the garage has been hipped and this will help to reduce the impact. It is only really the roof that will be seen from the neighbouring property. Although the garage is close to the side

boundary with no 27 it is approximately metres from the rear elevation of no 27 and does not result in any overbearing impact or loss of privacy.

## 5.5 Affordable Housing Contribution

5.5.1 This application was submitted in November 2015 before the SPG on affordable housing requiring a financial contribution from single dwellings was adopted. Therefore there is no requirement for a section 106 agreement requesting a financial contribution for affordable housing in this instance.

## 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 approved plans

### Pre-commencement conditions

3. No building works shall commence until details and samples of the materials to be used for the external wall and roofs have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.  
Reason: In the interest of visual amenity and the character and appearance of the conservation area; in accordance with LDP policies HE1 & DES1.
4. A one metre square representative sample of the proposed brickwork and stonework and pointing shall be prepared for inspection (note: the sample panel may be provided on the wall to which the rendering/pointing relates) and shall be approved in writing by the Local Planning Authority prior to commencement of works to which the condition relates. Development shall be carried out in accordance with the approved details.
5. Details of the proposed windows and doors to a minimum scale of 1:10 including elevations, vertical and horizontal sections with larger scale details to sufficiently describe the proposed units shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of building works. Development shall be carried out in accordance with the approved details.
6. Details of the boundary treatment for the development, hereby approved, shall be submitted to and approved by the local planning authority before any boundary treatment is erected. Development shall be carried out in accordance with the approved details.

### Regulatory conditions

7. Works shall be carried out in strict accordance with the wildlife protection measures described in Section 5 Assessment and Conclusions of the submitted report "29 Hardwick Avenue, Chepstow – Ecological Appraisal" dated October 2016 produced by Abbey Sanders Ecology  
Reason: To safeguard species protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).
8. The development shall include enhancement for nesting birds and roosting bats to include two or more of those recommended in Section 5, Biodiversity enhancements of the submitted report "29 Hardwick Avenue, Chepstow – Ecological Appraisal" dated October 2016 produced by Abbey Sanders Ecology.  
Reason: To provide maintain and enhance biodiversity and therefore comply with the Biodiversity Duty in the Environment (Wales) Act 2016 and LDP Policy NE1.
9. The detached annex, hereby approved, shall be used for purposes ancillary to the main dwelling and not used as a separate dwelling.
10. All rainwater goods shall be in cast metal and have a painted finish.

11. External rendering shall not be belled outward over the heads of wall openings or at damp proof course level.

Informatives:

BATS- Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) 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. Natural Resources Wales (NRW) (0300 065 3000).

NESTING BIRDS – Please note that all birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

Highways informative about footway crossing

DC/2015/01556

## CHANGE OF USE FROM FIRST FLOOR OFFICE TO RESIDENTIAL USE

PICTON HOUSE, LOWER CHURCH STREET, CHEPSTOW

**RECOMMENDATION: Approve**

Case Officer: Nia Morrison

Date Registered: 22/02/2016

### 1.0 APPLICATION DETAILS

1.1 The application relates to Picton House, Lower Church Street, Chepstow, a large two storey detached Georgian building with office accommodation on both the ground and first floor. Previously the building was used as an office to serve the former Osborn International factory, and the factory was attached to the rear elevation of Picton House. The factory has now been demolished and residential housing development is currently in progress (application ref: DC/2009/00910, approved in 2011). Picton House is located within Chepstow's Conservation Area (CA) and has been identified as a building that makes a positive contribution to the appearance and character of the CA. The building is also within a C1 flood risk zone.

1.2 It is proposed to change the first floor of the building to a two-bedroom apartment and to restore the rear elevation of the building (where the factory was previously attached to this elevation, thus it does not have the Georgian character windows evident on the front elevation). On the basis of officer advice the plans have been amended to provide a change of use to residential use to the first floor only with the ground floor to remain as existing office use. The proposal was initially to change the ground floor to residential use too. Revised plans were received 26/10/2016 and a supporting revised Flood Consequence Assessment on the 17/05/2017. The FCA submitted for consideration has been carried out by CD Gray Civil & Structural Engineers. This is the same firm which carried out the supporting FCA for the Osborn International residential development scheme (DC/2009/00910).

### 2.0 RELEVANT PLANNING HISTORY

DC/2009/00910 - Demolition of existing industrial buildings, furniture showroom and gas depot and the erection of 169 dwellings, B1 office space, an A3 cafe/restaurant, provision of public open space, parking and associated engineering works and infrastructure

Approved 12/09/2011

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S8 Enterprise and economy

S12 Efficient Resource Use and Flood Risk

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  
HE1 Development in Conservation Areas  
HE2 Alterations to unlisted buildings in Conservation Areas  
SD3 Flood Risk  
E1 Protection of existing employment land

#### **4.0 REPRESENTATIONS**

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

Chepstow Town Council – recommends approval

MCC Planning Policy Officer - The site is located in Zone C1 floodplain. Strategic Policy S12 and supporting development management Policy SD3 relating to Flood Risk are therefore of relevance. Strictly speaking the proposal is contrary to Policy SD3 as it does not relate solely to the conversion of existing upper floors. It is necessary to consider whether the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15. In this respect the proposal represents a 'windfall' brownfield development within the existing settlement boundary that contributes to meeting the housing targets set out in LDP Policy S2 and thereby assists in achieving the objectives of the LDP strategy. It is also noted a Flood Consequences Assessment has been submitted and it must be considered whether the FCA sufficiently demonstrates to the satisfaction of the NRW whether the risks and consequences of flooding can be acceptably managed. In this respect, compliance with national policy in TAN15 may be considered to be sufficient to outweigh any potential non-compliance with Policy SD3.

It is noted the proposal relates to an existing office building, the criteria of Policy E1 relating to the protection of existing employment land must therefore be taken into consideration. While it is noted in the covering letter the building has been vacant since May 2013 it would have to be considered whether there are sufficient spaces elsewhere on site, to avoid any adverse impacts on the viability of the existing employment unit, and, future potential of the site for employment generation.

In addition to the above, the site is located within the Chepstow Conservation Area, Policy HE1 must therefore be referred to along with Policy HE2 relating to alterations of unlisted buildings in Conservation Areas although it is noted there are minimal alterations to the exterior of the building. The site is located in an Area of Special Archaeological Sensitivity; National Planning Policy Guidance set out in Chapter 6 of Planning Policy Wales therefore applies. General policies DES1 and EP1 should also be taken into consideration.

MCC Heritage Officer - The subject site is located within the Chepstow Conservation Area and identified as a building making a particular or special positive contribution to the CA. The proposal will not have a detrimental impact on the setting or character of the Chepstow CA, however we recommend the following conditions to ensure the outcome is satisfactory for the CA.

1. Details of the proposed windows and external doors to a minimum scale of 1:10 including elevations, vertical and horizontal sections with larger scale details to sufficiently describe the proposed units shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.
2. Landscaping and fencing details.

MCC Highways Officer – No objections. The proposed parking for both the residential unit and office accommodation meets Monmouthshire's adopted parking standards.



The access utilised for Picton House is the access approved for the residential development under DC/2009/00910.

MCC Building Control Officer - The method of construction of the existing structure including the intermediate first floor is not known; therefore the implications of the internal modifications cannot be commented upon at this stage. The first floor structure is likely to require significant modifications to accommodate the new separating wall and the staircase openings.

The new separating wall will need to be erected off a suitable foundation, extend through the roof void to the underside of the roof and be constructed to achieve 60 minutes fire resistance. A suitable fire suppression system (sprinklers) will be required together with mains powered interlinked smoke detection. The first floor bedrooms and study will need emergency egress windows.

The separating wall will also need to be constructed and tested in accordance with the recommendations contained in Part E (Resistance to Passage of Sound).

The requirement of Part L1 B (Conservation of fuel & power) will apply to the new and existing thermal elements including the ground floor, external walls, separating wall, roof and glazing. An Energy Performance Certificate.

Glamorgan Gwent Archaeological Trust – No objections to the positive determination of the application subject to the same conditions being added onto any consent on the previous application.

Dwr Cymru Welsh Water – No objections

Natural Resources Wales – Significant concerns with the proposed development as submitted.

