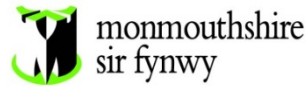


# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 30 July 2018

Notice of meeting:

## Planning Committee

Tuesday, 7th August, 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 - 18
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise:	
4.1.	APPLICATION DC/2017/00623 - Construction of sustainable low energy Eco-House dwelling with landscaping and surface car parking, plus new access/egress onto Hardwick Hill Lane by part demolition of existing garden boundary wall and replacement iron railings. Lower Hardwick, Hardwick Hill, Chepstow, NP16 5PN.	19 - 26
4.2.	APPLICATION DC/2018/00007 - Demolition of magistrates court and police station building and erection of a building comprising 47 retirement living apartments with associated residents lounge, refuse, electric, rechargeable buggy store, guest suite, substation and access, car parking and landscaped grounds. Abergavenny Magistrates Court And Police Station Site Tudor Street Abergavenny NP7 5YL.	27 - 38
4.3.	APPLICATION DC/2018/00138 - Erection of 1 no. stable block. Change of Use of Land for the Grazing of Horses. Land At 1 Great Oak Farm Cottages, Box Bush Road, Great Oak, Bryngwyn.	39 - 42
4.4.	APPLICATION DM/2018/00528 - Proposed replacement dwelling. Argoed Cottage New Mill Road Tregagle Trellech Monmouth.	43 - 52
4.5.	APPLICATION DM/2018/00695 - Erection of 8 signs advertising the farm park and farm shop. Brook Farm Holdings Chepstow Road Raglan Usk Monmouthshire.	53 - 56

<b>4.6.</b>	<b>APPLICATION DM/2018/00707 - Application to retain amendments to approved application DC/2017/00728 (Site 4). Residential Quarters Redchillies Thai And Indian Restaurant Five Lanes North Fives Lanes Caerwent.</b>	<b>57 - 62</b>
<b>4.7.</b>	<b>APPLICATION DM/2018/00769 - Outline development of up to 45 dwellings. Land At Chepstow Road Raglan NP15 2EN.</b>	<b>63 - 78</b>
<b>4.8.</b>	<b>APPLICATION DM/2018/00910 - Community hub facility and associated landscaping. Three Fields Site Main Road Magor Monmouthshire.</b>	<b>79 - 86</b>
<b>5.</b>	<b>FOR INFORMATION: The Planning Inspectorate - Appeal decisions received:</b>	
<b>5.1.</b>	<b>Appeal Decision - Green Meadow Farm, Llandevenny Road, Llandevenny, Magor.</b>	<b>87 - 90</b>
<b>5.2.</b>	<b>Appeal Decision - Ridge House Stables, Earlswood, Chepstow, Monmouthshire.</b>	<b>91 - 96</b>
<b>5.3.</b>	<b>Costs Decision - Ridge House Stables, Earlswood, Chepstow, Monmouthshire.</b>	<b>97 - 100</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**

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

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

This meeting can be viewed online either live or following the meeting by visiting [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk) or by visiting our Youtube page by searching MonmouthshireCC.

#### **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

## Our purpose

Building Sustainable and Resilient Communities

### Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

## Our Values

**Openness.** We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

**Fairness.** We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

**Flexibility.** We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

**Teamwork.** We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

## **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 as a favourable conservation status in their natural range.

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

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

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

A number of sustainable development principles are also set out:

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

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

#### Crime and Disorder Act 1998

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

## Equality Act 2010

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

## Children and Families (Wales) Measure

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

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

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

### **Who Can Speak**

#### Community and Town Councils

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

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

Not to introduce information that is not:

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

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

#### Members of the Public

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

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

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

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

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

## Applicants

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

When is speaking permitted?

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

### Registering Requests to Speak

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

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

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

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

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

### Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

### Procedure at the Planning Committee Meeting

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

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

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

# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd July,  
2018 at 2.00 pm**

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

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

County Councillors: P. Pavia and V. Smith attended the meeting by  
invitation of the Chair.

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillors: A. Davies and J. Higginson

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

County Councillor R. Edwards declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DC/2018/00096, as a relative lives next to the site. She left the meeting taking no part in the discussion or voting, thereon.

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

The minutes of the Planning Committee meeting held on 5<sup>th</sup> June 2018 were confirmed and signed by the Chair.

#### **3. APPLICATION DC/2018/00096 - ERECTION OF NEW DETACHED DWELLING HOUSE. 6 CAESTORY AVENUE RAGLAN, MONMOUTHSHIRE NP15 2EH**

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 and subject to a Section 106 Legal Agreement financial contribution towards affordable housing in the local area.

The Vice-Chair allowed Mr. A. Edwards, Clerk to Raglan Community Council to speak on behalf of the Community Council in respect of the application. In doing so, the following points were noted:

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd July, 2018 at 2.00 pm**

- Raglan Community Council objects on principle as it considers that the actual development is classed as back land development, not in line with any frontage of Caestory Avenue or Ethley Drive.
- The Planning Department has made reference under paragraph 5.7.1 of the report of the application. The Community Council considers that without implementing the Well-Being of Future Generations Act 2015, it will have a social impact on the loss of well-being and the loss of privacy and amenity on the existing properties in this area.
- The Community Council has concerns regarding the size and bulk of the property in relation to the existing two storey dwellings which have been developed over time. Also, the bungalows and dormer bungalows which are in close proximity to the property. The development will create an overbearing aspect to these existing dwellings.
- Paragraph 5.4.1 of the report of the application makes reference to the Juliet Balcony. This provides a loss of privacy to some of the properties on and around the plot where the window will be directly overlooking.
- The principle objection is the overbearing impact on neighbouring properties, the loss of privacy to adjoining properties and the applicant has been advised to provide information to the Highways Authority which has not yet been provided regarding a concealed entrance on a narrow bend.
- This application is in conflict with Policies H3, SD4, NE1, NP5 and MV1.

Mr. J. Pope, representing objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

- There have been 60 registered objections to the application.
- Overbearing and shadowing nature of the property to neighbouring properties due to the height, mass and bulk of the property.
- The height of the property is compared to immediate neighbouring properties and the effect on the well-being of local residents due to loss of privacy and sunlight is a concern.
- The design of the property materials are out of character with the surrounding properties.
- The risk of additional vehicles exiting and entering the property on an existing treacherous double blind bend.
- The loss of any Birch trees against the recommendation of the Tree Officer.



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- Objectors are also concerned regarding some of the factual inaccuracies contradictions and misleading statements in the report of the application, namely:
  - The proposal is 8.3m high at the ridgeline. This is 1.1m higher than the next tallest in the vicinity, and not similar in ridge height as stated in the report of the application but 16% higher than the next highest. It will be 40% higher than those properties in The Willows and up to 25% higher than some properties in Caestory. It will be prominent and dominate from those houses and in between those houses.
  - The Planning Officer states that 8.3 metres is within the standard height of a two storey house. Research suggests that it's 6.1 metres to 7.1 metres.
  - The property is 16 metres in length, 11 metres wide and 8.3 metres in height. This creates a mass of 88 sq. metres of wall facing Caestory and 110 sq. metres facing Ethley Drive and the Willows. This mass is only 10 metres away from Ethley Drive and with three storeys, totally overbears, blocks light, creates privacy issues due to the elevation of the windows.
  - This proposal is four times bigger square footage than the next largest house in the vicinity. It is out of character by virtue of its size.
  - The Planning Officer's report states that it uses materials that have a design in keeping with the vicinity, e.g., the grey window frames, wooden doors, dormers and grey slate roofs. No houses in Caestory, the Willows or Ethley Drive have these features.
  - The Tree Officer stated that he would be unable to support a proposal that would remove the Birch trees. The latest plans indicate that three trees are being removed but the Planning report indicates that two trees are being removed. No further recommendations have been received from the Tree Officer.
  - The blind double bend onto which vehicles will enter and exit is dangerous adding additional traffic to the existing and proposed new dwelling. Delivery vans and people parking on the bend will only add to the risk.
  - The road is used as a walk through by all including school children and elderly people.
  - Excessive garden grabbing.
  - Misleading definitions regarding storeys of the property. 2.5 storeys were mentioned. In the report of the application, there are only two storeys mentioned.
- In short, the objections to the application are that the proposal is too high, too wide, too long, is overbearing, blocks light, affects privacy, is out of character,

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very little similarity in design to existing properties, four times the size of neighbouring houses, destroying habitat and risk to life and serious injury due to traffic having to negotiate a double blind bend.

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

- The proposed dwelling in this location would not be acceptable. It is overbearing and over-dominant to nearby properties. The principle of building at this location is sound but not the proposed development, as outlined in the report of the application.
- The proposed development is too big for the plot.
- The proposed development does not reflect the pattern of development and the surrounding dwellings.
- There is still an issue surrounding a highways matter which could have been addressed before being presented to Committee.
- There is no drainage condition. There will be a large drive creating additional run-off.
- The proposed development would not be in keeping with the surrounding properties.
- A smaller appropriately designed property at this location would be more in keeping with the surrounding area. Negotiations with the applicant should be undertaken with a view to them coming back to Planning Committee with a revised proposal that is more appropriate for the location.
- Refusal of the application could be considered as the application was contrary to Policy DES1.
- Six of the eight Birch trees will be retained.

It was proposed by County Councillor M. Powell and seconded by County Councillor R. Harris that we be minded to defer consideration of application DC/2018/00096 to a future meeting of Planning Committee to allow officers to liaise with the applicant with a view to revising the application that would be more in keeping with the surrounding area.

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

In favour of deferral	-	8
Against deferral	-	0
Abstentions	-	4

The proposition was carried.

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We resolved that we be minded to defer consideration of application DC/2018/00096 to a future meeting of Planning Committee to allow officers to liaise with the applicant with a view to revising the application that would be more in keeping with the surrounding area.

#### **4. APPLICATION DM/2018/00308 - PROPOSED NEW DWELLING. 3 THE PADDOCK, CHEPSTOW, NP16 5BW**

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 Section 106 financial contribution of £29,856 for affordable housing.

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

- Local residents have considerable concerns regarding this application.
- The Chepstow Town Council Planning Committee has recommended that the application be refused.
- There is a strong perception that the application process has not been handled as effectively and efficiently as it could have been. The channels of communication between officers and objectors being the fundamental issue.
- There has been a late amendment to the application submitted on 29<sup>th</sup> June 2018. Local residents and the local Member have not had time to consider this and asked if there might be grounds to defer the application. Also whether officers could indicate whether there is a technical issue for this late application to be deemed acceptable without further consultation.
- The proposed development is inappropriate in-filling.
- The open spacious nature within the cul-de-sac has been developed with deep open gardens sweeping around the front to back. The mouth of the road has been designed with bungalows on either side to facilitate that look and draw people through the back of the cul-de-sac where the two storey properties are set.
- Having an 8 metre high new build at the mouth of the road drawn to the front of the pavement, sat adjacent to bungalows would destroy the aesthetics of the locality.
- It is unacceptable over development and out of character with the surrounding buildings.
- Welsh Government Policy Guidelines 9.3.3 supported the local Member's case.

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- Neighbours have built annexes to their properties but the infilling has been undertaken respectfully and tastefully in keeping with the local surroundings guided by strict planning conditions established by the County Council and also in line with covenants placed on properties in this area.
- There has to be consistency and parity with this application and previous applications that have been approved.
- Residents have lived in the area for 40 years and this is important as they legally bought into the locality and into a living environment that they believed could not be changed for the worse due to the strict clauses in place. The proposed development is not in keeping with the surrounding area and threatens this.
- The scale, dimensions and design are absent from the application despite repeated requests that they be properly designated.
- A topographical plan has been prepared but has not been published. There should have been a scaled plan where the new dwelling will sit on the parcel of land.
- The application refers to the flood risk and that there will be a soakaway. However, three feet below the surface is bedrock which will make it difficult for sufficient drainage to be installed.
- There is potential for some gardens to become waterlogged.
- The existing drainage system is already under considerable pressure.
- Because of the nature of the development of the footings on the property, the footpath joining the Paddocks and Warwick Close will be impacted. If this is the case, then a Section 27 Notice should be served, but this has not occurred.
- A further three car parking spaces is proposed at the front of the property bringing the total to six parking spaces. Concern was expressed that this will have a negative impact on the close.

The Head of Planning, Housing and Place Shaping responded as follows:

- There would be no requirement to have an ownership notice on the land next door to the proposed development.
- Regarding the issue relating to a change to the application, there was only one change which referred to section nine on the application form. This contains a box indicating whether the applicant is related to a member of staff or an elected Member, which has been amended to confirm that the applicant is an employee of Monmouthshire County Council. If the applicant or their close relative is someone who works closely with the Planning Department or is someone who is an officer of the Planning Department, this means Committee considers the

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application. It has been clarified that the applicant or relative is not someone who works closely with the Planning Department or one who is an officer of the Planning Department but in any case the application is being considered by Committee so this does not change anything relating to the assessment of the application.

- The plan shown in the Planning Committee meeting has some dimensions and is drawn to scale, which is sufficient in making the application valid legally.
- The topographical survey is not a requirement to make the application valid.
- Enough information is available to properly assess the application and for a decision to be made.

Mr. D. Prosser, representing objectors, attended the meeting by invitation of the Chair and outlined the following points:

- The application is contrary to the Council's Planning Policies, namely, privacy and residential areas with a high level of privacy and amenity. Many of the local residents agree, as well as Chepstow Town Council.
- The report of the application suggests that the application is policy compliant. The objector considers that it is not. The policy is based upon detailed Planning considerations which cannot be met.
- National Government guidelines require that insensitive or inappropriate infilling should not be allowed to damage an area's character or amenity.
- Council policies seek to protect areas with high standards of privacy and spaciousness. This site falls into this category.
- When entering the street there is a six foot fence in front of the buildings. All other frontages are open. This would be replaced by a two storey high house set just behind its line and prominent in a street where nearly all of the other houses are set behind expansive open front gardens.
- The report suggests that the dwelling will maintain the front building line between numbers two and three and will follow the established building line of the street. However, this is not correct.
- It will be close to and in front of a bungalow and dominate the openness of the street being close to the highway on a curve.
- Building line is a safe concept in a generally linear street where houses are in line but not in this street. The street scene will not be preserved and the proposal will have an adverse impact on the street scene.

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- In response to the privacy objection, the report suggests that the new dwelling will be 9.8 metres from the common boundary. This is a crucial consideration as the measurement has been based on an ordinance survey based plan and not a measured survey. Requests for a measured survey have been ignored.
- National guidelines look to safeguard privacy by having rear gardens 10.5 metres long. Therefore residents at number 14 will be overlooked at substandard distance by two houses.
- The relationship with the bungalow is a concern because of its massing in front of the bungalow and its relationship with the street layout.
- Approval of the application will undermine the openness, spaciousness and high levels of privacy enjoyed by local residents.
- The report of the application seeks to refute all objections but rather dismisses them with little or no arguable justification.

Mr. R, Liddell, the applicant's agent, attended the meeting by invitation of the Chair and outlined the following points:

- There is no topographical survey. However, there is a plan based on an ordinance survey which has been properly measured on site to ensure that the perimeter of the plan was correct.
- The most important point of this application is the officer's advice that the proposal is policy compliant. The agent would not have encouraged the applicant to submit the application if he did not think that the proposal was in accordance with planning policy. There is no Planning Policy objection to the proposal. The application complies with planning policy.
- All of the points of objection are overruled as the proposal is in accordance with Planning Policy.
- Car parking – three spaces shown which complies with Planning Policy.
- Privacy – Number 14 Warwick Close is not directly behind the proposed dwelling, and the proposed house is further away than number 3 The Paddocks, the existing house, which is directly opposite number 14. Number 3 has a 5.8 metre garden and is a total of 12 metres away from number 14. The proposed dwelling has a 9.8 metre garden and there is over 20 metres distance between habitable windows to bedrooms to the first floor. The garden ground level is broadly level, with a slight slope. This can be seen by the height of the concrete blocks to the underside of the timber fence, and comparing this height to both sides of the fence, which indicates that there is little difference in the ground levels.
- Design and Character – The front elevation maintains the building line and is partly in front of number 2 and behind number 3. Design is similar to other

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dwellings in the area. There are other situations where there is a two storey house located next to a bungalow.

- Street Scene – There are nine houses in The Paddocks that can be extended to the side and of those, seven have provided two storey extensions. It would be wrong to describe The Paddocks now as being set out in a particularly open way.
- Highway Safety – Three car parking spaces mean that there should be no need for additional on road parking and is more than the parking spaces provided to existing dwellings.
- Footpath – The proposal will not encroach onto the footpath, unlike the existing leylandii hedge or the plants to the front garden of number 2 which encroach onto the pavement. There is no overlooking or loss of light to windows to number 2 adjacent. There are no windows facing the new dwelling.
- Conclusion – The application complies with the following policy documents: Planning Policy Wales Chapter 9, Well-being of Future Generations (Wales) Act 2015 – Sections 3, 5 and 8, LDP Policies S1, S4, S13, S16, S17, H1, EP1, MV1 and DES1.

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

- The proposal is a continuation of the street scene and is stepped back.
- The height of the proposed dwelling will be lower than a nearby property.
- With regard to privacy, the Planning Department works to the dimensions of 10 metres first floor window to the boundary to give an element of privacy beyond the fence. The application property and the property behind it have side gardens rather than large rear gardens so the property behind has amenity space to the side. It is 21 metres window to window.
- The application sits within planning guidelines.
- Since the development's inception, it has remained largely intact with the street scene remaining unchanged.
- Concern was expressed regarding the extra parking provision which is excessive and is at odds with the design of other buildings. It is not the right development for the area.
- Members expressed their sympathy for the objectors but it was considered that there were no planning grounds to refuse the application.
- The proposed development reflects the line of the development around the cul-de-sac. Providing there is amenity, privacy and the visual considerations are

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dealt with satisfactorily it would be difficult to argue against approval of the proposed development.

- A condition could be added to ensure that both the rear first floor bathroom and the landing windows are fitted with obscure glazing, in perpetuity.
- It is unfortunate that there are no clear guidelines in national planning policy, on a wellbeing basis, that gardens need to be retained and should be seen as green field sites and not brownfield sites.
- It would be helpful if the Authority could agree on a criteria relating to size of plots and size of houses / developments. The Head of Planning, Housing and Place Shaping informed the Committee that there is scope to have Supplementary Planning Guidance (SPG) under Policy DES1 in respect of this matter.
- With regard to drainage issues, developments need to demonstrate they have a green field run-off rate.

The local Member for Larkfield, Chepstow, summed up, as follows:

- The residents of The Paddocks and Warwick Close are not 'NIMBYs' (Not in my back yard).
- They are not against growth.
- They understand the need for more local housing.
- Potentially, if an application was submitted that was more sympathetic to the environment and the surroundings they would probably support it. However, this application is not sympathetic to the area.
- Some residents have extended or built annexes to their properties but the infilling has been kept within the local surroundings and guided by strict planning conditions.
- A neighbour's rear garden is the same size as the back garden outlined in the report of the application.
- One of the roles of an elected Members is to improve the health and social economic wellbeing of residents and the planning system must reflect that.
- Other than the applicant and the Architect, no one is in support of the application.

It was proposed by County Councillor Murphy and seconded by County Councillor R. Harris that application DM/2018/00308 be approved subject to the three conditions, as outlined in the report and subject to a Section 106 financial contribution of £29,856 for affordable housing. Also, an additional condition to be added to ensure that both the



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rear first floor bathroom and the landing windows are fitted with obscure glazing, in perpetuity.

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

For approval	-	10
Against approval	-	2
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2018/00308 be approved subject to the three conditions, as outlined in the report and subject to a Section 106 financial contribution of £29,856 for affordable housing. Also, an additional condition to be added to ensure that both the rear first floor bathroom and the landing windows are fitted with obscure glazing, in perpetuity.

#### **5. APPLICATION DC/2015/00554 - CONSTRUCTION OF DETACHED DWELLING WITH PARKING AND TURNING PROVISION FOR 3 CARS ON EXISTING DOMESTIC CURTILAGE. SITE ADJACENT TO CEFN-Y-BRYN, GROSMONT, NP7 8ES**

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

Mr. E. Walker, objecting to the application, attended the meeting by invitation of the Chair and outlined the following points:

- The main concern of objectors relates to road safety.
- It was considered that the highways report does not truly reflect the gravity and concerns of the Highways department.
- In both reports, the Highways Department objects to linear parking provision. The Highways report recommends that, on highways safety grounds, the application should be refused.
- The B4347 is a strategic route.
- The A465 is the main road between Abergavenny and Hereford and links North and South Wales. It has a low bridge detector at Llangua.
- Alternative routes pass the site which is located on an 'S' bend at one of the narrowest points in the road.
- The planning report states that issues regarding parking have been addressed but this is not the case. The revised layout plan is worse than the previous plan. The objector had prepared drawings to scale. The scheme is unworkable.

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- The previous application did not work either and revised plans had been prepared.
- Passengers would be required to get out of the car before it is parked.
- Vehicles attempting to park would require considerable manoeuvring of the vehicle potentially endangering other road users which was highlighted by the Highways Department.
- The application provides three parking spaces. The Objector considers that this application does not comply with Supplementary Guidelines.
- This application only refers to a drain and soakaway with no indication of where the water is to be discharged.
- Drainage is a major problem as the ground is mainly rock. The gradient of the site will result in water flowing directly onto the highway with potentially dangerous consequences in inclement weather.
- The objectors do not object to the house but object to the dangerous unworkable parking arrangements.

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

- The original pre-application advice was that a scheme could be undertaken with parking off road. Following a meeting with the Head of Planning, Conservation Officer and the Planning Officer, it was agreed that the scheme would be revised to minimise the impact of the parking arrangement. Although only two spaces could be provided, it was considered adequate.
- Visibility splays -105 metres towards Grosmont centre and 56 metres in the opposite direction from the parking bay.
- The method of parking in a linear system is a reverse parking manoeuvre.
- The parking bays are 2.90 metres from the road edge with the stone wall providing ample space both sides of the vehicle.
- There are no parking restrictions in Grosmont.

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

- Concern was expressed regarding the linear parking at this location and the Highways safety issues surrounding passengers alighting from the vehicle onto the highway in order to allow the vehicle to be parked.

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- The Highways Department had objected to the application on highways safety grounds.
- Removal of a small section of the banking with a retaining wall to accommodate safe parking provision at this site could be considered.

It was proposed by County Councillor M. Feakins and seconded by County Councillor P. Murphy that we be minded to defer consideration of the application to allow officers to negotiate with the applicant with a view to establishing a better solution to accommodate safer parking provision at the site with appropriate conditions in respect of the materials to be used, and report back to Committee.

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

For deferral	-	12
Against deferral	-	0
Abstentions	-	1

The proposition was carried.

