

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Friday, 22nd December 2017

Notice of meeting:

## Planning Committee

Tuesday, 9th January, 2018 at 2.00 pm,  
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

### AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 14
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise:	
4.1.	APPLICATION DC/2015/01587 - DEED OF VARIATION OF S106 AGREEMENT IN RELATION TO DEMOLITION OF EXISTING BUILDINGS, AND RE-DEVELOPMENT OF THE SITE TO PROVIDE 51 NO. RESIDENTIAL DWELLINGS AND ASSOCIATED WORKS. COED GLAS, COED GLAS LANE, ABERGAVENNY.	15 - 32
4.2.	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.	33 - 38
4.3.	APPLICATION DC/2017/00651 - ERECTION OF A TWO-STOREY ANNEXE. 40A MAIN ROAD, PORTSKEWETT.	39 - 44
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	Appeal decision - Land opposite Llancayo House.	45 - 60
5.2.	Appeal decision - Sumach House, Newbridge on Usk.	61 - 62
5.3.	Appeal decision - Wyndcliffe Court, St Arvans.	63 - 66

<b>5.4.</b>	<b>New appeals received - 27th October to 20th December 2017.</b>	<b>67 - 68</b>
<b>6.</b>	<b>Development Management Enhanced Services Proposals.</b>	<b>69 - 86</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  
Vacancy (Independent Group)

### 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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#### **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)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2)  
Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017

#### 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 by a favourable conservation status in their natural range.

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

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

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

A number of sustainable development principles are also set out:

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

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

## Crime and Disorder Act 1998

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

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

#### Equality Act 2010

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

#### Children and Families (Wales) Measure

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

## **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, 5th  
December, 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

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Paula Clarke	Development Management Area Team Manager
Craig O'Connor	Development Management Area Manager
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

None.

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

There were no declarations of interest made by Members.

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

The minutes of the Planning Committee meeting dated 7<sup>th</sup> November 2017 were confirmed and signed by the Chair.

#### **3. APPLICATION DC/2016/01128 - CHANGE OF USE OF LAND FROM AGRICULTURAL USE TO A CAMPING SITE FOR 4 TEMPORARY SHEPHERD HUTS TO BE OCCUPIED BETWEEN THE 1ST MARCH AND THE 31ST OCTOBER ANNUALLY AND ASSOCIATED ACCESS ROAD AND A NEW TOILET BLOCK. CEFN TILLA, LLANDENNY, USK, NP15 1DG**

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

Councillor R. Moorby, representing Raglan Community Council, attended the meeting by invitation of the Chair and outlined the following points:

- Raglan Community Council has been pressing for, and not yet received, details of a number of items. The Community Council had written to Monmouthshire County Council requesting further details.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th December, 2017 at 2.00 pm

- There were no details regarding engineering works to level out plots and where the water and power would come from. There is no information available regarding drainage and sewage, with a moveable toilet block being provided. However, if this is not the case, there are still issues regarding drainage and sewage at this site.
- There will be minimal works for access. However, the field has a significant slope to it with the shepherd huts being located at the bottom of the slope. In inclement weather, the field becomes slippery and muddy and there is potential for vehicles to become stuck in the field in these conditions.
- No information has come forward regarding lighting of the site. Concern was expressed that if all night lighting was proposed for the site, then there would be light pollution coming from this site. Residents are able to view the site from their properties and would not be keen to have light pollution in this area of the countryside.
- Concern was expressed that the proposal might lead to a precedent being set for the site to be developed further in the future.

The applicant, Sarah Evans, attended the meeting by invitation of the Chair and outlined the following points:

- There are only four shepherd huts proposed in order to be more sympathetic to the local environment and to be more eco-friendly.
- There will be solar panels on top of each of the huts allowing them to be self-sufficient with regard to energy provision.
- Parking provision will be provide at the top of the site.
- There will be no light pollution at night. Visitors will be required to use torches when moving around after dark.
- The toilet block will be self-contained. Drainage will not be required.
- This venture will help towards maintaining the up keep of Cefn Tilla.

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

- The grass reinforcement system consists of a membrane set into the ground which allows the grass to grow between it but will provide a relatively level surface. However, there will be some regrading required. The membrane then allows for a structure to be placed upon it providing a level and solid base for the shepherd huts.
- The water for the huts will come via the mains water supply.



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- The safeguarding zone for the gliding club is not an issue at this site, as the huts will be low structures.
- Some diversity in the countryside and tourist related activity should be welcomed. The application is modest and is a good design.
- Concern was expressed regarding the vehicular access off the main road and that there is no formal parking arrangement. This might lead to parking on the lane. A condition could be added within the consent to seek details of a more formalised parking area with some landscaping around it to mitigate any impact.
- Conditions 3 and 4 control details of drainage and hard and soft landscaping. Therefore, the issues relating to car parking could be drawn out in the discharge of those conditions which could be brought to the Delegation Panel for approval.

It was proposed by County Councillor M. Powell and seconded by County Councillor A. Webb that application DC/2016/01128 be approved subject to the conditions, as outlined in the report and also subject to the discharge of conditions three and four being considered via the Delegation Panel. Condition four to be reworded to include parking provision and add a 'no lighting' condition for the site.

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

For approval	-	15
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2016/01128 be approved subject to the conditions, as outlined in the report and also subject to the discharge of conditions three and four being considered via the Delegation Panel. Condition four to be reworded to include parking provision and add a 'no lighting' condition for the site.

#### **4. APPLICATION DC/2017/00376 - OUTLINE PLANNING CONSENT FOR AN ENERGY CENTRE IN THE FORM OF A GAS-POWERED COMBINED HEAT AND POWER (CHP) PLANT, PROVIDING UP TO 4MW OF ELECTRICAL POWER. VALLEY ENTERPRISE PARK, HADNOCK ROAD, MONMOUTH, NP25 3NQ**

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

Councillor F. Cotton, representing Monmouth Town Council, attended the meeting by invitation of the Chair and outlined the following points:

- There is no proposed use or customer for the heat generated, bar negligible output to the pumping station.

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- The possibility of supply to the new swimming pool complex is suggested but not substantiated.
- The scale of the capacity and output needs to be acknowledged. Even with the Spa Hotel complex, the heat generated would be in excess of that used.
- The approval was previously granted on the premise that the Spa Hotel and the Combined Heat and Power (CHP) plant were symbiotic but this is not the case.
- The heat produced by such a plant would be sufficient to provide heat for an Olympic sized swimming pool and a substantial hospital complex, and the heating and hot water for 300 to 400 domestic homes together.
- There appears to be no proposed use or consumer for the energy generated except for sale to the national grid.
- This is a fossil fuel burning power station, lacking the efficiencies of a CHP which will need to dump the excessive amounts of generated heat as a waste product.
- Gas is a fossil fuel generating carbon dioxide, making a contribution to global warming.
- Claims that it will be a benign beneficial provider of energy to the town and its economy is not substantiated in this proposal.
- The application gives no indication that energy will be retailed to the community at beneficial rates.
- Under the Well-being of Future Generations Act, the proposal fails.
- The proposal fails on the globally responsible Wales that we aim to be.
- Under the Environmental Act, we have a responsibility to reduce greenhouse gasses. If this proposal does not go ahead then the production of greenhouse gasses will be avoided.
- Should the proposal go ahead with end users of heat generated identified, then, by its increased efficiency of greenhouse gas fuel, it would constitute responsible use of a fossil fuel but no end user of heat has been identified.
- Monmouth Town Council would look favourably on this application if it demonstrated the most efficient use of gas fuel. This would require an identified destination or user of the heat produced. If it demonstrated beneficial and lower cost and efficient power supply, both heat and power to the local community, and if it was a constituent part of a development bringing advantages to the local community. The Town Council considers that it does not and therefore does not support the application.

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

- As the application is for outline permission, approval of the application should be considered, as the Committee will need greater context to know what the proposal will be in order to identify whether there is a problem with the heat output.
- It is vital that the development is a Combined Heat and Power plant which would be positive for the town.
- It is an appropriate type of development being less vulnerable development for a flood zone.
- In response to a question raised regarding community benefit, it was noted that this matter was not a part of the planning process and would have to be covered via a separate agreement between the developer and the local community.
- If there are details of an end heat user, this information might be available at the reserved matters stage. It will be a commercial decision for the applicant to decide who the end user is should the application be approved and to supply that end user with the energy. This is not something that can be controlled via the Planning Committee.
- Concern was expressed that this development was being proposed, as a developer was intending to provide an energy project that might or might not be useful to what happens on the surrounding land.
- The Combined Heat and Power plant is not efficient, neither is it very innovative. There are no benefits to Monmouth with regard to employment or free energy to local schools.
- It would be easier to market this area if a Combined Heat and Power plant was located at this site.
- Condition 4 refers to environmental health issues. Environmental Health officers are satisfied that the information submitted to date is acceptable and the principle of a Combined Heat and Power plant being located at this site is acceptable. The finer details will be reviewed at the reserved matters stage.

It was proposed by County Councillor A. Davies and seconded by County Councillor A. Webb that application DC/2017/00376 be approved subject to the conditions, as outlined in the report.

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

For approval	-	11
Against approval	-	3

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Abstentions - 1

The proposition was carried.

We resolved that application DC/2017/00376 be approved subject to the conditions, as outlined in the report.

### **5. APPLICATION DC/2017/01120 - TWO STOREY REAR EXTENSION, PORCH AND SINGLE STOREY REAR EXTENSION TO KITCHEN. WOODSIDE, CRICK**

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

Ms. J. Bayntun, objecting to the application, attended the meeting by invitation of the Chair and outlined the following points:

- The extension proposed at Woodside seems to be out of keeping with the design and character of a pair of semi-detached houses because of its size and position.
- It will make the kitchen at Sunnyside very dark as well as spoiling the outlook from the kitchen windows.
- Sunnyside and Woodside were originally designed in such a way that the rear sections were set wide apart from each other to protect the amenity of both dwellings. The extension at Woodside would be built right up to the joint boundary.
- From inside the kitchen at Sunnyside the proposed extension would be visually overbearing and oppressive.
- The proposed two storey extension at Woodside projects further out than the extension at Sunnyside. It would block the afternoon sun and cast a shadow over all of the rooms at the rear of Sunnyside.
- Sunnyside's kitchen has two windows, both of which receive direct sunlight that would be blocked by the proposed extension.
- The proximity and size of the extension would also significantly reduce the ambient light received at other times of the day.
- Because of its position in relation to Woodside, the two storey extension at Sunnyside does not have a similar impact upon Woodside because the sun never shines from that direction.
- The restriction of light to the kitchen at Sunnyside would force the residents to use electric lighting at all times of the day.

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- It would be more appropriate to build the extension at Woodside further away from the joint boundary or even sideways, adjacent to the rear.

The applicant, Mr. Cooke, attended the meeting by invitation of the Chair and outlined the following points:

- The applicant wants to keep the character of the property. Therefore, he decided not to extend to the front and rear as per the 2014 original plans which had received approval from Planning Committee.
- This application, with guidance from the Planning Department, was to have a substantially reduced extension instead of the 2014 original application.
- It was considered that the best option was to extend the property to the rear which was in keeping with the neighbour's extension at Sunnyside and not diminishing the original character of the property.
- To build the two storey extension, the applicant is removing an existing bathroom so the actual impact of the new extension will only be one metre. The two storey extension will match the neighbour's extension at Sunnyside.
- This extension complies with the guidance of the Planning Case Officer's report.
- At the site inspection the applicant marked out the proposed extension. With the topography of the ground, the extension at a certain point is at least 100mm to 150mm lower and the roofline is set back by 300mm. Access to light for the neighbour is therefore more accessible.
- The applicant is only intending to extend his property by 30% more than its original footprint. This will provide an upstairs family bathroom and a larger kitchen.

The local Member for Shirenewton, also a Planning Committee Member, decided to comment on this application after listening to the Planning Committee's views.

Having considered the report of the application and the views expressed, Members considered that a significant proportion of the application could be undertaken via permitted development rights. The only part of the development that would not be covered via permitted development rights would be the two storey element of the application. However, the two storey extension could be constructed to three metres depth and the four metres depth of the single storey below. The matter for determination is whether that extra one metre of depth from the two storey extension is detrimental to the neighbour's amenity or not.

Though the extension will have an impact on the neighbour's amenity, something taller than that proposed could have been built without the need for any consent.

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The local Member summed up by stating that she has sympathy with the neighbour regarding the issue in relation to the kitchen window. However, there is the issue regarding the planning policies. In terms of the development, the only issue might be if the two storey and single storey together might impact cumulatively creating overshadowing and overdevelopment. However, the applicant is applying for planning permission for a two storey extension and the neighbour has already built a similar two storey extension.

There is also a one storey extension which is very close to the boundary and this will have an impact on the neighbour's amenity. Planning Committee could consider the situation with regard to residential amenity. Even with permitted development rights, according to the Planning Policy for Wales, the Committee should consider reasonableness, also, i.e., overshadowing.

It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Webb that application DC/2017/01120 be approved subject to the three conditions, as outlined in the report.

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

For approval	-	13
Against approval	-	0
Abstentions	-	2

The proposition was carried.

We resolved that application DC/2017/01120 be approved subject to the three conditions, as outlined in the report.

#### **6. APPLICATION DC/2017/01256 - RETROSPECTIVE APPLICATION TO RELOCATE GARDEN BUILDING AND REVISED PLANTING SCHEME. TAWELFAN, 22A PEN Y POUND, ABERGAVENNY, NP7 7RN**

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.

Ms. M. Gibson, representing objectors, attended the meeting by invitation of the Chair and outlined the following points:

- Legally, this is a far more complex matter than whether a pavilion can be allowed in a front garden or anything to do with permitted development rights.
- It is regarding a significant breach of a strict planning condition which residents had reasonable expectation that would be implemented.
- The problem is that with the original consent for the large indoor swimming pool, there was a strict condition requiring the implementation of a compensatory green landscaping plan.

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- There was no suggestion of a large high roofed pavilion on a concrete plinth directly in front of the pool building where an open vista and lawn were marked on the original consented plan.
- The officer handling the application for the pool had produced a fair and balanced report. However, the binding plan had been cast aside and rendered impossible to implement by the moving of the pavilion. Residents considered that this could not be fair.
- The proposed new plan is inferior in its layout and now places the pavilion in an intrusive dominating position. In its former position it caused no hindrance and no loss of privacies.
- The report refers to evergreen screening borders. However, in reality this is now only in areas near the house and pool.
- The applicant had been informed by the County Council's enforcement officer that if work continued to be carried out, it was at their own risk. Despite this, the pavilion was moved and a broad shingle and paved path was laid.
- Neighbours question how after such a strict approval was imposed, another planning officer is recommending approval.
- There are some inaccuracies within the report of the application.

Mr. M. Williams, applicant, attended the meeting by invitation of the Chair and outlined the following points:

- The applicant did not think he needed planning permission to move a garden hut from one side of his garden to the front of the garden when the swimming pool building was built.
- It is in a better position now than originally positioned.
- The hut was originally on a concrete plinth and is again on such a plinth in its new location.
- The hut had power at its original location as well as in its new location.
- The hut is not visible from a neighbour's property. In order to view the hut, the neighbour would have to open her gate.
- The hut is in a better location now than originally placed.

Having considered the report of the application and the views expressed, Members considered that the pavilion was better located in its current position and was not overbearing to the surrounding area.

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It was therefore proposed by County Councillor M. Powell and seconded by County Councillor J. Becker that application DC/2017/01256 be approved subject to the two conditions, as outlined in the report.

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

For approval	-	15
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/01256 be approved subject to the two conditions, as outlined in the report.

#### **7. APPLICATION DC/2016/00703 - CONVERSION OF PART OF AN EXISTING BUILDING THAT CURRENTLY HAS A MIXED D2 USE AND A C3 USE INTO A SINGLE DWELLING (C3 USE). DEWSTOW GOLF CLUB, DEWSTOW ROAD, CAERWENT NP26 5AH**

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

The local Member for Caerwent, also a Planning Committee Member, informed the Planning Committee that there had been a successful golf club on this site for many years. However, in recent years the use of the course had declined. The current owner had initially tried to run it as a golf club but this was no longer commercially viable and the club had closed down. Therefore, it is time to regularise the position and approval of the application would achieve this.

Having considered the report of the application and the views expressed by the local Member, the Committee expressed its support for the application. However, concern was expressed that the proposed dwelling should not be subdivided into other dwellings. It was noted that as there is a recommendation proposed within the application for a Section 106 Agreement, the matter relating to subdivision of the property could be incorporated into this agreement.

It was proposed by County Councillor P. Murphy and seconded by County Councillor G. Howard that application DC/2016/00703 be approved subject to the three conditions, as outlined in the report and also subject to a Section 106 Agreement to secure an affordable housing contribution and to ensure that the property is not subdivided into multiple residential units without planning permission.

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

For approval	-	15
Against approval	-	0
Abstentions	-	0



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The proposition was carried.

We resolved that application DC/2016/00703 be approved subject to the three conditions, as outlined in the report and also subject to a Section 106 Agreement to secure an affordable housing contribution and to ensure that the property is not subdivided into multiple residential units without planning permission.

#### **8. APPLICATION DC/2017/00651 - ERECTION OF A TWO-STOREY ANNEXE. 40A MAIN ROAD, PORTSKEWETT**

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.

This application had previously been presented to Planning Committee on 7th November 2017 with an officer recommendation for approval. However, Members had expressed concern regarding the design, as it was not considered to relate well to the main house. It had been agreed that consideration of application DC/2017/00651 should be deferred to a future meeting of the Planning Committee to allow officers to liaise with the applicant with a view to agreeing a more appropriate design.