- The revised FCA has not used the most up to date flood level data available to inform the FCA.
- The revised FCA has not demonstrated that the development is designed to be flood free in the 0.5% annual probability tidal event in line with TAN15. Although we acknowledge that the apartment on the first floor will remain flood free, the car parking area, which is integral to the residential use of the development, is predicted to flood to a depth of 1.1m depth during this event.
- TAN15 advises that development should be flood free during the 0.5% (1 in 200 year) plus an allowance for climate change flood event and therefore the proposal fails this criteria of TAN15.
- During the 0.1% (1 in 1000 year) plus climate change even the proposed car parking area is predicted to flood to a depth of 1.4m. This exceeds the indicative tolerable conditions.
- Lower Church Street has a centreline level of approximately 8.5m AOD in front of Picton House and this will be the primary access/egress route. Based on the level of 8.5m AOD the route is predicted to flood to depths of 2m in the 1 in 200 year and 2.3m in the 1 in 1000 year with a corresponding hazard rating of 'Danger for all'.

#### 4.2 Neighbour Notification

No objection received

## 5.0 EVALUATION

### 5.1 Principle of the proposed development

5.1.1 The site lies within the town of Chepstow within the development boundary where development for residential use is supported providing all other material considerations are satisfied. In this case the material issues under consideration are flood risk, visual amenity, residential amenity and loss of office space.

### 5.2 Flooding

5.2.1 Natural Resources Wales (NRW) has objected to the application as the submitted Flood Consequences Assessment (FCA) has not demonstrated that the consequences of flooding can be managed; it does not demonstrate a safe access/egress route from the site. TAN15 advises that access routes should be shown to be operational under all conditions.

5.2.2 In making an assessment Monmouthshire's own flood policy, LDP Policy SD3 will also form part of the consideration. This states that: "*Proposals for highly vulnerable development will not be permitted in areas which may be liable to flooding, unless the residential development is for the conversion of upper floors within defined settlement boundaries or the proposal is to extend an established tourism, leisure or educational establishment.*"

Policy SD3 goes on to state that development proposals within a flood plain will be required to demonstrate that:

- a) *The development is or can be protected by approved engineering works and/or other floor protection measures*
- b) *Such remedial measures would not cause flood elsewhere*
- c) *The development including remedial measures can be sympathetically assimilated into the environment in terms of its siting, scale, design and landscaping*
- d) *The development does not interfere with the ability of the Environment Agency [now NRW] or other bodies to carry out flood control works/maintenance*
- e) *The nature conservation interest of the water source is protected*

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

5.2.3 Furthermore In terms of assessing the flood risk impact it is also important to consider the context of the proposal located alongside the Osborn International housing development. Permission was granted for the residential development on the basis that finished floor levels were '*no lower than 10.2m above AOD*'. The finished floor level of the proposed Picton House first floor residential unit is 11.94m AOD, therefore above the floor level of the adjacent new residential units.

5.2.4 It is the parking area, set at 9.4m AOD, and the access/egress into Picton House at 8.86m AOD which is providing concern to NRW, as there is potential for residents to be in flood danger when needing to exit the building at ground floor level. It is put forward, however, in the supporting FCA and considered by officers that:

- this is a worst case scenario and if there was a flood that breached the existing flood defences, the first floor would remain flood free and provide safe refuge;
- in the event that the existing defences are overtopped the FCA indicates that floodwaters would spread westwards from the river bank but the floodwater would be

dispersed over large areas and the rate of inundation would be restricted to that of the rising tide;

- NRW operate a flood alert warning system which encompasses Picton House. Ordinarily there would be a good degree of warning if a dangerous situation was likely to occur allowing temporary protection measures/ evacuation procedures put in place.

5.4.5 On balance therefore, the impact of flooding has been mitigated by limiting highly vulnerable residential development to just the first floor of Picton House and despite the access/egress and car parking being at a level that could be flooded, if a flood event did occur, bearing in mind the flood defence put in place for the surrounding residential development, this can be managed with residents at a worst case scenario taking refuge at first floor level. Furthermore the proposal is considered to meet Monmouthshire's flood risk requirements as set out within Policy SD3 of the LDP as it is first floor residential development and does not lead to increased surface water run-off and flooding elsewhere, and it is considered that the supporting FCA has put forward satisfactory protection and mitigation measures. If consent is granted conditions relating to the submission of an evacuation plan in the event of a flood would be added to any consent.

#### 5.4 Visual impact including the effect on the character and appearance of the Conservation Area (CA)

5.4.1 The visual impact of the proposal is considered acceptable. As the proposal is a change of use there would be minimal alterations to the external appearance of the building. External alterations proposed are to the rear to reinstate Georgian window openings and therefore the proposal is considered a visual enhancement to the building. The development would enhance the character and appearance of the CA by improving the façade on the rear elevation. A condition will ensure the detailed design of the windows is agreed. A landscaping masterplan which includes Picton House and its parking area has been approved under DC/2009/00910 which sets out the landscaping and means of enclosure proposed. If any landscape/ screening details are required that are not part of the approval under DC/2009/00910 then these would need to be agreed under a further planning application. The development would be in accordance with Policies DES and HE1 of the LDP.

#### 5.5 Residential amenity

5.5.1 The proposed change of use is not considered have an unacceptable impact on any other party's residential amenity. To the rear of Picton House apartment blocks (named B3) were approved under DC/2009/00910 but have not yet been constructed. It is noted however the main windows on these blocks face north-east and south-west and not towards the rear of Picton House. The first floor residential windows of Picton House therefore are not considered to overlook the new apartments. The first floor window on the south-west elevation of Picton House is proposed to be used as a bedroom, but this does not look into the newly constructed dwelling (part of block B4 under DC/2009/00910) immediately to the south-west as there are no first floor windows on the elevation facing Picton House. The first floor windows on the front elevation of Picton House are not considered to overlook the nearest property 23 Lower Church Street to an unacceptable degree. The window to window relationship with No. 23 is separated by the public highway and there is an intervening distance of approximately 15m which is considered acceptable owing to the semi-public relationship between the windows.

5.5.2 The proposed development would utilise an existing access point as approved under DC/2009/00910 and it would have an acceptable level of parking provision. MCC's Highways Officer has no adverse comments to the proposals. The development meets

Monmouthshire's adopted parking standards and would be in accordance with Policy MV1 of the LDP.

5.6 Loss of office space

5.6.1 The loss of the office space to the first floor of Picton House is limited, approximately 110sqm. The change of use to residential use is in character with this lower part of Chepstow which is predominately residential (particularly since the redevelopment of the Osborn factory). The ground floor area of Picton House remains available as office space and is unlikely to become residential use in the foreseeable future (as it would be highly vulnerable development in Flood Zone C1).

5.7 Affordable housing

5.7.1 This application was received in December 2015 and registered in February 2016. This was prior to the Council's adoption of the affordable housing supplementary planning guidance (SPG) which was adopted in March 2016. The proposal is therefore not required to make a contribution towards affordable housing.

5.8 Conclusion

5.8.1 The application seeks to provide a first floor residential unit and improve the rear façade of Picton House, a prominent building within Chepstow's CA. The site does lie within a flood risk (zone C10 and although NRW have objected to the proposal the development is considered to be capable of managing flood risk to an acceptable level for future occupiers and the proposal would be in accordance with Policy SD3 of the LDP. The development would be in accordance with the relevant policies of the LDP and therefore the development would be acceptable subject to conditions.

6.0 Response to the Representations of the Community/ Town Council (if applicable) Well-Being of Future Generations (Wales) Act 2015

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

**6.0 RECOMMENDATION: APPROVE**

Conditions

Condition No.	Condition
1	This development shall be begun within 5 years from the date of this permission.
2.	The development shall be carried out in accordance with the approved plans listed in the table below.
	<u>Pre-commencement conditions</u>
3.	Prior to any building work commencing on site, emergency plans for the evacuation of the development during flood events shall be

	submitted for the consideration and approval in writing by the Local Planning Authority.
4.	Details of the proposed windows and external doors to a minimum scale of 1:10 including elevations, vertical and horizontal sections with larger scale details to sufficiently describe the proposed units, shall be submitted to and approved in writing by the Local Planning Authority prior to any building work commencing on site.. The development shall be carried out in accordance with the approved details.