We resolved that we be minded to defer consideration of the application to allow officers to negotiate with the applicant with a view to establishing a better solution to accommodate safer parking provision at the site with appropriate conditions in respect of the materials to be used, and report back to Committee.

#### **6. APPLICATION DC/2016/01203 - BUILD A DETACHED DWELLING ON AN EXISTING GARAGE PLOT (REVISION OF PREVIOUSLY WITHDRAWN APPLICATION DC/2015/00386). LAND AT SUNNYBANK, ABERGAVENNY**

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

The local Member for Grofield, County Councillor S. Woodhouse, was unable to attend the meeting to speak in respect of this application. However, she had asked that her comments be noted, which were read out to the Committee, as follows:

‘Could I ask members of the Planning Committee to give serious consideration to the fact that previously this application was objected to by Monmouthshire County Council’s Highways Department on the grounds of insufficient off-street parking,

Given the very high level of on-street parking in this area, including residents from adjoining streets and the very busy Merthyr Road, nothing has changed, in fact, daily, more and more parking difficulties are being experienced in this highly populated residential area.

Therefore, I do not support this application.’

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

- There are existing parking issues at this location. However, the majority of the houses in this location do not have off street parking facilities.
- The proposed dwelling differs in form and finish to surrounding properties which does not enhance or preserve the conservation area.
- Two parking spaces would be removed which would exacerbate existing parking problems in the area.
- This is a fascinating development which will not create a detrimental effect to the surrounding area. There are very few properties in the area with garages. This would be a dwelling in keeping with the surrounding properties.
- The property will comprise of clay brickwork and it is conditioned that a sample be agreed in liaison with the Heritage Officer to ensure that this will be appropriate to the conservation area. Vertical oak boarding will also be provided.
- The property is in walking distance to the train station and to the town centre.
- A condition be added to include a Construction Management Plan.

It was proposed by County Councillor M. Powell and seconded by County Councillor P. Murphy that application DC/2016/01203 be approved subject to the four conditions, as outlined in the report and that an additional condition be added to include a Construction Management Plan.

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

For approval	-	11
Against approval	-	0
Abstentions	-	2

The proposition was carried.

We resolved that application DC/2016/01203 be approved subject to the four conditions, as outlined in the report and that an additional condition be added to include a Construction Management Plan.

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

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

This application was presented to Planning Committee on 4<sup>th</sup> July 2017 with a recommendation for approval subject to a Section 106 Agreement requiring a financial contribution towards affordable housing in the local area as required under LDP Policy S4. Since this time, a viability assessment has been produced to demonstrate that the development will not make a profit and therefore the contribution will not be sought.

The Council's Housing Officer has evaluated the figures and concludes that the development would be making a loss with a residual value of -£39,000.

The Head of Planning, Housing and Place Shaping informed the Committee that, at a previous meeting, a seminar will be held regarding viability studies. This matter is being addressed and details will be available in due course.

Having considered the report of the application and the views expressed, it was proposed by County Councillor M. Feakins and seconded by County Councillor P. Murphy that application DC/2017/00444 be approved subject to the conditions, as outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2017/00444 be approved subject to the conditions, as outlined in the report.

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### 8. The following applications were considered together:

- 8.1. **APPLICATION DM/2018/00733 - AGRICULTURAL FARM BUILDING TO HOUSE FARM ANIMALS. KEMEYS HOUSE FARM CHURCH LANE KEMEYS COMMANDER USK**
- 8.2. **APPLICATION DM/2018/00817 - AGRICULTURAL FARM BUILDING HOUSING FARM ANIMALS. KEMEYS HOUSE FARM CHURCH LANE KEMEYS COMMANDER USK**
- 8.3. **APPLICATION DM/2018/00818 - AGRICULTURAL FARM BUILDING HOUSING FARM ANIMALS. KEMEYS HOUSE FARM CHURCH LANE KEMEYS COMMANDER GWEHELOG USK**

We considered the reports of the applications, and late correspondence, which were recommended for approval subject to the conditions, as outlined in the reports.

In noting the detail of the applications, it was proposed by County Councillor J. Becker and seconded by County Councillor M. Feakins that applications DM/2018/00733, DM/2018/00817 and DM/2018/00858 be approved subject to the conditions, as outlined in the reports.

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

For approval	-	12
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that applications DM/2018/00733, DM/2018/00817 and DM/2018/00858 be approved subject to the conditions, as outlined in the reports.

### 9. APPLICATION DM/2018/00858 - FOUR BEDROOM DETACHED PROPERTY WITH INTEGRAL GARAGE. 100 HEREFORD ROAD MONMOUTH MONMOUTHSHIRE NP25 3HH

We considered the report of the application, and late correspondence, which was recommended for approval subject to the six conditions, as outlined in the report and subject to a Section 106 Legal Agreement requiring the following:

A commuted sum of £26,068 is required for the affordable housing financial contribution.

In doing so, the following points were noted:

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- It is a modern design which sits well within the plot with minimal overlooking of other properties.
- However, concern was expressed by a Member of the Committee regarding the details contained within the drawings that the Committee had been provided with via the applicant's architect, as it was considered that the drawings did not accurately reflect what was being proposed.
- The Head of Planning, Housing and Place Shaping stated that a condition could be added to the application requiring details of the materials being used in this build, with samples being provided.

Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor G. Howard that application DM/2018/00858 be approved subject to the six conditions, as outlined in the report, with an additional condition being added requiring details of the materials being used in this build, with samples being provided. Also, subject to a Section 106 Legal Agreement requiring the following:

A commuted sum of £26,068.00 is required for the affordable housing financial contribution.

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

For approval	-	11
Against approval	-	0
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2018/00858 be approved subject to the six conditions, as outlined in the report, with an additional condition being added requiring details of the materials being used in this build, with samples being provided. Also, subject to a Section 106 Legal Agreement requiring the following:

A commuted sum of £26,068.00 is required for the affordable housing financial contribution.

#### **10. Design Tour - June 2018**

We received a report regarding the Design Tour that took place on Friday 8<sup>th</sup> June 2018 whereby Officers and Members visited a number of sites around Monmouthshire to consider the design and impact of recent developments.

In doing so, the following points were raised:

- The visit allowed the Committee to assess the quality and type of materials being used on developments which does affect the look of new buildings.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 3rd July, 2018 at 2.00 pm

- There are some sites, out of County, that the Committee might wish to consider visiting, as part of the next Design Tour.

We noted the report.

#### **11. Appeal Decision - Leechpool Holdings, Portskewett**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 22<sup>nd</sup> March 2018. Site: 36 Leechpool Holdings, Portskewett.

The appeal had been dismissed.

#### **12. Appeal Decision - Oak Tree Farm, Devauden**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 7<sup>th</sup> June 2018. Site: Oak Tree Farm, Old Quarry Road, Devauden.

The appeal was allowed and planning permission was granted for the siting of a temporary rural workers dwelling at Oak Tree Farm, Old Quarry Road, Devauden NP16 6NS in accordance with the terms of the application, Ref DC/2016/01219, dated 21 October 2016, and the plans submitted with it, subject to the conditions set out in the annex to this decision.

#### **13. Cost Decision - Oak Tree Farm, Devauden**

We received the Planning Inspectorate report which related to a cost decision following a hearing that had been made on 7<sup>th</sup> June 2018. Site: Oak Tree Farm, Old Quarry Road, Devauden.

The application for an award of costs was refused.

**The meeting ended at 4.25 pm.**



**Application Number:** DC/2017/00623

**Proposal:** Construction of sustainable low energy Eco-House dwelling with landscaping and surface car parking, plus new access/egress onto Hardwick Hill Lane by part demolition of existing garden boundary wall and replacement iron railings

**Address:** Lower Hardwick, Hardwick Hill, Chepstow, NP16 5PN

**Applicant:** Mr Adam Vers

**Plans:** 023/2015/04 - D, 023/2015/08 - G, 023/2015/15 - , 023/2015/16 - B, 023/2015/03 - A, All Proposed Plans 023/2015/05 - D, 023/2015/06 - G, 023/2015/07 - J, 023/2015/01 - , 023/2015/02 - A,

## **RECOMMENDATION: approve**

Case Officer: Mr David Wong

Date Valid: 20.07.2017

### **1.0 APPLICATION DETAILS**

1.1 Lower Hardwick is a Grade II listed building sited in spacious grounds (it has group value with the listed Ashfield House opposite) and is located within the Chepstow Conservation Area. It was built in the early part of the 19th Century and was part of the Mount Pleasant development following the creation of a new road agreed by the Chepstow Turnpike Trustees in 1808. Lower Hardwick is located on a steep hill, fronting the main road, Hardwick Hill, adjoining Newport Road that is part of the A48. The whole property is an 'island' site backed by Hardwick Hill Lane and Steep Street.

1.2 Planning applications were approved for the conversion (with extension) of an existing single storey outbuilding into an apartment and the erection of three dwellings within the garden curtilage of Lower Hardwick. Subsequent to the planning approvals, the grounds have been sold to the current applicant. This application is for an additional residential unit at the western corner of the site. The proposal comprises a detached dwelling. Due to the topography of the site, the majority of the proposed ground floor will be submerged into the ground. Therefore, by doing so, it would give an impression that this proposal is a single storey property when viewed from outside the site. As part of the application, a new access is proposed, requiring a section of the listed wall to be altered.

1.3 After consultation with the Council's Heritage Management Officer, the applicant has agreed to amend the scheme to reduce the overall height by approximately 450mm and the shape of the roof has been altered from a curved roof to a lean-to roof. The proposed dwelling now measures some 6.5m in height (the highest part of the roof), 8.6m in depth and 11.8m in length. As mentioned previously, a new access point is being proposed to serve this proposal, which will be formed on Hardwick Hill Lane. The wall is part of the Listed Building and therefore, required a Listed Building Consent, which has recently been assessed and approved (DC/2017/00624).

1.4 This Application is referred to Committee by the Council's Delegation Panel.

## 2.0 RELEVANT PLANNING HISTORY

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2014/01485	Retention and completion of boundary wall.	Approved	28.08.2015
DC/2014/01486	Retention and completion of boundary wall and fence.	Approved	28.08.2015
DC/2017/00371	Non-material amendment relating to DC/2015/00931 (Omission of basement area to unit no.3); erection of three dwellings and formation of new access.	Approved	28.06.2017
DC/2014/00251	Revised scheme to that approved by DC/2011/00505. to provide a new apartment with associated works.	Approved	24.09.2014
DC/2011/00504	One new apartment with associated works.	Approved	21.03.2013
DC/2005/00053	Conversion Of Existing Single Dwelling House Into Six Self Contained Flats.	Approved	20.06.2006
DC/2015/00932	Erection of three dwellings and formation of new access.	Approved	20.01.2016
DC/2004/01098	Erection Of One Detached Dwelling & Conversion Of Existing House Into Five Self Contained Flats	Approved	19.06.2006
DC/2008/00909	Conversion of existing house to flats, additional dwellings in the grounds.	Refused	19.01.2009
DC/2008/00908	Conversion of existing house to flats and four dwellings in the grounds.	Refused	16.01.2009

DC/2015/00931	Erection of three dwellings and formation of new access.	Approved	15.01.2016
DC/2014/00253	Revised scheme to that approved by DC/2011/00505, to provide a new apartment with associated works.	Approved	13.10.2014
DC/2011/00505	One new apartment with associated works.	Approved	13.03.2013
DC/2012/00279	Conversion of one dwelling into five flats	Approved	11.10.2012
DC/2011/00517	Modify condition 7 of approved application M12066 to extend life of permission to 19th June 2016	Approved	11.10.2012
DC/2009/00641	Conversion of existing building to apartments with associated works	Refused	08.06.2010
DC/2009/00643	Associated works in connection with three new dwellings.	Approved	08.06.2010
DC/2009/00650	One new apartment with associated works.	Refused	08.06.2010
DC/2016/01425	Non material amendment in relation to planning permission DC/2015/00931 - Separation of units 2 and 3, to be detached units with chimney in common only.	Approved	05.01.2017
DC/2011/00506	Three new dwellings with associated works	Approved	03.10.2012
DC/2011/00507	Three new dwellings with associated works.	Approved	03.10.2012

DC/2009/00649	One new apartment with associated works.	Refused	03.06.2010
DC/2009/00640	Conversion of existing building to apartments with associated works	Refused	03.06.2010
DC/2009/00642	Three new dwellings with associated works	Refused	03.06.2010
DC/2017/00624	Construction of sustainable low energy Eco-House dwelling with landscaping and surface car parking, plus new access/egress onto Hardwick Hill Lane by part demolition of existing garden boundary wall and replacement iron railings (LISTED BUILDING CONSENT)	Approved	11.06.2018

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

#### **Strategic Policies**

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

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
HE1 LDP Development in Conservation Areas  
MV1 LDP Proposed Developments and Highway Considerations

### **4.0 REPRESENTATIONS**

#### **4.1 Consultation Replies**

Chepstow Town Council - There is no objection from the Chepstow Town Council; they recommend approve provided that the layout of the entrance and exit of the site matches those of the existing residences opposite the development.

MCC Highways Department - No objection to the proposal.

Cadw - There are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. We therefore have no comment to make on the proposed development.

Welsh Water - There is a sewer crossing the application site but no objection to the proposed development; standard condition and advisory notes are suggested.

Chepstow Society - There are strong objections to yet another dwelling within the former grounds of Lower Hardwick; it does not fit into this area of traditional and Georgian housing in Steep Street and on Hardwick Hill. The proposal of another entrance onto Hardwick Hill Lane is unnecessary as it is very narrow (two cars cannot pass each other); a wide gateway already exists onto this site at the top of Steep Street.

#### 4.2 Neighbour Notification

Altogether, there are two neighbour objections to a new access onto Hardwick Hill Lane on safety grounds as it is frequently used by pedestrians. Hardwick Hill Lane is very narrow and there is already a wide entrance into Lower Hardwick on top of Steep Street.

### **5.0 EVALUATION**

#### 5.1 Principle of the proposed development

5.1.1 The proposed site is within the Chepstow Town Development Boundary (Policies S1 and H1 of the Monmouthshire Local Development Plan). Therefore, planning permission would normally be granted for residential development in this location subject to detailed planning considerations.

#### 5.2 Effect on the Chepstow Conservation Area

5.2.1 Policy HE1 of the Monmouthshire Local Development Plan (LDP) applies as the site is within the Chepstow Conservation Area. It is noted that properties in this part of Chepstow are different in terms of both architectural design and plot size, and there is no formal building line that any new development ought to follow. The Council's Heritage Management Officer was consulted and has offered no objection to this proposal.

5.2.2 The site is enclosed by a tall stone wall (some 2.5m high on average) and trees. It is noted that some of the trees were removed as part of the previous planning permission. Therefore, there are gaps between trees but the ground levels of the site are much lower than the adjacent highway. The proposed dwelling would be set back from the site and it would be built into the ground. In effect, the proposal would be seen as single storey high from outside the boundary wall. It is considered that the design and scale of the proposal are acceptable. In addition, a landscaping scheme is proposed to soften the presence of this proposal in the long term. Given the above, it is considered that the proposal would have the effect of preserving the character and appearance of this part of the Conservation Area, in accordance with Policy HE1 of the LDP.

#### 5.3 Effect on the listed building

5.3.1 Lower Hardwick is a Grade II Listed Building. Thus, any proposed development within the curtilage of the listed building should relate sensitively to the parent building in terms of scale, location, design, detail and materials, and should avoid dominating its appearance as advised within national policy guidance for listed buildings.

5.3.2 A section of the existing stone boundary wall (a listed wall) is proposed to be altered to provide a new access to serve this proposal; this element has been assessed under a separate Listed Building Consent and it was considered that the resulting proposal would have some visual impact on the streetscene. However, the predicted level of visual impact was considered unlikely to cause a significant adverse impact upon the listed building itself due to its location. In addition, this proposal is behind the recently approved dwellings, away from Lower Hardwick. The Heritage Management Officer has advised that although the proposed entrance is an intervention in an historic wall it is not sufficiently intrusive to merit refusal. Similarly the alteration to the wall would not harm the character or appearance of the Conservation Area, leaving its character preserved. Therefore, there is no objection to this element.

## 5.4 Design

5.4.1 It is considered that the mass of the proposal is modest and is comparable to some of the nearby properties and moreover, it would be set into the slope of the site to reduce its impact. In addition, it is noted that there is no predominant style or grain regarding the adjacent development, with properties having been built at different times and with further infill development, in different styles.

5.4.2 The Council's Heritage Management Team has advised that the design of the proposal will not be in direct competition with the listed building, it being designed to be from its own time as a quality building as opposed to modern pastiche. This is considered an acceptable approach in this context. In addition, it is now proposed to plant additional trees around the perimeter of the proposed site; this will have the effect of softening the presence of this proposal when viewed from outside of the site. Given the above, it is considered that this application complies with Policy DES1 of the LDP and the national policy for listed buildings, and the listed building's character and appearance and its setting would be preserved.

## 5.5 Air Pollution and Highway Safety

5.5.1 It is acknowledged that the air quality of this part of Chepstow is monitored and if this application were to be approved, coupled with the development at Lower Hardwick, there may be traffic inconvenience on Steep Street during construction phases. However, this element is short term and can be controlled via a construction management plan to minimise disruption to the users of Steep Street. The impact on air quality of one additional dwelling in this location would be negligible.

5.5.2 The Council's Highways Department has been consulted and there is no highway objection. It is considered that the overall movements created from this proposal would be insignificant. The proposal also meets guidelines set out in the Monmouthshire Parking Standards. There is ample space for turning, parking and waiting to allow free flow of traffic in and out of the site, in accordance with Policy MV1 of the LDP. Also, the site is in a sustainable location as it is within easy walking distance of the town centre as well as public transport. It is accepted that Hardwick Hill Lane is a narrow highway but there are no highway concerns from the Council's Highways Department about the proposed access and the creation of an additional dwelling in this location.

## 5.6 Residential Amenity

5.6.1 Owing to the orientation of the site in relation to the new dwellings approved under application DC/2015/00931, the proposed dwelling would be unlikely to cause an unacceptable loss of light to those dwellings.

5.6.2 In terms of overlooking impact, as well as the separating distance (i.e. there is normally expected to be 21m between directly facing habitable room windows), the difference in site levels and the viewing angles are also part of the assessment. The topography of the site, layout, orientation and distance of the proposed dwelling from these new dwellings DC/2015/00931 would be such that neighbours' living conditions would not be adversely affected to a degree that would be unacceptable.

## 5.7 Response to the Representations of the Chepstow Town Council and the neighbours' concerns

5.7.1 There is no objection from the Chepstow Town Council; they recommend approval provided that the layout of the entrance and exit of the site matches those of the existing residences opposite the development.

5.7.2 As part of this application, a section of the existing stone boundary wall (a listed wall) is proposed to be altered to provide a new access to serve this proposal; this element has been

assessed and approved under a separate Listed Building Consent as it was considered that the visual impact of this proposal would be unlikely to cause a significant adverse impact upon the listed building itself. In addition, there is no objection from the Council's Highways Department about the proposed access, parking and the turning arrangement. Therefore, this element is considered to be acceptable.

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

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

## 5.9 Affordable Housing Financial Contribution

5.9.1 It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution will be conducted by per the adopted SPG for Policy S4 by the Council's Housing Officer. In accordance with this policy, the applicant has agreed to pay a contribution of £20,000.

## **6.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following: An affordable Housing Financial Contribution of £20,000.

### S106 Heads of Terms

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place.

4 Before the approved development is first occupied the access shall be constructed in accordance with the approved plan.

REASON: To ensure the access is constructed in the interests of highway safety.

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

REASON: To safeguard the landscape amenities of the area.

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

REASON: To safeguard the landscape amenities of the area.

7. No surface water and/or land drainage shall be allowed to connect (either directly or indirectly) to the public sewerage system.

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

8 No occupation of the proposed dwelling shall take place until car parking provision has been provided in accordance with the approved plan.

REASON: To ensure provision is made for the parking of vehicles.

9. A traffic management method statement / programme of works, including the method of delivery, storage of materials and the construction period, shall be submitted to and approved by the Planning Authority prior to any works commencing on site. The development shall be carried out in accordance with that approved method statement / programme.

REASON: To ensure a coordinated layout and in the interests of highway safety.



**Application Number:** DC/2018/00007

**Proposal:** Demolition of magistrates court and police station building and erection of a building comprising 47 retirement living apartments with associated residents lounge, refuse, electric, rechargeable buggy store, guest suite, substation and access, car parking and landscaped grounds.

**Address:** Abergavenny Magistrates Court And Police Station Site Tudor Street  
Abergavenny NP7 5YL

**Applicant:** McCarthy And Stone Retirement Lifestyles Ltd

**Plans:** Site Layout 26 - 03, Floor Plans - Proposed 26 - 03, Floor Plans - Proposed 29 - 03, Floor Plans - Proposed 30 - 03, Floor Plans - Proposed 31 - 03, Floor Plans - Proposed 34 - 03, Elevations - Proposed 39 - 03, Bat Survey Bat Roost Assessment - July 2018, Floor Plans - Existing PS Plans - , Site Layout 02 - 01, Elevations - Existing 06 - 01, Location Plan 01 - 01, Elevations - Proposed 41 - 02, Elevations - Proposed 40 - 02, Transport Assessment The McCarthy & Stone, Demolition & Construction Traffic Management Statement - A,

## **RECOMMENDATION: Approved subject to S106 agreement**

Case Officer: Mr Andrew Jones

Date Valid: 16.07.2018

### **1.0 APPLICATION DETAILS**

1.1 The application site relates to the buildings of the former magistrates court and the police station, the latter of which is still in use. All buildings and structures are to be removed from the site and are subject to a concurrent Conservation Area Consent application DC/2018/00008. The application site has its main frontage on Tudor Street and is situated on the corner between Tudor Street and Baker Street to the south-west of the town centre.

1.2 Full planning permission is sought to replace the existing buildings with a new structure comprising of 47 retirement living apartments with associated access, car parking and landscaped grounds. The existing vehicular access off Baker Street would be retained as would the siting of the existing car park area to the rear (north) of the building. Parking spaces would be increased at the site from 30 to 39, and 5 cycle spaces would also be introduced.

1.3 The existing buildings on site are set in an elevated position. It is proposed to reduce the ground level to create a level approach to the side from its principal frontage onto Tudor Street. The new building itself has been subject to considerable design revision following negotiation between the Planning Case Officer, Heritage Manager and the applicant. The building now reads as two distinct blocks that are bridged by a central single storey element that would function as a reception lobby. The two elements would effectively be four and three stories, however the upper floors to each would be achieved by way of a recessed mansard roof. The buildings would be finished with a mixed pallet of materials including yellow stock brick, painted render and hanging slate.