Since then, an amended plan had been received which indicated decorative amendments to the proposed annexe, featuring re-constituted stone quoins, lintels and cills, and overhanging eaves and barge boards to match the existing dwelling house. It was again advised by officers to make other design alterations including options to reduce the height of the annexe to single storey and compensate by increasing the floor area, position the annexe further away from the boundary with the neighbours of Hill Barn View (by attaching the annexe to the main dwelling), or explore converting the existing garage to annexe accommodation. These design suggestions were not agreed and the applicant wanted the Planning Committee to consider the annexe with the same dimensions and profile as presented in the previous Planning Committee meeting.

The application is re-presented to Planning Committee with the same style annexe proposal with alterations to the decorative nature of the building so it is more in keeping with the existing dwelling.

Having considered the report of the application some members expressed concern regarding the orientation of the roof and how the one and a half storey extension relates to the building as a whole. If the roof was turned around by 90 degrees facing the same way as the main roof, first floor accommodation could still be created by building a dormer at the front and rear which would be more aesthetically pleasing.

However, other Members considered that having liaised with the applicant some improvements had been made with regard to the aesthetics of the building and the application complied with planning regulations.

It was noted that the application is an annexe only to the main building and will be secondary accommodation. The visual impact on the wider area is negligible.

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Following the debate, it was proposed by County Councillor G. Howard and seconded by County Councillor R.J. Higginson that we be minded to refuse application DC/2017/00651 on the grounds that the proposal detracts from the character and appearance of the parent dwelling and the surrounding area, contrary to Planning Policy DES1 and that the application be re-presented to Planning Committee with appropriate reasons for refusal.

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

For refusal	9
Against refusal	5
Abstentions	1

The proposition was carried.

We resolved that we be minded to refuse application DC/2017/00651 on the grounds that the proposal detracts from the character and appearance of the parent dwelling and the surrounding area, contrary to Planning Policy DES1 and that the application be re-presented to Planning Committee with appropriate reasons for refusal.

#### **9. APPLICATION DC/2017/00829 - PROPOSED NEW DWELLING. 20 CROSSWAY, ROGJET**

We considered the report of the application and late correspondence which was recommended for approval subject to the three conditions, as outlined in the report and subject to a Section 106 agreement requiring a financial contribution of £9,982 towards affordable housing in the local area.

Having considered the report of the application it was noted that there was enough parking provision on the site. It was therefore proposed by County Councillor M. Feakins and seconded by County Councillor A. Webb that application DC/2017/00829 be approved subject to the three conditions, as outlined in the report and subject to a Section 106 Agreement requiring a financial contribution of £9,982 towards affordable housing in the local area.

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

For approval	-	15
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00829 be approved subject to the three conditions, as outlined in the report and subject to a Section 106 Agreement requiring a financial contribution of £9,982 towards affordable housing in the local area.

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**10. Appeal Decision - Wern Farm, Ash Cottage to Newbridge on Usk,  
Tredunnock**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on the 9<sup>th</sup> October 2017. Site: Wern Farm, Ash Cottage to Newbridge on Usk, Tredunnock.

We noted that the appeal had been dismissed.

**The meeting ended at 4.12 pm.**

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**DC/2015/01587**

**DEED OF VARIATION OF S106 AGREEMENT IN RELATION TO DEMOLITION OF EXISTING BUILDINGS, AND RE-DEVELOPMENT OF THE SITE TO PROVIDE 51 NO. RESIDENTIAL DWELLINGS AND ASSOCIATED WORKS**

**COED GLAS, COED GLAS LANE, ABERGAVENNY**

**RECOMMENDATION: AGREE TO VARY THE S106 AGREEMENT**

Case Officer: Mark Hand

- 1.1 This report seeks Planning Committee's agreement to vary the S106 planning contributions agreement attached to planning permission 2015/01587 for the development of 51 dwellings at Coed Glas, Abergavenny by Melin Homes. Melin Homes will be developing the site as a flagship project trading as 'Now Your Home' (NYH), delivering both market and affordable housing.
- 1.2 That application was reported to Planning Committee on 3<sup>rd</sup> May 2016, and a resolution was made to grant planning permission subject to a S106 agreement. That agreement has since been signed and the planning permission issued. The site has been cleared but construction has not yet commenced beyond, it is understood, the footings for one garage.
- 1.3 The signed S106 contained the following provisions (see section 5.9 of the original report below):
  - The provision of 35% affordable housing (18 dwellings);
  - Financial contributions of £20,000 to be spent upgrading play areas in the locality and £159,273 (£3132 per unit) to enhance adult recreation facilities in Abergavenny;
  - A contribution of £3500 towards a path order to correctly record the actual alignment of a footpath that crosses the site was referred to in the Committee report but this was subsequently dropped because it was accepted that this request did not meet the legal tests for planning contributions.
- 1.4 The Planning Authority has since been approached by Melin Homes/NYH, who have expressed concerns regarding the viability of the development. This has resulted in several meetings and for the development being fully appraised on an open book basis by the independent District Valuation Service.
- 1.5 The District Valuation Service did not accept all of the development costs provided, notably concluding that Melin/NYH had paid above the benchmark land value for the site, and concluding that some of the build costs and abnormal costs were too high. The DVS concluded that, using an appropriate land purchase price, discounting the disputed build costs and abnormals, and allowing a 12% profit margin (which is the accepted rate for an RSL, and much lower than the profit margin usually required by a normal market builder), the development is only viable if the following reduced contributions are sought:
  - The provision of 33% affordable housing (17 dwellings, i.e. the loss of one affordable unit);
  - Zero financial contributions towards leisure provision (so a reduction of £179,273).

- 1.6 It is important to note that the above figures are based on the DVS's benchmark land value for the site, which is lower than the price actually paid by Melin/NYH. Melin/NYH has taken the business decision to accept an even lower profit margin to offset the price paid. This aspect does not, therefore, affect the S106 contributions in any way.
- 1.7 Melin/NYH had provided build costs quotations for consideration by the DVS, but in recognition of the DVS's findings has identified ways to reduce the build and abnormal costs to be in line with the DVS's figures. These measures include reducing the extent of regrading of the site, which in turn reduces transportation, tipping, drainage and retaining wall costs. In addition, the 5 no. five-bedroom homes are to be substituted for 5 no. four-bedroom homes (which have a better build cost to sales value ratio). The developer has agreed not to make any changes to the house type design or quality of finishing materials, both of which were welcomed by Planning Committee when it considered the proposal in May 2016. The changes outlined in this paragraph are the subject of separate discharge of condition or non-material amendment applications.
- 1.8 Comments have been sought on the proposed S106 changes from the Senior Housing Strategy Officer and Leisure Officer. Both express regret that the changes are required, but, having viewed the DVS report, accept the conclusions. In terms of affordable housing, the reduction is of one unit, taking the percentage down to 33% rather than 35%. The Housing Officer is happy with the mix and size of the affordable units proposed. As an alternative to this proposal, the Council could seek the £180k leisure contributions and agree a lower affordable housing provision, however Officer advice is that affordable housing is a higher priority in Abergavenny. The site contains a small area of open space and there are other amenities nearby, and there are several other S106 contributions to adult leisure arising from developments in the area.
- 1.9 It should be noted that the Council is under no obligation to entertain this request just 12 months since the S106 was signed. However, the viability challenges have been independently assessed by the DVS, and uniquely this is a pilot project by Melin's 'Now Your Home' trading arm. If successful, this development arm would provide an additional housebuilder in South East Wales and help towards the much needed delivery of both market and affordable housing. Declining this request would mean the Coed Glas site stalls, and also sets back this pilot project which would be of wider benefit to the region.
- 1.10 In conclusion, therefore, Officers recommend that a deed of variation to the S106 agreement be signed, reducing the S106 contributions from 35% affordable housing to 33%, and reducing the leisure contributions from £179,273 to nil.

## **PREVIOUS COMMITTEE REPORT FROM 03 MAY 2016**

### **DEMOLITION OF EXISTING BUILDINGS, AND RE-DEVELOPMENT OF THE SITE TO PROVIDE 51 NO. RESIDENTIAL DWELLINGS, AND ASSOCIATED WORKS**

#### **COED GLAS, COED GLAS LANE, ABERGAVENNY**

#### **RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham  
Date Registered: 04/03/2016

## **1.0 APPLICATION DETAILS**

- 1.1 This application seeks the redevelopment of the former Monmouthshire County Council Coed Glas office site for housing. The site is allocated for around 60 dwellings in the Local Development Plan. The proposed development comprises demolition of existing vacant council office buildings in order to facilitate the construction of 51 dwellings. Eighteen of the dwellings will be affordable housing (35%) while the remaining thirty-three would be open market housing.
- 1.2 The site comprises a roughly square shaped parcel of land measuring approximately 2 ha (4.76 acres) in area. The site is bounded to the south-west by Coed Glas Lane and to the east by the Hereford to Newport railway line. The site slopes downwards from the east to the west with a change in levels of around 12 metres across the site. The site boundaries are characterised on all sides by large, mature trees which are almost entirely protected by Tree Preservation Orders (TPO). There are also some trees located in the centre of the site, some of which are also covered by the TPO. In addition to the trees, the northern, eastern and southern boundaries are also enclosed by stone walls.
- 1.3 As existing there are six buildings on the site that were previously used as offices for the council including the former Registry Office. The buildings comprise a traditional two storey building known as 'The Firs', a more modern four storey office building, two smaller modern blocks in the centre and two detached buildings in the north-east corner. There is also a tarmac road through the site following the western and southern boundaries together with associated hardstandings and parking areas interspersed across the site. All of the existing buildings and hardstandings are proposed to be removed.
- 1.4 The proposed development is accessed off a single access road via Coed Glas Lane from the north-west of the site in a similar location to the existing site access. The proposed estate road permeates on a southern loop before moving towards the north-eastern extent of the site and terminating at a turning head. The fundamental form of the layout is based around the access road where dwellings front onto it on the inner and outer loop. The layout incorporates a Local Area of Play (LAP) among other informal landscaped areas of open space adjacent to the entrance to the site.
- 1.5 The site is within the development boundary of Abergavenny and is not constrained by any flooding, ecological or conservation designations but does lie immediately to the south of the Pen-y-Fal Conservation Area.

## **2.0 RELEVANT PLANNING HISTORY**

Various planning applications made by the Local Authority relating to the site's previous use with the last consent granted in 2005. List available on request.

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S1 – Spatial Distribution of New Housing Provision

S4 – Affordable Housing

S12 – Efficient resource Use and Flood Risk

S13 – Landscape, Green Infrastructure and the Natural Environment

S16 – Transport  
S17 – Place Making and Design  
SAH9 – Allocated Housing Site

#### Development Management Policies

H1 – Residential Development within Main Towns  
DES1 – General Design Considerations  
EP1 – Amenity and Environmental Protection  
NE1 – Nature Conservation and Development  
GI1 – Green Infrastructure Provision  
LC5 – Protection and Enhancement of Landscape Character  
MV1 – Development and Highway Considerations

## **4.0 REPRESENTATIONS**

### **4.1 Consultations Replies**

- 4.1.1 Abergavenny Town Council – Response awaited.
- 4.1.2 Glamorgan Gwent Archaeological Trust (GGAT) – No objection on archaeological grounds but of the opinion that the building known as The Firs is of historical importance and recommend a condition requiring a survey of the building is made prior to work.
- 4.1.3 Natural Resources Wales (NRW) - No objection to the application as submitted providing a suitable condition in relation to European Protected Species (Bats) is attached to any planning permission your authority is minded to grant.
- 4.1.4 Dwr Cymru Welsh Water (DCWW) - No objections. DCWW have met developers to discuss the drainage scheme for this proposed development and have agreed upon a strategy which will create sufficient capacity in the local sewer network to accommodate the development. The scheme will involve a large scale surface water removal from the public foul network and includes suitable on site attenuation to restrict surface water flows to an agreed rate before discharging to the public surface water sewer.
- 4.1.5 South Wales Police (Crime Prevention) – No major security concerns with the proposed development. Perimeter treatments and boundaries need to be looked at in detail to provide good quality security solutions for residents while enabling the area to retain a natural feel taking into consideration local wildlife. Providing the scheme conforms to the 2016 Secured by Design guide which comes into effect on 1<sup>st</sup> June, we cannot see why the development would not achieve Secured by Design accreditation.
- 4.1.6 MCC Highways – Response awaited.
- 4.1.7 MCC Green Infrastructure Team (Landscape, Ecology, Trees and Rights of Way) – No objection in principle subject to conditions. Some amendments suggested. The detailed comments are considered in the report below.
- 4.1.8 MCC Heritage Officer – Worked with the applicants to improve details of house type designs. Would prefer to see the retention of The Firs but accept that it is not feasible in this case.



4.1.9 MCC Landscape Facilities - The site layout is acceptable from a Landscape point of view, with a new Local Area for Play (LAP) shown on the development, along with two areas of open space. The expected financial contribution towards children's play from a development of this size should be £44982.00. A LAP as shown on the layout will cost around £ 25K to install. I would therefore advise you to ask for £20,000 to be spent upgrading play areas in the locality. This could be built into the Section 106 Agreement for the development. With regards to Adult Recreation we would expect a figure of £159,273.00 (£3132 per unit) from the developer to enhance facilities within 5 miles of the development.

4.1.10 MCC Education – Response awaited.

#### 4.2 Neighbour Notification

Three representations received. Object on the following grounds/raise the following concerns;

- The development will create a choke point at the access where three streams of traffic will meet and due to the gradient of the road further traffic-calming measures may be in order.
- Support the comments of the Abergavenny Civic Society.
- Question what guarantees are in place to prevent householders damaging or illegally removing mature perimeter trees?
- Who will be responsible for maintaining the trees?
- Care must be taken not to destroy the boundary hedge and undergrowth wildlife.
- All fences must allow hedgehog access.
- Development must not encroach onto small turning circle at the top of Coed Glas Lane.
- Due to the elevation of the site, boundary treatment needs to be more robust to prevailing winds.

#### 4.3 Other Representations

4.3.1 Abergavenny and District Civic Society – Object for the following reasons:

When in 2013 it was proposed to allocate this site for housing in the Local Development Plan (LDP) we had no objection in principle but made the following observations:

- 1 *Consideration should be given to the case for Listing the mid-Victorian main house, formerly 'The Firs', and possibly the attached modern buildings described in the Pevsner series volume for Gwent as 'Quite a memorable group'. Even if Listing is not an option the planning authority should require the conversion of all or some of these buildings to residential use to be the preferred option of the site's developer.*
- 2 *We are pleased to note that the planning authority has commissioned a tree survey and hope that trees of high and moderate retention value are as far as possible retained.*
- 3 *The retention of many mature trees and possibly some of the striking buildings on the site presents an opportunity for a housing development of more than usually high quality and distinctive character. We hope that a planning and design brief will be prepared to enable this opportunity to be taken.*

It is our view that the plans now submitted fail to satisfy those objectives or LDP policies S17 and DES1 in several ways, and we object on this basis and that the landowning and planning authority and the developer have wasted the opportunities offered by this prime site.

As described in the Planning Statement, the submitted scheme has been driven by the need to provide something approaching the 60 dwellings allocation in the LDP. The struggle to meet that expectation with low-rise homes with gardens has resulted in the form of development to which we object. Other forms of development might have achieved the target and taken a more imaginative shape.

There has been no attempt to create a distinctive sense of place apart from the retention of tree belts around the perimeter. The opportunity has been lost, for example, to use the Victorian house and trees within the site as distinctive features or focal points. The applicants claim that their proposals are in keeping with the adjacent Pen-y-Fal Conservation Area, but these bland proposals are typical of other disappointing recent developments in the Abergavenny area, many designed by the same architects, and which are sadly now becoming the norm. The contrast with the quality of the nearby Maes-y-Llarwydd development of a few years ago is particularly unfortunate.

Para 7.47 of the Planning Statement states the LDP Policy S17 need to 'avoid the bland, standardised appearance of some recent suburban expansion'. Yet that is exactly what this proposal does.

As elsewhere, the architects' approach to the design of buildings has been to adopt quasi-period styles and a mixture of materials and colours. While a variety of materials and colours is found in the town, it can be excessive within a development. We would suggest that white rendering should be the dominant feature as in Maes-y-Llarwydd and much of the Holywell area. The use of cream to echo The Firs is facetious. A single red brick should be used where appropriate and reconstituted stone should have a similar colouring to that of local stone. Placing the 3-storey apartment block at the highest point is questionable, especially when it might have been used as a focal point. As usual we prefer lean-to door canopies, more usual in Abergavenny, and would welcome some chimneys. Garage details do not appear to be online; adequate dimensions for family cars will be essential.

The effort taken to prevent on-street parking, often by providing three in a driveway, seems unlikely to be successful. There are instances where no garages have been provided and vistas are not terminated, except by the trees. Some sheds are to be provided but elsewhere a variety of sheds, car ports and garages may be exposed in these gaps between houses in the future. We would like to see more screen walls and less screen fencing.

A lot of impermeable (and unappealing) tarmacadam will add to the surface water run-off, and the need to place attenuation tanks at the lowest point on the site should not dictate the position of the play area at the most unsuitable location, where traffic is at a maximum and where it is most likely to attract children from Maes-y-Llarwydd (where a play area is nearby) and across the Old Monmouth Road. The play area should be well into the site on another overlooked space that gives the development some sense of place.

The Planning Statement (Section 8) deals with the demolition of buildings on the site. It appears that the planning authority has no objection to the demolition of the modern buildings, perhaps a valid if subjective architectural opinion but one that appears to

ignore any consideration of sustainable re-use. The applicants justify the clearance of The Firs itself on the basis that it is not listed and that it makes inefficient use of part of the site, undermining the LDP need to provide 60 homes on the site. Conversion to apartments is rejected, in a rather threatening way, on the basis that this is likely to be at the expense of the attractiveness of the building, and is commercially unviable with a lack of market demand - an interesting contrast with the attitude of developers at The Hill. The applicants' assertions are not supported by evidence. The Firs could give the estate personality and prestige.

The retention of perimeter trees appears acceptable if monitored during construction, but the sacrifice of two large internal trees of high/moderate value with TPO protection could be unnecessary with a layout that is not driven by a need to maximise the number of homes. We also fear that householders with shaded gardens will act illegally.