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DC/2016/00936

## DEMOLITION OF EXISTING DILAPIDATED WORKSHOP AND CONSTRUCTION OF REPLACEMENT WORKSHOP

MAYHILL WHARF, STAUNTON ROAD, MONMOUTH NP25 3LX

### RECOMMENDATION: APPROVE

Case Officer: Craig O'Connor

Date Registered: 07/03/2017

#### 1.0 APPLICATION DETAILS

1.1 The existing site is located to the south of Mayhill Industrial estate to the east of Monmouth town centre. The site has two access points, one off the small roundabout on Staunton Road and an historic access off Wyesham Road. The site includes a dilapidated industrial stone building and a two storey cottage-like property and associated outbuildings. The site has recently been cleared with vegetation and dilapidated buildings being removed from the site. The site has previously accommodated various uses including as a builder's yard, a storage facility, vehicle workshops and offices. The existing stone building has an industrial use.

1.2 The proposal is to construct a replacement building to accommodate a local signage business. The proposed building would have a workshop, an office area and a reception/showroom area. The proposed building would be located in a central part of the site, slightly to the west of the existing building. The proposed footprint of the building would be approximately 11m x 25m and it would have a pitched roof that would measure 5.6m to the eaves and 7.75m to the ridge. The proposed materials would include facing brickwork, timber cladding and composite steel cladding for the external walls. Profiled steel sheets for the roof and the openings would be constructed with aluminium. The submitted plans BP-2512-07 REV B & BP-2512-10 REV A provide details of the layout and appearance of the proposed building and the associated car parking and access arrangements.

#### 2.0 RELEVANT PLANNING HISTORY

DC/2011/00856 Redevelopment of existing site for a 883sqm bulky goods retail unit, car parking and landscaping (revised scheme) Withdrawn October 2013 Appeal dismissed December 2011

DC/2009/00117 Redevelopment of existing site for a 883 sq.m bulky goods retail unit, car parking and landscaping. Refused February 2011. Appeal dismissed 13/11/2011.

DC/2008/00756 Creation of a local cycleway/footway route. Withdrawn January 2009

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

##### Strategic Policies

- S8 Enterprise and Economy
- S9 Employment Sites Provision
- S13 Landscape Green Infrastructure and the natural environment
- S16 Transport

S17 Place making and design

Development Management Policies

DES1 General Design Considerations  
EP1 Amenity and environmental protection  
SD3 Flood risk  
NE1 Nature Conservation and development  
MV1 Highways considerations and development

**4.0 REPRESENTATIONS**

**4.1 Consultations Replies**

Monmouth Town Council – Recommend refusal – Issues with exiting the site from southern entrance onto Mayhill.

Glamorgan Gwent Archaeological Trust – No objections to the positive determination of the application.

Natural Resources Wales – No objection to the application subject to the suggested conditions in relation to contamination. In regards to flooding based on the fact that the workshop is a replacement building and is located on the edge of the flood plain we are satisfied that no further assessment for the loss of flood plain storage is required in this instance. No objections to the proposals on flooding grounds.

Tree Officer - Please be aware that four mature pine trees on the western boundary of the application site are protected with a TPO. In the absence of tree protection information in respect of these trees and in the event of the grant of planning permission, please ensure the specified condition.

Environmental Health Officer - I have considered the information provided with this application and there does not appear to be any relevant information in relation to the management of potential public health issues from the proposed development should a planning permission be granted. For example there does not appear to be any information on how noise and dust will be managed during the demolition and construction phase of the development or how noise will be managed from onsite operations, hours of working etc.; whilst I am of the opinion that I am not in a position to substantiate an objection to the proposed development I would recommend that [specified] conditions should be contained within any permission be granted for this development.

MCC Highways Officer - Having considered all submitted drawings and supporting information it is accepted that the site has extant class B2 use which is served by two existing access points. The level of traffic proposed from the development will have negligible impact on the function of the existing highway network as it will be very little more than what was experienced under the site's extant usage. It is also considered that the proposed on-site traffic management and proposals to improve the southern access will in fact be an improvement over the existing situation under its extant use. It is therefore accepted that the proposed development will not exacerbate the existing situation to the detriment of highway safety. In light of the aforementioned comments there are no highway grounds to offer an objection to the proposed development provided that the development is carried out in accordance with the plans submitted with the application.



MCC Biodiversity Officer – No adverse comments to the proposals subject to conditions relating to the need for landscaping at the site with particular reference to the planting of a tree at the site and the need to condition a lighting plan for the site.

#### 4.2 Neighbour Notification

No objections received to date.

### 5.0 **EVALUATION**

#### 5.1 Principle of the proposed development

- 5.1.1 The site has historically been used for industrial purposes and the principle of replacing the existing stone building with a new multi-functional industrial/office building is considered to be acceptable. The site lies within Monmouth's development boundary and the principle of this type of development is acceptable subject to material planning considerations. The proposed development is in accordance with the requirements of Policies S9 and E2 of the Local Development Plan (LDP) that aims to protect existing industrial sites to encourage employment opportunities and sustain the local economy. The new commercial building would enhance this dilapidated site and the proposed development is appropriate for the site. The development would enhance the viability and vitality of the town and the local economy in accordance with strategic Policy S8 and S9 of the LDP.

#### 5.2 Flood Risk

- 5.2.1 The site lies partially within Flood Zone C2 as shown on the latest Welsh Government maps (TAN15). The application proposes less vulnerable development (the replacement of an existing disused workshop with a larger facility) on previously developed land. The applicants have submitted a detailed Flood Consequence Assessment (FCA) that is not conclusive in terms of flooding elsewhere but based on the fact that the workshop is a replacement building and is located on the edge of the flood plain Natural Resources Wales (NRW) are satisfied that no further assessment for the loss of flood plain storage is required in this instance. NRW have reviewed the proposals and have no objections to the proposals. The potential consequences of flooding at the site are considered to be acceptable. The proposed replacement commercial building would be a form of less vulnerable development on previously developed land. The proposed development would be in accordance with Policies S12 and SD3 of the LDP and this would be an appropriate form of development for the site.

#### 5.3 Highway safety

- 5.3.1 The proposed development is not considered to have a detrimental impact on highway safety. The access is served by two existing access points one on Wyesham Road (where dropped kerbs are positioned on the footway) and one directly off Staunton Road. The proposed scheme utilises these existing access points. There is no overriding planning reason to request that only one access point is used for the development given the existing arrangement. The Highways Officer has reviewed the proposals and is satisfied that the development would have an acceptable impact on the highway network. The drawings and submitted information have been assessed and the general layout of the proposal is acceptable. In addition the proposed parking provision for the development is considered to be acceptable. The proposed development would be in accordance with the requirements of Policies S16 and MV1 of the LDP in relation to transport and highway considerations.

5.3.2 A previous planning application, DC/2009/00117, for a non-food, bulky goods type retail unit on the site was considered by the Planning Inspectorate at appeal (2011). This application had been refused by Planning Committee on highway safety and flooding grounds. This previous application proposed making alterations and widening the access onto Wyesham Road. The Inspector concluded that the proposal would not be detrimental to highway and pedestrian safety or the free flow of traffic on Wyesham Road and this appeal was subsequently dismissed solely on flooding grounds, not highway or pedestrian safety. Given the previous decision from the Inspector there would be no substantive reason to refuse the planning application on highway safety grounds. The proposed access arrangements are considered to be acceptable. The appeal decision is appended as Appendix A to this item.

#### 5.4 Visual impact

5.4.1 The layout and appearance of the building is considered to be acceptable in terms of visual impact. The building would be set back from Staunton Road and given the topography of the site and Wyesham Road it would not be visually intrusive or overbearing on the street scene. The height of the building is largely derived from the different functions for the building such as the workshop and the first floor office area. The scale of the building is considered to be acceptable and the building would not be visually intrusive. The structure would have a presence within the area given its height but due to the proposed form and design of the building it would not appear alien to the area and would not be detrimental to the character and appearance of the area. The building would be viewed as an industrial structure that is appropriate for this long-established employment site. The resultant building would harmonise with the supermarket to the west and the large industrial buildings to the north. It would have modern, contemporary fenestration and be constructed with high standard materials. The building would be of an acceptable standard of design and would enhance the visual appearance of this prominent site. It would harmonise with its setting and respect the character and appearance of the area. The proposed building is considered to respect the existing form, scale, siting, massing, materials and layout of its setting in accordance with the objectives of Policies S17 and DES1 of the LDP.