## 2.0 RELEVANT PLANNING HISTORY

Reference Number	Description	Decision	Decision Date
DC/2009/01010	Construction of new glazed entrance porch to provide more clearly defined entrance and better security facilities at ground floor level	Approved	17.12.2009
DC/2003/00009	Extend The Existing Facilities To Provide An Additional Courtroom Extension.	Pending Consideration	05.02.2003
DC/2018/00008	Conservation Area Consent - Demolition of magistrates court and police station building and erection of a building comprising 47 retirement living apartments with associated residents lounge, refuse, electric, rechargeable buggy store, guest suite, substation and access, car parking and landscaped grounds.	Pending Consideration	

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

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

### Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development  
SD4 LDP Sustainable Drainage  
HE1 LDP Development in Conservation Areas

## 4.0 REPRESENTATIONS

### 4.1 Consultation Replies

Abergavenny Town Council - Recommend the application is refused. The nature and scale of this development is out of character with the area and contrary to the LDP Policies DES1 and HE2.

This is a large site in the context of Abergavenny and there is an opportunity here to enhance the place and character with a more innovative design that makes better use of the site. The proposed development closely adheres to the footprints of the current uses on the site i.e. buildings and car parks which is an unnecessary constraint. Properties could be built adjoining Baker Street and the road at the rear of the site. Due to the change in levels on the site, the current scheme would result in the ground floor properties in the north side being partly below ground level which the Town Council consider to be poor design resulting in poor quality accommodation. More specifically the colour of the window detail and balcony detail is too dark and drab and the colour of the brick is also too dark. The balcony design will restrict natural light into rooms and does not accord with the energy efficiency aspect of Policy DES1.

MCC Highways - Have agreed that there are no highway grounds to substantiate an objection to the planning application on either access or parking grounds. Detailed written comments are to be presented to Planning Committee by way of late correspondence.

MCC Ecology – concludes no further survey information is needed. There are, however, no enhancements for biodiversity included in the scheme, which are required under LDP Policy NE1. Suitable recommendations are made in the reports but they are not in enforceable language or shown on plans and therefore we cannot secure them.

Please can you request the enhancements for biodiversity (such as species rich native hedge, bird/bat boxes, etc.) are included in the scheme and shown on plans suitable for approval.

MCC Environmental Health - I have carefully considered this application and in particular the noise assessment dated November 2017.

I can confirm that I have no objection to the proposed development but recommend that any grant of permission is subject to the recommended conditions.

MCC Specialist Environmental Health - I have looked at application DC/2018/00007 for the demolition of the magistrate's court and building of 47 retirement apartment's.

When you consulted with us last April on the Pre-application I commented that a transport assessment would be required to determine if an air quality assessment was necessary, and a contaminated land assessment and risk assessment would be required.

The developer has submitted documents with the application for both transport and contaminated land.

An Air Quality Assessment would be required if the Annual Average Daily Traffic (AADT) increased by 100 vehicles.

The Transport Statement states that the development would generate 9 vehicles at the am Peak and 6 vehicles at the PM peak, which would be considered Low Impact.

The current/former traffic levels caused by the Police Station/Magistrates Court was not known, however The Transport Statement considers that this development would result in a betterment to the highway network, in terms of safety and operation, when compared to the site's previous operation as a police station.

If MCC Traffic/Highway section considers this a robust assessment, and anticipates that the development would result in an increase of the AADT of less than 100 vehicles, then an air quality impact assessment would not be required, provided any road realignments do not decrease the proximity of receptors to traffic lanes, or that the development does not introduce any of the combustion processes outlined in my below email of 26th April 2017.

The Developer has submitted a Desktop Investigation and a Site Investigation and Contamination Appraisal.

The Desktop Investigation identified potential for land contamination from both on-site and offsite sources, and noted that due to the age of the current buildings, an Asbestos Survey would need to be undertaken, and asbestos removed by an appropriate contractor prior to demolition.

The subsequent Site Investigation identified some inorganic and organic contaminants, and an underground fuel tank and interceptor.

Three rounds of a six round gas monitoring regime had been started, but had not finished prior to publication of the report.

The site investigation proposes that:-

- The underground fuel storage tank and interceptor be decommissioned and removed by an appropriate contractor
- A Gas Monitoring Report be prepared following the end of the monitoring regime
- Basic Radon Protection Measures
- An Asbestos Survey be undertaken of the superstructure and any Asbestos Containing Materials appropriately removed and disposed of
- Additional sampling be undertaken in the following locations:-
- Around the areas already identified as contaminated (to establish the extent of the contamination)
- In the areas around the fuel tank and interceptor
- Any areas currently inaccessible due to buildings after demolition

As such I would recommend that the suggested Conditions be included on any Planning Consent. Please note that the Desk Top Study (EH01 (a)) can be considered completed already, and so could be left off the conditions, or noted as discharged.

MCC Housing Officer - Using the toolkit (which is out of date now and has open market value of £115,000) the commuted sum we would require for 16 units would be £732,032. If we were to use actual market values we would arrive at a figure of £1,937,504. I feel that this would not be viable so we will ask for the figure of £732,032. This is calculated as follows:

47 units @ 35% = 16.45 (round down to 16)

OMV 115,000 x 77%	=	88,550
ACG 101,900 x 42%	=	42,798
88,550 - 42,798	=	45,752
45,752 x 16	=	£732,032

I have used the old ACG rates as new rates were not released when we received this application.

Housing would not wish to have "Golden Share" apartments in lieu of affordable housing on this site. These do not meet the needs of households on our housing register. There are currently 211 OAP households on our housing register requiring a social rent home in Abergavenny.

Nature Resources Wales (NRW) - We do not object to the application as submitted and provide you with our response below.

We note that the bat report submitted in support of the above application (Bat Roost Assessment & Emergency / Re-entry Surveys' prepared by WYG dated July 2018) has identified that bats were not using the application site. We therefore have no comments to make on the application as submitted.

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

Glamorgan Gwent Archaeological Trust (GGAT) - It is our opinion as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission the required archaeological work. Consequently, as the impact of the development will be a material consideration in the determination of the current planning application this should be deferred until a report on the archaeological evaluation has been submitted to your Members.

Abergavenny Civic Society - Provided the following observations:

- The Baker Street frontage needs improvement.
- The high stone wall, characteristic of the town, should also be extended beyond the car park access, giving some definition to the Vine Cottage space.
- Alternate brick colours should be considered.
- Elevations would benefit from some stronger colour relief.

- Concern that will contribute towards affordable housing in the town.

Abergavenny Transition Town - Provided the following observations:

- The new Pre-App consultation process, while executed with energy, has not allowed a public exploration of strategic options, informed by local consultees (the aim of the new Pre-App legislation). Thus the process does not comply with best practice.
- The BECG public consultation report and the developer's summary letter demonstrate that there is virtually no evolution of the design following this local consultation (Dec 4th 2017). Most has occurred with MCC planners prior to the Pre-App consultations. Thus the process does not comply with best practice.
- The late-on resolution of site levels, once other site options were fixed, disadvantages many of the single-aspect north and east-facing apartments. The quantity, type and positioning of the car parking within the site should be challenged. If no change is made, then purchasers should be made fully aware in sales literature of this poor quality environment.
- It is a pity that the developers and their architects have not taken such an important site and scheme to the Design Commission for Wales review procedures. They should be requested to do so.
- Once other density and site planning options are opened up, then other resolutions of the building heights, the distribution of accommodation on the site, and issue of pitched or flat roof, can be more effectively and creatively engaged with.
- The site strategy isolates the scheme from linking spatially with Trinity Terrace on Baker Street, which would create better spatial continuity for Baker Street.
- More calmness and less frenetic mixing of materials should inform the choice of materials on the Tudor and Baker Street frontages.
- The developer's response to the issue of demands for affordable accommodation within the site, of making a financial contribution to affordable accommodation elsewhere in Abergavenny is impractical. If this private sector developer cannot provide it, who else can on a town centre site.
- On p.23 of the current draft Monmouthshire Well Being Plan, it states that the Public Service Board will focus on delivering the following solution; "Readdressing the supply and mix of housing stock to ensure suitable and affordable housing is available to all demographic groups." This scheme does not comply with that intention.
- We hope the full photographic record inside and out of the existing Magistrates Court and Police Station, recommended by the Historic assessment consultants Tryso, will be enacted comprehensively.

#### 4.2 Neighbour Notification

Two letters of objection have been received raising the following areas of concern:

- Fails to fit in with Monmouthshire's five year plan.
- Fails to meet the Safeguarding of Future Generations Act by discriminating against demographics other than older people
- It threatens to ghettoise the elderly and isolate them from the mixed-age population with all the social and cultural implications that has for society.
- The design itself is out of keeping with this rural area that overlooks not only the Grade II Listed Linda Vista Gardens, but also the River Usk, Bloreng Mountain and Sugar Loaf.
- The size and scale of the development is too large and too high for the plot size.
- It is overbearingly intrusive, spoiling the aspect both ways, spoiling the approach and the views including that from the river, and removes space currently enjoyed by the wide verges which afford an airy view.
- The proposals fail to offer affordable mixed-age housing.
- It is more than likely that an influx of elderly people from beyond Abergavenny would create an imbalance in the age of the population, increasing pressure on the already stretched NHS and social care providers.
- Buildings may contain asbestos.
- Lack of an environmental impact study that includes wildlife and bat protection measures.
- Added pressure on parking.
- A very ugly building however not as ugly as the present buildings.

Six letters of support have been received making the following observations:

- This is a one-time opportunity to get rid of the ugliest buildings and provide senior people with the opportunity to live in a convenient area with pleasant surroundings.
- Good idea to see retirement houses progressing.

## 5.0 EVALUATION

### 5.1 Principle of the proposed development

5.1.1 Abergavenny is designated within the adopted Local Development Plan (LDP) as a Main Town and has a defined development boundary around the settlement. This site falls within the development boundary for the town, "*within which new build residential development / redevelopment or conversion to residential, or subdivision of large dwellings or reuse of accommodation such as upper vacant floors in town centres will be permitted subject to detailed planning considerations and other policies of the LDP that seek to protect existing retail, employment and community uses.*"

5.1.2 The first detailed consideration is the principle of the loss of the existing buildings (magistrates court and police station) which are both also subject to a concurrent Conservation Area (CA) Consent application. The buildings have been subject to limited external change since their construction, and are very much true to their era. However, neither structure makes a significant contribution to the character of the CA and their loss will not fail to preserve it. Therefore the loss is considered acceptable in principle, although their scale and mass is appropriate and as such any replacement building(s) would need to respect this. The design and visual impact of the replacement structures are to be discussed in the ensuing sections of this report.

5.1.3 Policy E1 seeks to safeguard against the loss of the loss of existing or allocated industrial and business sites or premises (classes B1, B2 and B8 of the Town and Country Planning Use Class Order 1987). However, in this instance the buildings to be lost which include a Magistrates Court (D1) and Police Station (Sui Generis) would not be covered by this Policy. Whilst it is acknowledged that the latter does provide a source of employment, under the buildings' current lawful use only Police staff could work there and there are already plans in place to relocate these Officers. Similarly Strategic Policy S5 (Community and Recreation Facilities) and DM Policy CRF1 (Retention of Existing Community Facilities) deal with the loss of community facilities. However, in this instance it is not considered that the Magistrates Court and Police Station would fall within the remit of these policies.

5.1.4 Therefore for the reasons detailed above the loss of the existing buildings, as well as their associated uses, and their replacement with new build residential use are considered to be acceptable in principle.

### 5.2 Design

5.2.1 The design solution has been subject to considerable negotiation and amendment that has included the Council's Heritage Manager and Urban Design Officer. Firstly, in terms of the scale and massing of the building, the single storey break on the principal elevation fronting Tudor Street provides welcome relief and provides clear distinction between two blocks. The site levels are to be reduced to allow for level pedestrian access onto Tudor Street. Whilst the main block is essentially four storeys, the upper floor is recessed and its darker finish would help to ensure that when read from street level the massing of the building is not excessive or indeed harmful to the character and appearance of the CA.

5.2.2 Prior to the introduction of the Magistrates Court Building in circa 1972-73, Tudor Street, comprised a row of terraced properties that were demolished in 1958. It was considered that the new replacement building should make reference to this built form, and as result a strong vertical emphasis has been introduced. Sections of different materials and different widths are considered appropriate to the setting, whilst there is active visual interest created by varying projections. The scheme has responded to some of the comments received from local interest groups and the introduction of coloured rendered sections. The Council agreed with the observations that the

original scheme was dark in colour and the revised plans provide a much improved solution. The introduction of yellow stock brick is a bold inclusion, and whereas it is often used within the town as a secondary, detailing feature, it is found more prominently near to the site on the gable of the attractive Trinity Terrace properties adjacent to the entrance of the public car park.

### 5.3 Affordable Housing

5.3.1 Policy S4 within the adopted LDP clearly sets out that in Main Towns and Rural Secondary Settlements as identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 35% of the total number of dwellings on the site to be affordable. Owing to the type of accommodation provided, apartments, a commuted sum based on 35% of the total units has been sought. The original sum based on 16 units saw a figure of £732,032 requested. The Council's Housing Officer confirmed that the Council would not wish to have "Golden Share" apartments in lieu of affordable housing on this site. These do not meet the needs of households on the Council's housing register. There are currently 211 OAP households on the housing register requiring a social rented home in Abergavenny. The requested sum has been subject to appropriate viability assessment which has in turn been referred by the Council to the District Valuer (DV). Following a period of negotiation a sum of £232,506 has been agreed upon as a viable figure that would be paid towards affordable housing in the local area in its entirety.

### 5.4 Highway Safety

5.4.1 The site proposes to retain the existing vehicular access directly onto Baker Street that would lead to an enlarged parking area. It is considered that the existing entrance, including associated visibility, is adequate in highway safety terms and does not require works to upgrade it to accommodate the introduction of the proposed residential units.

5.4.2 The site proposes a total of 47 units, which would consist of 23 single bedroom units and 24 two bedroom units, which would require a total of 71 parking spaces as per the guidance set out in the Council's adopted parking guidelines. Whilst the scheme proposes 39 parking spaces, there are considered to be a number of important material considerations that can justify the reduced number. Firstly, the site is located in very close walking distance to the town centre, the town itself is one of the more sustainable settlements in the County by virtue of its train and bus services. Moreover, one must also give weight to the nature of the accommodation for elderly persons, and evidence provided by the applicant in relation to other sites it has developed sets out that not all residents would have a private motor vehicle and would be even more unlikely to have two vehicles.

5.4.3 On balance, it is considered that there are reasonable grounds to accept a reduced off street parking provision for the aforementioned reasons.

### 5.5 Residential Amenity

5.5.1 The nearest residential properties to the development site would be the group of properties along Trinity Terrace immediately to the north and a smaller terrace of properties (23-29) along Baker Street which are situated to the North West. The replacement building is larger than that which exists, and the introduction of a residential use would also see a number of habitable windows positioned on the side (west) and rear (north) elevations. However, the closest part of the new building would be approximately 22m to both the front of the Baker Street properties as well as to the side boundary wall of No 18 Trinity Terrace. As a consequence, it is not considered that the introduction of a residential use via a larger building than those existing would cause unacceptable harm to local residential amenity and privacy. Therefore, the development is considered to meet the requirements of LDP Policy EP1 *Amenity and Environmental Protection*. Other considerations such as noise and air quality are to be considered separately later in this report.

5.5.2 A condition to agree samples of all external materials would be appropriate given the sensitive location of the new building on an important route into the town. A landscaping plan has also been provided which introduces a softer edge, particularly along the western elevation.

## 5.6 Ecology

5.6.1 Bat surveys have now been undertaken on the existing buildings to be demolished following concerns raised by the Council's own Ecologist and Natural Resources Wales (NRW). The survey concluded that no further investigative survey work is warranted and this has been accepted by both of the aforementioned parties. Enhancement features suggested by the Bat Survey have been incorporated as part of the landscaping plan for the site.

## 5.7 Noise

5.7.1 The applicant has undertaken a detailed noise survey and has liaised closely with the Council's Principal Environmental Health Officer (EHO). The findings have now satisfied the EHO's original concerns for potential noise impact on the proposed residential development from the existing joinery workshop located to the north-east of the site. The EHO has confirmed that there are no longer grounds to substantiate an objection from an EH perspective subject to use of a condition to ensure compliance with the submitted survey work.

## 5.8 Other Environmental Health Considerations

5.8.1 The applicant has submitted a Desktop Investigation in respect of contaminated land and a Site Investigation and Contamination Appraisal. This has shown evidence of inorganic and organic contaminants, as well as an underground fuel tank and interceptor. The Council's Specialist EHO has considered the findings of this report and is satisfied that subject to precautionary conditions, detailed at the end of this report, any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

5.8.2 Owing to the predicted traffic flow figures contained within the Transport Statement an Air Quality Assessment has not been requested. This would have been required had the annual average daily traffic (AADT) been increased by 100 vehicles.

## 5.9 Archaeology

5.9.1 An archaeological desk-based assessment has been undertaken in support of the application. The Council's professional advisors on such matters, Glamorgan Gwent Archaeological Trust, has requested further work is undertaken in accordance with the guidance set out in Planning Policy Wales (PPW). The applicant is to undertake this work; however, the application is presented to Planning Committee on the understanding that this information will be forthcoming and the application would not be determined until such time it has been received and GGAT are satisfied with the information.

## 5.10 Response to the Representations of the Town Council

5.10.1 A number of the concerns raised by the Town Council in respect of the original plans have been addressed in the prior sections of this report, in particular their concern about the dark appearance of the plans, as first submitted. The point made in respect of the design solution restricting natural light is noted, but the principal elevation of the building is south facing and it is considered that the passive solar gains achieved would not fail the criteria detailed in Policy DES1 as suggested.

5.10.2 In addition to the comments made by the Town Council both the Civic Society and the Transition Town team have both provided detailed and constructive observations. A number of these have been accounted for in the revised plans; in reference to the the retention of the existing access/parking locations there are not considered any reasonable planning grounds to resist this or seek a wider redesign of the layout. It is welcomed that the scheme now would provide a



financial contribution towards local affordable housing, a point that was correctly highlighted through a number of consultation responses.

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

5.11.1 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**

Subject to a 106 Legal Agreement requiring the following:

#### S106 Heads of Terms

Offsite contribution of £232,506 towards affordable housing in the local area.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

#### **Conditions:**

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place.

4 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to occupation of the development and no further foul water, surface water and land drainage shall be allowed directly or indirectly with the public sewerage system.

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

5 The development shall be carried out strictly in accordance with the actions detailed within The McCarthy & Stone, Demolition & Construction Traffic Management Statement Revision A.

REASON: To ensure compliance with the approved document and to safeguard local residential amenity and highway safety.

6 An asbestos survey is to be undertaken prior to demolition works. The report and proposed asbestos removal plan shall be submitted to and agreed in writing by the Local Planning Authority prior to any demolition works commencing. All works shall be carried out strictly in accordance with the approved details.

REASON: In the interest of Public Health and Safety.

7 All façade glazing shall be undertaken in accordance with the recommendations of WYG Noise Assessment November 2017 prior to first occupation of the residential accommodation. The glazing type shall be retained in perpetuity.

REASON: To safeguard the amenity interests of the occupiers of the occupants hereby approved.

8 Details of the ventilation strategy for the residential accommodation, meeting the recommendations of WYG Noise Assessment November 2017, shall be submitted to and approved in writing by the Local Planning Authority and then undertaken prior to first occupation. The approved details shall be retained in perpetuity.

REASON: To safeguard the amenity interests of the occupiers of the occupants hereby approved.

9 No part of the development hereby permitted shall commence until:

- a) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- b) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

- c) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
- d) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

10 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

11 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area.

12 No development shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall be carried out prior to the occupation of the approved development and retained in perpetuity.

REASON: To ensure the long term maintenance of the landscape amenities of the area.

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

REASON: To safeguard the landscape amenities of the area.

## **INFORMATIVES**

1 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.

2 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. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

3 Site investigation/risk assessment procedures should be undertaken by the developer in accordance with CLR11 "Model Procedures for the Management of Land Contamination" available from:

<http://publications.environment-agency.gov.uk/pdf/SCHO0804BIBR-e-e.pdf>

You may wish to make the applicant aware of the guidance document from the South East Wales Land Contamination Working Group "The Development of Potentially Contaminated Land" which is available from Monmouthshire County Councils Website.

<http://www.monmouthshire.gov.uk/home/for-businesses/advice-and-legislation/environmental-health-and-pollution/pollution/contaminated-land/>

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**Application Number:** DC/2018/00138

**Proposal:** Erection of 1 no. stable block \_ Change of Use of Land for the Grazing of Horses

**Address:** Land At 1 Great Oak Farm Cottages, Box Bush Road, Great Oak, Bryngwyn

**Applicant:** C/O Agent

**Plans:** Existing Sit Plan DWG No: 17\_877\_002 Scale: 1:500 @ A1  
Proposed Site Plan DWG No: 17\_877\_003 Rev C Scale: 1:500 @ A1  
Proposed Stable Block DWG No: 17\_877\_005 Rev B  
Location Plan DWG No: 17\_877\_001 Scale: 1:1250 @ A2  
General Supporting Statement

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Elizabeth Bennett  
Date Valid: 08.05.2018

### **1.0 APPLICATION DETAILS**

1.1 The application relates to a proposed L-shaped stable block measuring 17.5 metres by 16.6 metres. It would house six stables, a tack room and hay and feed store. The original application was for 2 no. separate stable blocks but following negotiations the proposal has been revised to be 1 no. L shaped stable block. The proposed stable block would be constructed with a brick 'splash' plinth, timber cladding, timber doors, plain tiled roof and black rainwater goods. The application will also require a change of use to allow the grazing of horses on the land.

1.2 There is an existing property 'Box Bush Barn' located within 9m of the field boundary, with the proposed building to be located about 18m from the property.

### **2.0 RELEVANT PLANNING HISTORY**

None

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

#### **Strategic Policies**

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
NE1 LDP Nature Conservation and Development

### **4.0 REPRESENTATIONS**

#### **4.1 Consultation Responses**

Llanover Community Council - no response received to date.

MCC Tree Officer - No response to date.

MCC Highways Officer - The field in which the stables are to be sited is already served by an established field access reasonably wide enough and set back for limited field access and egress but inadequate to facilitate access on a regular basis for the development proposed.

It is recognised that the proposal will increase traffic movements on the local network but the increase in traffic movements associated with a development of this nature, be it for personal or commercial use, would not be detrimental to highway safety or capacity or in conflict with transportation policy.

#### 4.2 Neighbour Consultation Replies

4.1 6 no. objections have been received and following re-consultation on revised drawings, 5 no. objectors remain objectors to the proposal.