Much of the site is surrounded by stone walls, often in a poor condition, and measures are needed to safeguard these. The detailed design of the entrance to the estate should retain all the stone gateway pillars, by relocation as necessary.

Society members living nearby anticipate that cars already parking in the area will obstruct visibility at the entrance junction.

If these proposals are considered to meet the requirements of planning policies, it is at a minimal level. This prime site and the town deserve much better than an estate that is barely distinguishable from those being built by other house builders in the area.

I would emphasise that this response is the outcome of consideration by the Society's full committee and its planning subgroup.

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

## **5.0 EVALUATION**

### **5.1 Principle of Development**

- 5.1.1 The site is allocated in the LDP for around sixty dwellings and as such the principle of development is supported. The applicant notes that fifty-one dwellings was the maximum number of dwellings that could be accommodated on the site having regard to the tree root protection areas of the mature boundary trees that are to be retained and in the light of this, it is considered that in the region of fifty dwelling units would be an acceptable amount in relation to the allocation.

- 5.1.2 The only existing building on the site of any architectural merit is The Firs which is a two storey Victorian building finished in cream render with a glass canopy at first floor level. It has traditional sash windows with a turret shaped projection on the south western corner of the building with arched windows at lower level. All of the windows are set in decorative surrounds with stone projecting cills. However, the building has been extended over the years with unsympathetic extensions. The building is not listed and its retention would not result in the most efficient re-use of the land as it would reduce the number of dwellings that can be developed on the site. The site is not within a Conservation Area and therefore the existing buildings can be demolished without the need for consent, subject to ecology reports and approval of the means of demolition and site restoration.

### **5.2. Visual Impact**

- 5.2.1 The proposed development comprises 51 dwellings made up of a mix of house types varying in size between one bedroom and five bedroom homes. These dwellings would typically be two storeys in height together with a mix of two and a half storey town houses and a three storey apartment building, interspersed with single storey garages. The variation in height and scale will add interest to the street scene. The majority of the dwellings will be detached or semi-detached. This mix is considered to be in keeping with the prevailing character of the wider area.
- 5.2.2 There is an approximately 10m difference in levels between the northern area of the site and the central/southern area. As such, retaining structures are required throughout the development to achieve acceptable finished ground levels.
- 5.2.3 The layout of the proposed development is formed around the access road which runs through the site in a loop. This loop road formation was considered to be the most suitable arrangement given the difference in levels across the site. Dwellings front the access road on both the inner and outer loop with private gardens to the rear. The perimeter of the site is lined with trees, the majority of which will be retained. The layout proposed avoids the majority of the root protection areas of the trees.
- 5.2.4 Landscaped areas to either side of the access road are proposed to be located at the entrance of the site to give an inviting and spacious feel to the development. The landscaped area also affords protection to the trees in the vicinity of the access point and also allows surface water attenuation to be located below the designated LAP. Beyond the entrance, large detached dwellings in spacious plots are proposed with a mix of semi-detached and smaller detached units further into the site; link houses are proposed on corners to avoid dead frontages.
- 5.2.5 The houses would be finished in a mix of materials but a generally traditional palette has been chosen of render, red clay brick and reconstituted stone with a mix of reconstituted slate tiles and tiles for the roofs with the reconstituted slate being used at the site entrance and key view-points within the site. Windows would be uPVC but with traditional glazing patterns. The mix of materials and the details of the proposed houses are considered to be acceptable subject to the amendments made following advice from officers (see paragraph 5.2.7 below).
- 5.2.6 In terms of the quality of design of the development, it has been suggested that its layout, internal arrangement and house type could have been improved by a different arrangement focused on a more central massing of development rather than having pushed the development to its more sensitive outer boundaries, thus allowing these areas to be incorporated in a green corridor that could also have been accessible. However, it is accepted that the design of the layout is restricted by the topography of the site and the drainage constraints.
- 5.2.7 In order to improve the overall appearance of the development, since the application was submitted, officers have been working with the applicants to improve house types and boundary treatments and to this end the following amendments have been made:
- Chimneys added to some house types
  - Roof to be a mix of re-constituted slate and tiles
  - Screen hedges to be planted in front of timber fences where walls are not possible due to extensive 'Root Protection Areas' of the trees
  - House type F1 removed from scheme
  - Black metal railings around public open space rather than a timber rail

- Lean-to porches
- Block of affordable flats redesigned
- Addition of more active house frontages onto footpaths
- Improvement of weak vistas where primary view was of parking
- Changes to glazing

5.2.3 Following the amendments, it is considered that the proposed development will be in keeping with the surrounding area in terms of scale, density and design. The proposed materials and tree screen around the site will further help the proposed new houses assimilate into the wider landscape without harming the existing character and appearance of the area. The character and appearance of the adjacent Conservation Area is considered to be preserved.

### 5.3 Access, Parking and Traffic

5.3.1 Vehicular access to the proposed site will be in a similar location to the existing but with improvement to visibility. There will be a single point of access into and out of the site with the estate road terminating in a turning head. The geometry of the access and vehicle speeds along Coed Glas Lane allow for sufficient visibility splays to be achieved. The access road would maintain its 4.8m width for the entire route through the site.

5.4.2 The access road incorporates a 2m wide footway along its southern extent and a 1m wide footway along the northern side. Pedestrian access immediately at the entrance to the site is provided on one side of the access road to link with the existing westbound footway on Coed Glas Lane. It is also proposed to provide a footpath along the south west of the access road to link to Coed Glas Lane in order to enhance pedestrian permeability towards the town centre.

5.3.2 It is proposed to provide 130 car parking spaces. The number and dimensions of the parking spaces have been calculated using the Council's adopted parking standards which require one space per bedroom up to maximum of three spaces per dwelling. Based on the quantum of development this required number of spaces would stand at 127. Therefore the proposed development is considered to be compliant in this regard.

### 5.4 Biodiversity Considerations

5.4.1 Based on the current objective survey and assessment available, enough ecological information has been submitted to make a lawful planning decision. The site is approximately 224m uphill of the River Gavenny SINC which is a tributary of the River Usk SAC (588m downstream). There are no known hydrological links between the site and the watercourses and it is therefore considered that there will not be any pathway to significantly affect these sites.

5.4.2 The Preliminary Ecological Appraisal (PEA) considered the habitats present on site. These include: amenity grassland, mixed plantation woodland, tall herb ruderal vegetation, hardstanding and buildings. Whilst many of these habitats have intrinsic value and provide habitat for pollinators and foraging opportunities for species such as bats, none are NERC Section 42 Habitats (i.e. Habitats of Principle Importance in Wales).

5.4.3 Including the Common Pipistrelle recorded by Just Mammals in 2012, three species of bats have been recorded roosting at the site including Soprano Pipistrelle and a Myotis bat (identified as *Myotis mystacinus*). These are low conservation status roosts for the

species. Impacts will include the loss of roosts and some loss of some foraging habitat. Mitigation is recommended to reduce impacts of the roost loss.

- 5.4.4 Bat activity at the site was dominated by common and soprano pipistrelles, noctule and Myotis (probable whiskered) bats and was throughout the site with some increased activity along the eastern (railway line) side of the site. Lighting will be an important consideration for the future use of the site by foraging/commuting bats and a planning condition is recommended to secure a lighting strategy and plan that considers ecological interest.
- 5.4.5 Three trees were identified as having bat roost potential in 2012 but fortunately only one of these has been identified for removal. This is a cypress tree that will need to be assessed for bat roosts and methods and measures undertaken before the tree is felled. For a tree of this scale, this would normally be undertaken prior to the determination of the application however, a planning condition for a strategy to assess the tree is included below.
- 5.4.6 The common and soprano pipistrelle bats are Natural Environment and Rural Communities Act 2006 (NERC) Section 42 Species and as such are of principle importance for conservation effort in Wales. It is noted on the GI opportunities plan that bat and bird boxes are proposed with the final detail to be agreed. A planning condition can be used to secure this.
- 5.4.7 A European Protected Species derogation licence will be required in order to carry out the works (demolish the buildings) but NRW have confirmed in their letter dated 23/03/2016 that there will be no effect on Favourable Conservation Status subject to inclusion of a licence condition. The requirement of a licence is certain as the buildings are to be demolished. Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests have been considered in consultation with NRW / Council Biodiversity and Ecology Officers as follows:

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

The site is allocated for housing in the LDP and the need for housing is considered to outweigh the benefit of retaining the buildings as existing which serve no useful purpose.

(ii) *There is no satisfactory alternative*

The proposal is necessarily site specific and the 'do nothing' option would not be in the public interest.

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

The requirement of a licence will secure the Method Statement and it is considered in these circumstances that a separate Method Statement condition is not necessary. Limited recommendations for bat mitigation are included in Section 9 of the submitted report. However, considering the proportionality of

the species and roost types present, lack of objection from NRW and possible locations for mitigation to be provided; the lack of detail does not result in an ecological objection at this time and on balance it is considered that the proposed development will not be detrimental to the maintenance of the population of bats in the area.

5.4.8 In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard for the advice of Natural Resources Wales and the Council's own Biodiversity Officers, it is recommended that planning conditions are used to secure the following:

- Method Statement for the felling of the Cypress Tree
- Ecological enhancements for roosting bats
- Evidence of licence
- Lighting strategy

5.4.9 Whilst the main grassy areas of the site have historically been intensively managed, the current habitat developed is suitable for common reptiles as indicated by the Hawkeswood Ecology report. All species of common reptile are protected under the Wildlife and Countryside Act 1981 against killing and injury. All species are also NERC Section 42 species and as such are of principle importance for conservation effort In Wales. It is recommended that a condition is applied to any consent for a Construction Method Statement which includes methods to limit killing and injury of reptiles.

5.4.10 Of the species casually recorded at the site, two are noted as NERC Section 42 Species. This includes Hedgehog and House Sparrow. Measures to safeguard hedgehogs and nesting birds during works need to be included in a Construction Method Statement. It is noted that there will be close board fencing around all the gardens which will significantly limit the habitat available to hedgehogs. Therefore, it is considered that there would be significant benefit to this priority species by not having close board fencing at the rear of properties around the periphery of the site. Alternatively if fencing is necessary, gaps should be included under the rear close board fences (to be secured via an ecological enhancement condition). For nesting birds, and specifically house sparrow, a planning condition should be used to secure compensation for loss of potential nesting sites (existing buildings) and provide enhancements in line with the council's NERC duty.

## 5.5 Green Infrastructure

5.5.1 It is considered that overall for Ecology, Trees, Landscape and public rights of way (PROW), the Green Infrastructure Opportunities Plan (Rev A) supported by the Detailed Soft Landscaping Proposals prepared by TDA illustrate some positive measures to be incorporated into the scheme.

5.5.2 The proposal has sought to retain the mature and valuable boundary trees which make a significant contribution to habitat provision and connectivity and the landscape setting and quality of place for the potential occupants of the proposed development and for the existing community within which the development is set. It is positive that more trees will be retained than previously indicated and that there are plans to retain the peripheral understorey (although the term 'where possible' is not an enforceable term and should be removed from the plan). It is however a concern that they will form part of private gardens instead of public open space. Ecological connectivity should be maintained around the periphery of the site which will be an important consideration for understorey planting and management. New tree planting will provide a long term

ecological legacy for the site. Setting and quality of place will be reinforced through sensitive boundary treatment, in this case a 1.8m stone boundary wall, to ensure integration with the surrounding settlement in a way which is reflective of its current parkland context.

- 5.5.3 The seed mixtures are welcomed with a good gradual change from woodland to grassland type mixes and would create albeit artificial priority habitats important for invertebrates including pollinators. The proposed ornamental hedge could be planted with something more appropriate including species that could be beneficial for pollinators.
- 5.5.4 The GI opportunities plan makes reference to Habitat Provision and connectivity. The railway provides an ecological corridor and all peripheral lines of trees provide ecological connectivity around the site.
- 5.5.5 A requested condition regarding the profile of earth mounds is not considered to be necessary or reasonable and so has not been imposed.

## 5.6 Landscape Impact and Trees

- 5.6.1 The site is identified under LANDMAP as a landscape of moderate value for its visual and sensory, historical and cultural aspects and low value for its landscape habitats and geological aspects.
- 5.6.2 Following pre-application meetings and through discussion it is positive that the initial proposals to remove a large proportion of the boundary trees classified as category A and B are now proposed to be kept. The Arboricultural Implications Assessment (AIA) dated November 2015 shows that the tree losses consist in the main of low quality, linear groups. There are opportunities to mitigate trees loss via additional tree planting to supplement the existing. Assuming the large proportion of trees are successfully retained and that the boundary treatment is carefully addressed through retention of the existing understorey and supplemented by addition planting on its outward it is considered that the impacts are restricted in terms of both the landscape character and visual impact.
- 5.6.3 In terms of protection of the retained trees a condition can be used to prevent damage during construction. However, once the site is developed the trees will be in the ownership of private individuals who will be restricted from harming the trees in any way. A Tree Preservation Order prohibits the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees without the local planning authority's written consent. Anyone who contravenes an Order by damaging or carrying out work on a tree protected by an Order without getting permission from the local planning authority is guilty of an offence and may be fined. There is also a duty requiring landowners to replace a tree removed, uprooted or destroyed in contravention of an Order. This duty also applies if a tree is removed because it is dead or presents an immediate risk of serious harm.

## 5.7 Public Rights of Way

- 5.7.1 The Active Travel (Wales) Bill requires local authorities to continuously improve facilities and routes for pedestrians and requires new road schemes to consider the needs of pedestrians and cyclists at design stage. A footpath to be formed from the site in a southerly direction between the access road and Coed Glas Lane is welcomed. This route could be upgraded to a joint cycle/footway and an additional footpath formed from within the site to Footpath No. 75 where it runs over the



footbridge over the railway line. This link would provide pedestrian access the east of the rail line and the popular walking areas surrounding the Little Skirrid.

- 5.7.2 Pedestrian permeability of the site could have been improved by the inclusion of a cycle/footway running east west at the northern end of the site from approximately plot nos. 38 to 51. However, this link would be impractical due to the 6m level change and the land take required to get a DDA compliant ramp or adoption issues where steps to be provided.
- 5.7.3 It should be noted that the alignment of path no. 74 that runs adjacent to the site may be wrongly recorded on the Definitive Map as it does not show the alignment that is available on the ground. As the path on its available alignment rather than that recorded benefits the proposed development it has been suggested that a financial contribution via the Section 106 Agreement could be made to pay for a path order that may resolve this issue.

## 5.8 Residential Amenity

- 5.8.1 In terms of privacy and overlooking and the impact of the proposed development on neighbouring occupiers, given the mature tree screen around the periphery of the site together with the proposed 1.8m high stone wall and the presence of the access lane that runs along the southern and western boundaries of the site views into and out of the application site are already restricted. Separation distances between existing and proposed dwellings are further improved by the need to avoid building on the root protection areas of the boundary trees.
- 5.8.2 Within the site, the width of the access road and pedestrian footpaths along with car parking and defensible space at the fronts of the proposed dwellings helps achieve consistently acceptable separation distances between dwellings and habitable rooms to ensure that normal standards of privacy are met. The relationship between the rear of the dwellings on the inner loop of the access road stands at over 20 metres on average which is in accordance with planning guidance of privacy distances.
- 5.8.3 The eastern boundary of the site abuts the main railway line between Hereford and Newport and the noise report submitted with the application has indicated that mitigation will be required in the form of acoustic glazing and a ventilation system. The most affected area of the site in this respect is in the location of plots 25-30 (the apartments) and the internal layout of the flats have therefore been designed to ensure non-habitable rooms are located to the east elevation, closest to the railway.

## 5.9 Section 106 Heads of Terms

- 5.9.1 The provision of the 35% affordable housing will be secured under a Section 106 legal agreement. This agreement will also include the requirement for a financial contribution for the provision and maintenance of public open space for the following amounts;
- £20,000 to be spent upgrading play areas in the locality
  - £159,273 (£3132 per unit) to enhance adult recreation facilities
- 5.9.2 A contribution towards a path order to correctly record the actual alignment of a footpath that crosses the site will also be sought. 50% of the cost of the Order equates to £3200.