#### 5.5 Residential amenity

5.5.1 The proposed replacement building would not have a detrimental impact on the residential amenity of any other party. The proposed development would not harm any other party's privacy or any party's access to natural light. There have been no objections to the proposed development. The development would be in accordance with Policy EP1 of the LDP. Noise and dust issues can be dealt with via a condition to ensure neither of these factors harm the health or amenity of local residents.

#### 5.6 Nature Conservation

5.6.1 There are bats using the adjacent house at the site but this building is not part of this application and there are no proposals to alter this building at this time. NRW and the Council's Biodiversity Officer have reviewed the proposals and are satisfied that the development would not have an unacceptable impact on wildlife interests subject to the suggested conditions. The development would not have a detrimental impact on ecology and would be in accordance with Policy NE1 of the LDP.

5.6.2 A Habitats Regulations Assessment (HRA) has been undertaken for the scheme to assess the impact that the development would have on the River Wye (SAC and SSSI). This assessment is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, in accordance with the EC Habitats Directive (Council

Directive 92/43/EDC) before the Council as the 'Competent Authority' under the Regulations can grant permission for the project. The Council's Biodiversity officer has conducted the HRA and in terms of the impact on the locality and is satisfied that there would be no significant effect on the SAC. A lighting plan will be conditioned as a matter of standard practice and in accordance with Policy EP3 of the LDP.

#### 5.7 Response to Monmouth Town Council

5.7.1 It is recognised that the site has been vacant for many years and therefore there has been a limited amount of traffic movement from the site over recent years. However the vehicle access points onto Staunton Road and onto Wyesham Road are existing access points and therefore they could be utilised for the site without the need for any additional consents. The Highways Officer has reviewed the proposed development and there is no substantive reason to refuse the application based on highway safety grounds. The applicant would utilise existing access points and the development would be in accordance with Policy MV1 of the LDP.

#### 5.9 Response to the Representations of the Community/ Town Council (if applicable) Well-Being of Future Generations (Wales) Act 2015

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

#### 5.10 Conclusion

The proposed replacement commercial building would enhance the visual appearance of the site and the vitality of the local economy. The development is considered to provide a form of sustainable economic growth to the area that in accordance with strategic Policies S8 and S9 of the LDP. The scale, mass and design of the building is considered to be appropriate for the site and would enhance the appearance of the locality. The development would utilise existing access points and would not have an unacceptable impact on highway safety. The proposals would be in accordance with the relevant Policies in the LDP and is recommended for approval.

### 6.0 **RECOMMENDATION: APPROVE**

#### Conditions/Reasons

1. This development shall be begun within 5 years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.  
Reason: For the avoidance of doubt.
3. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- a. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c. The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
- Reason: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity due to proximity to the River Wye which is a Special Area of Conservation and a Site of Special Scientific Interest; Contamination is identified as almost certain in the pre-acquisition report compiled to Stuart Meredith (which has previously been submitted with respect to this site) because of its previous use as a garage and brickworks.
4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
  5. No development is to take place until the local planning authority has received and approved in writing an Arboricultural Method Statement in accordance with BS 5837:2012 Trees in relation to Design, Demolition and Construction – Recommendations.  
Reason: To ensure that a landscape feature is not harmed as a result of the development.
  6. No development shall commence until a written noise and dust mitigation scheme is submitted to and approved in writing by the local planning authority detailing measures that will be implemented to ensure noise and dust associated with the development does not cause detriment to amenity or a nuisance to those living and working in nearby properties. The development shall be carried out in accordance with this agreed mitigation scheme only.  
Reason: To protect human health and amenity.
  7. No lighting or lighting fixtures shall be installed on the buildings or within the red line until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:
    - a) lighting type, positioning and specification

b) drawings setting out light spillage in key areas for bats based on technical specifications

The strategy must demonstrate that the roost and key flight lines are not illuminated. The scheme shall be agreed in writing with the Local Planning Authority and implemented in full.

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

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

Reason: To safeguard the landscape amenities of the area.

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

Reason: To safeguard the landscape amenities of the area.

10. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

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## Penderfyniad ar yr Apêl

## Appeal Decision

Ymweliad â safle a wnaed ar 12/10/11

Site visit made on 12/10/11

gan **G P Thomas BA(Hons) DMS MRTPI**  
Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 13/12/11

by **G P Thomas BA(Hons) DMS MRTPI**  
an Inspector appointed by the Welsh Ministers  
Date: 13/12/11

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**Appeal Ref: APP/E6840/A/11/2158003**

**Site address: May Hill Wharf, Wyesham Road, Monmouth NP25 3LX**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by M F Freeman against the decision of Monmouthshire County Council.
  - The application Ref DC/2009/00117, dated 26 January 2009, was refused by notice dated 3 February 2011.
  - The development proposed is: *Redevelopment of existing site for a 883sqm bulky goods retail unit, car parking and landscaping.*
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The effect the proposal would have on highway and pedestrian safety and the free flow of traffic on Wyesham Road arising from the proposed access arrangements; and the consequences associated with the development's location within the floodplain.

### Reasons

3. The appeal relates to a vacant area of land which has accommodated a builder's yard and a car repair business. The scattering of buildings on the site are in poor repair or derelict. There is a recently built Lidl food store on adjoining land to the west; residential development on the opposite side of Wyesham Road to the east; housing to the south; and, a property that is split into two separate dwellings to the north.
4. The application was first reported to the planning committee on 20 November 2010. The officer's report indicated that the site is within the Monmouth development boundary but is not allocated for any specific purpose in the Monmouthshire Unitary Development Plan [UDP]. The retail impact had been assessed and in retail policy terms the proposal was considered acceptable. The recommendation was to grant planning permission, subject to a number of planning conditions.

#### *Highway and Pedestrian Safety*

5. Two sub-standard accesses serve the site at present. One of these would be retained to provide access to a domestic garage. The other would be closed and replaced with a new entrance off Wyesham Road. This would serve the proposed retail unit and retain existing access rights to two dwellings to the south. The proposal had been

considered by the Council's Highway Section and the traffic assessment had been examined by an independent consultant. Subject to issues relating to internal arrangements which had been agreed with the developer and details of retaining walls being required by condition, the officer's report indicated there were no highway objections. The report concluded that the Highway Engineer had no grounds for objection.

6. The planning committee expressed concerns with regard to the proposed access from the outset. The planning committees deferred the matter on a number of occasions between November 2010 and February 2011. However, the officer's conclusion on highway matters remained unchanged at all the meetings. I note that the committee that resolved to refuse the application was informed that the application was acceptable to highway officers in terms of existing traffic conditions.
7. A planning authority is not bound to adopt the professional or technical advice given by their officers. However, they will be expected to show they had reasonable planning grounds for taking a decision contrary to that advice and produce relevant evidence to support the decision.
8. The Council's appeal submissions acknowledge that the proposed access would provide improvements by; the removal of the existing sub-standard access onto Staunton Road (A4136) reducing both vehicular and pedestrian conflicts; improving the visibility at the junction of Wyesham Road/Staunton Road roundabout following removal of adjacent buildings; and, widening the footway provision along Wyesham Road over the frontage of the development.
9. The Council argues that pedestrian safety would be compromised because pedestrians will be expected to cross the new access and all vehicles will have to wait to turn right into the development causing an obstruction and delays to other vehicles. Both of these scenarios are commonplace and no evidence has been submitted to substantiate the reason why these are considered unacceptable in this instance. The proposed junction visibility would meet national guidance set out in Technical Advice Note 18: 'Transport', and drivers and pedestrians would have adequate sight of each other. I consider the benefits associated with the widening of the footway outweigh the fact that the children walking to and from school would have to cross the proposed access road.
10. It is also argued that on-street parking on Wyesham Road may be lost. However, nobody has the right to park on the highway. I consider this objection does not justify refusing the proposal. The Council asserts that the increased traffic generated by the proposal will exacerbate existing congestion at peak times on Wyesham Road causing further congestion and extend journey times at peak periods. The results of traffic surveys carried out in November 2008 were submitted to the Council indicating that Wyesham Road was lightly trafficked and could accommodate the additional traffic that would be generated by this proposal. These findings were accepted by the Council and it has submitted no evidence to indicate that the traffic levels have changed significantly or why it considers the situation is now unacceptable.
11. Officers of the highway authority would have been aware of the road and traffic conditions in the vicinity of the site when they considered the application and indicated there no highway objections. However, the Council has failed to provide substantive evidence to justify the reasons for refusing the application.