- I am extremely worried about noise disturbance and the thought of having six large and potentially unattended anxious animals housed for 3 months of the year within 30 metres of my home is concerning me greatly. I fear I am bound to be drawn into contacting someone during the night should a disturbance or burglary occur. The likely early hours management is also probably going to impact my quality of life.
- The stated location of the manure heap is about 30 metres from my kitchen and front door and smell and flies are bound to affect my quality of life and could have adverse health implications.
- Having seen the revised location and layout of the stables I must further object strongly. There still seems to be no recognition or consideration that my established domestic dwelling is now only approximately 16 metres from the building. The new layout is not only larger but much nearer my home.
- The block is simply too near my mother's dwelling and will cause significant disturbance and potential health risks. In the winter months when the horses are stabled the noise is likely to be intolerable.
- As the horses will also be unattended at night should the animals become stressed or should there be a burglary my mother is bound to become involved in calling someone with concerns. This potential for her raised anxiety is very concerning and could have health implications.
- As previously stressed, should the application be approved, the stables must be located much further from the dwelling to minimise impact on quality of life.
- The stables are free standing and should be situated at the other end of the field and a new entrance taken off the lane at a safer point. To create a situation where expensive Mares and Stallions with associated tack are left with no security is not good practice.
- Permission must not be granted as this is obviously merely the first step in obtaining permission for a dwelling and associated works to create an equestrian centre - although the acreage is not sufficient to support 6 horses and the whole concept appears badly thought out and must be rejected.
- There has also been no amendment to the size of the development i.e. 6 stables. Six
- horses on 6 acres is still inadequate for their welfare. Land becomes stale with over use and if they are stabled much of the time, there will be more activity with visiting and supervising their welfare. It makes me wonder what the applicant is proposing. All horses with adequate grazing, supplemented in the winter, would welcome a field shelter, but this proposal seems to be something much larger.
- The fact that this will be an unsupervised yard is also very worrying. How long before the applicant will be asking for a residential caravan for staff to look after the yard? Until that time comes (it surely will) have we got to be subjected to early morning visits to check the animals welfare and all the increased traffic that this will entail. Perhaps there could be a clause which would prevent any future mobile home accommodation or residential use on the site?
- The applicant quotes BHS guidelines, but these are only 'guides'. but in practical terms they are not adequate, therefore three stables would be more appropriate than six.

## 5.0 EVALUATION

### 5.1 Visual Impact

5.1.1 The principle of a stable block within the open countryside is considered acceptable. Stables such as these are common place in the Monmouthshire countryside. During the course of the application and following negotiations with officers the number of proposed buildings has been reduced to one. in line with Policy LC1 of the MCC LDP where: b) new buildings are wherever possible located within or close to existing groups of buildings; c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside;

5.1.2 The scale and appearance of the building is now considered acceptable and accords with policies DES1 and EP1 of the LDP. The stable block has been positioned on the eastern edge of the field, close to the field entrance and alongside the boundary hedge, but allowing adequate space for any hedge maintenance. In this location the stable block and hay store will be satisfactorily assimilated into the landscape and will not be visually prominent. The scale and finishing materials of the building will respect the character of this rural location and will have no unacceptable adverse impact. The proposal therefore accords with the objectives of Policy LC1 of the LDP

### 5.2 Residential Amenity

5.2.1 Box Bush Barn is a recently converted residential property located approx. 18 m from the closest point of the proposed stable block. Following revisions to the proposal it is considered the revised layout will have minimal visual impact upon the barn conversion with the revised site entrance sitting between the property and the stables. There is an existing hedge which runs along Box Bush Barn which will act as a natural buffer.

5.2.3.2 The revised proposal has considered the possible effect regarding waste created by the animals proposed to be kept on site. The proposed 'muck heap' has therefore been located at the furthest point away from the residential property whilst maintaining practical access to it. Monmouthshire is a rural county where smells and flying insects are common place and to be expected. As with all stables there will be some organic waste resulting from the mucking out of stables and it is not considered that the location of the muck heap being 30m away from the residential property will have any adverse effect upon the property.

### 5.3 Conclusion

5.3.1 The proposed stables are to be used for private stabling and not for commercial purposes. No trees are required to be removed as part of this proposal and a minimal amount of hedgerow will be affected in accordance to the improvement required for the existing site access. The BHS (British Horse Society) guidelines as referred to are indeed 'guides' which have been followed by the applicant. The proposed yard is to have a permeable surface to allow surface water to naturally soak away and the proposed stable block and yard will be fully fenced to keep the horses away from the entrance and keep them within a secure location.

5.3.2 The revised plans are considered to be acceptable and are considered to meet the requirements and objectives held within policies LC1, LC5 & NE1 of the LDP.

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

5.4.1 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:

- Standard five year limit in which to commence development.
- Development to be carried out in accordance with the approved plans
- No External Lighting
- Development shall not be used for commercial purposes as a livery yard.

### Informatives

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



**Application Number:** DM/2018/00528

**Proposal:** Proposed replacement dwelling.

**Address:** Argoed Cottage New Mill Road Tregagle Trellech Monmouth

**Applicant:** Mr & Mrs John Goddard

**Plans:** Ecology Report - , Location Plan - , Site Layout P02 - , Elevations - Existing P03 - , Elevations - Existing P04 - , Elevations - Existing P05 - , Elevations - Existing P06 - , Site Layout P07 - , Floor Plans - Proposed P08 - , Floor Plans - Proposed P09 - , Elevations - Proposed P10 - , Elevations - Proposed P11 - , Elevations - Proposed P12 - , Elevations - Proposed P13 - , Elevations - Proposed P14 - , Elevations - Proposed P15 - ,

## **RECOMMENDATION: Approve**

Case Officer: Ms Jo Draper  
Date Valid: 27.03.2018

1.1 This application proposes to replace an existing dwelling in the open countryside. The existing dwelling runs along the north boundary of the application site and is clearly a result of an incremental expansion of what was once originally a very small stone cottage. There have been a number of additions that have progressed along the boundary with flat roofed additions and a variety of rooflines dominating the dwelling. This building has fallen into considerable disrepair. The existing dwelling suffers with damp as result of the floor area of the dwelling being 1.4m below the road while sitting immediately adjacent to it.

1.2 This application proposes to demolish the existing dwelling with the exception of three walls of only the original part of the house (this measures 5.25m in length and 3m in depth, the upper part of this building will accommodate the bat loft). The new dwelling has been moved into a new location and has been shifted 90 degrees from the existing location and is situated 4.4 metres behind the existing common boundary adjacent to the highway, demarcated by a stone wall to the west of the application site. This land slopes down from the highway from west to east, and consequently the proposed dwelling has been situated on the sloping land cutting into the bank. The dwelling is more of a traditional longhouse in that it is one room deep; externally the dwelling measures 6m, internally the room measures 5 metres with 1 metre absorbed with the use of stone as an external facing material. This traditional three bedroom dwelling that is proposed is of a simple linear design measuring 6m in depth and 15.9m in length. There is a connecting element referred to as a 'Port Cochere' this reads like a large porch, traditionally a second entrance point to a dwelling.

1.3 There is a double open-fronted garage proposed to the side that measures 6m in both depth and width; this forms an open car port and is connected via a single story hipped roof element to the side of the dwelling. The proposed dwelling sits low into the sloping ground and measures just short of 7m in height to ridge at its highest. Where the ground is the highest adjacent to the highway the ridge is 5.5m from the ground level immediately adjacent and 4.6m from the level of the highway. There is a new stone wall proposed forming the north eastern boundary between the application site and the neighbouring residential conversion. The existing access is being retained and used in association with the proposed scheme

External materials comprise of the following:

Walls:

Local random rubble sandstone laid or pointed in Lime Mortar

Roof: Natural Slate Blue Grey  
Red Terracotta butted ridges

Lintels: European Oak flush with stonework surface

Cills: Sandstone Flagstone cills

Eaves: Painted Timber fascia and bargeboards

Windows and Doors: Powder coated aluminium casement windows in oak sub-frames

Rainwater Goods: Half round cast iron metal sectional gutters and round eared downpipes

Terraces and Steps: Natural sandstone terrace wall cappings and steps

Driveway: Grey gravel parking and turning area

1.4 The application site is within the Wye Valley AONB.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00528	Proposed replacement dwelling.	Pending Determination	
DC/2015/00487	construction of garage with turning stand two bays to be open fronted for parking vehicles with a third with double doors to accomodate robus gilles pellet biomass boiler for the benefit of heating the adjacent house/barn conversion		

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

### Development Management Policies

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
LC4 LDP Wye Valley AONB  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
H6 LDP Extension of Rural Dwellings  
NE1 LDP Nature Conservation and Development

## 4.0 REPRESENTATIONS

### 4.1 Consultation Replies

Trellech United Community Council: Refused

- The proposed development is a large, new 2-storey building of around 150m<sup>2</sup> ground area, compared with the existing 2-storey building of no more than 50m<sup>2</sup> ground area. Part of the existing building will be retained and will not be incorporated into the new building.

2. With reference to the LDP: para. 6.1.7 states, "New build dwellings in the open countryside will not be permitted unless justified for the purposes of agricultural/forestry, rural enterprise dwellings or 'one planet development' - as defined in PPW / TAN 6". This development is in open countryside and there is no claim for PPW/TAN6 purposes.

3. As the proposed development breaks new ground, it is new build, consequently LDP Policy H4 is not considered relevant. LDP Policy H5 is considered the principle relevant policy and this application should be refused under this policy:

The original dwelling is "... a traditional farmhouse, cottage or other building that is important to the visual and intrinsic character of the landscape" and accordingly the proposal should be refused.

The proposed dwelling is large, out of character and oppressive to the local setting and consequently is not "of a bulk, size and scale that respects its setting".

The dwelling is not "... of similar size to the replaced." It is around 3x the ground area.

4. LDP Policy H6 - Extension of Rural Dwellings is not considered strictly relevant but the proposed development fails to comply:

"In order to protect the character of the countryside extensions to dwellings outside village boundaries should be modest and respect or enhance the appearance of the existing dwelling. They will be required to:

- a) be subordinate to the existing building; and
- b) where the building is of a traditional nature, to respect its existing form, including the pattern and shape of openings, and materials".

5. It is considered that this proposal also fails to comply with LDP policies on Landscape and Nature Conservation. Policies LC1 and LC5 are applicable and the proposal fails to comply fully with either.

6. The proposed development is within the Wye Valley AONB and does not comply with LDP Policy LC4 which states "... any development must be subservient to the primary purpose to conserve and enhance the natural beauty of the area".

MCC Ecology:

The application for the proposal is informed by an ecological assessment:

Bat Survey, Argoed Cottage. Produced by Dusk to Dawn Ecology Ltd. Dated July 2018, version 4.0

The report details the results of a preliminary bat roost assessment which recorded potential bat roost features (gaps along roof line) and evidence of lesser horseshoe bats (droppings in the porch).

The proposals will not affect the pipistrelle roost but the lesser horseshoe will be lost. To mitigate for the loss a replacement roost is provided in the upper floor of the retained cottage. The replacement roost will provide conditions suitable for a lesser horseshoe day roost, and therefore an enhancement which we should secure in line with LDP Policy NE1.

Ecological Considerations

The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to

consider the 'Three Tests' for European Protected Species. Please see our internal guidance note on consideration of the 'Three Tests' for licencing and report template. The LPA need to consider tests i and ii; NRW have been consulted to consider test iii and have responded that they would have no objection to the scheme provided the proposed mitigation is secured.

I am satisfied that if the report recommendations are implemented, then there should be no negative impacts on biodiversity as a result of the proposed development. If you are minded to grant planning permission then suitable planning conditions are advised below.

Natural Resources Wales : No objection to the proposal subject to conditions imposed regarding compliance with method statement and drawing which is replicated in the condition put forward by MCC Ecology.

#### 4.2 Neighbour Notification

1 representation has been received objecting to the proposal for the following reasons:

- The volume assessment is questioned; the volume of the existing property is overstated whilst the replacement is understated.
- Cross sectional area is a simplification and doesn't reflect the sloping ground levels
- Double accounting of part of the interface
- Inclusion of cross gable chimneys missing in calculation
- Proposed replacement is 180% of the volume of the existing property significantly above the 130% recommended limit
- If volume of attached garage is excluded this is 150% compared to applicant's value of 129%
- There is significantly more volume and consequent mass/bulk in the proposal which is not sensitively located in the plot.
- The existing dwelling is traditional and of visual intrinsic character in the landscape and should be retained
- As original property is retained this is tantamount to a new dwelling in the open countryside
- Not on same location on plot
- Proposal is not of a form, bulk, size and scale that respects its setting
- Proposal is higher than existing by 1m relative to the slope.
- The retained former cottage is neither moderate in size or sensitively located to the main property
- 1st floor windows of the proposed dwelling will directly overlook the garden of neighbouring property resulting in a loss of privacy and compromising neighbour amenity.
- Limits compliance with Policies LC1 LC4 and LC5
- Concerns would be addressed by located dwelling further down into the site
- This is not a replacement dwelling it's a hybrid proposal that seeks to retain existing whilst proposing an entirely new dwelling.
- Garage is not detached and therefore must be considered as part of the proposal
- The retained cottage is not moderate in size
- The proposed mass is three times the size of existing along the boundary of the road, whilst currently along this boundary there is a distance of 6.6m of which 4m of this is being retained with the retention of the existing dwelling
- Reasons given for relocation are not convincing benefit to road users and neighbouring barn
- The curtilage is bigger than that shown there are more wider opportunities than that presented for relocating the dwelling
- Magnolia tree will make access by vehicles into the garage difficult
- Proposal will remove outlook from neighbouring property detrimentally change the character of the area

## **5.0 EVALUATION**

### 5.1 Principle of the proposed development

5.1.1 This application is being considered as a replacement dwelling under the relevant planning policy. This is not a new dwelling in the open countryside. A small part of the existing dwelling is being retained at the request of officers because this gives a nod to the history of this site. This is

the original part of the property before it was subject to extensions and alterations. What remains measures internally 5.25m by 3m and thus is neither of a scale nor in a position (in relation to the proposed dwelling) that could possibly be used as a separate dwelling. It would be used as an ancillary building in association with the new build.

5.1.2 In assessing this application, direct reference is being made to Planning Policy H5 of the Monmouthshire Local Development Plan with further reference to the supporting Supplementary Planning Guidance.

Policy H5 - Replacement Dwellings in the Open Countryside

“The replacement of existing dwellings in the countryside will be permitted provided that:

a) the original dwelling

i) is not a traditional farmhouse, cottage or other building that is important to the visual and intrinsic character of the landscape...”

5.1.3 A key consideration in assessing a replacement dwelling proposal is the impact of the development in the landscape, hence the reason why policy also seeks to retain those traditional dwellings that make a positive contribution to the County's rural character. In this case the building clearly started as a very small traditional cottage that currently hugs the highway with the gable wall of the cottage fronting directly onto the highway. Over time this has been extended, altered and further modified with linear extensions. The original dwelling was then subject to a combination of two storey gabled and flat roofed extensions, single storey lean-to extensions, all of which cumulatively dominate the original dwelling. The viewpoint when approaching the site from the north is that of a two storey flat roofed extension, with the dwelling running along the common boundary with the adjacent residential barn conversion. 5.1.4 The existing building is no longer viewed primarily as a traditional farmhouse or cottage and while the building forms a presence in the landscape, it does not currently contribute positively to the surroundings. Given the alterations and extensions that have been developed over time this property does not constitute a traditional dwelling that should be retained. Thus the removal of the existing building is acceptable. This element of the Policy H5 is therefore met.

Policy H5 “ii) Has not been demolished, abandoned or fallen into such a state of disrepair so that it no longer has the appearance of a dwelling”

5.1.5 The dwelling, while clearly suffering from damp penetration into the gable direct from the highway, has not fallen into disrepair but still has a residential use and has not been abandoned. The element of the policy is also met.

Policy H5 “b) The design of the new dwelling is of a form, bulk, size and scale that respects its setting”

5.1.6 This is the biggest consideration in the assessment of this planning application. Primarily the dwelling has been moved into a new location and has shifted 90 degrees from the north common boundary to being placed behind the west boundary with the highway. This land slopes down from the highway from west to east, and consequently the proposed dwelling has been situated on the sloping land cutting into the bank. The proposed dwelling is more of a traditional longhouse with a typically linear form; externally the depth of the dwelling is just 6 metres with 1 metre of this being external stonework. The internal dimensions that come with this three bedroom dwelling are in keeping with such a traditional property, being just one room deep (5 metres). There is traditional detailing in the design of the property evident in the treatment of gables, fenestration, lintels and cills. The single storey element has been designed to wrap around to the rear and connects with the car ports that are accessed to the rear of the site. Interestingly as the dwelling is situated on a slope, the architect in calculating the volume of the proposed dwelling has taken the mid-point of the gable and worked out the area of this section and then calculated this figure by the length. This has taken into account the volume partly below the existing ground level. The volume calculations have taken into account the garage/car port proposal attached from the side curved single storey element of this build.

(These measurements have been checked and broadly correspond with those presented with the supporting information)

5.1.7 The measurements put forward by the agent are as follows:

Volume of existing dwelling = 514 cubic metres

Volume of proposed dwelling with garage = 809 cubic metres

Percentage increase of proposal with garage is 57%

Volume of proposed dwelling without garage = 664 cubic metres

Percentage increase of proposal without garage is 29%

5.1.8 Interestingly 5% of the volume is taken up by natural stone being used as the external facing material. If render was used this would bring the percentage increase down further.

The Supplementary Planning Guidance states the following with regard to calculating volumes relating to garages:

"It is appreciated that there will generally be a need for garaging and for ancillary buildings to store gardening equipment, garden furniture etc. Policy H5 includes a specific criterion (e) relating to outbuildings. It is considered unreasonable to require that all such provision comes out of any 'volume' allowance that might be available for extending or replacing existing dwellings. At the same time, however, the size of such outbuildings will be strictly controlled when they come under planning control. Single or double detached garages of appropriate dimensions and height may be allowed if they are not intrusive upon the wider locality, remain subordinate to and do not detract from the character and appearance of the main dwelling. They should be sited as unobtrusively as possible, to the side or rear of the dwelling.

Outbuildings should be modest in size and sensitively located. Applications for replacement dwellings should include details of any proposed garages and outbuildings in order that the overall impact of a scheme can be fully assessed. The Council will need to be satisfied at the time of the original application that adequate ancillary garaging and storage space can be achieved for the dwelling in order to avoid pressure for further, possibly harmful, development at some future date"

5.1.9 However, it goes on to state that integral or attached garages will also be treated as part of the main dwelling for the purposes of the size calculations, set out above. Other outbuildings (whether attached or detached) will not be treated as part of the main dwelling for the purposes of the size calculations.

5.1.10 There are two factors to consider here that relate to i) the proposed attached double car port and ii) the retention of what remains of the original cottage in the existing property, both addressed in turn.

5.1.11 Technically, given that garage/open car port is attached to the proposed replacement dwelling this takes the figure over the recommended 30% volume increase for replacement dwellings in the AONB. If the garage was removed the volume increase figure is under this threshold. This is when the supporting guidance must be put into context; if the garages were detached, albeit by 50cm, the proposal would be under this threshold. So while trying to comply with the volume requirements the proposed development is arguably no improvement. To detach the car port so that it is not included in the volume calculations, thus preventing it from being accessed internally, does not go to the heart of what this guidance was put in place to protect. The proposed car port is in proportion with the scale of the proposed dwelling, positioned sensitively at the side and to the rear of the proposed dwelling at a lower level within the site with no wider landscape impact, viewed as part of the overall group. It is also noteworthy that if the stone was replaced with a smooth render this would bring the figure down further so it came in comfortably below the 30% threshold. Natural stone is the better choice for this site, particularly given that natural stone features in the locality and is one of the few attributes of the existing dwelling.

5.1.12 In this case it is appropriate to accept a volume increase that goes beyond the stated threshold as the measures that would be employed to take the volume below the threshold, primarily to detach the garaging and to reduce it even further by removing the natural stone, would represent a form of development that does not sit as well within the landscape as the currently proposed scheme does.

5.1.13 It is proposed to demolish all but the original cottage that forms part the existing dwelling and retain this as a small ancillary outbuilding (that is also being used as a bat loft). This is the one aspect of the existing building that has merit not only in its traditional proportions but in its siting and presence along this section of the highway as the gable 'hugs' the road. The scale and location of the building in relation to the proposed dwelling is clearly ancillary and retains in the landscape the part of the existing building that has some historic and architectural merit.

5.1.14 The SPG also states that it would normally be the case that any replacement dwelling should be no higher than the existing dwelling, as any increase in height would be likely to increase the visual impact of the building in the landscape. The height of the existing dwelling is 6m to ridge. In this case when viewed from the highway and neighbouring property to the west which are key receptors, the proposed dwelling is actually slightly lower than the existing by 0.3m. From ground level, however, the height of the proposed dwelling varies and at certain points does exceed the height of the existing dwelling, varying from 6m to ridge at the highest adjoining ground level to 7.4m at the lowest adjoining ground level to the east. The existing dwelling manages to retain a maximum height of 6m at the lowest ground level at the eastern side as this element is a two storey flat roofed structure. So again, in context the height increase represents the difference created by placing a roof on a two storey structure at this level; in terms of visual impact the pitched roof is significantly better within the context of this landscape than that of the existing flat roof and again is a reason why it is acceptable in this case for the replacement dwelling to be higher than the existing.

5.1.15 The SPG states that “any replacement dwelling will normally be expected to be located on the site of the existing dwelling it is to replace.....However, there may be some circumstances where a re-siting would be preferable if it resulted in environmental or road safety benefits”.

5.1.16 In this case there is clearly damp penetration that is causing structural problems to the existing dwelling as the water runs directly off the highway into the stone gable. This has penetrated the dwelling and caused damp problems. The simple solution in this case is to move the replacement dwelling away from the highway to enable the appropriate drainage intervention to be undertaken and prevent this problem from re-occurring.

5.1.17 As a whole the proposed scheme is of a form, bulk, size and scale that respects its setting and the proposal meets the terms of Policy H5 of the LDP.

## 5.2 Landscape impact

5.2.1 Policy H5 criterion sets out “c) the proposal does not require an unacceptable extension to the existing residential curtilage”

In this case no addition is proposed and this criterion is met.

5.2.2 Policy H5 criterion d) sets out that the replacement dwelling shall be of similar size to the replaced. This is largely addressed above under par. 5.1. While this criterion is not strictly met because the garaging has been attached, in volume terms the actual dwelling-house part is of a similar size to that which is being replaced and the garaging element being attached is justified in this context as explained above. In addition, the height increase is also justified in this context.

5.2.3 Criterion e) provides that, “Any outbuildings should be modest in size and sensitively located and it can be demonstrated at the time of the original application that adequate ancillary garage and storage space can be achieved for the dwelling.”

5.2.4 This has been represented fully in this submission with the inclusion of an attached garage (it is appropriate in this case to impose a condition to ensure that it does not get converted into habitable accommodation in the future) while the small existing cottage that accounts for a very small part of the existing dwelling is being retained as an out-building to comply with ecological requirements and will be used for garden storage. This element of Policy H5 is also satisfied.