## 6 **RECOMMENDATION: APPROVE subject to a s106 agreement**

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured in relation to The Firs and implemented in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority.
4	All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
5	Details of proposed boundary treatment shall be submitted to and approved by the local planning authority. Such details as may be approved shall be carried out prior to occupation of the associated building(s).
6	A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation this shall be integrated into the GI Management Strategy.
7	<p>A Green Infrastructure Management Strategy shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of development. The content of the Management Strategy shall include the following;</p> <ul style="list-style-type: none"> <li>a) Description and evaluation of Green Infrastructure assets to be managed.</li> <li>b) Trends and constraints on site that might influence management.</li> <li>c) Aims and objectives of management.</li> <li>d) Appropriate management options for achieving aims and objectives.</li> <li>e) Prescriptions for management actions.</li> <li>f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).</li> <li>g) Details of the body or organization responsible for implementation of the plan.</li> <li>h) Ongoing monitoring and remedial measures.</li> </ul> <p>The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/bodies responsible for its delivery. The Strategy shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Strategy are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully</p>

	functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.
8	<p>The hereby permitted works shall not commence unless the local planning authority has been provided with either:</p> <p>a) a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity / development to go ahead; or</p> <p>b) a statement in writing from the scheme ecologist to confirm that the specified activity/development will not require a licence based on legislative and ecological justification.</p>
9	<p>Prior to the removal of Tree no.4 as identified on the Tree Constraints and Retention / Removal Plan TDA.2104.05 prepared by TDA December 2015; A Method statement for the safe removal of the tree shall be submitted and approved in writing by the Local Planning Authority. The method statement shall include;</p> <p>a) Methods in accordance with Best Practice to assess the tree for bat roosts</p> <p>b) Methods in accordance with Best Practice to sensitively fell the tree including climbing and section felling under the supervision of a licenced bat worker</p> <p>c) Measures and actions to be undertaken if roosts are identified at any time.</p> <p>The method statement shall thereafter be implemented in full.</p>
10	<p>Prior to the commencement of works, a scheme of ecological enhancements to include detail of nesting bird and roosting bats enhancements to be incorporated into the fabric of the buildings and positioned on trees [and if necessary, hedgehog access measures] shall be submitted to the local planning authority for agreement in writing. The scheme shall thereafter be implemented in full.</p>
11	<p>No development, demolition, earth moving shall take place or material or machinery brought onto the site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include details of measures to protect:</p> <ol style="list-style-type: none"> <li>1) Nesting Birds</li> <li>2) Common reptile species</li> <li>3) Hedgehogs</li> </ol> <p>The construction Method Statement shall thereafter be implemented in full.</p>
12	<p>Notwithstanding the Town &amp; Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:</p> <ol style="list-style-type: none"> <li>a) lighting type, positioning and specification</li> <li>b) drawings setting out light spillage based on technical specifications</li> </ol> <p>The strategy must demonstrate that bat roost compensation, roost enhancements and key bat flight lines are not illuminated. The scheme shall be agreed in writing with the Local Planning Authority and implemented in full.</p>

13	Retained trees shown on the Tree Protection Plan (7651-S1-3-1) shall be protected in accordance with Arboricultural Method Statement described in Section 5 of the Arboricultural Implications Assessment (AIA) and fenced off in accordance with the specification shown at Appendix D of the AIA.
14	No development, including demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project ) for the duration of the development and who shall be responsible for - 1) Supervision and monitoring of the approved Tree Protection Plan; 2) Supervision and monitoring of the approved tree felling and pruning works; 3) Supervision of the alteration or temporary removal of any Barrier Fencing; 4) Oversee working within any Root Protection Area; 5) Reporting to the Local Planning Authority; 6) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Councils Tree Officer.
15	No development shall commence until details of the finished floor levels of each plot, site sections through the site and details of any retaining walls including finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
16	Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority.  (a) stating the date on which the development is to begin;  (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").  REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.
17	External materials to be agreed – unless resolved prior to determination.

Informatives:

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

Bats - Please note that Bats are protected under The Conservation of Habitats and Species (as amended) Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a

bat is present at the time or not. We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence. If bats are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.

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

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

Street Naming/Numbering - The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk). This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.

PROW - Public Paths nos. 74 and 75 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Rights of Way taking place. No barriers, structures or any other obstructions should be placed across the legal alignment of the paths and any damage to their surface as a result of the development must be made good at the expense of the applicant.

This planning permission is subject to a Section 106 agreement.

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DC/2016/00537

## REMOVAL OF CONDITIONS 10, 11 AND 12 (RESTRICTION TO HOLIDAY LET) OF PLANNING PERMISSION DC/2014/00441

HAZEL AND OAK COTTAGES, WERNDU FARM, ROSS ROAD, LLANTILIO PERTHOLEY, ABERGAVENNY

### RECOMMENDATION: APPROVE

Case Officer: Kate Bingham  
Registered: 06/06/2016

#### 1.0 APPLICATION DETAILS

- 1.1 This application was presented to Committee in July 2017 with a recommendation for approval. Members did not accept this recommendation due to lack of evidence that the units had been adequately marketed as holiday lets prior to the submission of this application.
- 1.2 A previous application for permanent residential use was refused and dismissed on appeal as not complying with criterion (e) of UDP Policy H7 because the buildings were unsuitable for general residential accommodation, in that the buildings were of modern construction. A similar criterion is included in LDP Policy H4;  
  
*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;*
- 1.3 The units which are subject to this application form part of a larger range of traditional barns that have all been converted to residential use. These units have been finished to a high standard using traditional materials and do not appear utilitarian or incongruous in appearance within this setting. It is therefore accepted that the removal of holiday let conditions and use as dwellings would not have any impact on the character or appearance of the area.
- 1.4 With regards to the second part of criterion (e), the buildings probably date from the 1950's/1960's and were used as storage buildings for around 40 years as was their original intended purpose.
- 1.5 Strategic Policy S11 relating to the visitor economy is also of relevance which states in part that proposals that would result in the unjustified loss of tourism facilities will not be permitted.
- 1.6 It is now argued that there is an oversupply of holiday accommodation in this area and that there has been little demand for the properties as holiday accommodation. The applicant has provided profit and loss details for the units when they were operating as holiday accommodation between 2010 and 2012. These show that at the peak of the business use, the units were only being let for 132 days per year and made a loss of £2434. As such the business ceased in 2012. Since this time the units have been

unoccupied or let out on a short term basis to various family members and close friends on an ad-hoc and sporadic basis. Since 2014, the units have benefited from consent to be let out for a maximum of 56 (rather than 28) days at a time and therefore not all of the occupation since this time will have been in breach of the condition. The last occupier was a close family member awaiting the completion of a Monmouthshire Housing Association development in Raglan. Both units are now vacant. Further to this the applicant has also provided evidence showing that sale of the properties as holiday lets has been unsuccessful, despite listings since late 2012 at a realistic price. A board at the site advertising the cottages to rent for holiday accommodation was also in place between June 2011 and May 2016.

The units were marketed as holiday lets by Sykes from 2009 – 2011. Following this the two bedroom unit was marketed for sale as holiday accommodation for £125,000 by Christie Residential (dated 19/12/2012) and Kingston Newell (22/1/2014) and Paul Fosh Auctions (undated) on Rightmove, Movehut (dated 03/03/2016) on Rightmove. The one-bedroom unit was marketed for sale as holiday accommodation by Kingston Newell (22/01/2014) and Paul Fosh Auctions (undated) on Rightmove at £99,950

Kingston Newell who marketed the properties from 26th June 2013 provided the following statement:

“Since marketing began for the above property on the 26th July 2013, we have received numerous enquiries from potential purchasers. However, upon learning of the restrictions currently imposed on the properties the vast majority of viewers have instantly retracted their interest. The reason they have retracted their interest is solely down to the limited occupancy terms set on the properties.”

As part of the assessment required to calculate the amount required as a financial contribution to the provision affordable housing in the case that the holiday let restrictions are lifted, the Council’s Housing Officer has calculated the open market value of the units to be £170,000 for the two-bedroom unit and £115,000 for the one-bedroom unit. As such, it is considered that the units were marketed by the applicant at a realistic price that reflected their use as tourist accommodation only.

It may also be worth adding that in relation to criterion (e) of Policy H4, in the previously dismissed appeal for the removal of the condition the Inspector stated that:

“In that the buildings now have a more traditional appearance, with rendered and timber panel walls and a slate roof, their use as dwellings may better accord with criterion (e) of the policy than at the time that planning permission was granted for their present tourism use”.

1.7 Prolonged attempts have been made to sell the units as holiday accommodation which have been unsuccessful. Furthermore, the change of use from holiday accommodation to full residential use would have no impact on the character of the buildings or the appearance of the wider area. It is also accepted that the units have been in existence for a significant period. The provision of two additional homes, both within a first time buyer’s budget, would also be welcomed together with the associated financial contribution towards affordable housing in the locality that the applicant has agreed to pay, should consent be granted. As such, the loss of the units as tourist accommodation is considered to be justified in this exceptional instance.

1.8 The previous report and recommendation (July 2017 Committee) are below.

## **1.0 APPLICATION DETAILS**



- 1.1 This application refers to two units that are currently let out as tourist accommodation. They were granted consent for conversion in 2007 as part of larger group of buildings. As the two units were of modern construction and therefore failed to meet the criteria of the Council's policy for conversion of buildings to residential use, conditions were attached to ensure that they remained as holiday lets in perpetuity. A subsequent application to remove the conditions was refused in 2009 and an appeal dismissed. An application to increase the maximum length of let from 28 days to 4 months was approved in 2015 on the basis that there was demand for longer stays during the summer months.
- 1.2 This application now seeks the removal of all holiday let conditions to allow unrestricted residential use. The main issue in the determination of this application is whether the unrestricted residential use of the buildings would be acceptable having regard to development plan policies which seek to strictly control new residential development in the open countryside.

## **2.0 RELEVANT PLANNING HISTORY**

DC/2014/00441 – Variation of occupancy condition to allow holiday use not exceeding 4 months in any calendar year (condition 12 of application no DC/2009/00163). Approved 2015.

DC/2012/00352 - Removal of condition to allow unlimited stay duration for holiday use - Condition 12 of DC/2009/00163. Refused 2012.

DC/2009/00901 - Removal of restrictive holiday occupancy conditions 11, 12 & 13 of planning permission DC/2009/00163 relating to two units known as Hazel and Oak. This would enable their occupation for permanent residential accommodation. Refused 2009. Appeal Dismissed 2010.

DC/2007/00492 – Conversion of existing barns to create 3 dwellings and 4 holiday lets. Approved 2007.

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

S1 – Spatial Distribution of New Residential Development

S4 – Affordable Housing

S11 – Visitor Economy

H4 – Conversion of Redundant Buildings in the Open Countryside

T2 – Visitor Accommodation outside Settlements

EP1 – Amenity and Environmental Protection

## **4.0 REPRESENTATIONS**

### **4.1 Consultation Responses**

Llantilio Pertholey Community Council – Recommend refusal. Affects tourism in the locality.

MCC Planning Policy – It would be inconsistent to vary conditions on buildings that were considered inappropriate for permanent residential accommodation in such a way that

would adversely affect their potential for use as a tourism facility without being satisfied that there is a special justification for doing this.

#### 4.2 Neighbour Consultation Responses

No comments received.

### 5.0 **EVALUATION**

#### 5.1 Principle of Development

5.1.1 It is noted that a previous application for permanent residential use was refused and dismissed on appeal as not complying with criterion (e) of UDP Policy H7 because the buildings were unsuitable for general residential accommodation, the buildings being of modern construction. A similar criterion is attached to LDP Policy H4. Tourism is not considered a business use in terms of criterion (g) of Policy H4, although rural building conversions that have been allowed for tourist accommodation as exceptions to Policy H4 and conditioned accordingly would generally be expected to remain as such in perpetuity.

5.1.2 If it is accepted that the change of use of the buildings to unrestricted residential accommodation would meet criteria (e) of LDP Policy H4 by virtue that the buildings are not utilitarian in appearance and their retention would not therefore harm the character of the area. Strategic Policy S11 relating to the visitor economy is also of relevance which states in part that proposals that would result in the unjustified loss of tourism facilities will not be permitted. It is now argued that there is an oversupply of holiday accommodation in this area and that there has been little demand for the properties as holiday accommodation. The applicant has provided information showing that sale of the properties as holiday lets has been unsuccessful, despite listings since late 2012. Further to this they have also provided profit and loss details for the units when they were operating as holiday accommodation. These show that at its peak the units were only being let for 132 days per year and made a loss of £2434. As such, the loss of the units as tourist accommodation is considered to be justified in this exceptional instance, taking into account the material considerations below.

#### 5.2 Visual Impact

5.2.1 The removal of the conditions would not lead to any external changes to the buildings or to the areas around them.

5.2.2 It is accepted that whilst the units are of modern construction (pre-fabricated concrete), they have been converted using traditional external finishes including timber and slate and would assimilate well with the adjoining more traditional buildings which are already in general permanent residential use.

#### 5.3 Residential Amenity

5.3.1 Hazel and Oak Cottages are part of a range of barns that have been converted to residential use. The two units are the only holiday lets on the site and their conversion to permanent residential accommodation would not have an adverse impact on the neighbouring dwelling units. In fact, longer term occupation of the units may lead to a reduction in noise and disturbance as a result of different holiday makers arriving and leaving and the associated cleaning required between stays.

#### 5.4 Affordable Housing

5.4.1 As the approval of this application would result in the addition of two new open market residential dwellings, an affordable housing contributions to help fund provision off site should be sought in accordance with Policy S4 of the LDP and the associated Supplementary Planning Guidance. In this case the contribution has been calculated as £20,556 in total.

#### 5.5 Well-Being of Future Generations (Wales) Act 2015

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

### **6.0 RECOMMENDATION: APPROVE**

Conditions:

1. Five years in which to commence development.
2. Development shall be carried out in accordance with the list of approved plans set out in the table on the decision notice.

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**DC/2017/00651**

## **ERECTION OF A TWO-STOREY ANNEXE**

**40A MAIN ROAD, PORTSKEWETT**

**OFFICER RECOMMENDATION: APPROVE**  
**COMMITTEE RECOMMENDATION: REFUSE**

Case Officer: Nia Watts  
Date registered: 28/06/2017

### **1.0 APPLICATION DETAILS**

1.1 This application was initially presented to planning committee on the 7<sup>th</sup> November 2017 with a recommendation of approval and following some decorative design alterations was re-presented to Committee on the 5<sup>th</sup> December 2017 with the same recommendation of approval. Following the design amendments Members still felt the design was incongruous in respect of the existing parent dwelling within the site and detracted from the character and appearance of the existing dwelling and the surrounding area, contrary to DES1 c) of the Monmouthshire Local Development Plan. The orientation of the roof was at odds with the main dwelling and its detachment from the main house via a link appeared visually weak. It was considered that an alternative design re-configuring the roof to reflect that of the main house with dormers in the roof and a lower roof height would ensure the proposed annexe was more visually sympathetic to the house. Attaching the annexe to the house would also make the overall design more coherent. Members resolved that the application should be refused on design grounds and the application is now re-presented to Committee with a reason for refusal.

1.2 The following reason for refusal is presented:

*The proposed annexe by virtue of its size and design would create an incongruous and jarring form of development in relation to the setting of the parent dwelling which fails to preserve the appearance and character of that setting and of the surrounding area. The development is therefore contrary to Strategic Policy S17 and Development Management Policy DES1 c) of the Monmouthshire Local Development Plan.*

### **PREVIOUS REPORT 05/12/2017**

1.1 This application was previously presented to Planning Committee on 7<sup>th</sup> November 2017 with an officer recommendation for approval. However, Members expressed concern regarding the design as it was not considered to relate well to the main house. It was proposed by County Councillor P. Murphy and seconded by County Councillor R.J. Higginson that consideration of application DC/2017/00651 should be deferred to a future meeting of the Planning Committee to allow officers to liaise with the applicant with a view to agreeing a more appropriate design.

1.2 Since then an amended plan (drawing no. 162404 Rev 8) has been received which indicates decorative amendments to the proposed annexe, featuring re-constituted stone quoins, lintels and cills, and overhanging eaves and barge boards to match the existing dwelling house. It was again advised by officers to make other design alterations including options to reduce the height of the annexe to single storey and compensate by increasing the floor area, position the annexe further away from the boundary with the neighbours of Hill Barn View (by attaching the annexe to the main dwelling), or explore converting the existing garage to annexe accommodation. These

design suggestions were not agreed and the applicant wishes Committee to consider the annexe with the same dimensions and profile as presented in the previous committee meeting.

- 1.3 The application is therefore once again presented to Planning Committee with the same style annexe proposal with alterations to the decorative nature of the building so it is more in keeping with the existing dwelling.

## **PREVIOUS REPORT 07/11/2017**

### **1.0 APPLICATION DETAILS**

1.1 40a Main Road is large detached dwelling and forms part of two new dwellings built under the scheme DC/2007/01327. These dwellings are located away from the main street scene behind No. 40 and Hollyberry House and share a driveway. No. 40A has its principal elevation facing east. To the south of the site are properties in Hill Barn View and the rear gardens of No's 20, 21 and 22 bound onto the southern boundary of 40A. It is proposed to erect a two storey annexe building to the south (side) elevation of the house measuring approximately 5.3m by 8.3m by 5.8m high. The scheme has been amended to remove a roof light from the annexe. It has also been requested that the proposal is amended to reduce the height of the annexe; this has been reduced from 6.1m to the ridge to 5.8m and the annexe has been made wider with the roof pitch becoming less steep

1.2 The scheme was considered at a Delegation Panel meeting on Tuesday 26<sup>th</sup> September whereby Members resolved to request that the application was presented to Planning Committee; Members were not satisfied regarding the impact of the proposal upon neighbouring properties' amenity and were also concerned about the visual impact of the proposal. It was felt the proposal was an overdevelopment of the plot. It was considered that it would be preferable to convert the existing large double garage into annexe accommodation. Following this, the applicant was advised to reduce the size of the annexe further and re-present the design as a single storey annexe building. The plans however have not been altered and the application wishes to pursue the design presented at the Delegation Panel.

### **2.0 RELEVANT PLANNING HISTORY**

DC/2007/01327 – 2 No. dwellings with garages (Reserved matters)  
Approved 25.07.2008

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

S17 Place making and design  
DES1 General Design Considerations

S13 Landscape, Green Infrastructure and the Natural Environment  
EP1 Amenity and Environmental Protection

### **4.0 REPRESENTATIONS**

#### **4.1 Consultation Responses**

Portskewett Community Council – recommends refusal. Concerns with regards to the proximity of the proposed development to the perimeter fence of the property and the impact this will have upon neighbouring residences. Also concerns raised regarding the size of the proposed development in relation to the existing dwelling.

Glamorgan Gwent Archaeological Trust – no objections.

Welsh Water – draws attention to a public sewer that runs across the site.

#### 4.2 Neighbour Representations

Three letters of objection have been received from the properties to the rear No's. 20, 21 and 22 Hill Barn View. No. 21 has also written in with concerns in relation to the amended drawings

The following concerns have been raised:

- Annexe extremely close to the boundary fence - affecting privacy, overlooking and blocking sunlight.
- The house has not been built in accordance with the plans, (being built parallel rather than at an angle) which results in train noise resonating round my back garage – the annexe proposal will exacerbate this.
- Amendments have not changed initial concerns.

A letter of support has also been received from someone in the locality with comments that he is supportive of a proposal which facilitates people to look after their elderly parents.