12. For the above reasons I conclude that the proposal would not be detrimental to highway and pedestrian safety or the free flow of traffic on Wyesham Road.

*Floodplain*

13. Environment Agency Wales [EAW] has submitted representation objecting to the proposal. Although the Council did not refuse the application for reasons associated with flooding, I have to consider the proposal in the light of the EAW submissions and Technical Advice Note 15 'Development and Flood Risk' [TAN15].
14. The officer report to the planning committee indicated that, in response to consultation, EAW had objected to the proposal since it was within a zone C2 flood plain and the site was at risk of flooding. The report concluded that conditions would need to be attached to address EAWs concerns. Members responded that "it was unnecessary to add a further condition as the site was roughly 30 feet above the river and was considered to not be subject to flooding"<sup>1</sup>. However, EAW had indicated that, on the basis of the information that accompanied the planning application, the car park would flood to a maximum depth of 1.3m during a 1 in 100 (1%) year plus climate change flood event and to a maximum depth of 2.57m during a 1 in 1000 years (0.1%) extreme flood event. I do not consider the reason put forward by the Council is sufficient to justify the view that the site was not subject to flooding.
15. The site is partly within a zone C2 on the development advice map. These are areas of the floodplain without significant flood defence infrastructure. However, the appellant considers the site should be classed as zone C1 (areas served by significant infrastructure including flood defences). The appellant has not provided compelling evidence to support this assertion. EAW update the flood map information on a quarterly basis and I note that their submission is dated 4 October 2011. In the absence of compelling evidence to the contrary I have no reason to take the view that the development advice map is not up to date or to question the validity of the EAW advice. I have determined the appeal on the basis that the site is partly within zone C2.
16. In zone C2 only less vulnerable development, which includes retail development and car parks, should be considered. A balanced judgement is required to enable the risks of flooding to be addressed whilst recognising the benefits of reusing previously developed land. TAN15 requires that development should only be permitted within zones C1 or C2 if it is determined that it is justified in that location. Development will only be justified if it can be demonstrated that the location satisfies the tests set out in TAN15 para 6.2. No evidence has been put forward by either the Council or the appellant indicating that the development is necessary to assist, or be part of a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement (test criterion i.) or that it is necessary to contribute to key employment objectives supported by the local authority and other key partners to sustain an existing settlement (test criterion ii).
17. Whilst the officer report indicated that the proposal was in accordance with Policy ENV9 (Development on Flood Plains) of the UDP, it did not address these tests. The Council was entitled to come to that conclusion with regard to the UDP policy but it is necessary to also have regard to the TAN15 tests. The susceptibility of land to flooding is a material consideration and TAN15 requires a proposal to satisfy either

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<sup>1</sup> Minutes of the planning committee dated 16 November 2010

test criterion i. or ii. As I have indicated above this proposal meets neither of these tests.

18. EAW argue that the proposal has failed to demonstrate that the risks and consequences associated with flooding can be acceptably managed. EAW indicate that whilst the finished floor level of the proposed building would be above the 0.1% flood level this would result in a corresponding loss of flood storage. The appellant argues that this would be a negligible loss of storage and would have little impact on the overall flood outline. However, this argument can be repeated too often and does not take account of the incremental impact of such scenarios.
19. The appellant does not accept the maximum velocity flow rates predicted by EAW and argues that the surrounding buildings and other unspecified constraints would reduce the velocities. However, no alternative velocity flow rates are put forward. On the evidence that is before me I am satisfied that the depth of flooding and the velocity of flood waters would exceed the tolerable conditions given in TAN15<sup>2</sup>. Whilst those figures are indicative I consider the differences between those figures and the situation that is before me to be significant.
20. I do not consider the appellant's argument that the depth of flooding in a 1% event would be considerably less than the adjacent Lidl site, where the entire footprint of the site including the building, would be flooded, is sufficient reason to justify this proposal. Each proposal is considered on its own merits and I do not consider that the Lidl development establishes a precedent that must be followed in this appeal.
21. On balance I am not convinced that the consequences associated with flooding would be acceptable.
22. I accept that the flooding would be restricted to the car park and the likely rate of inundation would allow for safe evacuation in flooding events and a safe and dry escape route would be available from the development. Whilst these factors mean there is less risk of personal injury I do not consider it removes the risks associated with flooding sufficiently bearing in mind the depth and velocity of the floodwater and the need for a precautionary approach to development in areas at high risk of flooding.
23. Whilst I have found in favour of the appellant on some of these matters, the development fails to pass the first hurdle of the justification test (criteria i. or ii). This is not a matter that could be overcome by imposing conditions and in these circumstances I conclude that the proposal would be contrary to TAN 15.
24. Whilst I have concluded that the proposal would not be detrimental to highway and pedestrian safety and the free flow of traffic, this is not sufficient to overcome the objection I have identified with regard to TAN15.
25. For the above reasons and having considered all other matters I conclude that the appeal fails.

*Gwynedd P Thomas*

Inspector

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<sup>2</sup> TAN15 A1.15



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**DC/2017/00035**

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

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

**RECOMMENDATION: APPROVE**

Case Officer: Andrew Jones  
Date Registered: 30/01/2017

**1.0 APPLICATION DETAILS**

1.1 This application was previously presented to Planning Committee on 4th April 2017 with an officer recommendation for approval. However, Members expressed concern regarding the highways issues in respect of this application. It was proposed by County Councillor B. Strong and seconded by County Councillor A. Wintle that we be minded to defer consideration of application DC/2017/00035 and invite a representative from the Highways Department to answer Members' questions regarding the highways issues in respect of this application.

1.2 Since then additional plans have been submitted that indicate a tracking movement for a HGV as well as a revised plan that would see a hoop barrier installed (in addition to a new dropped kerb previously proposed) that would restrict vehicles from travelling back around the service station building. This would consolidate this as a single point of access and therefore improve highway safety by reducing conflict with vehicles using the service station. It should also be noted that there is no alternative access to the industrial units served by the access now proposed – the land at the rear is owned by another party.

1.3 The application is therefore once again presented to Planning Committee with one additional condition set out below:

The hoop traffic barrier detailed in drawing 1630/102A shall be installed prior to the access being brought into lawful use and shall remain in situ in perpetuity.

Reason: In the interests of Highway Safety.

**PREVIOUS REPORT**

**1.0 APPLICATION DETAILS**

1.1 This application relates to land to the north of Woodside Garage that forms part of the wider trading and industrial estate. It is located on the edge of the town of Usk running parallel to the River Usk.

1.2 Planning permission is sought for a new vehicular access into part of the trading estate. To facilitate the provision of an entrance new dropped kerbs would be installed.