## 5.3 Residential Amenity

5.3.1 There are two neighbouring dwellings that are potentially impacted by the proposal; the first is the adjacent barn conversion of Argoed Barn and the second is the neighbouring dwelling, Argoed Cottage. Both are being addressed in turn.

5.3.2 The proposal represents a positive improvement to the living conditions of Argoed Barn in that currently the front of this neighbouring property is directly overlooked by the existing dwelling that runs along this common boundary and is being replaced by a stone boundary wall. There is no overlooking arising from the proposed new dwelling.

5.3.4 The neighbouring property to the west is set at a higher level to the proposed replacement dwelling. This dwelling currently looks out over the existing property. Argoed Cottage is set at a higher level and is separated from the new site by the stone boundary wall, highway, hedgerow and mature foliage that is located in the garden and near the boundary. The siting of the proposed dwelling would be in front of the access, an approximate distance of 9.5m separates the top windows from the front hedgerow boundary, although given the drop in levels, standing viewpoint for the first floor windows is approximately 2 metres above the level of the highway. As the neighbouring site rises up, the majority of this viewpoint would be screened by the boundary hedge with a minimal view into the lower part of the garden of the neighbouring property, which again is further obscured by the mature foliage that sits near the bottom of the garden. There is no significant adverse impact upon residential amenity in this case.

## 5.4 Ecology

### 5.4.1 European Protected Species – the Three Tests.

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

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

Development Management Comment: The existing dwelling is in a poor condition, the proposal represents a positive improvement to the environment whilst ensuring that a dwelling is retained in this position.

(ii) There is no satisfactory alternative

Development Management Comment: The renovation of the existing dwelling would result in an impact upon the existing roost, hence the replacement of the dwelling whilst maintaining a purposely designed space is the best of what can be done in this situation other than leaving th

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

5.4.2 Development Management Comment: This has met; the requirements with the relevant mitigation have been detailed and relevant conditions are recommended.

5.4.3 In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard to 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:

- compliance with the submitted mitigation/method statement.

## 5.5 Other Issues Raised

5.5.1 The neighbour has raised concern that access to the garage will be compromised by an existing tree. While the tree canopy covers this manoeuvring area it is the intention of the applicant to retain this tree and negotiate around the trunk. Ideally this tree should be retained but this is not a protected tree in this case and the removal of this would not compromise this planning application.



## 5.6 Response to the Representations of the Community Council

5.6.1 These have been addressed in the preceding assessment.

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

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

## **6.0 RECOMMENDATION: APPROVE**

### **Conditions:**

**1 This development shall be begun within 5 years from the date of this permission.**

**REASON: To comply with Section 91 of the Town and Country Planning Act 1990.**

**2 The development shall be carried out in accordance with the list of approved plans set out in the table below.**

**REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.**

**3 The existing dwelling shall be demolished (apart from the existing cottage that is being retained as ancillary accommodation) and the site cleared of all debris and reinstated in accordance with the approved plans no later than 2 months after the first occupation of the replacement dwelling.**

**REASON: The policies of the Local Planning Authority would not allow two dwellings on the site.**

**4 The small cottage that forms part of the existing dwelling shall not be used otherwise than for purposes ancillary to the residential use of the existing dwelling.**

**REASON: A separate dwelling in this location would not be acceptable.**

**5 The garages hereby approved shall not be used as habitable accommodation in association with the dwelling.**

### **REASON:**

**The garages have been approved on the basis that they are to be used for garaging purposes, if the garages were to be used for habitable accommodation this would result in the development hereby approved being contrary to planning policy.**

**6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements to the dwellinghouse or any outbuildings shall be erected or constructed.**

**REASON: If further extensions were undertaken this would make the proposal contrary to Policy H6 of the Local Development Plan**

**7 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) lighting or lighting fixtures shall only be installed on the building or in the building curtilage in strict accordance with the submitted plan "Ground floor plan as proposed, produced by Paul Brice Architect, dated 20 March 2018, drawing number 2018". Any changes to the lighting scheme must be submitted to and approved by the Local Planning Authority.**

**REASON: To safeguard bat roosts, and foraging/commuting routes in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2017.**

**8 Works shall be carried out in accordance with the mitigation described in Section 10 Method Statement of the submitted report "Bat Survey, Argoed Cottage. Produced by Dusk to Dawn Ecology Ltd. Dated July 2018, version 4.0" and shown on the plans produced by Paul Brice Architect titled "Layout Plan as Proposed, dated 26th February 2018, number P07"; "First floor plan, dated 26th February 2018, number P09"; and "North East Sectional Elevation as proposed, dated 21st March 2018, number P15".**

**REASON: Reason: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).**

**9 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.**

**REASON: In the interests of visual amenity and to safeguard the appearance of the area.**

**Application Number:** DM/2018/00695

**Proposal:** Erection of 8 signs advertising the farm park and farm shop.

**Address:** Brook Farm Holdings Chepstow Road Raglan Usk Monmouthshire

**Applicant:** Mr Keith Williams

**Plans:** Block Plan - , Photography Photographs of signs - , Other Aerial Photograph of location of signs - , Other Application Form - ,

## **RECOMMENDATION: Approve**

Case Officer: Mrs Alison Pankhurst

Date Valid: 01.06.2018

### **1.0 APPLICATION DETAILS**

1.1 This is a retrospective application for Raglan Farm Park, situated off Chepstow Road, Raglan. The farm is an activity play centre for children and has been in place for a number of years. The application was submitted as a result of an enforcement complaint.

1.2 The application relates to the retention of eight signs located around the site. They are all different sizes and located on the approach to the site and in and around the site. Advert 1 measures 1m x 1m in size with yellow and black writing; Advert 2 measures 1m x 1m (Jolly Good Beef) and is red/yellow in colour; Advert 3 (cafe) measures 1m x 0.3m and is black and white in colour; Advert 4 located to the entrance and attached to the fencing measures 0.9m x 3.5m – it is green and white in colour; Advert 5 measures 1 x 1m and is red/yellow in colour; Advert 6 measures 6m x 7m and is erected on the farm buildings to the north of the site; there is also an additional sign of this size to the south of the site fixed to one of the other farm buildings; Advert 7 measures 1m x 1m located on the approach to the site from the Raglan direction; and finally Advert 8 measures 1m x 1m located on the side of the road advertising Jolly Good Beef which is sold at the farm site. Signs 1 to 8 are either located within the farm site or on the grass verge approaching the site. The signs will not be illuminated and will be set back from the highway so that they do not affect any visibility splays when leaving the site

The application is being presented to Planning Committee as the applicant is related to one of the Members of Committee.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/00695	Erection of 8 signs advertising the farm park and farm shop.	Pending Determination	
DC/2016/01008	Agricultural portal frame building for the storage of equipment.	Approved	28.10.2016

DC/2016/00014	Proposed use of older barns for family activity/recreational use in conjunction with existing farm activities.	Approved	24.03.2016
DC/2015/00329	Agricultural implement and fodder storage building.	Approved	21.04.2015
DC/2011/01252	General purpose agricultural storage building	Acceptable	13.01.2012
DC/1996/00849	Lean-to Off The Existing General Purpose Covered Yard To House Milking Cows In Cubicles.	Approved	05.11.1996
DC/2008/00464	Provision of covered yard 23.77m x 5.49m x 3.05m to eaves to house a new herringbone parlour and dairy.	Approved	02.07.2008

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

#### **Strategic Policies**

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design

#### **Development Management Policies**

DES1 LDP General Design Considerations  
DES3 LDP Advertisements  
EP1 LDP Amenity and Environmental Protection

### **4.0 REPRESENTATIONS**

#### 4.1 Consultation Replies

Raglan Community Council - no objection

MCC Highways - no objections

#### 4.2 Neighbour Notification

Neighbours to the site were consulted on the application and several site notices were placed on site. No comments or objections have been received during the consultation period.

### **5.0 EVALUATION**

#### 5.1 Principle of the proposed development

5.1.1 This is a retrospective application for 8no. advertisements for the commercial business known as Raglan Farm Park. The application was submitted as a result of an enforcement complaint. Prior to the application being submitted several signs were removed from the site as the number of signs being displayed was considered to be unacceptable. The signs are of a similar size and colour with the exception of the two adverts that are positioned on the farm buildings. They are all located on the approach to the site along Chepstow Road. The signs have

been sited in their locations so that it will not interfere with pedestrian/vehicle movements and are set back far enough so as not to distract drivers leaving the public car park.

## 5.2 Design

5.2.1 The signs are all individual in style and size as they relate to the business being ran from the site. The maximum height of the letters is 30cm. The signs are set back on the grass verge and do not affect any movement to and from the car park. It is considered in this instance that the proposed advertisements are acceptable and in accordance with Policies DES1, DES3, and EP1 of the Monmouthshire Local Development Plan.

## 5.3 Highway Safety

5.3.1 The signs are set well back from the highway, and there is a grass verge between the fence and roadway. The signs are not considered to be detrimental to highway safety.

## 5.4 Residential Amenity

5.4.1 After a complaint was made to the Planning Enforcement Team regarding the number of signs on the approach to the site, it was requested that some signs be removed and the applicant was content to remove some of these while applying to retain the remaining signs at the site. No objections have been received following the submission of the application. The signs are not considered to have any harmful impact on the amenity of neighbouring properties. It is considered that the retention of the signs as part of this application is considered to be acceptable and would comply with Policy DES3 of the Local Development Plan.

## 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.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

- 3 1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where any advertisement is required under the above Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (Civil or Military).

REASON: As required to be imposed by Regulation 2(1) of Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

**Application Number:** DM/2018/00707

**Proposal:** Application to retain amendments to approved application DC/2017/00728. (Site 4).

**Address:** Residential Quarters Redchillies Thai And Indian Restaurant Five Lanes North Fives Lanes Caerwent

**Applicant:** Mr C PRYCE

**Plans:** Elevations - Proposed 03 - , Site Layout S.01 - , Floor Plans - Proposed WD.1.02 - , Floor Plans - Proposed WD.1.01 - , Location Plan SL.01 - ,

**RECOMMENDATION: Approve**

Case Officer: Ms Kate Young  
Date Valid: 01.05.2018

## 1.0 APPLICATION DETAILS

1.1 In September 2017 a reserved matters application was approved for the development of four detached dwellings on this site. These dwellings are currently under construction; however they have not been built in accordance with the approved plans. This application seeks alterations to plot 4 which is the easternmost property adjacent to Wern House. The alterations to plot 4 are that the garage has been moved closer to the house and attached to it. In addition the eaves height of the garage has been increased. A window and door have been removed from the side elevation and there are also some minor alterations to the fenestration.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00704	Application to retain amendments to approved application DC/2017/00728. (Site 1).	Approved	26.06.2018
DM/2018/00707	Application to retain amendments to approved application DC/2017/00728. (Site 4).	Pending Determination	
DM/2018/00708	Application to retain amendments to approved application DC/2017/00728. (Site 2).	Approved	26.06.2018
DC/2017/00324	Development of 4 detached dwellings on existing vacant site		

DM/2018/00684	Discharge of condition 3 (final archaeology report). Relating to DC/2017/00728.	Approved	31.05.2018
DM/2018/00704	Application to retain amendments to approved application DC/2017/00728. (Site 1).	Approved	26.06.2018
DM/2018/00707	Application to retain amendments to approved application DC/2017/00728. (Site 4).	Pending Determination	
DM/2018/00708	Application to retain amendments to approved application DC/2017/00728. (Site 2).	Approved	26.06.2018
DM/2018/00709	Application to retain amendments to approved application DC/2017/00728. (Site 3).	Approved	26.06.2018
DC/2015/00838	Discharge of conditions 5 and 9 from appeal planning consent APP/E6840/A/14/2227457.	Approved	25.09.2015
DC/1973/00032	Residential APP_TYP 02 = Outline DEV_TYP 01 = New Development MAP_REF = 344840190760	Refused	18.12.1974
DC/2013/00259	Proposed conversion of redundant former restaurant with staff living accommodation into 5 houses with detached car ports	Approved	15.08.2013
DC/2012/00659	Proposed conversion of redundant former restaurant with staff living accommodation into 7 no. terraced houses with detached car ports	Refused	13.12.2012
DC/1983/01084	Alterations APP_TYP 01 = Full DEV_TYP 03 = Extension MAP_REF = 344881190781	Approved	13.12.1983
DC/2017/01309	Discharge of conditions 2 and 3 relating to application DC/2017/00728.	Approved	11.12.2017



DC/1976/01125	Erectn Lounge/Cocktail Bar Etc APP_TYP 01 = Full DEV_TYP 03 = Extension MAP_REF = 344900190780	Approved	09.03.1977
DC/2017/00728	Development of 4 detached dwellings on existing vacant site. Seeking to get consent for general site layout and approval of 4 house designs. Any other matters to seek approval as listed.	Approved	08.09.2017
DC/2003/01354	New Entrance Porch, Timber Decking And Pagoda Structure	Approved	08.01.2004
DC/1989/01588	Internal Alterations And Refurbishment. External Refurbishment.	Refused	01.08.1990
DC/1989/01591	Name Signs, Swing Signs And Amenity Boards.	Refused	01.08.1990

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

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design

#### **Development Management Policies**

H6 LDP Extension of Rural Dwellings  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection

### **4.0 REPRESENTATIONS**

#### 4.1 Consultation Replies

Carewnt Community Council - this Council recommends refusal.  
The amendments to the above four planning applications make significant changes to originally approved plans.

Plot 1: Cesspit put in - planning application approved on cesspit. Cesspit has developed leaks. Major aquifer running through the area and they are trying to protect them. Builder looking at installing small package treatment plant. 5 cubic metre capacity cesspit is very small capacity - looking at other avenues. Plot 1 significant changes into residential accommodation and so there is no current garage on that plot, query as to future application to erect a garage. Garage was separate originally and linked to main residence by covered walkway, now changed to living accommodation for family reasons increasing residence footprint by more than 50%. All the other plots have garages (of sorts).

Plot 4: Garage originally well forward. Positions of houses appears to not match original location as on original plans much closer to existing property Wern House - impinging on light and view. Size of garage heights differ from original plans. Significant change to original plans including movement of garage.

Plot 1 and 4 - Significant changes to the original plans. Risen in height and created first floor level room with a window. One plot described as a garage on the plans but only has a window to access.

#### 4.2 Neighbour Notification

One letter of objection was received.

I object to the dwelling that has been built next to me, there are rooms being provided above the garage. They will be built in my line of sight.

### **5.0 EVALUATION**

#### 5.1 Principle of the proposed development

5.1.1 The dwelling already has the benefit of planning permission and therefore the principle of a new residential dwelling in this location is already established. The main considerations in this case are the impact of the proposal on the residential amenity of the adjoining occupiers and the visual impact on the street scene.

#### 5.2 Residential Amenity

5.2.1 Wern House is located immediately to east of this site. There is a mature hedge along the common boundary. The alterations which are the subject of this application would move the garage further back in the plot. It would be a minimum of 2 metres from the common boundary. Although the eaves height has been raised the roof will slope away from the boundary. Wern House has several windows on the side elevation facing towards the site. There is also a driveway between the two properties. There are no windows on the side elevation of the garage facing towards Wern House. There is no unacceptable level of overlooking because of the hedge along the boundary and the fact that the new dwelling on plot 4 has no windows facing towards Wern House. Given that the garage has been moved further back in the plot, it could be seen that the amended scheme is an improvement in terms of residential amenity. The increase in the eaves height is not so significant to adversely affect the residential amenity to the occupiers of Wern House. When viewed from Wern House only the roof of the garage is visible and the pitch slopes away from the boundary. The alterations do not have a significant adverse impact on the residential amenity of neighbouring properties and therefore accords with the objectives of policies DES1 and EP1 of the LDP.

#### 5.3 Visual Impact.

5.3.1 The fact that the garage is now attached to the main house means that it has less visual impact. It is also set back further in the plot making it less visually prominent when viewed from the A48 and the road from Llanfair Discoed. The increase in the eaves height is not perceivable when viewed from outside the site. The amended scheme does still maintain reasonable levels of privacy and amenity to the occupiers of the neighbouring property. It is constructed to a high quality design and the finishing materials are acceptable. The current application accords with the objectives of Policy DES1 of the LDP.

#### 5.4 Affordable Housing

5.4.1 Although this is a full application for a new dwelling there is no requirement for a financial contribution for affordable housing in accordance with policy S4 because essentially this is an amendment to an approved scheme. The dwellings which were the subject of the reserved matters application did not have to contribute because the outline was approved at appeal prior to the adoption of the SPG relating to affordable housing contributions.

## 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**

1 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

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**Application Number:** DM/2018/00769

**Proposal:** Outline development of up to 45 dwellings

**Address:** Land At Chepstow Road Raglan NP15 2EN

**Applicant:**

**Plans:** Green Infrastructure Appraisal 18-10-PL-201 - Rev: A, Masterplan 1391-P-001 - , Site Plan 1391-E-001 - ,

## **RECOMMENDATION: Approve**

Case Officer: Ms Kate Bingham

Date Valid: 10.05.2018

### **1.0 APPLICATION DETAILS**

1.1 This is an application on behalf of Monmouthshire County Council for outline consent for up to 45 dwellings in Raglan. All matters are reserved. The site is allocated for residential development under Policy SAH10(iii) (Rural Secondary Settlements) of the Adopted Local Development Plan (LDP).

1.2 The application site extends to approximately 2.18 hectares (5.4 acres) and currently comprises a greenfield site. The northern boundary of the site is formed by some mature trees, the southern by the Nant y Wilcae, the western edge by back gardens of the adjoining properties along Fayre Oaks and The Willows, and the eastern boundary by hedges, a property known as Brooklands Lodge and Chepstow Road. The southern part of the site is located within flood zone C2 and the middle part is within flood zone B. The site, however, is not the subject of any other specific constraints or designations.

1.3 There are no listed buildings on, or immediately adjacent to the site. The centre of the village is designated as a conservation area and is also home to a number of listed buildings including the Grade II\* listed St Cadoc's Church. Raglan Castle, which is Grade I listed (and its grounds designated as an historic park and garden) is also located approximately 1.2km to the north.

1.4 Following the pre-application feedback a public consultation event was held on 30 January 2018 at Raglan Old Village Hall. The details of this, as well as amendments that have been made to the scheme following this event, are contained in the accompanying Public Consultation Report.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/00769	Outline development of up to 45 dwellings	Pending Determination	
DC/1977/01029	Sanitary Accomodation APP_TYP 01 = Full DEV_TYP 03 = Extension MAP_REF = 341340207610	Approved	31.10.1977

DC/2007/01316	Conversion to two residential properties with garages and gardens.	Approved	25.01.2008
DC/2008/00953	Design variation to existing permission ref: DC/2007/01316 conversion of barn to 2no residential dwelling	Approved	17.09.2008
DC/1995/00982	Erection Of Hay Barn & Implement Shed.	Acceptable	15.11.1995
DC/1974/01034	Junior School/Bus Bay APP_TYP 01 = Full DEV_TYP 01 = New Development MAP_REF = 341400207630	Approved	12.02.1975
DC/1996/00602	Alteration To Cattle Building	Permission Required	11.07.1996
DC/2015/00711	The replacement of existing timber French doors and windows to kitchen area, facing into courtyard area, to aluminium windows and bi-folding doors. Colour scheme to match existing windows and external joinery. (Application numbers DC/2008/00953 / DC/2007/01316).	Approved	11.06.2015
DC/2007/01445	Proposed construction of double garage and store, and timber shelter.	Approved	09.01.2008
DC/1991/00249	1 Single Storey Residential Dwelling.	Refused	03.07.1991

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

#### **Strategic Policies**

S4 LDP Affordable Housing Provision  
 S12 LDP Efficient Resource Use and Flood Risk  
 S13 LDP Landscape, Green Infrastructure and the Natural Environment  
 S16 LDP Transport  
 S17 LDP Place Making and Design  
 SAH10 LDP Rural Secondary Settlements  
 S7 LDP Infrastructure Provision  
 S1 LDP The Spatial Distribution of New Housing Provision

## **Development Management Policies**

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

DES1 LDP General Design Considerations

EP1 LDP Amenity and Environmental Protection

GI1 LDP Green Infrastructure

MV1 LDP Proposed Developments and Highway Considerations

NE1 LDP Nature Conservation and Development

SD2 LDP Sustainable Construction and Energy Efficiency

SD4 LDP Sustainable Drainage

LC5 LDP Protection and Enhancement of Landscape Character

SD3 LDP Flood Risk

MV2 LDP Sustainable Transport Access

MV3 LDP Public Rights of Way

CRF2 LDP Outdoor Recreation/Public Open Space/Allotment Standards and Provision

## **4.0 REPRESENTATIONS**

### 4.1 Consultation Replies

Raglan Community Council - Requested more time to comment. Awaiting response.

Dwr Cymru - Welsh Water - No objection subject to conditions.

We were previously consulted on the above development under Schedule 1C Article 2D notice, we reviewed the effects the development would have on our infrastructure and confirmed that we could accept foul water only flows from the development, we also made the applicant aware of a number of sewerage and water assets crossing the site and how these would need to be protected.

The proposed development site is crossed by public sewers with the approximate positions being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No operational development is to take place within 3 metres either side of the centreline of the 110mm public rising main sewer and the 150mm public combined sewer. We request that all assets crossing the development site are located and marked prior to commencing any operational development. Due to the strategic importance of the 110mm public rising sewer main we would insist on locating this asset on the applicant's behalf. If any development is likely to fall within this area please contact us prior to starting operational development. Assets may be able to be diverted under Section 185 of the Water Industry Act 1991, the cost of which would be recharged to the developer.

From reviewing the submission package we note the applicant is proposing to discharge surface water through the use of sustainable drainage systems and discharge to an existing watercourse. We support the use of sustainable drainage systems for the disposal of surface water. Due to the proximity of the development site to a watercourse we would not support a surface water sewer connection. If the initial surface water removal options are not successful then we advise the applicant to review the surface water removal hierarchy as set out in "Recommended non statutory guidance for sustainable drainage (SuDs) Wales".

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed:

1. The development hereby permitted shall not be commenced until details of a construction design method statement and risk assessment for the protection of the structural condition of the strategic rising main crossing the site has been submitted to and approved in writing by the local planning authority. No other development pursuant to this permission shall be carried out until the approved protection measures have been implemented and completed. Thereafter, the protection measures shall be retained at all times during the lifetime of this permission.

2. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

A water supply can be made available to service this proposed development. Initial indications are that a connection can be made from the 125mm diameter MDPE water main at grid reference 341412,207462. The cost of providing new on-site water mains can be calculated upon the receipt of detailed site layout plans.