4.3 Local Member representations – concerns about the proximity of the building towards the shared boundary with neighbouring properties and questions the need for a two storey building as accommodation for the elderly is usually on the ground floor.

### 5.0 EVALUATION

#### 5.1 Principle of proposal

5.1.1 40a Main Road is located within Portskewett's development boundary which allows in principle for annexe development to share the primary facilities of the existing dwelling house, such as the garden and parking area providing there is an acceptable impact on visual amenity and neighbour amenity.

#### 5.2 Impact on Visual Amenity

5.2.1 40a Main Road is set away from the streetscene and cannot be seen from Main Road. The annexe is to be located to the south elevation and would be largely obscured by the existing dwelling house. Although there are concerns a new building in this location is overdevelopment of the plot, it is considered that visually the annexe will have a limited impact on the wider area in that it cannot be seen within the public street scene and there is enough space to accommodate such a new outbuilding. Visually the annexe will appear subservient to the main dwelling house. It is considered that the visual impact of the proposal is acceptable.

#### 5.3 Impact on Neighbour Amenity

5.3.1 It is considered that in relation to the residential amenity impact of the proposal, the annexe will have an acceptable impact. Although it is appreciated it is sited in close proximity to the rear boundaries of the neighbouring dwellings approximately 800mm away, 40a Main Road is set a lower level, approximately 1.1m lower than the neighbouring properties 20, 21 and 22 Hill Barn View. The annex would project 2.7m to the eaves from the ground level of Hill Barn View, projecting approximately 1m above the existing fence screen. The overall height of the annexe to the ridge line is 5.8m (from the ground level of 40A Main Road) and 4.8m from the ground level of Hill View Barn but from the eaves the roof line will taper back from the fence boundary. Although there will be a large mass above the fence line, this is common in mid to high density residential areas whereby residential properties have

outbuildings up to the boundary. There are permitted development allowances to erect an outbuilding up to 2.5m high to the eaves and up to 4m to the ridge height. Comparatively this proposal is 2.7m to the eaves and 4.8m to the ridge height from the ground level of Hill View Barn's rear gardens. The resultant impact therefore is not considered to be significantly overbearing to warrant the refusal of the application.

5.3.2 In terms of overlooking there will be minimal impact towards No's 20, 21 and 22 Hill Barn View as no first floor windows or roof lights are proposed to the rear (south) elevation. The proposed first floor windows to the end gable elevations which are to serve a bathroom and stairway (non-habitable rooms) will have oblique views into these gardens. A condition will also ensure they are obscure glazed to ensure no direct overlooking occurs towards the rear garden area of No.19 Hill Barn View.

5.3.3 Overall the consideration of this application takes into account the effect of the proposal on local residential amenity. While acknowledging residents' concerns, it is considered that the limited harm caused to local amenity by the proposal is not so significant as to be unacceptable in planning terms and the proposal would not affect the peaceful enjoyment of the neighbouring properties or their privacy. The proposed annexe is considered to be in accordance with policies S13, S17 DES1 and EP1 of the Local Development Plan.

#### 5.4 Response to the Community Council's and Local Members representations

5.4.1 In response to the Community Council's representations regarding concerns about proximity of the proposed annexe to boundaries and the size of the proposal, these are addressed in the previous sections, above.

5.4.2 In terms of why it has been designed as a two storey outbuilding, the agent has stated that this was to avoid a larger ground floor build and the first floor accommodation was to make use of the roof space. Although a single storey development would limit the amenity impact (and this option has been requested) the applicant has not agreed to amend the plans. Despite this, it is not felt in this instance that the two storey development is significantly overbearing enough to warrant its refusal. It is stated the occupiers will be the parents of the owners of 40a and a condition will ensure that it can only be lived in as annexe (ancillary) accommodation by family members who require the support of the household living in the main dwelling house. It cannot be rented or lived in by somebody independent of the family and not dependent on the main house.

#### 5.5 Well-Being of Future Generations (Wales) Act 2015

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

### **6.0 RECOMMENDATION: APPROVE**

#### Conditions

1	This development shall be begun within 5 years from the date of this permission.
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2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
	<b><u>Compliance conditions</u></b>
3.	The annexe accommodation hereby approved shall not be occupied otherwise than for purposes ancillary to the residential use of the existing dwelling.
4.	The bathroom window in the west elevation and the stairway window in the east elevation shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

### Informatives

The proposed development site is crossed by a public sewer. The applicant may need to apply for any connection to the public sewer under S106 of the Water Industry Act 1991. For further information, the applicant is advised to contact Welsh Water on 0800 917 2652.

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## Penderfyniadau ar yr Apêl

Gwrandawriad a gynhaliwyd ar 07/06/17

Ymweliad â safle a wnaed ar 07/06/17

**gan Melissa Hall BA(Hons), BTP, MSc, MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 06.12.17**

## Appeal Decisions

Hearing Held on 07/06/17

Site visit made on 07/06/17

**by Melissa Hall BA(Hons), BTP, MSc, MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 06.12.17**

### Appeal A: APP/E6840/C/17/3169691

**Site address: Land opposite Llancayo House, Llancayo, Usk NP15 1JF**

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr M Purcell against an enforcement notice issued by Monmouthshire County Council.
- The enforcement notice, Ref E16/035, was issued on 19 January 2017.
- The breach of planning control as alleged in the notice is the unauthorised change of use of land to a caravan site including the creation of a hardstanding.
- The requirements of the notice are:
  - (i) Remove all unauthorised caravans / mobile homes from the land.
  - (ii) Remove all associated vehicles, gas containers and other extraneous materials from this site.
  - (iii) Remove the hardstanding completely from the land.
  - (iv) Cease the use of the land as a caravan site.
- The period for compliance with the requirements is 2 calendar months from the date that the Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

### Appeal B: APP/E6840/A/17/3169689

**Site address: New Stables, Abergavenny Road, Llancayo, Usk, Monmouthshire NP15 1JF**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Michael Purcell against the decision of Monmouthshire County Council.
- The application Ref DC/2016/00297, dated 28 July 2016, was refused by notice dated 12 December 2016.
- The development proposed is described as a 4 plot gypsy site for one family – comprising 4 plots with space for mobile home, touring caravan, utility / amenity building and parking space.

## Decisions

### *Appeal A: APP/E6840/C/17/3169691*

1. The appeal is allowed in respect of ground (g) only, but otherwise dismissed. I direct that the Enforcement Notice be corrected and varied by:
  - The addition of the words "sheds", "septic tank" and "generator" to Requirement (ii) of Schedule 4 so that it reads as follows "Remove all associated vehicles, sheds, septic tank, generator, gas containers and other extraneous materials from this site".
  - The re-wording of Requirement (iii) of Schedule 4 from "Remove the hardstanding completely from the land" to "Remove completely from the land the hardstanding to yard area currently occupied by caravans".
  - The deletion of the words "Time for compliance: 2 calendar months from the date this Notice takes effect" and their replacement with the words "Time for compliance: 12 calendar months from the date this Notice takes effect".

Subject to these variations the Enforcement Notice is upheld.

### *Appeal B: APP/E6840/A/17/3169689*

2. The appeal is dismissed.

## Application for Costs

3. An application for costs has been made by the appellant against Monmouthshire County Council. This application is the subject of a separate Decision.

## Procedural and Preliminary Matters

4. As set out above, two appeals are before me which will be considered on their individual merits. Nevertheless, to avoid duplication I have dealt with the two together, except where otherwise indicated.
5. Although the site address stated on the Enforcement Notice ("the EN") differs from that shown on the planning application form, I am satisfied that both appeals relate to the same site.
6. The development the subject of the planning application has, in part, been implemented. Whilst the planning application form states that a cesspit would be used to dispose of foul water, at the Hearing the appellant confirmed that a septic tank has instead been installed. Other than an indication on the submitted plan of the location of the septic tank, the planning application was not accompanied by details or its specification, nor have they subsequently been provided with the appeal.
7. Although not cited in its reasons for refusing the planning application, the Council's Committee Report takes issue with the installation of a cesspit, stating that it has not been inspected by Council officials to ensure that it is installed correctly. Whilst it is clear that a cesspit has not been installed, the Council confirmed at the Hearing that its concern relating to the installation of non-mains drainage remains. This matter was therefore discussed at the Hearing having regard to national planning policy guidance outlined in Welsh Office Circular 10/99 '*Planning Requirements in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development*'.

8. The Plot Plan submitted in respect of the planning application shows the footprint of the amenity blocks, albeit no corresponding plans or elevations have been provided showing their detail. I was told that the details were described in the Design and Access Statement (DAS). At the Hearing, the Council could not explain how it came to determine the planning application without these details and I am not satisfied that a description of the amenity blocks in the DAS is sufficient. It was suggested to me that details of the amenity blocks could be the subject of a planning condition in the event of planning permission being granted. It is on this basis that I have considered this aspect of the development the subject of the S78 appeal.
9. In support of the appeal, the appellant submitted an alternative Layout Plan. However, at the Hearing it was agreed that the appeal is to be determined on the basis of that used by the Council in its determination of the planning application. I have not therefore considered the acceptability of the amended site layout in coming to my Decision.
10. There is no dispute that the occupants are not gypsies within the terms of Paragraph 3 of Welsh Assembly Government Circular 30/2007 '*Planning for Gypsy and Traveller Caravan Sites*'. I have no reason to conclude otherwise.

### **The EN**

11. The appellant considers the reference to 'extraneous material' in Requirement (ii) of Schedule 4 to be imprecise and ambiguous and that it does not accurately tell the recipient what is required to comply with the EN. The Council explained that it was intended to relate to materials such as the sheds, the generator and scrap metal.
12. Following a discussion at the Hearing, I consider that the sheds, septic tank and generator do not constitute 'extraneous material', but instead should be listed as individual structures or items that are to be removed from the site. However, using the dictionary meaning of the word 'extraneous', the reader would understand it to mean '*irrelevant or unrelated to the subject being dealt with*'. I am satisfied that this description adequately explains the type of other items that need to be removed, such as the scrap metal, which are in situ only by reason of the use of the land as a Gypsy site.
13. The appellant sought to clarify the extent of the hard standing that needed to be removed to comply with the EN. Both parties agreed that the EN seeks to attack the area of hardstanding to the yard area on which the caravans stand. I will therefore amend the wording of Requirement (iii) of Schedule 4 of the EN accordingly.

### **Background**

14. I understand from the appellant that, at the time the EN was issued, the site contained an access track some 35 metres long and 7 metres wide, with double gates set back from the highway by approximately 10 metres. A yard, measuring in the order of 40 metres by 30 metres, was being used for the stationing of three touring caravans, a single unit mobile home and three sheds (one of which has a toilet, bath and washing machine connected to a septic tank). There were two short lengths of panel fencing and timber fencing enclosing a horse paddock. In the paddock area was a block of kennels, tack and a cart together with a container and a lorry body used for storing animal feed.
15. At the Hearing, the Council confirmed that the EN does not seek to attack the use of the land for the keeping of horses and the siting of the associated van body /

container used to store animal feed together with the tack, cart and the dog kennels in the adjoining paddock area.

16. The corresponding planning application seeks the provision of four individual plots for one Gypsy family. A greater number of physical structures are shown on the submitted drawings than were on the site when the EN was served; this includes featheredge fencing subdividing the hardstanding area into the 4no plots, each with its own separate amenity block (comprising a toilet/ bathroom and kitchen). There would also be a larger area of hard surface and space would be available within each plot for a mobile home and /or touring caravan and a parking area.

### **Statement of Common Ground**

17. The appellant prepared a draft Statement of Common Ground (SOCG) in advance of the Hearing, albeit the Council did not respond to or comment on its content.
18. I therefore requested clarification of the Council's position in respect of the submitted draft SOCG at the Hearing. The Council agreed the following:
- The lawful use of the land at paragraph (4) is correctly stated insofar as it is agriculture but it was being used for the keeping of horses.
  - The Relevant Policy section at paragraph (5) confirms that incorrect reference had been made to Policy ENV1 of the adopted Monmouthshire Development Plan 2014 (LDP) in the EN. Rather reference should have been made to Policy EP1 which relates to amenity and environmental protection.
  - The Need for Sites at paragraph (6) refers to the 2015 Monmouthshire Gypsy and Traveller Accommodation Assessment (GTAA) submitted to Welsh Government (WG) in February 2016 for 8 pitches to 2021. The Council confirmed that the GTAA was ratified by WG in December 2016.

### **Deemed planning application / ground (a) and the S78 appeal**

#### ***Main Issues***

19. Against the background that I have described, the main issues are:
- The effect of the development on the character and appearance of the area with particular regard to the Upper Usk Valley Landscape character.
  - The effect on highway safety, with particular regard to visibility at the site entrance.
  - Whether the site can offer safe conditions because of the risk from flooding.
  - Whether the site can be adequately drained.

#### ***Character and appearance***

20. LDP Policy LC1 seeks to protect the countryside for its own sake and presumes against new development in the open countryside unless exceptionally justified. It is no part of the appellant's case that the proposal is any of the exceptions listed in Policy LC1 relating to new development in the open countryside.
21. Whilst the Council also refers to conflict with LDP Policy S1, the appellant questions its relevance. From my reading of this policy, it relates to the special distribution of new housing provision and not specifically to the provision of Gypsy and traveller sites. Be that as it may, this policy directs new residential development to within or adjoining the 'Main Towns', the 'Sevenside' sub-region settlements and the 'Rural Secondary

Settlements' which have sufficient form and capacity for growth. It is not the case that the appeal site lies within any of the settlements listed.

22. Rather the appeal site lies some 2km north of the town of Usk and on the periphery of the small hamlet of Llancayo, along the main B4598 Abergavenny Road linking these two areas. The appellant relies in part on Welsh Government Circular 30/2007 '*Planning for Gypsy and Traveller Caravan Sites*', which advises that sites on the outskirts of built up areas may be appropriate or that sites may also be found in rural or semi-rural settings. It adds that rural settings, where not subject to specific planning or other constraints, are acceptable in principle<sup>1</sup>.
23. LDP Policy H8 presumes in favour of permanent pitches for Gypsy and traveller sites where a need is identified provided that they *inter alia* do not occupy a prominent location and are consistent with LDP policies for protecting and enhancing character and distinctiveness of the landscape and environment (my emphasis). This policy also requires such sites to have a safe and convenient access to the highway, to avoid areas at high risk of flooding and to be served by adequate on-site services for sewage disposal, which I will deal with later in my Decision.
24. LDP Policy DES1 deals with the protection and enhancement of character and distinctiveness insofar as it requires new development to be of a high quality design, in particular, to respect natural views and panoramas where they include attractive landscape.
25. Once it is accepted that Gypsy and traveller caravan sites are acceptable in rural and semi-rural areas, then some degree of harm is inevitable. The question then becomes whether that harm is acceptable as it is, or if can be made so by the imposition of suitable planning conditions. In my view, the requirement in LDP Policy H8 for such sites do not occupy a prominent location and to be consistent with other development plan policies for protecting and enhancing character and distinctiveness advances the approach taken in the Circular to dealing with semi-rural or rural sites.
26. Be that as it may, I do not consider that the appeal site could be described as remote from a settlement given its position on the main B4598 between Llancayo and Usk. It does not lie within an area subject to specific planning constraints, such as a National Park, an Area of Outstanding Natural Beauty or a Conservation Area. Neither is it within Green Belt or Green Wedge.
27. The Monmouthshire Landscape Study (MLS) identifies that the site falls within the Upper Usk Valley landscape character area. It is described as the flat floor of the Usk valley upstream from Usk to the county boundary beyond Gilwern. Its landscape characteristics are a floodplain, intensively farmed with large fields of permanent pasture and arable crops enclosed with linear tree belts, low managed hedges and post and wire fence.
28. The appellant argues that the site and development is read as part of the settlement of Llancayo, not least as its entrance is located after the road sign for those entering the hamlet, opposite the entrance to Llancayo House and after the turning for the Llancayo Business Park. However, I do not agree on this point. Although the access points to Llancayo House and the Business Park are clearly visible from the B4598 travelling past the site, the associated built form is considerably less so. Similarly, the site is physically separated from the existing buildings in Llancayo by fields, hedgerows and vegetation. Rather, in my opinion, the site is read largely in the

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<sup>1</sup> Paragraph 26 of Circular 30/2007.

context of the natural landscape described in the MLS, albeit with the various access points along this stretch of the B4598 visible and contributing to the context.

29. The development is clearly identifiable as a caravan site and has inevitably taken the appearance of a permanent residential development. This is made all the more apparent from the associated paraphernalia such as the hard standing, surfaced and widened access, car parking, fencing and shed. The additional structures and alterations proposed as part of the planning application would further add to this residential character and appearance.
30. In other words, the use has altered the nature and character of the site from the former agricultural land used for the keeping of horses, which formed part of the open countryside beyond the built-up area to a residential site with a more urban appearance. The development thus causes some limited harm to the character and appearance of the countryside. That limited harm must nevertheless be viewed in the context of the implicit acceptance in the Circular that Gypsy and traveller sites may be located in rural areas.
31. I do not agree with the Council that the site could reasonably be described as 'visually prominent'. Whilst it is visible in part, for example the tops of the caravans can be seen at certain points from long range travelling south along the B4598 towards Usk, views of the development are primarily limited to glimpses through the access and gaps in the vegetation when passing along the site frontage. For the most part, the site is largely screened by the existing vegetation along the site frontage and the hedgerow separating it from the fields beyond. In visual impact terms therefore, it is the access itself which is most visible, which is not dissimilar to others along this stretch of the highway.
32. Whilst it is a pleasant predominantly rural landscape, it is of no specific importance and has not been afforded any particular protection. None of the key qualities of the Upper Usk Valley landscape character area are seriously affected by the development; it does not affect the river, harm views to higher ground or enclose the open, flat riparian landscape which is of high scenic quality.
33. Consequently, I do not find that the location of the site is inherently unacceptable and I consider that the limited scale of the development together with the position of the caravans and associated parking does not seriously harm the character and appearance of the rural landscape. Neither do I consider that the additional development proposed would have a significantly greater visual impact.
34. Furthermore, and in order to minimise any adverse visual impact, additional landscaping along the field boundary and site frontage could be controlled by condition.
35. As such, I do not find conflict with LDP Policy H8, DES1 or Circular 30/2007 in this regard.