1.3 A recent Existing Lawful Development Certificate to establish a lawful access at the site was refused for the following reason:

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

## **2.0 RELEVANT PLANNING HISTORY**

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

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

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

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

### Development Management Policies

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

## **4.0 REPRESENTATIONS**

### 4.1 Consultations Replies

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

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

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

MCC Highways – Have no objection. The application is for the construction of a vehicular access from part of the Woodside Trading Estate onto the adjacent public

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

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

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

#### 4.2 Neighbour Notification

Objections from five properties citing the following:

- There is very little parking this side of the bridge for householders;
- There are already two entrances into the industrial estate;
- If it is such a problem to get to the rear of the petrol station why isn't the car wash knocked down making a better access and it would be a big cure in the litter around the back of the petrol station with the hand car wash where there is a permanent tatty caravan parked;
- HGVs and delivery vehicles have more than enough room to stop, load and unload with the current setup and do this on a weekly basis;
- A similar plan has previously been rejected by the planning board (Application No: DC/2016/01430);
- It would encourage lorries through Usk and over the bridge which is already illegal;
- The proposed site is opposite the bus stop and would cause problems for bus & coach drivers required to stop or wait there as well as causing a potentially dangerous congestion bottleneck;
- Parking adjacent to a dropped curb becomes a contravention where a vehicle is parked on the carriageway alongside a place where the footpath or verge has been lowered to the level of the carriageway to enable easier passage to or in front of an entrance to a property;
- As there is already access to this property alongside the garage, this would effectively become a second access to the same property, enabling vehicles to enter by one entrance and exit by a different one, which I understand is against Monmouthshire CC building guidelines;

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

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

## **5.0 EVALUATION**

### **5.1 Visual Impact**

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

### **5.2 Highway Issues**

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

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

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

### **5.3 Response to Other Issues Raised**

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

## **6.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

### **Informatives:**

1. It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the



applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

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**DC/2017/00122**

## **PROPOSED CONVERSION OF REDUNDANT BARN TO SINGLE DWELLING**

**DYFFRYN FARM, LLWYNA LANE, PEN-Y-CAE-MAWR, USK, NP15 1LR**

### **RECOMMENDATION: REFUSE**

Case Officer: Andrew Jones  
Date Registered: 22.02.2017

#### **1.0 APPLICATION DETAILS**

- 1.1 This application relates to a redundant agricultural building that is accessed off Llwynau Lane to the west of Pen-y-cae-mawr.
- 1.2 Planning permission is sought to convert the barn to provide a single dwelling. To facilitate the conversion a single storey extension would be erected to the rear of the dwelling. The extension, which would be of pitched roofed form, has been reduced in size and would now measure 4.3m in width and 3.4m in length. The extension would be clad with waney edge timber and other external materials include natural roof slate, repointed stonework, timber joinery and cast aluminium rainwater goods. The building is served by an existing point of access and would provide two parking spaces to the rear. A portion of the steel Dutch barn on site will be retained for use as a domestic store.
- 1.3 The application is presented to Planning Committee at the request of the Local Member Councillor Peter Clarke.

#### **2.0 RELEVANT PLANNING HISTORY**

None.

#### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

##### Strategic Planning Policies

S4 – Affordable Housing Provision  
S13 – Landscape, Green Infrastructure and the Natural Environment  
S16 - Transport  
S17 – Place Making and Design

##### Development Management Policies

H4 - Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use  
DES1 – General Design Considerations  
EP1 – Amenity and Environmental Protection  
MV1 – Proposed Developments and Highway Considerations  
NE1 – Nature Conservation and Development

#### **4.0 REPRESENTATIONS**

##### 4.1 Consultation Replies

Llantrisant Fawr Community Council – Have no objection.

MCC Highways – Has no objection. I am concerned that the highway network in the vicinity of the proposal will be harmed detrimentally with the increased daily use and with the construction traffic that would be associated with the renovation of the building. Should you be minded to approve the application, I would not wish this application to set a precedent for any future proposals to convert to residential all further barns at this location.

The applicant may be required to enter into a Section 59 agreement under the highways Act 1980 whereby admitting liability to any damage to the roads by extraordinary traffic likely to be generated by this operation.

Prior to the commencement of any construction work, provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a turning area. All materials must be loaded and unloaded for storage off the highway.

MCC Planning Policy – Strategic Policy S1 applies, the site is located in the open countryside where planning permission will only be allowed for; acceptable conversion of rural buildings, in the circumstances set out in Policy H4, sub-divisions of existing dwellings (subject to detailed planning criteria) or dwellings necessary for agriculture, forestry or other appropriate rural enterprises, in accordance with TAN6.

As the proposal relates to a redundant agricultural building Policy H4 should be considered. Policy H4 contains a number of detailed criteria relating to the conversion/rehabilitation of buildings in the open countryside for a residential use that must be considered in full. The existing building appears to be of limited size and would appear to not be suitable for a permanent residential use as it currently stands. Criterion (f) should be referred to which states the building must be capable of providing adequate living space and ancillary space such as garaging within the structure. In addition to this, criterion (f) adds that only very modest extensions will be allowed, it would have to be considered whether the proposed extension is modest in size, most notably as it will result in the increase of floorspace by approximately one third. Criterion (a) relating to the form, bulk and general design of the proposal and (d) relating to design requirements must also be considered. The Conversion of Agricultural Buildings Design Guide (April 2015) should also be referred to.

Criterion (g) relates to the conversion of buildings well suited for a business use, the H4 criterion (g) Assessment of Re-use for Business Purposes Supplementary Planning Guidance (April 2015) should also be referred to. It is noted in the planning statement that informal advice has been sought from estate agents which noted the project would be economically unviable for speculative commercial development and unsuitable for modern commercial ventures.

Finally, Strategic Policy S17 is of relevance relating to Place Making and Design along with Policies EP1 and DES1 in relation to Amenity and Environmental Protection and General Design Considerations respectively.

MCC Biodiversity Officer - A bat scoping assessment found moderate potential for bats within the stone barn proposed for conversion and negligible potential in the steel barn that will be removed to facilitate development. The site is located in a high quality landscape area for foraging and commuting; this was further demonstrated by the bat activity levels and number of species observed in the activity surveys.

The building is a confirmed roost for at least one soprano pipistrelle bat, but it is noted that there are multiple roosting opportunities for bats on the south west gable end. The

original survey suggested that the works could be undertaken without licence, following discussion with myself and NRW the ecologist has modified the proposals to ensure works are completed under licence and made adjustments to the mitigation measures, this is demonstrated in the March 2017 report.

Considering the works proposed the roost will be lost and as such the development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species. Please see our internal guidance note on consideration of the 'Three Tests' for licencing and report template. The LPA need to consider tests i and ii; test iii has been considered by NRW – see below.

Under new guidance from Natural Resources Wales, this proposal has been identified as a lower risk case and as such test iii is considered to be met.

It is further noted that the proposals will result in the loss of a barn swallow nest, the recommendation of the report to provide compensation for this loss in the form of an artificial swallow nest is welcomed and in line with LDP policy NE1 and our duties under the Environment (Wales) Act 2016.

I am satisfied that if the bat method statement and mitigation addendum are implemented, then there should be no negative impacts on biodiversity as a result of the proposed development. If you are minded to grant planning permission for this development then suitable planning conditions are advised below.

Natural Resources Wales (NRW) - We recommend you should only grant planning permission if you attach the following condition. This condition would address the significant concerns we have identified and we would not object provided you attach them to the planning permission.

The submitted bat survey report, prepared by Acer Ecology, dated October 2016, identifies soprano pipistrelle bats are roosting in wall crevices within the building to be converted.

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

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

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

The bat report identifies soprano pipistrelle bats were using two separate crevices in the south-western wall. Despite confirmation the building contains bat roosts, the bat report concludes a European Protected Species licence is not necessary in this instance, and the works can be carried out under a detailed method statement instead.

The bat report further identifies the building contains numerous other crevices suitable for bat use. It is concluded these other crevices are not being used by bats, however there is no evidence within the report to support this. The bat report additionally identifies hibernation potential within the crevices.

Therefore, on the basis of the information provided, we are of the opinion the proposed development is likely to give rise to the need for a licence application. However, we do not consider the development is likely to be detrimental to the maintenance of the population of the bat species concerned at a favourable conservation status in its natural range, provided the requirement for a European Protected Species licence is secured by way of planning conditions on any permission your Authority is minded to grant, and appropriate measures are implemented through the licence.

#### Condition

Inclusion of a planning condition on any planning permission that prevents the commencement of any development on site that could affect structures which may contain bat roosts until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified development to go ahead.

#### Advice to Applicant

We will wish to discuss a number of aspects of the mitigation proposals in more detail during the European Protected Species licence application stage, including the following matters:

- The submitted mitigation proposals include leaving the 1m x 1m square of wall containing the two known roost crevices un-pointed. It is unclear if this solution would accord with Building Regulations;
- A firm timetable of works will be required to ensure the chances of entombing/ disturbing bats is minimised;
- Clarification of pre-works inspection measures will be needed (a torch check is mentioned in section 6.2.7 of the report, but sections 6.2.4 and 6.2.9 stipulate an endoscope inspection). We will need suitable (external/ internal) crevice inspection / pre-works activity survey / bat exclusion measures put forward before an EPS licence can be granted.

Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

MCC Senior Strategy & Policy Officer - It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. The financial contribution that will be required is £27,469.

#### 4.2 Neighbour Notification

No responses have been received following the consultation exercise.

#### 4.3 Local Member Representations

County Councillor Peter Clarke – if the recommendation is for refusal requests the application is presented to Planning Committee.

### 5.0 **EVALUATION**

#### 5.1 Principle of the proposed development

##### 5.1.1 Local Development Plan

5.1.2 Policy H4 *Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use* of the Local Development Plan (LDP) contains a number of detailed criteria relating to the conversion/rehabilitation of buildings in the open countryside for a residential use that must be considered in full.

**a) The form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building;**

5.1.3 The barn is of traditional form and retains its original character, it is of small scale with stable doors to the front and rear, with two window openings also to the front façade. The single storey extension proposed is of a simple pitched roof form, however its size in proportion to the modest scale of the host building represents a sizeable addition in floor area. This point is addressed further in Section 5.1.8.

**b) The proposal, including curtilage and access, is in scale and sympathy with the surrounding landscape and does not require the provision of unsightly infrastructure and ancillary buildings;**

5.1.4 No new outbuildings are proposed as part of the application, instead a portion of an existing Dutch barn would be employed to provide additional storage. The access point is existing and the extent of curtilage proposed would not be intrusive to the rural landscape.

**c) Rebuilding works, necessitated by poor structural conditions and/ or the need for new openings in walls, should not involve substantial reconstruction, with structural surveys being required for marginal cases;**

5.1.5 An Inspection has been undertaken which concludes that the structure is in fair condition and solid walls are plumb. Walls will require deep raking and repointing in lime mortar. Some stitching is required to the northern corner. There is a small area of masonry loss at eaves level above the crack, which will require a small area of reconstruction. The roof structure appears to be in sound condition however this will be further reviewed upon stripping the finishes. New softwood rafters will be installed over to carry the new slate roof finish, felt and battens. A single new opening will be formed in the stone wall offering access to the extension; however this will not affect the stability of the wall.

**d) the more isolated and prominent the building, the more stringent will be the design requirements with regard to new door and window openings, extensions, means of access, service provision and garden curtilage, especially if located within the Wye Valley AONB;**

5.1.6 The structure is a typical traditional stone walled agricultural farm building. New openings are limited, both to the rear. One internal opening is proposed to create access into the proposed extension, and another to the proposed lounge area.

**e) Buildings of modern and /or utilitarian construction and materials such as concrete block work, portal framed buildings clad in metal sheeting or buildings of substandard quality and / or incongruous appearance will not be considered favourably for residential conversion. Other buildings will be expected to have been used for their intended purpose for a significant period of time and particularly close scrutiny will be given to proposals relating to those less than 10 years old, especially where there has been no change in activity on the unit;**

5.1.7 As noted previously within this report the building is of traditional character and clearly has been used for its original purpose for a significant period of time.

**f) The building is capable of providing adequate living space (and ancillary space such as garaging) within the structure. Only very modest extensions will be allowed and normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn;**

5.1.8 The biggest area of concern with the proposal relates to the size of the building as it stands in situ. Externally the building measures approximately only 54 square metres, however this does not take account of the stone walls and the internal usable space. Without extension it is unlikely the building could provide a single bedroom, which is proposed to be located within the new extension. The extension proposed (measuring 4.3m x 3.4) whilst taken in isolation could be considered modest, but is a sizeable addition when read in the context of the very small parent building. This criterion seeks to protect the character of buildings by ensuring the original building is not eroded by later additions. The concern in this instance is that the building provides such little internal storage that it would in time require further harmful additions to create a practical living space. It is therefore considered that the proposal fails to meet criterion (f) of the Policy H4 as it does not provide adequate living space.

**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.**

5.1.9 Supporting information submitted sets out that local Estate Agents have confirmed that the project is economically unviable for speculative commercial development. The structure is unsuitable for modern commercial ventures and requires significant investment for conversion to commercial use where the developer is unlikely to see a return for the foreseeable future.

#### 5.1.10 Supplementary Planning Guidance

5.1.11 Supplementary Planning Guidance (SPG) in respect of Policy H4 titled *Conversion of Agricultural Buildings Design Guide* was adopted in April 2015. Section 7.0 of the SPG reaffirms the policy position in respect of the concerns over the size of the original building to be converted. It sets out the following:

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

5.1.12 Therefore given the size of the existing building it is considered that even with the extension it would fail to provide adequate living space for practical day to day living. The building would be better suited to a holiday use, under Policy T2 of the LDP. Criterion (c) of this Policy would permit buildings of this size for tourist accommodation. The demands for space and storage are quite distinct from those required for someone's day to day main residence.

## 5.2 Visual Amenity



5.2.1 The site does not fall within a designated landscape area and sits within a dense group of buildings including working agricultural buildings and the farmhouse. There is significant mature vegetation immediately to the rear of the building as well as to the south east. Therefore the building is not visually prominent within the rural landscape, with only limited localised views from a public right of way to the north west. However, despite this is not considered that the discreet nature of the site fundamentally outweighs the building's inability to satisfy criterion (f) of Policy H4.

### 5.3 Residential Amenity

5.3.1 The closest neighbouring property, Dyffryn Farm to north-west and Glan-y-Nant to the south, are sited sufficient distances from the barn so that if converted it would not prejudice the amenity or privacy interests of those properties.

### 5.4 Highway Safety

5.4.1 No objections have been received from the Council's Highway Engineer, although concerns have been raised that the highway network in the vicinity of the proposal will be harmed detrimentally with the increased daily use and with the construction traffic that would be associated with the renovation of the building. Each case is considered on its own merits and the construction traffic associated with this development may not be comparable with other applications along Llwyna Lane. Any damage caused to the lane during construction would need to be addressed between the applicant and Highway Authority directly.

5.4.2 The proposed development provides two parking spaces to serve one bedroom, which exceeds the requirements set out in the relevant SPG. The site also provides sufficient space to allow vehicles to turn and leave the site in a forward gear.

### 5.5.1 Biodiversity

5.5.2 A bat scoping assessment found moderate potential for bats within the stone barn proposed for conversion and negligible potential in the steel barn that will be removed to facilitate development. The site is located in a high quality landscape area for foraging and commuting. This was further demonstrated by the bat activity levels and number of species observed in the activity surveys. The building is a confirmed roost for at least one soprano pipistrelle bat, but it is noted that there are multiple roosting opportunities for bats on the south-west gable end. The original survey suggested that the works could be undertaken without licence. Following discussion with MCC's Ecologist and NRW the ecologist has modified the proposals to ensure works are completed under licence and made adjustments to the mitigation measures. This is demonstrated in the March 2017 report. Considering the works proposed, the roost will be lost and as such the development will need to be subject to a licence from NRW before work can commence at the site.

### 5.5.3 European Protected Species – Three Tests

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

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

Development Management Comment: Should the building be left it could fall into a further state of disrepair and therefore harm public health and safety. By bringing the building back into use it could have social and economic benefits to the locality. However, in this instance it must be noted that owing to the size of the building the re-use for tourism use would be acceptable rather than residential.

(ii) There is no satisfactory alternative

Development Management Comment: The proposal is for the conversion of an existing building, which in planning terms is acceptable in principle whereas a new building would not be. However, in this instance the building is not considered to be of sufficient size to be converted to permanent residential use.

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

Development Management Comment: Under new guidance from NRW, this proposal has been identified as a lower risk case and as such test iii) is considered to be met.

5.5.5 Should the application have been recommended for approval then planning conditions would have been required including the requirement for a Method Statement and removal of normal permitted development rights in respect of lighting.