The proposed development is crossed by a 3 & 5 inch distribution water main. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this water main to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

MCC Green Infrastructure Team - Awaiting comments. The following GI advice has been informed by colleagues from; landscape, biodiversity, Public Rights of Way, Trees, Play/ Adult Recreation and Open Space at pre-application stage:

The following GI opportunities should be embraced within the scheme:

- o Creation of public open space (POS) to the south of the site with wetland creation and management to be supported as part of the Site of Interest for Nature Conservation (SINC) floodplain - incorporation of interpretation, and seating.
- o Green spaces to be visually and ecologically connected through green corridors - in particular it is proposed that an accessible green corridor be incorporated between the POS and Fayre Oaks ensuring pedestrian access with links across the site to the proposed play area.
- o Street trees to be incorporated as part of the visual and ecological connectivity to be set outside of private ownership.
- o Appropriate management of grassland sward for pollinators.
- o A permeable route from the site should connect the proposed play area, exiting playing fields and any proposed and existing housing on the eastern side of the village. Opportunities should also be sought connecting to footpath 81 and PROW beyond.
- o Retention, protection and enhancement of the boundary hedgerows to be set outside of private ownership and incorporation of hedgerow trees to maintain the rural character into and out of Raglan.
- o Opportunity for development of key links between the site and to the PROW beyond to increase permeability of the proposal. This should include access to the proposed play area on the opposite side of the road.
- o All existing hedgerows, woodland and parkland character to be protected and reinforced as part of the new development and integrated into accessible green corridors.
- o It was proposed that the land opposite the site adjacent to the tennis courts could come forward as a larger centralised play opportunity helping to address the shortfall at this side of the village. Play opportunities should seek an innovative approach to design. If incorporated this would need to be fully accessible from the proposed site and also offer opportunities for connection and access to the eastern side of Raglan. The southern section of this land should also seek connectivity with the PROW beyond. Safe access to and from the proposed new site needs to be addressed as part of this proposal should this offer come forward.

The layout of the site is yet to be submitted and should be informed by the existing landscape and GI assets and opportunities. At outline stage details of zones of development should be submitted showing links within and outside the site and which areas are to be open. Also features such as green corridors such as avenues of trees along the main access should be shown on a drawing.

All GI assets such as trees or open spaces should be outside private ownership.



MCC Landscape - Awaiting comments. The following advice was received at pre-application stage;

Although a sensitive site there is scope for some development if carefully and sensitively sited and delivered adjacent to the existing settlement edge, however the following constraints need to be fully addressed.

Key issues to address;

- o The lower part of the site sits within the floodplain and is designated a SINC with existing trees and vegetation.
- o The site hedgerows are particularly important both ecologically as a corridor but also in reinforcing the rural character of this entrance/exit.
- o The site forms part of the open countryside defining the southern gateway to the village of Raglan, care should be taken to ensure development is carefully sited so as to minimise impact in design and layout.
- o Access and entrance points should be carefully considered to mitigate impact.

MCC Highways - Unable to provide specific comments on the proposed development at present due to lack of detail, but would not be able to sustain an objection at this stage as the highway authority do not consider that the proposed development would lead to a real deterioration in highway safety or capacity.

The Transport Statement and level of analysis and review is rather poor and this is reflected in Section 5, Transport Implementation Strategy which clearly demonstrates that the applicant has not considered the means of access and fully reviewed the impact of the development particularly sustainable transport implementation and connectivity of the site i.e. the lack of a pedestrian link to the existing footway adjacent to 22 Fayre Oaks, links to the existing footpath adjacent to the Doctors Surgery etc.

I would recommend that the applicant considers reviewing the Transport Assessment and should they wish the means of access to be considered at this stage submit the appropriate detailed design drawings for consideration. In the event that the application is recommended for approval I would welcome the opportunity to provide suitably worded conditions and drafting of a S106 agreement to enable the delivery of the means of access pursuant to S278 Agreement, Highways Act 1980 and off site improvements namely, footpath connection adjacent 22 Fayre Oaks etc.

It is also recommended that due to the site's susceptibility to flooding and the need to consider the transport sustainability of the site in public transport terms that both the Council's Flood Risk Management Team and the Transport Planning & Policy Manager be consulted to offer comments.

MCC Education - Awaiting comments. The following advice was received at pre-application stage:

I can confirm that no education contributions will be required for this development. We would anticipate it to generate 10 primary aged pupils which should be able to be accommodated in Raglan Primary School, as this development would be given priority over the Station Road development. We would anticipate it to generate 9 secondary aged pupils which should be able to be accommodated in Monmouth Comprehensive School also.

#### 4.2 Neighbour Notification

Ten objections received (objections have been grouped for ease of reference)

Principle of development

1. The school and doctor's surgery will not be able to cope with additional houses.
2. This hurried plan is put forward for two reasons.

a) To try and attain the MCC's housing target as laid down by the Welsh Government. This is not being realised due to the large number of small sites, which incidentally are owned by the Council and other physical constraints such as the Fairfield Mabey site at Chepstow.

- b) In an attempt to beat the proposed development at Monmouth Road Raglan.
3. The field is a totally inappropriate site and has been included to raise funds for the MCC.
  4. This proposed site has had a long and convoluted history. It has been considered unsuitable for development on a number of previous occasions from the 1970s. This unsuitability was considered due to it being an active flood plain, unsuitable access and development planning constraints due to services. The extant conditions at this site have not changed throughout.
  5. The site in question (H2R1) was referred to in the 1992 Unitary Development and Local Plans. Minutes of the MCC Council meeting of 1 July 2011 provide evidence of when this site "Off Chepstow Road" was excluded from consideration on the grounds of being an active floodplain area with inadequate access, flooding concerns if developed due to movement of water and planning constraints. At this same meeting, it was also stated that MCC had identified and recorded a superior site for potential development - "Off Usk Road - H2R2". This was inserted in the LDP replacing the "Off Chepstow Road" site, which was removed. It is therefore noteworthy that as shown in an MCC Council report of the Council meeting on development in Monmouthshire of June 2013, the "Off Chepstow Road" site was reinserted and the "Off Usk Road" site deleted without reference or record as to why this took place. As a result only one site "Off Chepstow Road" was available to, and voted on by, Council. We have not been advised/able to find out why this change was made.
  6. At the public Inquiry the Inspector considered that: "In light of the constraints described above, others such as the utilities' infrastructure crossing the site and the need to take account of general planning considerations including privacy and amenity of existing residents, it is possible that the developable area will not be sufficient for 45 dwellings.

#### Flooding and Drainage

1. Surface water flooding in the centre of the site - all test holes were at the edges of the site.
2. Having been a resident of the Village for over 45 years I and other residents can testify to issues with the sewerage system which, since the development of the Ethley Drive site has been exacerbated resulting in regular visits to Fayre Oaks to unblock drains via manholes in gardens in that street. The addition of 45 dwellings can only add to this issue. The capacity of the water treatment plant opposite Brookes Farm will therefore need to be reviewed.

#### Design and Layout

1. Concerns over the high density housing in the proposal which is in no way in keeping with character of the village itself.
2. Raglan is a village of low or single and double storey dwellings with reasonable gardens and footfall spaces in between; the draft shows cramped block housing, this is because you are trying to achieve the 45 figure. This was not accepted by the Public Inquiry inspector who thought a more realistic figure between 30 to 35 could be accommodated.

#### Residential Amenity

1. The proposed site is adjacent to Fayre oaks which consists of one to one and a half storey dwellings. It is therefore imperative to the privacy of those dwellings immediately bordering the development that they are no taller, indeed this would be where any proposed bungalows are best placed.
2. The site plans detailed tree and shrub planting at the Brookes Farm side of the site to lessen the impact that the new buildings will undoubtedly have. There is also the same need to lessen the impact to those houses in Fayre Oaks; however this is not shown in the plan.
3. Question the scale of the plans with regards to the rear gardens of the proposed houses that will back onto Fayre Oaks. The high density housing block is shown as being very near to the houses in Fayre Oaks and gets closer towards the northern section of the site when they should be spaced further away at this end of site as it narrows bringing the housing closer to those in Fayre Oaks.
4. According to the plans the footpath that provides access to a number of houses in Fayre Oaks adjacent to the site will be opened up to provide a thoroughfare onto the site. This will further encroach on the privacy of the houses that face onto this path and consideration needs to be given to provide fencing/hedging to those houses.
5. Consideration needs to be given to the street lighting arrangements to ensure light pollution to neighbouring houses is kept to a minimum.

6. Loss of light occurring as result of new dwellings and the general privacy of the residents that surround or are adjacent to the site. A bit more space and green space / trees etc. has a significant benefit on mental health and general well-being. Being crammed in somewhere is not good for the village or the residents that live in it.
7. The distances the proposed dwellings will be built from existing dwellings in Fayre Oaks cannot be assessed due to no detailed scaled drawings.
8. The site plans do not appear to be to scale as the rear gardens of the houses in Fayre Oaks backing onto the site, appear much larger away than they actually are. The artistic licence has been taken too far.
9. The height and type of dwelling is of concern as the existing dwellings that will back onto the field are bungalows and any dwellings built should not exceed their height.

#### Traffic

1. The plans do not go far enough to address the concerns of residents regarding the increase of traffic through Fayre Oaks which has become a rat run due to the inability of current traffic levels to pass freely through the village High Street. A one way system or traffic calming needs to be considered for Fayre Oaks.
2. Provision of public transport is minimal - such that substantial increase in commuter traffic is anticipated to impact the village.
3. No detail is shown, or considered, for the impact of the 90 odd parking spaces required i.e. the tarmacking of large area of the site, and the subsequent effect on flooding.

#### Wildlife

1. Having read the ecological survey, we are concerned about the impact of this development on the protected bat species living here. They use the whole field as their habitat and are currently unaffected by people and light. This proposed development would have a serious impact on their environment.

#### One letter of support:

1. The affordable housing this proposal would provide is welcomed and outweighs any potential negative issues regarding the scheme.

#### One general comment:

1. This development of 45 houses, together with the 10 social housing units recently constructed seems a fair allocation of the housing demand for the county and was included in the LDP.
2. Understand the grievance of some residents that this site was chosen as owned by MCC instead of a better site accessed from Prince Charles Road, but I think it is such an obviously good location that it would have been selected in the near future anyway.
3. Concerned on a conflict of interest by MCC on adjudicating a section 32 local village contribution from the developer when it is itself the land owner

## 5.0 EVALUATION

### 5.1 Principle of the proposed development

5.1.1 The settlement of Raglan is identified in Strategic Policy S1 of the Local Development Plan as a Rural Secondary Settlement. The site is allocated in Policy SAH10 (iii) of the Local Development Plan for around 45 dwellings on a site area of 2.18ha.

5.1.2 Policy S4 relates to Affordable Housing Provision and states that in Rural Secondary Settlements there is a requirement for 35% of the dwellings to be affordable. The proposal satisfies Policy S4 through the provision of 16 affordable homes (35%).

5.1.3 General policies DES1 and EP1 relating to General Design Considerations and Amenity and Environmental Protection respectively must be taken into consideration. Policy GI1 relating to Green Infrastructure and Policy NE1 relating to Nature Conservation and Development should also be referred to, the retention of existing ecological features and provision of public open space at

the site is welcomed, however the GI team will provide more detailed comments in relation to such matters.

5.1.4 Part of the site (approximately 0.9ha) is located within Zone C2 floodplain, although it is noted that this will not be developed for a residential use and will instead be utilised as public open space. Strategic Policy S12 and supporting development management Policy SD3 relating to Flood Risk are nevertheless of relevance. It is noted a Flood Consequences Assessment has been submitted with the application.

5.1.5 Finally, Policy MV1 relating to proposed development and highway considerations is of relevance.

5.1.6 Given the site benefits from an allocation in the LDP the principle of residential development on the site is acceptable and determination of the application should be focused on the technical details of the scheme having regard to the various policy requirements.

## 5.2 Layout and Design

5.2.1 As all matters are reserved apart from access and therefore the precise detail of the development has not yet been worked up. The illustrative masterplan does however show how the different areas of the site could be developed in response to the constraints and opportunities presented by the site. This shows public open space to the north and southern ends of the site and a primary central road running through the middle. This would be tree lined. A footpath link to/from the existing housing to the east, the public open space and the village facilities such as the doctors and the school are also shown which is welcomed.

5.2.2 The Design and Access Statement submitted with the application states that it is anticipated that a range of house types will be provided in a mix of terraced, semi-detached and detached dwellings with generous gardens. The development will feature typically two storey dwellings but with some single storey and 2.5 storey homes in order to add variety and interest. The final mix of housing and the height of any dwellings will be determined at Reserved Matters stage. The development will be designed to reflect and complement the wider context of the village in terms of its overall architectural style and will look to address the street frontage positively.

5.2.3 On this basis and subject to the detailed design and layout of the houses, it is considered that the site is capable of accommodating up to 45 dwellings without harming the character and appearance of the wider area in accordance with Policy DES1 of the LDP.

## 5.3 Highway Safety

5.3.1 The final details of access are a reserved matter. It is known at this stage however that access will be taken from Chepstow Road and an indicative internal road layout has been provided. The application is supported by a Transport Statement which has assessed the potential highway impacts that could arise as a result of the development. This demonstrates that there are no existing safety issues identified in the area and that the site is attractive for non-car borne trips to local facilities. In addition, the site will generate low traffic volumes that will have insignificant impact at the access or at junctions in Raglan.

5.3.2 Parking provision will be finalised at reserved matters stage, however the Design and Access Statement advises that it should be possible to accommodate the parking requirements of the development within the site in the form of 'on-plot', private garages and shared parking areas to meet Monmouthshire's Parking Standards (one space per bedroom up to a maximum of three with dimensions of 4.8m x 2.4m)

## 5.4 Residential Amenity

5.4.1 As this is an outline application with all matters reserved including access, details of the final number and location of the proposed dwellings have not been provided and therefore cannot be considered at this stage. However, the comments regarding the heights of the dwellings in relation

to the existing housing to the east is noted. Similarly, landscaping details will also be considered at reserved matters stage which will include potential tree and hedge planting for screening between the existing and proposed developments.

5.4.2 The connection to the existing footpath between the side/rear of a property on Fayre Oaks and the rear gardens of The Willows is welcomed as it will significantly benefit the wider community. However, it should be ensured that adequate screening/security is afforded to the existing dwellings that border it.

5.4.3 Overall however, it is considered that the site will be able to accommodate up to 45 dwellings on the land available without harming existing residential amenity in accordance with Policy EP1 of the LDP.

## 5.5 Landscaping, Green Infrastructure and Sustainable Drainage

5.5.1 The site is a sensitive one and is identified by LANDMAP as of high and outstanding value for its visual and sensory, historical and cultural aspects. Historically the top half of the site would have formed part of the extended parkland to the Castle, today it forms the southern entrance and exit into the village and is therefore an important and sensitive setting.

5.5.2 The Landscape Sensitivity and Capacity Study 2010 informs the following:

"Located on the lower valley sides and valley floor of the Nant-y-Wilcae the site includes part of the floodplain. A mix of outgrown and low-cut hedgerows and fences around irregular pastures and rough grassland. Riparian tree cover and occasional trees in hedgerows. Settlement comprises of two rural farmsteads with the settlement lying to the north. The area provides the low-lying setting for the settlement on its southern edge with views out to the low ridge from the settlement.

The area has high/medium sensitivity as it includes the corridor of the Nant-y-Wilcae and provides the setting to the settlement to the south. The most sensitive part of the area is the river corridor/floodplain with associated vegetation and the area to the south of the river.

The area has medium/low capacity for housing due to its floodplain and watercourse with associated vegetation and the separation from the settlement of the area to the south west of the watercourse. The only potential areas for development are adjacent to the settlement to improve the settlement edge especially to the west."

5.5.3 It is therefore clear from the above assessment that although a sensitive site there is scope for some development if carefully and sensitively sited and delivered adjacent to the existing settlement edge.

5.5.4 A Landscape and Visual Impact Assessment is submitted alongside the application which concludes that in terms of landscape effects given the well-contained nature of the site, any effects associated with development on it would be localised and would not extend to the wider countryside or the village's historic core. In terms of visual effects, there are a small number of significant adverse effects, namely those views experienced by residents, walkers and motorists within the immediate vicinity of the site for whom close views over the site would change from an open field to built form. However, it is not considered that these significant effects would extend beyond the locations in close proximity to the site. From distant views the site is difficult to discern and the development would either be undiscernible or effects would be negligible, including in relation to the heritage assets within the wider vicinity.

5.5.5 With the exception of some minor sections of hedgerow on the boundary of the site where vehicular and pedestrian links into/out of the site are located, it is proposed to retain the existing boundary hedgerows and trees.

5.5.6 Overall it is considered that the application site can successfully accommodate the development proposed without giving rise to any significant effects on the landscape character of the wider area or the visual amenity of those using it.

5.5.7 The application is also supported by a Green Infrastructure plan. There are a number of opportunities for GI on this site if incorporated within the scheme, which will have positive benefits contributing towards; health and well-being( through the creation of accessible greenspace,), community access and enjoyment (access to the prowl network and opportunities for play and recreation), habitat provision, connectivity and biodiversity resilience, tackling climate change issues ( flood and water management in this case) and landscape setting and quality of place. In delivering these opportunities the proposal will help to deliver Welsh Governments "Well-Being Goals", "Monmouthshire Well-Being Objectives", as well as seeking to address the "Biodiversity Resilience Forward Plan Objectives".

5.5.8 In seeking to achieve the above, the following opportunities have been identified within the scheme:

- o Creation of Public Open Space to the south of the site with wetland creation and management to be supported as part of the SINC floodplain - incorporation of interpretation, and seating.
- o Street trees along the primary street to be incorporated as part of the visual and ecological connectivity to be set outside of private ownership.
- o Appropriate management of grassland sward for pollinators.
- o A permeable route from the site to connect the proposed play area, exiting playing fields and any proposed and existing housing on the eastern side of the village. Opportunities should also be sought connecting to footpath 81 and PROW beyond.
- o Retention, protection and enhancement of the boundary hedgerows to be set outside of private ownership and incorporation of hedgerow trees to maintain the rural character into and out of Raglan.
- o All existing hedgerows, woodland and parkland character to be protected and reinforced as part of the new development and integrated into accessible green corridors.

5.5.9 A management plan for Green Infrastructure should be submitted to support any Reserved Matters application.

5.5.10 The surface water drainage strategy has been developed to respect the illustrative layout. Infiltration testing has been undertaken at the site which concluded that this is not a feasible option for managing surface water. As such an on-site attenuation feature is proposed which is shown on the illustrative masterplan at the southern end of the site within the public open space.

## 5.6 Ecology

5.6.1 A number of ecological appraisals have been undertaken in relation to the site and these are submitted as part of the application. The results of these appraisals concluded that the site is of moderate interest to wildlife, the main grassland areas less so than the boundary hedges. The riparian corridor to the south offers some potential for wild animals, including otters and white clawed crayfish and must not be disturbed as a consequence of any development. Due to flood risk the outline layout includes a buffer of approximately 50m from the Nant Y Wilcae, which will include a SuDS feature and be designated as public open space. Hedgerows will also be buffered and be retained. Whilst the hedges and riparian corridor provide foraging and commuting corridors for a number of species, including bats, there is no potential for the site to be used by bats for roosting. No evidence to suggest the presence of badgers was found, although the site may be used for foraging purposes.

5.6.2 Several surveys have been carried out on the site dating back to 2014, with the most recent phase 1 update survey carried out in February 2018. The updated report provided following pre-app comments includes a desk study which meets good practice recommendations. The site is of moderate interest for nature conservation; the most important feature is the stream (Nant-y-Wilcae) that forms the southern boundary of the site which the surveys show supports otter, bullhead (a non-migratory fish species), and possibly kingfisher. It is also an important foraging/commuting feature for bats. The wider site has moderate potential for reptiles and hedgehog has been recorded. The hedgerows have low suitability for dormice.

5.6.3 The Nant-y-Wilcae qualifies as a SINC due to the presence of bullhead, otter, and (potentially) kingfisher. It is assumed that the buffer zone maintained between the construction area and the stream will reduce potential impacts from disturbance (excluding lighting). Considering that the site is on the edge of a small urban settlement, and that immediately to the west there are existing houses close to the stream, I do not believe that any increase in recreational use would be of a level to cause a significant negative effect. The occasional use by humans which may occur as a result of designating the adjacent grassland as public open space is unlikely to damage the stream significantly, and would certainly not be as damaging as if the field were used for livestock. Run off from construction activities may result in siltation of the stream, which in turn may have negative effects on bullhead. A Construction Environmental Management Plan (CEMP) to reduce the potential impacts during the construction phases will be required and this has been conditioned below.

5.6.4 Although the updated ecological report has not considered all of the potential impacts during construction and operation, it is considered that there is sufficient information available to inform a decision.

5.6.5 Overall, subject to the imposition of conditions and the recommendations within the ecological appraisal, it is considered that the development can be accommodated on the site without having a detrimental impact on ecology.

## 5.7 Flood Risk

5.7.1 As required by the allocation, no development is proposed within Flood Zone C2 and it is envisaged that this could be provided as an amenity open space area for both residents of the development as well as the wider area. The remainder of the site is located in Flood Zones A and B and the supporting flood risk assessment confirms that residential development is appropriate in these areas. All sources of flood risk for the area proposed for built development have been identified to be low and flood risk mitigation measures are not required, although minimum finished floor levels have been recommended. This can be conditioned.

## 5.8 Heritage and Archaeology

5.8.1 The proposed development would have no or a very weak, visual relationship with Raglan Castle and its grounds and the relationship between the site and the Conservation Area and the Parish Church is limited. Consequently it is not considered that the proposed development would significantly impact on these designated historic assets.

5.8.2 The application is supported by an Historic Environment Desk Based Assessment which concluded that there was low potential for the survival of Prehistoric and Roman period archaeological remains on the site but high potential for the survival of medieval agricultural archaeological evidence in the form of ridge and furrow earthworks in the northern part of the site, and the remains of a water mill, potentially from the early post medieval period or earlier, in the southern part. It was recommended that a detailed topographic survey of the site be carried out to obtain more detail of these features and this was subsequently undertaken. As the potential mill remains are located on part of the site where no development is proposed, it was concluded that no further investigation of this feature was required. The detailed topographic survey confirmed the presence of upstanding ridge and furrow earthworks and details of this are shown in the submitted Archaeological Earthworks Survey report. It is considered that the report sufficiently preserves by record this archaeological feature and therefore no further intrusive investigation is required.

## 5.9 Affordable Housing

5.9.1 Local Development Policy S4 requires that 35% of all housing on site must be affordable housing delivered through a Registered Social Landlord. Monmouthshire's policy is for the affordable housing to be tenure neutral. This is where tenure of housing is not predetermined but

can vary according to needs, means and preferences of households to whom it is offered. The housing also needs to meet Welsh Government Development Quality Requirements (DQR). The nominated Registered Social Landlord will pay 42% of Welsh Government Acceptable Cost Guidance for the houses. The development proposals include the provision of 35% (16 units) affordable housing which is in accordance with Policy S4. This will be secured via a Section 106 Legal Agreement.