#### *Highway Safety*

36. The site access is positioned on a straight section of the B4598, but on the outside of the bend into Llancayo. This section of the B4598 has no footways or street lighting and visibility to the south is restricted in part by the roadside hedgerow, vegetation and road traffic signs. It is, however, a relatively wide carriageway measuring some 8.5 metres adjacent to the site. The road is subject to a 50mph speed limit from Usk reducing to 40mph through Llancayo. The site access lies some 20 metres within the 40mph speed limit.



37. The Council argues that the significant increase in vehicular movements of varying number and size of vehicles associated with a development of this type is detrimental to highway safety without significant improvements to the existing vehicular access over and above that which has already been carried out or is detailed on the submitted plans.
38. The appellant contends that the use is likely to generate no more than 16-20 vehicle movements per day and that most trips would be by private car. The Council does not put a figure to the anticipated additional traffic movements. Circular 30/2007 states that projected vehicular movements for Gypsy and Traveller sites should be assessed on an individual basis for each site. Proposals should not be rejected if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant.
39. Notwithstanding the above, there is no disagreement between the parties that there is a material increase in the use of the access over and above that associated with the previous use of the site for the keeping of horses. In addition to the use of the access by, in effect, a family group in private cars for the most part, there would also be caravans being towed so that slow moving combinations would need to enter and leave the junction. The issue, therefore, is whether visibility at the junction would be so inadequate for the nature and volume of additional traffic movements that the impact on highway safety would be significant.
40. The Council seeks visibility splays of 120 metres (40mph) to the right and 160 metres (50mph) to the left based on the Design Manual for Roads and Bridges (DMRB). At the Hearing, it confirmed that the visibility splays are required based on speed limits along the road. Whilst it was argued that drivers do not adhere to the speed limit along this stretch of road, the Council has not produced any corroborating evidence of traffic volume and speed data.
41. The appellant's written evidence states that in seeking the speed limit order in 2014, the average 7 day vehicle flow through Llancayo on the B4598 was between 2337 and 2977 vehicles. The mean speed either side of the hamlet was between 45 and 47mph and the 85th percentile speed was between 54 and 56mph. Consequently, the appellant concludes that these are very low traffic levels for a road of this standard and there are large gaps between passing vehicles. At the time of my site visit, which was at mid-afternoon on a weekday, this was certainly evident.
42. The appellant argues that the approach taken by the Council is not that advocated in Manual for Streets (MfS). In particular, my attention is drawn to paragraph 1.4.4 which states that the DRMB is not an appropriate design standard for most streets, particularly those in lightly trafficked residential and mixed-use areas. In the case of the appeal site, I agree that there are several side roads, farm access points and other access points for properties and traffic speeds are restricted. That is, continuous traffic movement without manoeuvres influencing traffic road speed is not the primary function of this road.
43. In this context, I consider that it is appropriate to use the standards set out in MfS. The appellant tells me that a visibility splay of 79 metres (40mph) to the right and 113 metres (50mph) to the left would be required. I have no evidence that leads me to any other conclusion in this regard.
44. The vision splay to the right can be easily achieved. It is the visibility to the left that is more problematic due to the roadside vegetation hedgerow and street signs, albeit I accept that the vegetation had been trimmed back prior to my site visit.

45. Following the imposition of the speed restriction, vehicles approaching the site from the north towards Usk should be travelling at speeds no greater than 40mph. Those approaching from the south should be slowing down as they emerge from a 50mph into the 40mph speed limit on entering Llancayo.
46. Taking the MfS measurements, the visibility splay to the left would be achievable to the centre line of the road. I am satisfied that the driver of a vehicle approaching from the south towards Llancayo would have the opportunity to see a vehicle emerging from the site to the right and adjust his speed accordingly. Given the generous width of the road, there would also be no need for a vehicle to cross the centre line when emerging from the access and turning left thus minimising the potential for conflict with an oncoming vehicle heading north. Given that the road speed is 40mph at this point, neither is there an expectation that an oncoming vehicle would be overtaking heading towards Llancayo.
47. I note that local residents comment on the traffic speeds and accidents along this road and, as I understand it, this was the primary reason for the speed reduction along this stretch of the B4598 in 2014. No records of accident data since this time are before me and there is no substantive evidence of subsequent accidents as a result of traffic emerging from any of the junctions along this road.
48. I thus conclude that adequate visibility can be achieved in accordance with the guidance in MfS. Consequently, the development is acceptable in highway safety terms.
49. Although not cited in its reason for refusal, I also note the Council's concern regarding the provision for parking and vehicular movement<sup>2</sup>. Given the size of the site, I am satisfied that this matter could be dealt with by condition in the event of planning permission being granted.

### *Flood Risk*

50. There is agreement between the parties that part of the site lies in Zone C2<sup>3</sup> as defined in Technical Advice Note 15 'Development and Flood Risk' (TAN 15). Paragraph 6.2 of TAN 15 identifies that new development should be directed away from Zone C and that highly vulnerable development and Emergency Services in Zone C2 should not be permitted.
51. Natural Resources Wales (NRW) has confirmed that its flood maps indicate that flood risk at the site is from the unnamed brook to the north of the site which has a small ungauged catchment. Any flooding is likely to be rapid with no significant lead in time. Flooding from the River Usk appears to be limited to the B4598 and low lying land to the south of the site. It acknowledges that the land on which the caravans and septic tank are sited lies is higher ground and outside the flood risk area. Thus, its concern relates primarily to the acceptability of the access / egress<sup>4</sup>.
52. Residential caravan sites are deemed to be highly vulnerable development. I accept that, in this case, it is only the north-west corner of the site that lies within Zone C2. However, TAN 15 advises that access routes should be operational under all conditions.

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<sup>2</sup> Notwithstanding its acknowledgement in paragraph 5.3.6 of its Committee Report that there is sufficient land available within the site to provide adequate parking facilities.

<sup>3</sup> Defined as areas of the floodplain without significant flood defence infrastructure.

<sup>4</sup> Whilst NRW provided additional comments on 11 April 2017 based on an alternative layout plan showing an alternative access outside Zone C2, this layout is not before me.

53. At my site visit I observed that the watercourse to the north lies below the level of the site. I therefore agree with the appellant that it is likely that much of the adjoining field would flood before the road. Be that as it may, I have been told by local residents that the B4598 and the houses in the vicinity have flooded on several occasions. The appellant acknowledges that most of the hamlet of Llancayo is Zone C2, as is much of the grounds of Llancayo House and the private access road and business units associated with Llancayo Farm to the west.
54. In this context, I cannot be certain from the evidence before me how quickly the access and road would flood after the field or whether there would be sufficient warning for occupants of the site to evacuate the site before being cut off by flood water. As this part of the site provides the only means of access to and from the site, I am not satisfied that the occupants would be provided with a safe means of escape in the event of a flood. Neither is there a Flood Warning service available in respect of the ungauged watercourse to alert the occupants of potential rapid flooding in the area. Hence, it has not been demonstrated that the development would be safe for the lifetime of the development.
55. It therefore follows that the development would not be permissible in this location on the basis that it is highly vulnerable development in an area at risk of flooding which cannot be justified in the context of national planning policy guidance. It would also conflict with the aims of LDP SD3 which states that highly vulnerable development will not be permitted in areas liable to flooding and with Policies H8 and S12 which require new development to avoid the siting of development in areas at risk of flooding.
56. Even were that otherwise, NRW advised the Council that if it were minded to grant planning permission contrary to the requirements of TAN 15, the applicants should be required to undertake a Flood Consequences Assessment (FCA). This is to ascertain whether the consequences of flooding can be managed down to an acceptable level for the type of development proposed, although it is to be borne in mind that the FCA is additional to the other tests, not instead of them.
57. I note that the Council invited the appellant to submit a Flood Consequences Assessment (FCA). However as the development does not meet the first tests outlined in the TAN, I do not consider it appropriate to conclude on whether an FCA should be submitted and whether mitigation could be provided given the fundamental conflict with the aims of national planning policy to steer unjustified highly vulnerable development away from areas at risk from flooding.
58. I also acknowledge the appellant's concern that NRW does not conduct site visits, rather it raises an objection in principle. Whilst I do not dispute that in some circumstances it may be appropriate to take a pragmatic approach, in this case, the lack of clear evidence that the risk of flooding would be insignificant prevents me from concluding that the site can offer safe conditions for its occupants.

#### *Drainage*

59. At the Hearing, the appellant told me that a septic tank has been installed. I have not been provided with the details of its design or size, albeit the appellant stated that it is the largest sized tank that can be purchased.
60. Welsh Office Circular 10/99 '*Planning Requirements in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development*' provides advice on non-mains sewerage aspects of development so as to avoid environmental, amenity or public health problems which could arise from the inappropriate use of non-mains sewerage systems. It states that the first presumption must always be to provide a

system of foul drainage discharging into a public sewer. If it can be demonstrated that connection to a public sewerage system is not feasible, a package sewage treatment plant incorporating a combination of treatment processes should be considered.

61. The appellant is of the understanding that there is no connection to mains drainage available, particularly as others in the area are relying on septic tanks. The Council was not able to confirm a mains connection in the area.
62. The Circular advises that responsibility for demonstrating that a development is effectively served by a sewerage system rests with the developer. It adds that applications for planning permission should be supported by a full assessment of the *proposed* use of septic tanks to confirm that adverse effects would not arise (my emphasis).
63. I accept that, in principle, a properly constructed and maintained septic tank should not lead to environmental, amenity or public health problems. However, in practice, problems can occur as a result of poor maintenance or inadequate capacity. In this particular case, the installation of the septic tank without any form of assessment fails to provide a thorough examination of the impact of the disposal of the final effluent or whether it is discharged to a water course or disposed of by soakage into the ground. If a soakaway is to be used, neither have I been provided with the results of a percolation test which would confirm the extent of soakaway that would be needed.
64. I also note the observations of NRW that a septic tank discharging 5 cubic metres per day or less to surface water or 2 cubic metre per day or less to ground water must be registered. Should the discharge be more, a permit to discharge would be required by NRW. Given the lack of any detail whatsoever in relation to the septic tank that has been installed, this matter adds further to my concern regarding the potential adverse impacts arising.
65. Hence I cannot conclude that the use of the septic tank does not or would not lead to a significant environmental, amenity or public health problem in the area. In this regard, the proposal would conflict with the Circular and with LDP Policy H8 to ensure that the development is served by adequate on-site services for sewage disposal.
66. I have had regard to whether it is possible to overcome this issue by means of condition. However, in my opinion it would be inappropriate to condition a form of non-mains drainage that has already been implemented and which should be material to the consideration of the acceptability of the development. Furthermore, such a condition would be unenforceable because I am not persuaded that it is, in practice, possible to ascertain details of the tank that has been installed together with its capacity and any environmental impacts. It would thus fail the tests outlined in Welsh Government Circular 016/2014 '*The Use of Planning Conditions for Development Management*'.

#### *Other Considerations*

##### *Need for gypsy pitches*

67. Paragraph 17 of Circular 30/2007 requires local planning authorities to allocate sufficient sites in Local Development Plans to ensure that the identified pitch requirements for residential use can be met and that such sites are suitable with a realistic likelihood that they will be made available for that purpose.
68. The Council's identification of Gypsy / traveller sites is based on objectively assessed need. Its GTAA concludes that there is an estimated unmet need for 8 pitches to

2021, based on overcrowding, unauthorised occupation and the likelihood of cultural aversion to conventional housing.

69. After some discussion, the Council agreed that the needs assessment may not be representative of actual need. The identified need does not adequately take account of in-migration<sup>5</sup> and I agree with the appellant that it is difficult to reconcile this figure of 8 with the current appeal before me for a 4 plot gypsy site and an application for 5 additional pitches at the Llangeview Usk site (which was refused permission in November 2016). I also note that on the appeal site alone several, but not all, of the family members were taken into account in the needs assessment; I am not entirely convinced therefore, that it properly reflects existing or future household formation. Hence, the immediate identified need appears to be low and I therefore consider that it should be regarded as a minimum.
70. The GTAA shows that there are currently no Council owned and run sites, either residential or transit. There are two authorised sites which are privately owned (the occupation of which is restricted by personal condition) and 10 unauthorised encampments on Council owned land by the travelling community. Hence there are no socially rented sites currently available in the Monmouthshire area.
71. I also understand that the second annual review of the LDP (2015-2016) recommended an early review of the development plan given that the supply of housing sites fell below the required five year period. In doing so, it was suggested that the review could consider other LDP policies, including the Gypsy and traveller policy in light of the shortfall of pitches to meet identified need. However, the Council confirmed that the LDP review process will not commence until early 2018. As a consequence, there is still no timescale as to when the pitches will be provided to meet identified need.
72. In terms of the availability of alternative sites, the appellant stated that the authorised sites in Cardiff, Blaenau Gwent and Torfaen are full. I heard that whilst some of the occupants spent a period in bricks and mortar accommodation, it was purely to secure access to a college education for one of the children and the tenancy ended when the college course was completed. There was a period in which another of the occupants resided in bricks and mortar accommodation in Pontypool for reasons of personal safety, but that tenancy has also been surrendered. However, the appellant explained of an aversion to bricks and mortar accommodation, such that it is not a realistic alternative.
73. In light of the evidence in this regard, I cannot be certain of the alternative living arrangements that would be available to the family in the event of planning permission being refused and the EN being upheld. It seems likely that the family would need to move outside the Monmouthshire area in search of alternative accommodation as there are no other Gypsy or traveller sites to allocate to in the county.

*Personal circumstances*

74. The appellant's grounds of appeal and subsequent oral evidence at the Hearing provides considerable details of the social and education needs of the occupants, with particular reference to the children. I am aware that the family are committed to their children's education; two of the children attend the local school in Usk and are taken

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<sup>5</sup> The GTAA states that no additional households wanting to live in the County were drawn to the attention of the Authority by other Authorities.

to school in the school minibus and a third child attends a high school in Pontypool. The family are engaged in a variety of activities and hold positions in the community where they are much involved in local issues. The family attend the Gypsy church in Newport with prayer meetings in Pontypool and Blackwood. Two of the family members travel for work and a third has recently started a training course in Cardiff. The family also travel to Gypsy horse fairs and trotting events.

75. The upholding of the EN and dismissal of the appeals would be likely to lead to the family's group eviction from the site, thus interfering with their private and family life. It would result in the loss of their home, albeit unlawful, and the apparent lack of immediate available alternative accommodation makes such interference more serious. I also do not dispute that the children will be reliant on local education provision in the foreseeable future, and that there would be some disruption arising if the continued occupation of this site ceased.

*The Balancing Exercise and Conclusions*

76. For the reasons I have given, I consider that the development is in conflict with the tests outlined in national and local planning policy relating to highly vulnerable development in flood risk areas and I cannot be certain that the site can be adequately drained. So the question is whether this harm is outweighed by other considerations that justify the development.
77. In favour of the appeals is the unmet need for sites in Monmouthshire. This carries significant weight as does the failure of the Council to currently meet that need. The lack of alternative available sites for the appellant and his family also adds weight to the appellant's case.
78. I have had regard to the personal circumstances of the appellant and his family with particular reference to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty under the Equality Act 2010. Article 8 of the European Convention on Human Rights (as incorporated by the HRA) requires that decisions ensure respect for private and family life. Dismissing the appeal would force the appellant and his family to leave the site and resume an itinerant lifestyle. This would represent an interference with the occupants' homes and their family life.
79. However, these are qualified rights and interference may be justified where in the public interest. In applying proportionality, these interferences would be in accordance with the law and in pursuit of legitimate aims to avoid siting highly vulnerable development in areas at high risk of flooding and to ensure that development can be served by adequate on site services for sewage disposal. In the context of this case, these matters outweigh the human rights of the family. Despite the unmet need for pitches and the lack of alternative sites, I have concluded that the granting of a permanent planning permission would not be appropriate.
80. Where Article 8 rights are those of children, as in this case, they must also be seen in the context of Article 3 of the United Nations Convention on the Rights of the Child. This requires a child's best interests to be a primary consideration. The courts have held that, although a primary consideration, the best interests of a child are not a determinative planning issue, but no consideration must initially be regarded as more important or, in advance of the subsequent assessment of the individual circumstances, be given greater weight.
81. The Guidance similarly advises that decision-makers need to assess whether children's best interests are relevant to any planning issue under consideration. In doing so, it advises they will want to ensure their approach is proportionate. They need to

consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations, including those that impact negatively on the environment or the wider community.

82. I accept that the best interests of the children would be served by a permanent and secure home and continued access to the local schools, facilities and activities in the wider community. However, this does not outweigh my concern about the existing risks to children in connection with flooding in particular, and that this potential harm cannot be addressed by a planning condition.
83. Overall, I am satisfied that the need to resist the residential use of a site at high risk of flooding and ensure that it can be adequately drained cannot be achieved by any means which are less interfering with the appellant's and the family's rights and with the best interests of the children. They are thus proportionate and necessary in the circumstances.