## 5.6 Affordable Housing

5.6.1 Strategic Policy S4 *Affordable Housing* of the LDP sets out that developments below the thresholds detailed within the Policy will be required to make a financial contribution towards the provision of affordable housing in the local planning authority area. SPG in respect of this Policy was adopted in March 2016. Section 2.1 of the SPG recognises that *a significant issue for Monmouthshire is the fact that house prices are high in relation to earnings so that there is a need for additional affordable housing in the County in both urban and rural areas, particularly for those that live and work here*. Further detail in respect of the need for Affordable Housing is set out in full in Section 3 of the SPG. A sum of £27,469 has been requested by the Council's Housing Officer for this proposal. In this instance the proposal would be for a self-build, however had the application been recommended for approval then a Section 106 Agreement would have been entered into. Providing the building would have been occupied for 3 years then the requested sum would not have been payable. An informative is to be attached advising that in the event of an Appeal the requested sum could be achieved by the submission of a Unilateral Undertaking.

## 5.7 Response to the Representations of the Community/ Town Council (if applicable) Well-Being of Future Generations (Wales) Act 2015

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

## 6.0 **RECOMMENDATION: REFUSE**

Reason(s):

1. The barn is considered to be of inadequate size to provide suitable living space for a permanent dwelling within the structure. It is therefore considered to be contrary to Policy H4 (f) of the Monmouthshire Local Development Plan.

Informative(s)

In the event of the decision being subject to an Appeal to the Planning Inspectorate, should the Inspector be minded to allow the Appeal the affordable housing contribution of £27,469 required under Policy S4 of the Monmouthshire Local Development Plan could be secured through a Unilateral Undertaking.

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 24/04/17

gan Mr A Thickett BA (Hons) BTP  
MRTPI Dip RSA

Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 23.05.2017

## Appeal Decision

Site visit made on 24/04/17

by Mr A Thickett BA (Hons) BTP MRTPI  
Dip RSA

an Inspector appointed by the Welsh Ministers  
Date: 23.05.2017

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**Appeal Ref: APP/E6840/A/17/3168865**

**Site address: Langley House, Babington Close, Trellech, Monmouthshire, NP25 4SD**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Paul Jackson against the decision of Monmouthshire County Council.
  - The application Ref DC/2016/00657, dated 31 May 2016, was permitted on 18 August 2016 and planning permission was granted subject to conditions.
  - The development permitted is the erection of a double slatted wooden fence some 16m in length and 1.4m in height at the bottom of the garden and planting of new hedgerow of laurel outside the fence.
  - The conditions in dispute are Nos 2, 3 and 4 which state that:
    2. The existing laurel hedge on the land in front of the wooden fence subject of this planning permission shall be removed and replaced by a native species hedgerow planted in accordance with the approved specification referred to in Condition 3.
    3. Details of the proposed native species plants to be used in the planting of the new hedgerow in front of the existing wooden fence at the rear of the property shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission.
    4. All planting, seeding or turfing shown in the approved details of landscaping shall be carried out in the first planting and seeding season following the date of this permission, whichever is the sooner, and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
  - The reasons given for all the conditions is:  
To safeguard the landscape amenities of the area.
- 

### Procedural Matters

1. The appeal is made only against condition 2 but it must follow that if I find condition 2 and the removal of the hedge to be unnecessary, conditions 3 and 4 must fall too.

### Decision

2. The appeal is allowed and the planning permission Ref DC/2016/00657 for the erection of a double slatted wooden fence some 16m in length and 1.4m in height at the bottom of the garden and planting of new hedgerow of laurel outside the fence at Langley House, Babington Close, Trellech, Monmouthshire, NP25 4SD granted on 18

August 2016 by Monmouthshire County Council, is varied by deleting conditions 2, 3 and 4.

### **Main Issue**

3. The main issue is whether the removal of the disputed conditions would preserve or enhance the character or appearance of the Trellech Conservation Area.

### **Reasons**

4. Langley House is part of a recent development of substantial detached houses at the junction of Greenway Lane and De Clere Way. Langley House backs onto De Clere Way. The fence to which the permission relates is in place and a laurel hedge planted between it and the road. Subject to it being stained and that it would eventually be screened by a hedge, the Council has no objection to the fence.
5. To the east of De Clere way are fields bounded by an established native hedge. However, the houses on the western side are enclosed by hedges and trees of a variety of species and different types of fence. I note the Council's Heritage Team's comments that 'ideally' the hedge should be a native species such as holly or hawthorn. Nevertheless, given the existing variety of boundary treatments along De Clere Way and elsewhere in the village, I do not consider that this short section of laurel hedge would have any material impact on the character or appearance of the Conservation Area or the Wye Valley Area of Outstanding Natural Beauty.

### **Other matter**

6. Condition 4 is poorly drafted. First it requires planting, seeding or turfing (my emphasis) when condition 3 refers only to plants and no turfing is required. The condition then requires the approved details of landscaping to be carried out in the first planting and seeding season following the date of this permission, whichever is the sooner (my emphasis) yet there is only one event or trigger referred to; 'the date of the planning permission'. The condition, therefore, fails the test of precision.

### **Conclusions**

7. For the reasons given above and having regard to all matters raised I find that the removal of conditions 2, 3 and 4 of planning permission Ref DC/2016/00657 would conserve the character and appearance of the Trellech Conservation Area. I conclude that the removal of the disputed conditions complies with Policies DES1, HE1, LC4 and LC4 of the Monmouthshire County Council Local Development Plan 2011 – 2021, adopted 2014 and that the appeal should be allowed.
8. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of promoting and enhancing the culture and heritage of Wales.

*Anthony Thickett*

Inspector

## Appeals - Detail Report

Report Parameters: Appeals 26/5/17 to 19/7/17.

**Report Requested By:**

**Report Date:** 20-Jul-2017 at 11:04

**Sort Sequence:**

**Total Applications Found:** 1

**Planning Objects Associated to Appeal**

**Associated Planning Objects:**

Object	Linked	UniqueReference	Description	Type
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**Appeal Details**

<b>Local Reference:</b>	DC/2017/00136	<b>DOE Reference 2:</b>	/17/3177512
<b>DOE Reference 1:</b>	E6840/X		
<b>Appeal Type:</b>	Written Representation		
<b>Appeal Application Type:</b>			
<b>Reason For Appeal:</b>	Against a Refusal		
<b>Appeal Received Date:</b>	09-Jun-2017		
<b>Appeal Description:</b>	The siting of a caravan.		
<b>Site Address:</b>	Old Mill House B4347 Grosmont Bridge to Whitehouse Farm Grosmont NP25 5QE		

**Appeal Decisions**

<b>Appeal Decision Type:</b>	
<b>Appeal Decision Text:</b>	
<b>Appeal Decision Qualifier:</b>	
<b>Appeal Decision Level:</b>	
<b>Appeal Legal Agreement:</b>	N
<b>Date Signed:</b>	
<b>Appeal Decision Date:</b>	

**Appeal Conditions**

Type:	No:	Text	Effect Date:	Deact. Date:
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**Appeal Decision History**

Status:	Decision Type:	Dec. Date:
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**Other Details / Audit**

<b>Team:</b> DC Enforcement	<b>Officers Name:</b> Guy Delamere		
<b>Telephone Number:</b> 01633 644814	<b>Fax Number:</b>	<b>E-Mail Address:</b> guydelamere@monmouthshire.gov.uk	
<b>Unclear Plans:</b> N	<b>No Plans Available:</b> N	<b>Major/Key Proposal:</b> N	
<b>Unclear Records:</b> N	<b>No Plans:</b> N	<b>Private Road:</b> N	
<b>Created On:</b> 09-Jun-2017	<b>Created By:</b> PLUMBG	<b>Updated On:</b> 09-Jun-2017	<b>Updated By:</b> BAILEYL
<b>Data Source:</b>	<b>Import Block:</b> N	<b>Checked:</b> N	<b>Deactivated Date:</b>

**Notes:**

<b>Note ID:</b>					
<b>User Group:</b>	<b>CON29 Question:</b>				
<b>Summary:</b>					
<b>Text:</b>					
<b>Create On:</b>	<b>Created By:</b>				
<b>Updated On:</b>	<b>Updated By:</b>				
<b>Deactivated Date:</b>	<b>Checked:</b>				
<b>Links:</b>					
<b>Local Reference:</b>	<b>Checked:</b>	<b>Created On:</b>	<b>Created By:</b>	<b>Updated On:</b>	<b>Updated By:</b>

End

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