#### 5.10 Other Section 106 Requirements

5.10.1 Based on MCC's adopted standards of off-site recreation a contribution of £3,132 per dwelling would be required to be spent within Raglan (probably on the new Community Hub and associated facilities. In terms of play equipment, there is a move towards more informal 'wild' play and away from fixed Local Areas of Play which are under used and expensive to maintain. It is the intention that all open space and highways would be adopted by Monmouthshire County Council.

5.10.2 No education contributions will be required for this development. It is anticipated that 45 dwellings would generate 10 primary aged pupils which will be able to be accommodated in Raglan Primary School. The development is anticipated to generate 9 secondary aged pupils which will be able to be accommodated in Monmouth Comprehensive School.

5.10.3 A contribution will also be sought for supporting sustainable transport (such as buses) in the local area.

#### 5.11 Response to the Representations of the Community/Town Council

5.11.1 Awaiting comments at the time of preparing this report.

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

5.11.1 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**

Subject to a 106 Legal Agreement requiring the following:

#### S106 Heads of Terms

35% affordable housing.  
Open space provision and management.  
Support for sustainable transport in the area.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

#### **Conditions:**

1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.



REASON: The application is in outline only .

- 2 (a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.

3 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

4 Prior to occupation, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for bats, otters and birds and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON: To safeguard protected species in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2017.

5 The development hereby permitted shall not be commenced until details of a construction design method statement and risk assessment for the protection of the structural condition of the strategic rising main crossing the site has been submitted to and approved in writing by the local planning authority. No other development pursuant to this permission shall be carried out until the

approved protection measures have been implemented and completed. Thereafter, the protection measures shall be retained at all times during the lifetime of this permission.

REASON: To protect the integrity of the public rising sewer main(s) and avoid damage thereto.

6 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

7 A Green Infrastructure Management Strategy Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement or occupation of the development. The content of the Management Plan shall include the following; a) Description and evaluation of Green Infrastructure assets to be managed. b) Trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period). g) Details of the body or organization responsible for implementation of the plan. h) Ongoing monitoring and remedial measures. 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(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The development shall be carried out in accordance with the approved plan.

REASON: To safeguard all Green Infrastructure Assets at the site in accordance with Local Development Plan policies, DES1, S13, G11, NE1, EP1 and SD4.

8 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 shall provide site progress reports to the Council's Tree Officer at intervals to be agreed in writing by the Council's Tree Officer before works commence on site.

REASON:~ To protect valuable tree or other landscape features on the site in the interest of preserving the character and appearance of the visual amenities of the area.

## **INFORMATIVES**

1 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

2 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.

3 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. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

4 Please note that Great Crested Newts are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual newts from killing, injury, capture or disturbance. It is also an offence to damage or destroy breeding sites or resting places even if the animal is not present. If great crested newts are found during the course of works, all works must cease and Natural Resources Wales contacted immediately.

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

6 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

7 Please note that the hazel dormouse is protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual dormice from killing, injury, capture or disturbance. It is also an offence to damage or destroy breeding sites or resting places even if the animal is not present. If dormice are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.

8 Please note that otters are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes otters and places used for resting up, breeding, etc. whether an otter is present at the time or not. If otters are disturbed during the course of works, all works must cease and Natural Resources Wales contacted immediately.

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**Application Number:** DM/2018/00910

**Proposal:** Community hub facility and associated landscaping.

**Address:** Three Fields Site Main Road Magor Monmouthshire

**Applicant:** Mr Ben Thorpe

**Plans:**

## **RECOMMENDATION: Approve**

Case Officer: Ms Kate Young

Date Valid: 29.05.2018

### **1.0 APPLICATION DETAILS**

1.1 In May 2008 outline planning permission was granted for the erection of a new community hall, new vehicular access and carpark on this site. In June 2009 full permission was granted for a new community hall and associated works including a car park. Work on that permission was started with the provision of the access and car park but the pre-commencement conditions were not discharged. The design of the proposed building has now changed and thus there is now a need for a full application to provide the community hub.

1.2 The site to the south of Newport Road in Magor covers an area of 1.74 ha. To the south of the site is the main South Wales railway line which is raised up on an embankment. To the west is Mill Reen with flood embankments on either side. To the north-west are residential properties. The site is within the Magor and Undy Development boundary and has been designated as an Area of Amenity Importance. The whole site is within a C1 Flood Zone and is also an Archaeologically Sensitive Area.

1.3 The current application seeks the erection of a community hall, measuring 19 metres by 28 metres and being 8.24 metres high to the ridge, (this is smaller than the previously approved scheme). The building would be finished in brickwork at low level with vertical timber cladding (Cedar or Larch) above. The roof would be covered in zinc panels with a standing seam. The canopy to the front would also be of zinc. The building will provide sports facilities, changing rooms, community hall, kitchen and toilet facilities all on a single level. The scheme has been developed by the MUCH community group who will manage the building once constructed. The building has been designed to meet BREEAM Excellent Standards, a low energy building using sunlight and natural ventilation. Solar panels will be installed on the south elevation and a waste water heat recovery system will be used.

1.4 The vehicular access into the site and parking provision for 34 cars has already been provided. A pedestrian crossing over the B4245 will be provided close to the access as will a pedestrian island in the main road. Green Infrastructure will be provided throughout the site in the form of soft and hard landscaping, including a new hedge to be planted along the road frontage, tree planting and an ephemeral pond. Low level security lighting would be provided on the building, the embankment would be regraded and steps added, a 'teenage shelter' would be provided to the west of the carpark. New pedestrian links into the site would also be provided.

1.5 The application is accompanied by the following supporting documents:  
Design and Access Statement;  
Flood Consequences Assessment;  
Geotechnical Report;

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00910	Community hub facility and associated landscaping.	Pending Determination	
DC/2006/00353	Convert existing bungalow into house plus increase in size.	Approved	29.08.2006
DC/2008/01185	New house.	Approved	24.02.2009
DC/2016/00084	Demolition of existing road bridge and construction of new bridge under Part 11, Class A to Schedule 2 of the Town and Country Planning (GPD).	Approved	18.02.2016
DC/2008/00976	Replacement of existing bungalow with two storey dwelling.		
DM/2018/00910	Community hub facility and associated landscaping.	Pending Determination	
DC/2007/00924	Construction of community hall, including new vehicular access from B4245 and new car park (renewal of outline permission)	Approved	23.05.2008
DC/2009/00351	New community hall with associated works, including car park	Invalid Application	01.12.2009

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S5 LDP Community and Recreation Facilities  
 S12 LDP Efficient Resource Use and Flood Risk  
 S13 LDP Landscape, Green Infrastructure and the Natural Environment  
 S16 LDP Transport

## **Development Management Policies**

SD2 LDP Sustainable Construction and Energy Efficiency

SD3 LDP Flood Risk

SD4 LDP Sustainable Drainage

GI1 LDP Green Infrastructure

NE1 LDP Nature Conservation and Development

EP1 LDP Amenity and Environmental Protection

MV1 LDP Proposed Developments and Highway Considerations

DES1 LDP General Design Considerations

LC5 LDP Protection and Enhancement of Landscape Character

## **4.0 REPRESENTATIONS**

### 4.1 Consultation Replies

Magor with Undy Community Council - Approve

Network Rail - No objection in principle but due to the proposal being next to Network Rail land and out infrastructure, to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we bring to your attention asset protection comments which the applicant is strongly recommended to action. The LPA should include these as planning conditions if the matters have not been addressed

Natural Resources Wales - We recommend that you should only grant planning permission if specified conditions are imposed.

MCC Highways - The site was the subject of a previous planning application for the same development and was approved under DC/2009/00351. Since that approval the site has been developed as far as providing the vehicular access onto the B4245 and the car park however the community building was not erected. The current application is for the erection of the community building.

In light of the above the vehicular access and car park has been developed in accordance with the previous planning approval therefore there are no objections to the proposed community hall. The community hall has been reduced in size therefore the car parking provision is more than satisfactory to support the development. However, it is noted that concerns have been raised over the width of the vehicular access in that it is too narrow. The approved access has been designed 5m wide which is acceptable for a shared vehicular access. The minimum width required for a shared access is 4.1m.

I would refer to the off-site highway improvements required by the highway authority under the previous application, namely; controlled pedestrian crossing facility and a dedicated right turn. The dedicated right turn was not conditioned as part of the previous planning permission by the Planning Authority which is a concern. The controlled pedestrian crossing was conditioned however no proposal for the same has been submitted as part of this planning application. It is accepted that there are existing controlled pedestrian crossings east and west of the development however an additional controlled pedestrian crossing is necessary adjacent to the site to cater for the local community situated between the site and the eastern controlled pedestrian crossing.

In light of the aforementioned comments there are no highway grounds to sustain an objection to the application subject to a condition requiring a pedestrian crossing.

Glamorgan Gwent Archaeological Trust - An archaeological evaluation was conducted on the site by GGAT Projects in 2001 (Report no. 2001/069, dated October 2001). The evaluation noted archaeologically significant deposits, likely dating to the Iron Age, Roman and medieval periods. Additionally, ridge and furrow earthworks were noted, as well as drainage grips, which form an

integral part of the historic landscape of the area. A further deposit of peat was noted during a watching brief conducted during geotechnical investigations in 2006 (GGAT Projects report no. 2006/026, dated April 2006).

As a result there is the potential to encounter archaeologically significant remains during the course of any ground-intrusion works.

Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

#### 4.2 Neighbour Notification

6 letters of support.

Superb idea and essential for the future of Magor with Undy

Plans have been thorough, careful iterations and residents views taken into account

The group running the team are dedicated volunteers with a professional approach

Fantastic to see this progressing

MUCH Group are doing a fantastic job

Plans well designed

The Hub will accommodate many activities

Useful asset to the community

Hopefully this will integrate with the community adopted station.

The central location of this facility is key to tying the communities of Magor and Undy

Providing a space of activities that cannot be accommodated elsewhere in the village

Need more services for young people

2 letters of objection

The steps are no good for pushchairs, wheel chairs and mobility scooters

Requires drainage from the pond due to flooding

The teenage shelter will not be used as there is too much surveillance of it.

The opportunities plan shows a footpath to the Plantations which goes through people's gardens

CCTV with sound will be required

Carpark is a hot spot for boy racers.

Proposal will require a great deal of maintenance and funding in the future

Current carpark is overgrown with weeds.

The teenage shelter will lead to litter and may intimidate local residents.

Vandalism

Design of the building out of keeping with the character of the area.

The proposed building will be too high

It will look unsightly and intrusive from the road

Area prone to flooding; impact on the water table

May lead to future flooding

Impact on Wildlife

Few unspoilt areas left in Magor

Planting too many trees will affect the nature of the marshland

Noise impact

Access to carpark too narrow for two cars.

Parking will spill onto the main road

Car park used for school run parking

Increase in accidents

Community centre could be located elsewhere, could use the Memorial Hall

## **5.0 EVALUATION**

### 5.1 Principle of the proposed development

5.1.1 The site is within the Magor with Undy Development Boundary and planning permission has previously been granted for a community hall on this site and therefore the principle of a community hub on this site is established. Policy S5 of the LDP states that development proposals that provide community and recreational facilities will be permitted within village development



boundaries subject to detailed planning considerations. The principle of a new community facility in this location is policy compliant and conforms to the overall strategy of the LDP. The access and parking provision have already been constructed. The whole site has been designated as an Area of Amenity Importance. Policy DES2 of the LDP only allows development on areas of amenity importance if there is no unacceptable adverse effect on the visual and environmental amenity of the area, no adverse impact on its relationship to adjacent areas of green infrastructure, no impact on its role as a venue for formal and informal sport, and there would be no adverse impacts on the cultural amenity of the area or nature conservation interests. In this case the proposal does improve the visual and environmental amenity of the area by providing significant improvements in Green Infrastructure through substantial landscaping and providing community access. The site will have enhanced links to existing sports facilities including the tennis courts. The site will encourage informal recreation providing public access to managed open green space with footpaths running through. The open space surrounding the building and the carpark has been designed to offer a variety of habitats in order to protect and enhance nature conservation interests. The proposal does accord with the objectives of Policy DES2 and the contribution provided by this area of Amenity Importance is retained and enhanced.

## 5.2 Design

5.2.1 The building footprint and height have been significantly reduced from that of the previously approved scheme. The proposed building is made up of three forms, two halls with pitched roofs linked by a central flat roofed element. The principal elevation faces west into the carpark and has a large amount of glazing. The east elevation is the one most visually prominent when traveling west along the main road. This elevation is largely blank but there will be some high level glazing behind hit and miss timber cladding. Elevation C facing the road will contain two sets of double doors. The building form and layout has a simple composition, any signage on the building will have to be the subject of a separate application for express consent to display an advertisement. Window and door openings are generously proportioned to provide solar gain. There will be external shuttering to the windows. The finishing brick will be a red mixed-stock brick and the remaining elements of the building will be clad in locally sourced timber. The roof finish will be zinc and the door and window frames will be aluminium or composite, with their colour to match with the roof. The gutters and rainwater goods will be hidden behind the cladding. Vents and extracts will be on the rear elevation of the building where possible.

5.2.2 The building is aiming to achieve BREEAM Excellent providing a low energy building using sunlight and natural ventilation with solar panels and a waste water heat recovery device. A cycle shed and bin store will also be provided on site in materials to match the main building. The proposed design is appropriate for this type of community building, the scale and massing is acceptable and it will contribute to a sense of space without dominating the area. The choice of materials is appropriate for this type of community building and should prove to be low maintenance. The proposal accords with the objectives of Policy DES1 of the LDP.

## 5.3 Flooding

5.3.1 The application site lies entirely within a C1 Flood Zone due to tidal flooding of the Severn Estuary. A community hall is considered as less vulnerable development according to the advice in TAN15. A Flood Consequences Assessment was submitted as part of the application and the topographical survey confirms that existing ground levels range from 5.5 metres to 8metres AOD. The FCA states that the proposed finished floor levels of the new building will be set at 8.5 metres AOD. Based on this height of finished floor level the proposal is predicted to be flood free in the 1:200 flood scenario and is therefore compliant with A1.14 of TAN15 provided that the development is carried out in accordance with the approved FCA and that finished floor levels are no lower than 8.05 metres above AOD. Based on a FFL of 8.05 the proposed development is predicted to flood to a potential depth of 40mm during a 1 in 1000 year extreme m flood event. This is within the tolerable limits set out in A1.15 of TAN15 for this type of development. It is recommended that a Flood Evacuation Plan be produced and that the occupants sign up to the Early Flood Warning System operated by NRW. The development is demonstrated to be flood free in the 1 in 200 year flood and within tolerable limits for the 1 in 1000 year event. The proposal is therefore compliant with both A1.14 and A1.15 of TAN 15 and NRW offers no objection.

## 5.4 Highway Considerations

5.4.1 The car parking provision is more than satisfactory to support the development and complies with the adopted Monmouthshire Parking Standards. The approved access has been designed to be 5m wide which is acceptable for a shared vehicular access. The minimum width required for a shared access is 4.1m. Therefore the width of the existing access is acceptable in highway terms. There is a need for a controlled pedestrian crossing close to the entrance of the site, to ensure the safety of pedestrians visiting the Hub building. The B4245 can be very busy at peak times and it is necessary to have a new controlled crossing close to the site entrance. This can be secured by condition. Despite an original request by Highways for the provision of a turn right lane, the previous scheme on this site did not require such a dedicated right turn on the B road. This is not considered necessary within the current application given that the proposed building is of a smaller scale than the previous one.

## 5.5 Residential Amenity.

5.5.1 There are thirteen properties on the north side of the B4245 which face into the site, two of these would be directly opposite to the Hub building itself. The proposed new building would be approximately 35 metres to the south west Carlinville and Dunmarklyn. Whilst that would reduce views and outlook from those properties the distance between the two means that there will be no overbearing impact especially given that the pitch of the roof of the proposed building slopes away from the road. The proposed building is smaller than the one previously approved for this site. There would be two glazed openings on the north east elevation of the building but these will not result in a loss of privacy given they are at ground floor level and the fact that there is a main road between the two. The other properties will face into public open space much as they do now. The is one residential property ... adjacent to the northern corner of the site, this will be next to the proposed community growing area which will not have an adverse impact on existing residential amenity. Local residents are concerned over the noise that could be generated from building itself and from the carpark. A Noise Report was submitted as part of the application. The community building will be used for a wide variety of purposes including badminton and other sports, drama and film shows, community meetings and wedding parties.. There is a potential for some of these activities to impact on nearby residential properties to the north of the site due to the breakout noise from the building envelope. The building has been designed so that the main function room is on the south side away from the existing residential properties. In addition there are very high levels of background noise on this site generated from the road and the railway line. Whilst it is accepted that some of the activities will generate noise that could impact on local residents this increase in noise it set against a high background noise and will not be so great to justify refusal of the application. A condition could be imposed restricting operating hours and any infringes of noise levels would be covered by Environmental Health Legislation.

## 5.6 Archaeology

5.6.1 Despite there having been evidence of archaeological remains in the local area, Glamorgan Gwent Archaeological Trust (GGAT) has no objection to the proposal but request a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource. This can be imposed by condition and is unlikely to prevent the development from progressing.

## 5.7 Ecology

5.7.1 A preliminary ecology appraisal survey and report was carried out in January 2018 by Just Mammals Consultancy. In addition, a separate ecological survey for otters and water vole was carried out during the same time frame. The site is considered to have moderate wildlife interest and ecological value due to the mature trees, orchard, hedges, drainage ditches and Mill Reen. During the botanical survey 76 species of mostly common and widespread plants were found, alongside 8 species of common birds. Although no reptile species were recorded, some habitats on site were found to be suitable for

supporting reptile species, such as slow worms and grass snake. Breeding amphibians may also be present and Just Mammals have recommended a dedicated reptile and amphibian survey is carried out. There was no evidence of badgers. No dedicated assessment for bat presence was undertaken, but it is assumed that roosts may be present. The fringes of the site will almost certainly be used for foraging and commuting by bats, and it is likely that on occasion, bats will forage over the grasslands which dominate the site. The presence of species of bat along the reens is very likely. No survey for these animals is recommended by Just Mammals, but advice is given with respect to retention of trees and the use of artificial lighting on site.

5.7.2 The proposal accords with the objectives of Policy NE1 of the LDP

## 5.8 Green Infrastructure and Landscaping

5.8.1 The soft landscape proposals for the proposed Community Hub have been developed in conjunction with the design team to provide an appropriate setting for the development which responds to the existing landscape character and promotes public usage of the wider site. Broadly, the planting strategy utilises native tree and shrub species across the wider site augmented by ornamental flowering and structural plants adjacent to the new building.

5.8.2 The site forms a series of three low lying fields which are bounded to the north by the B4245 and to the south by the South Wales Main Line railway. Beyond the railway line are the Magor Marshes and several reens cross the site to drain towards them. Two of the fields are managed as pasture, whilst the third contains an orchard consisting of young and mature fruit trees. The southern, lowest, part of the site is subject to periodic flooding with groups of alder and willow reinforcing the local landscape character and the site's proximity to the Marshes. Native hedgerows line the site's field edges and reens. A recently constructed car park is situated in the centre field and of note is the steep, unmanaged and incongruous embankment which has been introduced along the southern edge.

5.8.3 The landscape proposals have sought to retain the open pasture character, whilst strengthening green infrastructure linkages across the site and beyond to the Gwent Levels and to the tree lined ridge to the north. Pockets of native structure and hedgerow planting would be introduced to infill gaps and provide additional biodiversity and a new hedgerow and tree planting would be incorporated along the northern boundary to provide a buffer between the Community Hub and the main road. Within the fields, wildflower meadow areas would be introduced and in the lower lying areas, marshland species would be introduced along with sporadic specimen wetland trees. A part of the low lying meadow area has been designed in conjunction with the Project Engineer to function as a bio retention swale and in addition, a small ephemeral pond has been incorporated with a timber boardwalk to provide access. Native shrubs have been introduced alongside the car park to provide visual softening of the cars when viewed from the meadows.

5.8.4 The proposal accords with the objectives of Policy GI1 of the LDP.

## 5.9 Other Issues Raised

5.9.1 Local residents had several concerns about the proposal and most of these concerns have been addressed in the main body of the report. The basic principle of a community facility in this location is already established and is policy compliant. The design of the building is well thought out and is appropriate for this type of facility in this location. The height of the building is in part governed by the need to provide a badminton court although the height has been kept as low as possible. The steps in the embankment are to provide better pedestrian links but it is accepted that these will not be suitable for wheeled vehicles such as pushchairs and mobility scooters. Alternative points of access are provided elsewhere on the site. The footpath link to The Plantation is shown on the opportunities plan and is a suggestion for future consideration. It does not form part of the current application. The carpark will be managed by the MUCH Committee and consideration will be given to providing a barrier at the entrance to restrict access. The proposed pond will provide natural drainage and will not lead to additional flooding. The existing access into the car park is 5 metres wide; this is considerably greater than the 4.1 metres required as a minimum for this type of development and wide enough for two cars to pass.

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3

The development permitted by this planning permission shall only be carried out in accordance with the approved FCA undertaken by Vectos dated May 2018 and following all the mitigation measures detailed in the FCA.

REASON: To reduce the risk of flooding.

4 Before the development commences a scheme for the provision of a pedestrian crossing on the B4245 shall be provided. The building shall not be used for the approved purpose until the crossing has been provided in accordance with the approved scheme.

REASON: In the interests of highway safety.

5 No development shall take place until the applicant or his agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON:

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

## Penderfyniad ar yr Apêl

## Appeal Decision

Ymweliad â safle a wnaed ar 18/06/18

Site visit made on 18/06/18

gan Declan Beggan BSc (Hons) MSc  
DipTP DipMan MRTPI

by Declan Beggan BSc (Hons) MSc DipTP  
DipMan MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 10.07.2018

Date: 10.07.2018

**Appeal Ref: APP/E6840/A/18/3198781**

**Site address: Green Meadow Farm, Llandevenny Road, Llandevenny, Magor, NP26 3DB**

**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 & Mrs Broome against the decision of Monmouthshire County Council.
- The application Ref DC/2017/01393, dated 17 November 2017, was refused by notice dated 13 February 2018.
- The proposed development is described as the 'proposed creation of separate dwelling from existing detached residential annexe'.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the development would accord with planning policies concerning the location of new residential development.