#### *Temporary permission*

84. The possibility of a temporary permission for a 3-5 year period has been raised. The Council states that a temporary permission was considered as part of the determination process but was ruled out due to the unsustainable location of this site and its harm to the landscape.
85. Circular 30/2007 identifies that there are three factors to be taken into account in considering whether a temporary permission should be granted; these are unmet need, no available alternative sites and a reasonable expectation that new sites are to become available in the area at the end of the temporary period which will meet need.
86. I do not dispute that there continues to be an unmet need and a current lack of available alternative sites. However, no timing has been provided in relation to the Council's provision of an authorised site and how many pitches it would accommodate, albeit it is likely to coincide with the second LDP review which does not commence until 2018 at the earliest. Hence, I do not consider that a realistic, alternative site will become available within the minimum 3 year temporary period suggested by the appellant.
87. Added to this, I am concerned regarding the current lack of satisfactory foul drainage arrangements, and the absence of a detailed assessment of the septic tank having regard to matters such as capacity and maintenance and the potential environmental, amenity or public health effects should failure occur. Such would be the scale of the planning harm inherent in the development in this instance, granting permission for the suggested temporary (albeit considerable) maximum period of 5 years would unacceptably extend the potential risks that I have identified and would not outweigh considerations against the development.
88. I consider that these matters override the unmet need, lack of alternative sites and the personal circumstances of the appellant and his family in deciding whether a temporary planning permission is justified.

#### **The ground (g) appeal**

89. The appeal under Ground (g) is made on the basis that the 2 month period for compliance with the EN is too short in view of the potentially homeless situation in which the occupants may find themselves and the absence of suitable alternative accommodation currently available. A period of 12 months with a further 2 months to restore the site to its previous condition is therefore sought.

90. The Council accepted the difficulty of a 2 month period, but considered that 6 months would provide sufficient time to find alternative accommodation. As I understand it, the appeal site is the only place of residence for the occupants and they own no other property or land.

91. To extend the period for compliance would prolong the harm I have identified. However, I have also had regard to the lack of realistic available alternative sites in the county and the likely effect on the occupants of resorting to a roadside existence or other unauthorised sites. An extended compliance period would increase the likelihood of another suitable site being found. In these circumstances, and as discussed, I conclude that an extended period of 12 months should provide sufficient opportunity for the occupants to find alternative accommodation. I do not find that a further 2 months is required to restore the site to its former condition given that the caravans and much of the domestic paraphernalia would be re-located concurrently with the family's move to an alternative site. I shall vary the EN accordingly.

### **Overall Conclusion**

92. In conclusion, the appeals are unsuccessful on ground (a) / deemed application and I refuse to grant planning permission. The appeal on ground (g) succeeds as I find the compliance period too short, and I am therefore varying the EN accordingly prior to upholding it.

*Melissa Hall*

Inspector



## **APPEARANCES**

### FOR THE APPELLANT:

Ms Alison Heine	Planning Consultant
Ms Sharmane Jones	Occupant
Mr Andrew Morgan-Andrews	Family support
Ms Trudy Aspinall	Travelling Ahead advisor

### FOR THE LOCAL PLANNING AUTHORITY:

Ms Kate Young	Planning Officer
Mr Guy Delamere	Enforcement Officer
Mr Stephen Griffiths	Housing Officer

### INTERESTED PARTIES:

Ms Valerie Smith	Local Ward Member, Monmouthshire County Council
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## **DOCUMENTS**

1. The Council's letter of notification of the appeal, dated 17 May 2017.
2. Monmouthshire County Council Gypsy and Traveller Accommodation Assessment 2016-2021.

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/11/17

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 06.12.17

## Appeal Decision

Site visit made on 22/11/17

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

an Inspector appointed by the Welsh Ministers

Date: 06.12.17

**Appeal Ref: APP/E6840/D/17/3186011**

**Site address: Sumach House, Newbridge Lane, Newbridge on Usk,  
Monmouthshire, NP15 1LY**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Paul Donnelly against the decision of Monmouthshire County Council.
- The application Ref DC/2017/00697, dated 25 September 2016, was refused by notice dated 17 July 2017.
- The development proposed is a timber frame single storey garage and summer room.

## Decision

1. The appeal is allowed and planning permission is granted for a timber frame single storey garage and summer room at Sumach House, Newbridge Lane, Newbridge on Usk, Monmouthshire, NP15 1LY in accordance with the terms of the application, Ref DC/2017/00697, dated 25 September 2016 subject to the following conditions:
  - 1) The development shall begin no later than five years from the date of this decision.
  - 2) The development shall be carried out in accordance with the following approved plans and documents: Location Plan 1:2500, Site Plan 1:500, Plan Layout 1:50, North Elevation, South Elevation, West Elevation.
  - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

## Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Tredunnoch Conservation Area.

## Reasons

3. Sumach House adjoins the Newbridge Inn in the hamlet of Newbridge on Usk. Its drive runs from the house alongside the Inn and its car park before joining Newbridge Lane about 150m to the south of Sumach House. It is here, within a small area of land adjoining the lane that the appellant wishes to erect the garage and summer house. Newbridge on Usk lies at the eastern edge of the Tredunnoch Conservation

Area which here is characterised by open countryside dotted with sporadic development.

4. I acknowledge that the location of the proposed building does not comply with the Council's 'Supplementary Planning Guidance (SPG) for Policy H5 & H6 of the Local Development Plan (LDP)'. However, the appellant contends (and the Council does not dispute) that the land adjoining his house (the SPG's preferred location) is subject to flooding. Given the distance there would be between them (around 140m) Sumach House and the proposed building would not be read together. Consequently, in my view, the issue of whether it can be deemed to be subordinate (and therefore SPG compliant) is of lesser importance than its overall impact.
5. The proposed building would be screened by a high mature hedge which even at the time of my visit when it had lost most of its leaves formed a good visual barrier. Although some way from the host dwelling it would adjoin the car park and bin storage area to the Newbridge Inn and, when it is seen, it would be seen in this context. It would not, therefore, appear isolated from the existing built form in the hamlet. Whilst timber is not a finish seen in the construction of buildings nearby it is commonly used in rural buildings and, as such, would not look out of place in this regard. Indeed the building would have an appearance akin to stables which are not an uncommon sight in rural areas. I do not consider that timber can be described as a temporary material and the appellant is happy to use a roof covering more in keeping with rooves on other timber buildings in the locality. I will impose a condition relating to materials to ensure this.
6. Given its design, location next to the Newbridge Inn car park and the existing screening, I conclude that the proposed development would preserve the character and appearance of the Tredunnock Conservation Area.

### **Conditions**

7. I have considered the Council's suggested conditions in light of the advice in Welsh Government Circular 016/2014. The Council seek to prevent the structure from being used for 'living accommodation' but part is proposed to be used as a summer house and in that regard will be lived in. A condition that would prevent a use for which permission is sought should not be imposed. The use of the building as a separate dwelling would require planning permission (which is what I presume the Council meant to preclude) and enforcement action could be taken if that occurred. Consequently I do not consider a condition preventing occupation as a separate dwelling to be necessary.

### **Conclusion**

8. For the reasons given above and having regard to all matters raised, I conclude that the proposed development complies with Policies S13, S17, DES1 and HE1 of the LDP and that the appeal should be allowed.
9. 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 supporting safe, cohesive and resilient communities.

*Anthony Thickett*

Inspector

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/11/17

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07.12.17

## Appeal Decision

Site visit made on 22/11/17

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

an Inspector appointed by the Welsh Ministers

Date: 07.12.17

**Appeal Ref: APP/E6840/E/17/3182706**

**Site address: Wyndcliffe Court, Penterry Lane, St Arvans, Monmouthshire, NP16 6EY**

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

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr & Mrs Anthony Clay against the decision of Monmouthshire County Council.
- The application Ref DC/2016/00914, dated 2 August 2016, was refused by notice dated 1 March 2017.
- The works proposed are replacement roof covering.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposed roof covering would preserve the special character and interest of this Grade II\* listed building.

### Reasons

3. Wyndcliffe Court was built in 1922 in the Arts and Crafts Jacobean style. The house sits in substantial grounds with commanding views over the Severn Estuary. The house, Garage Cottages, walls, gateways and garden features (including the pool and pergola) form a cohesive and important group. The house and Garage Cottages are listed Grade II\* with the remaining structures individually listed Grade II.
4. There is no dispute that the original Collyweston Cotswold stone slates have reached the end of their useful life and need to be replaced. The appellant's 'Heritage Justification and Structural Assessment Statement' explains why, due to the nature of the existing material and local weather conditions, it would not be advisable to replace like for like. This is not disputed by the Council. The Council, Cadw and others have suggested alternatives to the roof covering suggested by the appellants. It would not be appropriate for me to comment on the alternatives as doing so may fetter the decision of any body or person that may follow me. The matter I have to address is whether the proposed Cardinal reproduction Cotswold stone slates are suitable.

5. The appellants' 'Heritage Justification and Structural Assessment Statement' sets out the history of the house, describes it and its setting and includes a detailed investigation of the roof. The roof is steeply pitched with a mix of dormers, gable and hips. The ridge tiles are Collyweston stone, hips are formed using angle cut stone slates and most of the valleys are of the swept laced type which provide a fully slated surface with courses running from one slope to the other in a continuous sweep. Slates oversail verges and eaves and I agree with the appellant that *'the use of stone for walls and roofs creates a harmonious elegant appearance'*.
6. The submissions supporting the appeal leave me in no doubt that the appellants carried out extensive research before opting for the proposed material. The appellants contend that; *'Cardinal Slate was chosen...because the proposed slates are very similar in texture have similar natural riven looking finish, similar weight, available in a wide range of shapes and sizes, and are able to be worked into the swept valley gutters'*. A sample of the Cardinal Slate was provided at my site visit and I accept that it is a very close match to the Collyweston stone in terms of appearance and texture. However, I have two concerns which prevent me from concluding that the use of Cardinal slates would preserve the special interest and character of this building.
7. The Council provides a brief but useful summary of the Arts and Craft movement; *'The Arts and Crafts movement emerged in the late 19th Century and early twentieth Century, based on a return to craftsmanship and a move away from the mass production and industrialisation of the time. It aimed to push the individual skills based on natural materials and traditional methods of construction, function and simplicity pioneered by William Morris'*. The use of a man made rather than a natural material created through an industrial process does not, in my view, honour the spirit of the Arts and Craft movement. I agree with Cadw's view that the proposed material; *'would mark a radical change to the historic form and layout of the building designed externally as an Arts and Crafts Jacobean style country house. I (Cadw) do not therefore consider that the proposal would 'preserve or enhance' the building's special architectural character'*.
8. The appellants contend that once the Cardinal slates have weathered for a few years they *'will be virtually indistinguishable from the current roofing material'*. The appellants also argue that the *'weathering and structural stability of the constituent materials of the Cardinal slate are well known'*. A photograph is produced of a building roofed in the proposed material and natural stone slates. No indication is given of the length of time the artificial slates have been in place but the rooves are clearly different<sup>1</sup>. One would hope that any replacement roof covering would be in place for as long, if not longer, than the Collywestons (almost 100 years). The Cardinal slates have only been in use since the mid 1990s and there is insufficient evidence before me to show that the proposed material would weather in such a way so as to maintain the harmonious elegant appearance of the building described above.

## Conclusions

9. I do not doubt the appellant's assertion that the proposed material has been used elsewhere on listed buildings but I am unaware of the circumstances and must make my decision on the specifics of this case. I also note the support from the Royal Commission on the Ancient and Historical Monuments of Wales and others. Wyndcliffe Court was listed at Grade II\* because it is *'a good and unaltered Jacobean style*

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<sup>1</sup> Figure 9 Grounds of Appeal

*house*'. I acknowledge that a new roof is needed and alteration is, therefore, inevitable. However, to do so using the proposed artificial material would significantly undermine the ethos of the Arts and Crafts movement, of which this house is a fine example. Further, I am not satisfied that the Cardinal slate would weather in a way that would preserve the complementary relationship between the walls and roof covering so important to the special character of this building.

10. For the reasons given above and having regard to all matters raised, I find that the proposed roof covering would not preserve the special character and interest of this Grade II\* listed building and conclude that the appeal should be dismissed.
11. 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 enhancing the culture and heritage of Wales.

*Anthony Thickett*

Inspector

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**New Appeals 27/10/17 to 20/12/17**

<b>Local Ref</b>	<b>Appeal Site Address</b>	<b>Reason for Appeal</b>	<b>Type of Appeal</b>	<b>Date Lodged</b>
DC/2016/01206	Upper Llananant Farm Pentwyn Lane, Penallt NP25 4AP	Construction of a new garden storage building in association with Upper Llananant, Penallt, including change of use of woodland	Written Representation	03/11/2017
DC/2017/00524	Llan y Nant Farm, Trellech Grange, NP16 6QN	Proposed restoration and conversion of stone barn in accordance with supporting documents and plans	Informal Hearing	02/11/2017
DC/2017/00789	5 Welsh Street CHEPSTOW Monmouthshire NP16 5LR	Retention of non-illuminated sign consisting of black plastic lettering attached to painted gable end wall by stand-off pegs	Written Representation	02/11/2017
DC/2017/01043	5 Welsh Street CHEPSTOW Monmouthshire NP16 5LR	Retention of non-illuminated sign consisting of black plastic lettering attached to painted gable end wall by stand-off pegs	Written Representation	28/11/2017
E12/069	Ridge House Stables, Earlswood, Shirenewton Monmouthshire	Erection of building (appeal against enforcement notice requiring cessation of depositing of manure)	Written Representation	03/11/2017

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**SUBJECT: Development Management Enhanced Services Proposals**

**MEETING: Planning Committee**

**DATE: 9<sup>th</sup> January 2018**

**DIVISION/WARDS AFFECTED: All**

## 1. PURPOSE:

- 1.1 This report seeks the Planning Committee's endorsement for a proposal to charge additional fees for an enhanced level of customer service for additional development management services.
- 1.2 The proposals seek to raise additional income to address financial pressures, and are in response to the increasing market demands to become more efficient and timely in providing constructive advice. In seeking to develop these services the evidence-base and business case to support the structure is set out in this report. The proposals seek flexibility to roll out additional services when possible, building on the success of the recently piloted fast-track householder application service as well as other additional services now offered.

## 2. RECOMMENDATIONS:

- 2.1 To endorse the following proposals, for subsequent consideration and, hopefully, authorisation by the Cabinet Member for Enterprise:
  - The introduction of additional fast track services and associated future fee increases set out in this report and in Appendix A from 1<sup>st</sup> March 2018;
  - The introduction of new fee income services involving charging for fast track discharge of conditions for listed building consent and planning applications.
  - To authorise the Head of Planning, Housing and Place-Shaping to agree Planning Performance Agreements where suitable.

## 3. KEY ISSUES:

- 3.1 Monmouthshire has been offering a formal pre-application advice service since April 2014 and it has been well received by both customers and staff. The existing service that has been running successfully for the last few years, was developed by engaging with our customers and asking them what matters to them. We discovered that most importantly applicants wanted consistency and clarity in advice, speed in decision making and to maintain an open dialogue with their case officer.
- 3.2 The pre-application service has been fine-tuned over the last 12 months offering additional services resulting in the development of a fast track system, where applications could be dealt with more quickly for an additional fee. This was introduced in part following single cabinet member approval in April 2017. Under these changes a fast track system was available to Level 3 and 4 pre-application advice requests, householder planning applications, certificates of lawfulness and applications for listed building consent where they are accompany a householder

application. At this point it was considered prudent to trial a few services in order to understand what could be achieved and what the resources implications would be. From this trial we have gathered valuable data and evidence to provide confidence in rolling out the 'fast track' options to other services.

- 3.3 The fast track services have been well received, especially in relation to householder applications where we have received 23 (as at 14/12/17) requests amounting to £1,955 in additional fee income. To date, only one application has missed the fast-track deadline of 28 days, and this was due to the application being called to Planning Committee for a decision. Unfortunately it has not been possible to roll out the fast-track pre-application advice service to date due to resource pressures in the Highways service.
- 3.4 Through offering these additional services, we have received requests for additional applications to be fast tracked, for example minor planning applications and listed building consent applications. In order to match this demand and provide a service that suits the customer it is proposed as part of this report, to offer all services with a fast track option. As and when resources allow, the additional fast-track services can be offered to the customer meeting their individual needs. In addition this would help facilitate a wider assessment of the demand for enhanced services allowing a better and more accurate forecasting of fee income.
- 3.5 The additional services would include more types of planning applications to be dealt with in a shorter than statutory period.
- 3.6 For major and more significant development proposals, the statutory eight-week period is rarely realistic, however customers can seek some certainty regarding timely decision making. This can be secured by the applicant and the Local Authority to entering into a Planning Performance Agreement (PPA) for an agreed fee. This would normally relate to applications of more significant development such as larger retail/industrial buildings or residential developments. This voluntary agreement would vary depending on the proposed development, however it would set out agreed timescales and agreed fees for processing applications. It should cover pre-application, application and possibly post application stages of the development encouraging joint working with the local authority and the applicant. Other authorities in South East Wales already offering this form of Planning Performance Agreement service include Cardiff and Rhondda Cynon Taff. It should be noted that all of the additional fees referred to relate to certainty of timescale not a guaranteed outcome (i.e. getting planning permission).
- 3.7 In addition to offering fast track services for more application types, it is proposed to include a fast track service for discharging conditions on planning and listed building consent applications. These applications seek to agree details of elements of the approved proposal, for example drainage details, windows details or materials. There is currently a statutory fee for this service where it relates to a planning application but not where it relates to a listed building consent application. Therefore this would be a new charge.

- 3.8 The proposed fees are set out in the appendix to this report. The enhanced services fees have been set on the basis that there is a 50% increase in the statutory fee in order to deliver the service in a reduced time in order to make this transparent and fair across the spectrum. As with the current system, if the timescale is not met and a small extension of time is not agreed by the applicant, the additional fast track element of the fee is returned to the applicant. The remainder of the fee is a statutory fee and is not refundable.
- 3.9 It is important to note that the statutory services will not be affected by the offer of enhanced provisions. The target to meet the 8 week target for 80% of applications is still a key priority for the department and will continue to be monitored and managed.
- 3.10 In addition to offering the ability to fast track additional services, it is also proposed to amend the current fee schedule for pre-application advice in relation to Level 2 Minor Developments. Currently a level 2 application relates to development for 1-9 residential units or where the residential site is less than 0.5 ha. It is proposed to change this to 1-9 residential units 'and' less than 0.5ha in order to ensure that small sites with more than 9 units are given due consideration necessary under a level 3 pre-application enquiry.
- 3.11 The proposals are a response to increasing demand from applicants for decisions to be made in a shorter timescale and are supported by a successful trial of initial fast track services that have shaped these new provisions. The numbers of fast track requests will be subject to ongoing review and monitoring identifying trends and areas for improvement of the service on an ongoing basis. In addition the provision of these services, as well as providing more options for the customer, provide necessary additional income for the department in order to meet income targets.
- 3.12 In addition to the above, Cabinet Member approval will be sought to raise the proposed pre-application and fast track fees in line with any Welsh Government increases in the statutory fees. The proposed fast track fees are set at 50% increase in the standard application fee and therefore the proposed increase will remain proportional. This is in order to further future proof the service and ensure that the offer can react in an appropriate and positive manner.