### Reasons

3. The appeal site lies within the curtilage of a dwelling known as Green Meadow Farm on the edge of the settlement of Llandevenny. The property subject to the current appeal was granted planning permission on appeal<sup>1</sup> for the replacement of existing outbuildings with a granny annexe; the permission included an occupancy condition that restricted the use of the building for purposes ancillary to the residential use of the adjacent dwelling, Green Meadow Farm. The structure as permitted was single storey in nature with part external stone walls under a pitched slate roof and comprised a lounge, dining area/kitchen together with a shower room and bedroom; the building as erected and subject to this appeal differs slightly to that previously permitted in terms of relatively minor external and internal alterations. The appeal site would share its access and parking facilities with the adjacent Green Meadow Farm. Whilst the appeal site is located on the edge of Llandevenny, nonetheless the

<sup>1</sup> Ref. APP/E6840/A/08/2074918 granted 16 October 2008

location is deemed to be open countryside as it lies outside of any development boundary as defined in the adopted Monmouthshire Local Development Plan (LDP).

4. The Council's refusal notice refers to Policy S1 of the LDP which in broad terms resists new dwellings in the open countryside unless, inter alia, it is an acceptable conversion of a rural building as set out in policy H4. Policy H4 of the LDP refers to the conversion of a building in the open countryside for residential use being permitted subject to a number of criteria being met, including e), which states buildings of modern construction not being favourably considered, and that buildings will have been expected to have been used for their intended purpose for a significant period of time. Policies S1 and H4 broadly reflect Planning Policy Wales Edition 9 (PPW) and advice as contained within Technical Advice Note 6: Planning for Sustainable Rural Communities insofar as they relate to the control of new building in the countryside.
5. In terms of criteria e) of policy H4, it refers to "buildings of modern construction" not being favourably considered for residential conversion; clearly the building subject to this appeal is of modern construction notwithstanding its use of stone and slate. In addition criteria e) states that buildings will have been expected to have been used for their intended purpose for a significant period of time: the annexe has never actually been used for its intended purpose.
6. The proposal does not therefore comply with policy H4; in addition the policy states that proposals which are deemed to not comply with it will be judged against national policies relating to the erection of new dwellings in the countryside. No substantive evidence has been provided that the proposal is required to meet any of the exceptions stated in local or national policy. The proposed development is unjustified in its countryside location and is therefore contrary to the local and national planning policies referred to above that seek to control the location of new residential development.
7. To my mind the original occupancy condition imposed on the annex was necessary because the erection of a new building capable of being used as an independent dwelling at that time would not have been acceptable due to residential rural restraint policy. The original occupancy condition mirrors advice in more upto date guidance in Circular 016/2014<sup>2</sup> which states, "it may be appropriate to impose a planning condition to ensure the annexe is only used as ancillary accommodation to the main dwelling house and to prevent its accommodation independent of the main house". Whilst the appellants circumstances have altered since the erection of the annex, nonetheless they would have known that the use of the building had a degree of impermanence given its ancillary nature and its use for elderly relatives; the appellants change in circumstance would not justify the creation of a new dwelling in the open countryside contrary to local and national rural restraint policies.

#### *Other Matters*

8. I appreciate the site lies within a wider area where employment opportunities are likely to exist and there may be access to services such as shops, however in my opinion, such arrangements would not be likely to adequately cater for the general day to day and long term needs of the future occupants of the development without significant reliance on the car as a means of travel; consequently I consider the proposal runs contrary to local and national planning policies that seek to minimise the

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<sup>2</sup> Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management*

demand for travel and the use of the private car. I appreciate the proposal would not result in detriment to residential and visual amenities in the area, however these benefits either individually or combined with any other benefits associated with the proposal would not outweigh the significant conflict with local and national planning policies.

9. Furthermore PPW states the countryside, in line with sustainability principles should be conserved and where possible enhanced for its own sake, and that new development in the open countryside that is away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled; the proposed development has not been justified in its rural location, consequently it is in conflict with national planning policy.
10. Consequently the proposal is in conflict with local and national planning policies that in broad terms seek to control development in the interests of sustainability. PPW states that a plan led approach is the most effective way to secure sustainable development through the planning system. I have previously found that the LDP policies applicable to the proposed development broadly reflect the stance taken in PPW insofar as they relate to the control of new housing in the countryside in line with sustainability principles. The presumption in favour of sustainable development as set out in PPW does not apply having regard to the key principles and key policy objectives of sustainable development<sup>3</sup>.
11. In support of their stance the appellants refer to other local buildings which it is maintained were permitted by the Council in similar circumstances to the appeal proposal, however, I do not know the full details of the circumstances that resulted in those developments being permitted or the planning policy context applicable at that time and so cannot be sure they represent a direct parallel to the appeal proposal; in any event I have determined this appeal on its own merits. The fact that the appeal building was similar in nature to a previous structure on the site carries no weight in my consideration of this matter. The appellants state they have no intention of separating the property from the main dwelling, however if permission were to be granted in this case there would be nothing to prevent this occurring; in such a scenario it would be unreasonable to impose a planning condition to indicate otherwise.

## **Conclusion**

12. Drawing the threads of the above together, the proposed development is unjustified in its countryside location, and would run contrary to local and national planning policy and advice that collectively seek to control development in the countryside in the interests of sustainable development.
13. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be dismissed.
14. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is in accordance with the

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<sup>3</sup> PPW paragraphs 4.2.2, 4.2.4, 4.2.5

sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.

*Declan Beggan*

INSPECTOR



## Penderfyniad ar yr Apêl

## Appeal Decision

Ymweliad â safle a wnaed ar 20/02/2018

Site visit made on 20/02/2018

gan Declan Beggan BSc (Hons) MSc  
DipTP DipMan MRTPI

by Declan Beggan BSc (Hons) MSc DipTP  
DipMan MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 03/07/18

Date: 03/07/18

**Appeal Ref: APP/E6840/C/17/3187660**

**Site address: Ridge House Stables, Earlswood, Chepstow, Monmouthshire, NP16 6AN**

**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 Act).
- The appeal is made by Mr Ronald Harris against an enforcement notice (EN) issued by Monmouthshire County Council.
- The Council's reference is E12/069.
- The notice was issued on 27 September 2017.
- The breach of planning control as alleged in the notice is 'Non-compliance with condition 1 imposed on planning permission DC/2013/00128'.
- The development to which the permission relates is: *'The retention of one steel framed barn building, roof to be cladded to be concrete panelled. The barn building is to be used for the stabling of horses which is the same use as the existing barn buildings'*. The condition in question is No. 1 which states that: *'The waste management/location of disposal of storage of waste from the equestrian enterprise at the site shall be agreed with the Local Planning Authority within two months of the date of this permission. No waste shall be deposited or stored on the site other than in the location approved by the LPA. Any existing waste stockpile shall be removed and stored in the approved location within two months of the date the LPA approved the location of the waste storage area.'* The notice alleges that the condition has not been complied with in that no approved location for the stockpile has been agreed by the LPA.
- The requirements of the notice are to 'cease the deposit and storage of waste on the land'.
- The period for compliance with the requirements is 1 calendar month from the date the EN takes effect.
- The appeal is proceeding on the grounds set out in section 174(2), (a), (c), (d), (f) & (g) of the Act. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under Section 177(5) of the Act falls to be considered.

## Decision

1. I direct that condition 1 attached to planning permission DC/2013/00128 be deleted and replaced with a new condition 1 as follows:
  1. The waste generated from the equestrian activity on the site shall only be stored in its current location.
2. The EN is quashed, the appeal succeeds insofar that planning permission is granted on the application deemed to have been made under section 177(5) of the Act for

development already carried out, namely the *'The retention of one steel framed barn building, roof to be cladded to be concrete panelled. The barn building is to be used for the stabling of horses which is the same use as the existing barn buildings'* at 'Ridge House Stables, Chepstow, Monmouthshire, NP16 6AN' without complying with condition 1 of planning permission Ref. DC/2013/00128 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to a new condition as indicated above.

### **Application for Costs**

3. The Appellant has submitted a written application for costs against the Council. This application is the subject of a separate decision.

### **Procedural Matters**

4. The appellant has submitted that the EN contains a number of technical flaws and is therefore a nullity. An enforcement notice is a nullity if it is missing some vital element, such as its requirements, and so is defective on its face.
5. The appellant advances a number of arguments in terms of the EN being a nullity, namely, perceived flaws with the specified condition and the requirements contained within the notice, and his view that the EN is unclear in terms of the alleged breach as it fails to identify the location of the stated 'waste' pile. In terms of the first two points raised these are matters that can be addressed in the grounds of appeal that have been advanced and are not therefore matters to be considered in terms of the EN being a nullity. In terms of the issue regarding the identification of the 'waste' pile, the notice quite properly addresses the whole site as the condition was related to the whole site. In addition the Regulations<sup>1</sup> simply require that the precise boundaries of the land to which the notice relates be identified; the EN achieves this by providing a sensible indication of the land in question. The EN does not have to precisely identify the exact spot where the waste pile is found, however in any event there is no injustice as the recipient of the EN is fully aware of the waste pile in question.
6. Section 173 of the Act indicates a number of matters that an EN is required to state and a failure to meet those requirements is likely to result in the EN being a nullity. In summary these requirements refer to identification of the matters constituting the breach of planning control, specifying the steps required for compliance, a date when the EN takes effect and the period for compliance; the EN meets all the requirements of section 173 of the Act and therefore at face value cannot be considered to be a nullity or defective. Overall I conclude that when considered at 'face value' and in light of the Act and the Regulations the EN cannot be considered to be a nullity.

### **The appeal on ground (c)**

7. The appeal on ground (c) is that there has been not been a breach of planning control. The appellant argues that as the horse manure that makes up the stockpile on the site is used to fertilise land within his ownership, it cannot be considered to constitute waste and is therefore not development since it is an ancillary use of the land in relation to its main use; in support of this stance the appellant refers to government guidance<sup>2</sup> which states that horse manure is not considered waste if, inter alia, it is

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<sup>1</sup> The Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2017

<sup>2</sup> 'Keeping Horses on Farms' as published by the Department for Environment, Food & Rural Affairs

used as soil fertiliser. This argument does not assist the appellant in his ground (c) appeal; the substance of many issues central to conditions attached to a planning permission could be deemed to not constitute development and in this case the condition clearly sought to control matters related to the waste produced, whether or not it is development is irrelevant in terms of it being referred to in a planning condition.

8. The condition subject to the EN was imposed on a retrospective planning permission for further stabling which would increase the amount of manure tipped and stored on the overall site and was required to address concerns relating to odour and visual amenity. Notwithstanding the above arguments advanced by the appellant, the fact of the matter is the planning condition central to this appeal has not been discharged or complied with despite the permission itself having been implemented; a breach of condition has occurred as a matter of fact and therefore the appeal under ground (c) must fail.

### **The appeal on ground (d)**

9. The appeal on ground (d) is that at the date the EN was issued no enforcement action could be taken in respect of any breach of planning control as alleged in the notice. The appellant maintains that the alleged breach i.e. the use of the land for waste storage occurred more than 10 years ago with aerial photographs substantiating this claim; I disagree. The submitted aerial photograph from 2004 even when magnified to a significant degree does not support the appellant's view that the area was used for the storage of waste; the image is blurred in nature and adds little to support the appellant's contention, and to my mind would reinforce the Council's view that the area was no more than a copse of trees. Further later aerial imagery provides little more illumination on the matter, although I accept the images from 2009 & 2014 do appear to indicate a mass that is akin to the current waste pile on the appeal site.
10. There is no substantive evidence that the use of the land for waste storage occurred more than 10 years ago, however even if it did, as a matter of fact within the last 10 years a planning application was submitted that required the details of waste storage generated by the development to be submitted for the approval of the local planning authority; such details have not been submitted and therefore the Council were well within their rights to pursue enforcement action. The appeal on ground (d) therefore fails.

### **The appeal on ground (a) and the deemed application**

11. The appeal on ground (a) is that the condition referred to in the EN should be removed. No specific planning policy for imposing the condition was referred to on the decision notice that accompanied Ref. DC/2013/00128, however the EN refers to policy EP1 of the adopted Monmouthshire Local Development Plan (LDP); that policy is entitled 'Amenity and Environmental Protection' and states, inter alia, that development should have regard to the privacy, amenity and health of occupiers of neighbouring properties and further states development proposals that would cause or result in an unacceptable risk/harm to local amenity, health, the character/quality of the countryside or the landscape will not be permitted.
12. The appellant argues the condition does not meet the tests for conditions set out in Circular 16/14: *The Use of Planning Conditions for Development Management*. The

Courts have laid down general criteria for the validity of planning conditions<sup>3</sup>; these are replicated in Circular 16/14. There are six tests that a planning condition must adhere to and all must be satisfied; the tests relate to a condition being necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects. Whilst the appellant draws attention to the 'six tests', nevertheless the thrust of his ground (a) appeal is that the current location of the waste pile is acceptable in visual and residential amenity terms and is policy compliant, and therefore the disputed condition is not necessary, nor reasonable. The condition sought submission and approval of details for the storage of waste generated by the equestrian activities on the site to safeguard the adjacent residential amenities, and the character and appearance of the wider area. Whilst I note concerns over the precision of the condition, nevertheless, I find it does govern on-going storage of waste on the site; the condition has effect and is enforceable.

13. I consider the main issue before me on this ground (a) appeal is, given the presence of the waste pile in its current location, whether the condition referred to in the EN is necessary with particular regard to the effect of the existing waste pile on the character and appearance of the area, and on the living conditions of occupiers of Larkfield Cottage.

#### *Character and Appearance*

14. The waste pile is a relatively visually discreet feature set within a gently rolling landscape of trees and hedges which provide for significant levels of screening, however even when glimpsed from certain vantage points it appears as feature that would not appear out of place in a rural setting. Therefore in terms of policy EP1 of the LDP, the current siting of the waste pile would have no material detrimental impact on the character and appearance, or quality of the countryside or landscape.

#### *Residential Amenity*

15. The Council supported by third parties state that the waste pile would be unduly prominent when viewed from Larkfield Cottage. Nonetheless the primary elevations to Larkfield Cottage do not face directly onto the pile, and when this is combined with the significant distance the property is sited away from the pile at some 124 metres, and the fact that it benefits from the substantial screening effects of existing boundary vegetation which generally restrict views even further, then to my mind there is no significant detrimental visual impact on the amenities enjoyed by occupants of the property as a result of the current siting of the waste pile.
16. Third parties, supported by the Council refer to the detrimental impact on residential amenity due to odour caused by the current waste pile. Third parties maintain that odour from the waste pile is particularly evident during the warmer summer months. I appreciate my site visit was not during the summer months, nonetheless, it was a relatively warm late winter's day and I did not detect any discernible odour, either in close proximity to the pile or much further away on the boundary adjacent to Larkfield Cottage, although I do accept this may not be the case in the summer when odour may be more noticeable. The fact of the matter is that rural living brings with it a high likelihood of activities and odours that the majority of the population would not experience, such as odours related to agricultural or equestrian activities. Bearing in

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<sup>3</sup> Refer to *Newbury DC v SoS for the Environment* (1981) A.C. 578; *Brent London Borough Council v SoS for the Environment* (1988) JPL 222, & *MJ Shanley Ltd v SoS for the Environment* (1982) JPL 380

mind the significant distance the nearest dwelling is located to the waste pile, on balance, I do not consider there is likely to be any significant harm to occupants of that property in terms of odour over and above what would normally be expected in a rural location; in this respect I therefore see no conflict with policy EP1 of the LDP.

17. The Council accept that odour problems associated with the site do not constitute a statutory nuisance; I agree with the appellant that should any such nuisance arise in the future then separate controls outside of the planning regime should be able to resolve the matter.
18. Third parties refer to harm to drinking water supplies through ground contamination and to general health and well-being of neighbours due micro particles of waste that may be carried in the wind, however there is no substantive evidence that such harm has occurred.

#### Conclusions on the Ground (a) appeal

19. The purpose of the condition in the original planning permission to control the storage of waste was reasonable and necessary, however given that the current location in which it is sited is acceptable, the wording of the condition no longer serves a useful purpose and therefore is unnecessary; however a revised condition is necessary. The revised condition seeks to safeguard the residential amenities of the adjacent Larkfield Cottage, and to this end I will replace the deleted condition with a new condition that requires the waste pile to be retained in its current location.
20. A third party has suggested an alternative wording of the original planning condition, however as I have found the current location of the waste to be acceptable and that condition 1 no longer serves a useful purpose, it follows the suggested alternative wording of the condition is not necessary.

#### **Overall Conclusions**

21. Having regard to the above and all other matters raised, the appeal is allowed, the EN is quashed, and planning permission is granted on the application deemed to have been made under section 177 (5) of the Act.
22. In the light of my findings above it is not necessary to consider the appeal against the EN on grounds (f) & (g).
23. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

*Declan Beggan*

INSPECTOR

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## Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 20/02/18

gan Declan Beggan BSc (Hons) MSc  
DipTP DipMan MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 03/07/18

## Costs Decision

Site visit made on 20/02/18

by Declan Beggan BSc (Hons) MSc  
DipTP DipMan MRTPI

an Inspector appointed by the Welsh Ministers

Date: 03/07/18

**Costs application in relation to Appeal Ref: APP/E6840/C/17/3187660**

**Site address: Ridge House Stables, Earlswood, Chepstow, Monmouthshire, NP16 6AN**

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

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6.
- The application is made by Mr Ronald Harris for a full award of costs against Monmouthshire County Council.
- The appeal was against an enforcement notice (EN) alleging 'Non-compliance with condition 1 imposed on planning permission DC/2013/00128'.

## Decision

1. The application for an award of costs is refused.

### The submissions for Mr Ronald Harris

2. The cost application was submitted in writing.

### The response by Monmouthshire County Council

3. The response was submitted in writing.

## Reasons

4. The 'Development Management Manual' at Section 12 Annex: Award of Costs ('the Annex') advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
5. In terms of the advice as contained within the Annex, unreasonable behaviour can be procedural i.e. relating to the process, or substantive i.e. relating to issues of substance arising from the merits of an appeal or application; the Annex cites examples of such behaviour.

### *Procedural Matters*

6. In terms of procedural matters the Applicant argues paragraph 3.10 (k) of the Annex is applicable i.e. the Council are at risk of an award of costs against them for failing to comply with statutory deadlines or procedural requirements for proceedings. The Council provided its statement within the statutory deadline and I am not aware it has

failed to comply with any other procedural requirements for proceedings; the Council's behaviour in this regard cannot be regarded as unreasonable or resulted in unnecessary expense. Any procedural shortcomings associated with the previous enforcement appeals related to the site are outside the scope of paragraph 3.10 (k) and the consideration of the current appeal.

### *Substantive Matters*

7. In terms of substantive matters the appellant argues paragraphs 3.11 (b), (e), (i) & (l) of the Annex are applicable; I shall address each in turn.
8. With reference to paragraph 3.11 (b), the Applicant argues the Council's statement of case lacked objective analysis in terms of the impact of the development central to the appeal, and states that in any event the issues could have been dealt with via other controls outside the planning regime.
9. Whilst I found in favour of the Applicant in terms of the siting and impact of the storage pile, nonetheless, in this instance I consider the Council provided adequate and reasonable written evidence in defence of their case based on concerns related to the visual and residential impact of the storage pile, and the fact that the condition had not been complied with, resulting in the enforcement notice being served. In arriving at its view, the Council took into account relevant local planning policy, and a professional judgement had to be made based on the material planning considerations; the harm identified was a matter of interpretation and planning balance, and is not necessarily in the circumstances to be regarded as unreasonable behaviour. I appreciate that in terms of the Council's concerns regarding odour, that in broad terms this is generally covered by other legislation, however this does not mean that it cannot be a legitimate planning concern, albeit not a statutory nuisance, and therefore be subject to a planning condition; as stated previously this was a matter of planning judgment and therefore the stance the Council took was not unreasonable in terms of costs referred to in the Annex.
10. With reference to Paragraph 3.11 (e) of the Annex, the Applicant argues the planning condition central to the EN had been found to be effectively unenforceable by two previous Planning Inspectors; it is argued this was an untenable position and the Council continued to unreasonably pursue enforcement action which has caused unnecessary expense for the Applicant in repeatedly defending his position.
11. Contrary to the Applicant's views the previous Inspectors did not specifically state the planning condition central to this appeal was unenforceable, rather their stance was that the enforcement notices served on those occasions were invalid or a nullity due to the notices specific shortcomings in how they were constructed. The Council reviewed their wording of the current EN in light of the previous appeal decisions. I found the enforcement notice subject to this appeal had no technical flaws that deemed it to be a nullity; the Council were perfectly entitled to serve the revised notice in light of the on-going breach of planning control and therefore their stance was not unreasonable, bearing in mind the Applicant had not complied with a planning condition.
12. Paragraph 3.11 (i) of the Annex refers to local planning authorities being at risk of an award of costs for unreasonable behaviour if a condition is imposed that does not comply with the tests set out in Circular 16/14: *The Use of Planning Conditions for Development Management*. The Applicant argues the condition does not meet the tests of Circular 16/14 and has resulted in a number of failed enforcement actions by the Council prior to the serving of the EN subject to this costs award.



13. I note one of the previous Inspector's comments on a previous appeal decision that the condition created uncertainty and ambiguity in its wording, nonetheless, the condition was quite clear that no waste was to be deposited or stored on the site without the approval of the Council; this element of the condition is clear and to my mind enforceable. Whilst I found the condition was not necessary, that was in light of the fact that the Applicant was already storing waste on a particular spot within the site that I deemed acceptable. At the time the Council imposed the condition they considered it was required in the interests of visual and residential amenity; whether it was necessary when originally imposed was a matter of interpretation and planning balance, and is not necessarily in the circumstances to be regarded as unreasonable behaviour. Notwithstanding the shortcomings of the condition in terms of Circular 16/14, the details it required have not been forthcoming and resulted in the serving of the EN; in these circumstances the Council's serving of the EN cannot be considered as unreasonable, and in any event the Applicant availed of the opportunity under his grounds of appeal to challenge the condition.
14. Paragraph 3.11 (I) of the Annex refers to local planning authorities being at risk of an award of cost where an enforcement appeal could have been avoided due to inadequate investigation or insufficient communication on the part of the local planning authority. The Applicant maintains proper investigation of the matter would have concluded there was no breach, as the storage of manure was not development. As explained in the appeal decision, conditions may address matters which are not necessarily development in their own right. It is clear that a breach of planning control has occurred due to non-compliance with a planning condition. The Council attempted to persuade the Applicant to comply with the condition which ultimately resulted in the EN being served. To my mind in terms of the current appeal, the Council adequately investigated the matter prior to instigating enforcement action. In the absence of the details required by the condition and in the light of a number of complaints about the activity on the site, the Council were entitled to pursue enforcement action; this is not unreasonable behaviour on behalf of the Council.
15. Drawing the threads of the above together, I therefore consider that the Council have not behaved unreasonably having regard to the advice contained within the Annex. An award of costs is not justified for procedural or substantive reasons either in full or in part.

**Formal Decision**

16. I refuse the Applicant's application for an award of costs.

*Declan Beggan*

INSPECTOR

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