#### **4. OPTIONS APPRAISAL**

- 4.1 The improvements to the current services, as proposed as part of this report are based on an enhancement of the existing service provision, including the statutory requirements of the department and the additional provisions offered by the Planning Department. The proposals are based on market research and data collected as part of the ongoing review of pre-application enquiries. Therefore there are limited other options. Having said this, there is the 'do nothing' option. This would not provide a service that the customer is looking for, nor would it provide an additional stream of income to meet required targets. Therefore this is not considered a suitable alternative to creating a forward thinking, innovative and responsive planning service.

- 4.2 As stated the offer is under regular review with data collated on the numbers of applications, the time taken and the fee income received. In addition customer feedback is regularly taken into consideration and amendments to the processes are actioned where and when necessary. Roll out of the services will also be depending on capacity and resource, and the services will be reviewed if they cannot be delivered.

## **5. EVALUATION CRITERIA**

- 5.1 An evaluation assessment has been included at Appendix B for future evaluation of whether the decision has been successfully implemented. The evaluation of success will be reported to the Economy and Development Select Committee each September/October as part of the Planning Service's Annual Performance Report. The Planning Committee is invited to that meeting.
- 5.2 It is important to note that the fast-track proposals maintain the statutory consultation periods for stakeholders including neighbours and community councils. The proposals do not affect the Scheme of Delegation, i.e. the provisions for applications to be referred to the Delegated Panel or Planning Committee.

## **6. REASONS:**

- 6.1 The recommendations propose to enhance the current limited offer of fast track services. As stated this is a response to customer demands and market requirements. This would ensure that appropriate development is facilitated in an efficient way where time pressures are a particular concern.
- 6.2 To provide the opportunity for the department to enter into voluntary planning performance agreements with applicants in order to provide focus to the application, set out agreed parameters and improve working relationships on larger development projects.

## **7. RESOURCE IMPLICATIONS:**

- 7.1 Providing a priority or fast track service for applicants will require efficient processes and effective time and project management as well as monitoring. It is however anticipated that this will be covered within the current staffing levels of the department. This has been achieved by focussing a proportion of the Development Management Area Managers' time on managing fast track applications and prioritising this element of service provision. In the long term if demand increases significantly there may be additional staff required to meet the demand, however this will be resourced through the additional income generated from the service.
- 7.2 There may be some initial challenges in resourcing the enhanced services for larger applications but the intention of this report is to future-proof the service, providing the fast track option as and when we can resource it and the customer requests it. The trial period has been successful for householder applications, but the demand for larger scale applications is still somewhat unknown. However, having the option to provide these services will give the Planning Service flexibility. Indeed, the additional fees offered by fast track and PPAs may well mean the Planning Service

can employ an additional officer(s) to meet this demand, as and when it arises. As noted above, this enhanced offer will be under regular review.

## **8. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):**

There are no significant equality impacts identified in the assessment (Appendix C). While it is acknowledged that the fast-track service involves the payment of an additional fee, and therefore is not accessible to those on low incomes, planning application fees are payable by applicants seeking to undertake development proposals, such as home extensions. The proposed fee is a very small proportion of the cost of carrying out such works, and so it is highly unlikely that the additional fee is unduly disadvantageous to those in financial difficulty, because they are unlikely to be service customers in the first instance. Moreover, the fast-track service is an optional extra: the statutory service remains available for all customers.

There may be beneficial impacts economically or to quality of life from quicker decisions in some instances.

Stakeholders would continue to have the full statutory consultation period and so would not be disadvantaged as decisions can currently be made immediately after that period ends.

The actual impacts from this report's recommendations will be reviewed every month through the existing monitoring and review programme. The criteria for monitoring and review will include: collating data on numbers of applications, revenue generated, officer time taken to complete, time taken to respond, types of applications and general customer feedback.

## **9. CONSULTEES:**

MCC Development Management Staff - responded stating that the Government-set planning application fees may increase in 2018 and so approval should be sought to increase the pre-application fees in line with the statutory fee increases in order to further future proof the service.

MCC Planning Policy

MCC Heritage

## **10. BACKGROUND PAPERS:**

See appendix A - Proposed Charging Schedule

See appendix B - Future Evaluation of Implementation

See appendix C - Future Generations Evaluation

## **11. AUTHOR:**

Mark Hand, Head of Planning, Housing and Place Shaping

## **12. CONTACT DETAILS:**

**Tel:** 01633 644803

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## Appendix A

### Previously Approved Fees April 2017

Service	Statutory fee and timescale	Current fee	Fast Track proposed fee
<b>Pre application</b>	Varies		
Level 3 Major Development	£600	Bespoke £850	FT £1700
Level 4 Large Major Development	£1000	Bespoke £1250	FT £2500
<b>Applications</b>			
Householder	£190 – 8 weeks		£275 within 28 days
Listed Building Consent concurrent with Householder (above)	None		£275 within 28 days

### Proposed Changes from 1<sup>st</sup> December 2017

Service	Current fee and timescale	Fast Track proposed fee/timescale
<b>Pre application</b>	Varies	
Level 1	£25 statutory /£60 bespoke	£120
Level 2	£250 statutory /£120 bespoke	£240
<b>Applications</b>		
Householder extension to 2 or more	£380 – 8 weeks	£570- 28 days
Change of Use	£380 – 8 weeks	£570 -42 days
Adverts	£100/£330 – 8 weeks	£150/£495 – 42 days
Car Parks and access	£190 – 8 weeks	£275 – 42 days
Agricultural glass houses and poly tunnels	£70/£2150 – 8 weeks	£105/£3225 – 42 days
New Dwellings (1-9 dwellings only)	Varies – 8 weeks	50% increase in fee – 42 days
Non- Residential (<1000sqm new floorspace)	Varies - 8 weeks	50% increase in fee – 42 days
Agricultural Buildings	£70/£2150 – 8 weeks	£105/£3225 – 42 days
Plant or Machinery	Varies – 8 weeks	50% increase in fee – 42 days
Other works	£190/Varies – 8 weeks	50% increase in fee – 28 days
Discharge of Conditions Planning applications	£30/£90	£45/£142- 42 days
Discharge of Conditions on Listed Building Consent	None	£142 - 42 days
Non Material Amendments	£30/£95- 28 days	£45/£150 – 14 days



## Appendix B Evaluation Criteria – Cabinet, Individual Cabinet Member Decisions & Council

<b>Title of Report:</b>	<b>Development Management Enhanced Services</b>
<b>Date decision was made:</b>	
<b>Report Author:</b>	<b>Mark Hand</b>

### What will happen as a result of this decision being approved by Cabinet or Council?

The desired outcome is to see an increased turnaround times for applications improving the offer to the customer and generating income for Development Management.

The decision will offering an enhanced level of service meeting customer needs where time is of particular concern.

To be completed at 12 month appraisal

Was the desired outcome achieved? What has changed as a result of the decision? Have things improved overall as a result of the decision being taken?

### What benchmarks and/or criteria will you use to determine whether the decision has been successfully implemented?

Criteria will include:

Increase in number of fast track applications by 25%, especially non-householder applications.

Number of refunds to be less than 10% of total fast-track applications.

On-going monitoring of standard service provision to ensure that timescales and service is not detrimentally affected beyond the normal parameters as identified in current monthly reviews of data by DM Management.

Customer service review will be carried out after 9 months in order to assess quality of customer experience and satisfaction.

To be completed at 12 month appraisal

*Paint a picture of what has happened since the decision was implemented. Give an overview of how you faired against the criteria. What worked well, what didn't work well. The reasons why you might not have achieved the desired level of outcome. Detail the positive outcomes as a direct result of the decision. If something didn't work, why didn't it work and how has that effected implementation.*

### What is the estimate cost of implementing this decision or, if the decision is designed to save money, what is the proposed saving that the decision will achieve?

There is no proposed immediate resource requirement.

The proposed fee income is estimated at £4,000.

To be completed at 12 month appraisal

*Give an overview of whether the decision was implemented within the budget set out in the report or whether the desired amount of savings was realised. If not, give a brief overview of the reasons why and what the actual costs/savings were.*

Any other comments

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<p><b>Name of the Officer</b> completing the evaluation Mark Hand</p> <p><b>Phone no:</b> 01633 644803 <b>E-mail:</b> <a href="mailto:markhand@monmouthshire.gov.uk">markhand@monmouthshire.gov.uk</a></p>	<p><b>Please give a brief description of the aims of the proposal</b></p> <p><b>Development Management Enhanced Services</b></p>
<p><b>Name of Service</b></p> <p>Planning/Development Management</p>	<p><b>Date Future Generations Evaluation form completed</b></p> <p>Dec 2017.</p>

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

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p><b>Positive:</b> An efficient development management process is underpinned by the service having an engaging pre-application advice service that can provide support and guidance for customers to ensure the best development possible for the benefit of local communities and to protect character and appearance of Monmouthshire. Planning can provide economic investment and growth, and can protect acknowledged interests such as local amenity and townscape therefore ensuring that customers are getting advice early in</p>	<p><b>Better contribute to positive impacts:</b> Monmouthshire's bespoke pre-application advice service provides a customer focused service that enables customers to engage fully within Planning Officers and gain the correct advice to progress their developments and ensure that we receive applications for developments that are of a high standard. An enhanced fast track service will improve this offer and better meet the needs of our customers.</p> <p><b>Mitigate any negative impacts:</b> Care will be taken to improve the understanding of the positive</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>the process is critical in securing positive outcomes and appropriate forms of development.</p> <p>Providing additional fast-track services will assist developers in getting a quicker response to be able to react to changes in demand. The additional services will enable property purchasers to achieve a quicker sale, assisting the property market and more confidence in buying.</p> <p><b>Negative:</b> The higher charge for fast track services may be considered to be costly to the consumer. It is an entirely optional service for customers to choose to receive a faster service. Those who do not use the new service should not receive a lesser service than at present, although we will need to prioritise workload.</p>	<p>implications of using the Council's fast track services which can benefit its customers in speeding up the process. The department will continue to monitor the efficiency of the services and ensure that they meet the service standards set out.</p>
<p><b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p><b>N/A</b></p>	<p><b>N/A</b></p>
<p><b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p><b>Positive:</b> The additional services would enhance the current services which provide support and guidance for customers when submitting a planning application and provide the opportunity for officers to enhance schemes and provide acceptable forms of the development, which could improve Monmouthshire citizens' access to local</p>	<p><b>Better contribute to positive impacts:</b> The approval and delivery of development proposals can have a positive impact on health and well-being and foster social and community pride in their communities.</p> <p><b>Mitigate any negative impacts:</b> None</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>services, such as shops and health facilities, or prevent inappropriate development form harming the amenity of an area, or indeed the health of local people.</p> <p><b>Negative:</b> None identified.</p>	
<p><b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected</p>	<p><b>Positive:</b> The area of work undertaken by the planning section directly and indirectly influences the appearance, viability, safety and connectivity of communities via planning policy, land use planning decisions. Providing guidance and support to customers at an early stage in the planning process enables the best forms of development possible which is critical in providing sustainable communities. The fast track services only seek to enhance the current guidance.</p> <p><b>Negative:</b> None identified.</p>	<p><b>Better contribute to positive impacts:</b> The timely approval and delivery of sustainable development proposals can have a positive impact on the character and appearance of an area, promote well-being and foster social and community pride.</p> <p><b>Mitigate any negative impacts:</b> None</p>
<p><b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p><b>Positive:</b> The area of work undertaken by the planning section directly and indirectly influences local social, economic and environmental well-being via planning policy and land use planning decisions. However, the global-scale effect is acknowledged as being limited.</p> <p><b>Negative:</b> none.</p>	<p><b>Better contribute to positive impacts:</b> None</p> <p><b>Mitigate any negative impacts:</b> None</p>
<p><b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People</p>	<p><b>Positive:</b> Planning decisions promote the value and significance of the historic built environment by ensuring that it is a direct consideration in planning policy and land use planning decisions.</p>	<p><b>Better contribute to positive impacts:</b> Timely planning decisions will ensure that proposals foster civic pride through well-designed development in historic areas or through the removal of</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
are encouraged to do sport, art and recreation	<p>Planning decisions generally facilitate the provision of playing fields and recreational schemes in general. The Welsh language is now a material planning consideration.</p> <p><b>Negative:</b> none.</p>	<p>development that has a negative impact on a heritage designation via enforcement action.</p> <p><b>Mitigate any negative impacts:</b> None</p>
<p><b>A more equal Wales</b>            People can fulfil their potential no matter what their background or circumstances</p>	<p><b>Positive:</b> Appropriate development management decisions should bring positive benefits to all members of Monmouthshire's population through policies that seek to achieve the five main aims of the Welsh Spatial Plan, namely Building Sustainable Communities, Promoting a Sustainable Economy, Valuing our Environment, Achieving Sustainable Accessibility and Respecting Our Environment</p> <p><b>Negative:</b> none.</p>	None.

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

<b>Sustainable Development Principle</b>	<b>How does your proposal demonstrate you have met this principle?</b>	<b>What has been done to better to meet this principle?</b>
Balancing short term need with long term and planning for the future	<p><i>We are required to look beyond the usual short term timescales for financial planning and political cycles and instead plan with the longer term in mind (i.e. 20+ years)</i></p> <p>The LDP covers the period 2011-21. The development management function which makes planning decisions seeks to implement the policies of the LDP. By its nature, therefore, it cannot look beyond the next five year period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations.</p>	Ensure that the LDP and its policies have been subject to an appropriate level of scrutiny
Working together with other partners to deliver objectives	Monmouthshire's bespoke services have been developed and enhanced around the needs of our customers and to meet their needs. Members and officers of the Council have a specific interest in the subject to ensure that sustainable forms of development are developed in Monmouthshire.	N/A
Involving those with an interest and seeking their views	<p><i>Who are the stakeholders who will be affected by your proposal? Have they been involved?</i></p> <p>The enhanced pre-application advice service review will be subject to consultation with Members of Planning Committee, whose Members have a specific interest in the subject, as well as senior officers of the Council, and will be taken into account.</p>	As above.

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
Putting resources into preventing problems occurring or getting worse	The revised services would provide the legal basis for designated officers to make timely planning decisions at an appropriate level. The new services will enable customers to prevent sales where there may be planning enforcement issues or breaches of planning control.	N/A
Positively impacting on people, economy and environment and trying to benefit all three	<p><i>There is space to describe impacts on people, economy and environment under the Wellbeing Goals above, so instead focus here on how you will better integrate them and balance any competing impacts</i></p> <p>The work undertaken by the development management service directly relates to promoting and ensuring sustainable development and its three areas: environment, economy and society.</p>	The revised and new services would facilitate the implementation of the LDP which has been subject to a Sustainability Assessment that balances the impacts on Social, Economic and Environmental factors.



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

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
<p><b>Positive:</b> The revised pre-application advice service within the Development Management section of the Council should bring positive benefits to all members of Monmouthshire’s population through policies that seek to achieve some of the main aims of the Welsh Spatial Plan, namely Promoting a Sustainable Economy, Valuing our Environment and Respecting Our Environment, be it through making timely decisions on planning or related applications to prevent harm to acknowledged interests, such as amenity, public safety or biodiversity.</p>			
Age	None	None	See above
Disability	None	None	See above
Gender Reassignment	None	None	See above
Marriage or civil partnership	None	None	See above
Race	None	None	See above
Religion or Belief	None	None	See above
Sex	None	None	See above
Sexual Orientation	None	None	See above
Welsh Language	<p><i>Under the Welsh Language measure of 2011, we need to be considering Welsh Language in signage, documentation, posters, language skills etc.</i></p> <p>Welsh is treated on equal terms as English in the planning process,</p>	None	None

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

	<b>Describe any positive impacts your proposal has on safeguarding and corporate parenting</b>	<b>Describe any negative impacts your proposal has on safeguarding and corporate parenting</b>	<b>What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?</b>
Safeguarding	None.	None	n/a
Corporate Parenting	None.	None.	n/a

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

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 Monmouthshire's bespoke services have been developed using evidence and data from customer surveys and will be subject to regular review to ensure that the services are efficient and customer focused. We aim to collect feedback from our customers on the services over time and carry out regular review of our performance.

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

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

The work undertaken by the Council's Planning Service, and in particular the Development Management function, directly relates to promoting and ensuring sustainable development. The revised services would enable planning officers to engage with customers at all stages of the planning process to ensure the most appropriate forms of development are approved within Monmouthshire within the quickest period possible. The planning process promotes sustainable forms of development, helping to create jobs and investment, while protecting material interests such as amenity, public safety and biodiversity.

In terms of the protected characteristics of age, disability, gender reassignment, race, religion or beliefs, gender, sexual orientation, marriage or civil partnership, there are no direct implications as a result of this guidance.

There are no implications, positive or negative for corporate parenting or safeguarding.

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

N/A

What are you going to do	When are you going to do it?	Who is responsible	Progress

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

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The impacts of this proposal will be evaluated on:	As part of the Annual Performance Report we will report our performance on statutory pre-application advice enquires, which will be submitted to the Welsh Government and be publicly available. With the Monmouthshire bespoke services we will regularly review the services that we provide and report our performance back to committee on an annual basis.
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