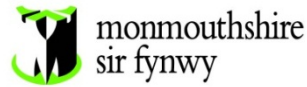


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Friday, 24 August 2018

Notice of meeting:

Planning Committee

Tuesday, 4th September, 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 - 10
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise:	
4.1.	APPLICATION DC/2017/01391 - CHANGE OF USE OF THE FIRST FLOOR FROM OFFICES (USE CLASS B1A) TO FOUR FLATS (USE CLASS C3). 4 WESLEY BUILDINGS, CALDICOT.	11 - 16
4.2.	APPLICATION DC/2018/00096 - ERECTION OF NEW DETACHED DWELLING HOUSE. 6 CAESTORY AVENUE, RAGLAN, MONMOUTHSHIRE, NP15 2EH.	17 - 38
4.3.	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.FIVE LANES CAERWENT.	39 - 44
4.4.	APPLICATION DM/2018/01048 - REPLACEMENT DETACHED GARAGE. SWALLOW HILL, PROSPECT ROAD, MONMOUTH, NP25 3SZ.	45 - 48
4.5.	APPLICATION DM/2018/01089 - CONVERSION OF TWO AGRICULTURAL BARNs AND ASSOCIATED OUTBUILDINGS TO RESIDENTIAL USE. NEW TRECASTLE FARM TRECASTLE ROAD LLANGOVAN MONMOUTHSHIRE, NP25 4BW.	49 - 56

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 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. 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.

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Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th
August, 2018 at 2.00 pm

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

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

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Craig O'Connor	Development Management Area Team Manager
Andrew Jones	Development Management Area Team Manager
Robert Tranter	Head of Legal Services & Monitoring Officer
Nicola Perry	Senior Democracy Officer

APOLOGIES:

Councillors J.Becker and D. Blakebrough

1. Declarations of Interest.

County Councillor R. Edwards declared a prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/00695, as a relative to the applicant. She left the meeting and took no part in the discussion or decision.

2. To confirm for accuracy the minutes of the previous meeting.

The minutes of the meeting of Planning Committee held on 3rd July were approved and signed by the Chair.

3. 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.

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

In doing so the following points were noted:

- Highways and access was a concern – comments by the Chepstow Society referred to another possible access. In response, the Development Services Manager advised that

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th August, 2018 at 2.00 pm

alternative access would be impractical due to two houses built in the intervening area. In terms of highways issues, this would need to be addressed under a traffic order.

- A new paper referring to air quality highlighted Hardwick Hill as a black spot. In response the Head of Planning stated that in terms of air quality there were two areas to consider:
 1. Will an extra dwelling make the problem materially worse? Waiting for response from environmental health.
 2. Is a dwelling so close to the main road that there is an air quality issue unacceptable for future amenity and health of future occupiers?

It was moved by County Councillor Higginson, and seconded by County Councillor Feakins that application DC/2017/00623 be approved subject to the conditions set out in the report, the submission of an acceptable air quality impact assessment and a S106 agreement to secure a financial contribution to affordable housing in the locality.

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

For approval	9
Against approval	2
Abstentions	2

4. 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.

We considered the report of the application which was recommended for approval subject to S106 agreement, and conditions set out in the report.

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

- To date there has been mostly positive feedback received, however opposing views of the Town Council, Civic Society and Transition Town are all well documented and addressed.
- The Planning Department have worked closely with developers and have made several changes to the overall design, including appearance to make the frontage more in keeping with the vicinity.
- Residents of a similar development in the Swan Meadow, Abergavenny, are very happy and benefit from being able to live independently and central to the town. Many no longer dependent on the use of cars in the town centre.

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

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- The plans have improved a great deal, and developments like this are a huge benefit to residents and their families.
- It was hoped that the Council's Delegation Panel will keep a close eye on the frontage.
- A deferment was suggested in order for developers to make improvements to the proposed design. Several Members expressed concerns around design. Cllr Webb congratulated the case officer for his hard work on this application and his negotiation
- The reduction of Section 106 money should be disputed. It was suggested that the Committee approve the application with an added condition that further negotiation takes place with the section 106 affordable housing contribution.

The Head of Planning explained that the case had been independently reviewed by the District Valuer. The initial figure requested would have been based on standard costs and do not factor in any site specific build costs. The DVS has looked at the applicant's build costs and proposed sale costs (with evidence from their nearby recent development) and advises the development is not viable with a higher contribution than that proposed in the report.

It was moved by County Councillor Powell, and seconded County Councillor Murphy that application DC/2018/00007 be approved subject to conditions and section 106 agreement outlined in the report.

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

For approval	8
Against approval	4
Abstentions	1

5. 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.

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

The Chair invited Ms. J. Bickford, representing objectors to the application, to address the committee, who outlined the following points:

- Ms. Bickford's home is at Box Barn, described in the proposal as 'some farm buildings'.
- The block of stables to house six horses, with tack and storage rooms attached is to be situated approximately 20 metres from the property, with its associated noise, smells and flies.
- There is no arrangement mentioned for husbandry, suggesting staff or grooms attending at different hours, creating disturbance and questioning security.
- There is no mention of drainage or removal of waste.
- A narrow section of Great Oak Road is prone to cars backing up regularly, and the addition of horse transportation will add to this situation. A deciduous hedge planted will become vulnerable.

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

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- The development comprises six loose boxes, hay store and a tack room. The principle of siting stables in the open countryside should not be contentious, and is considered acceptable by the case officer.
- The proposed stables will be located adjacent to, but not against, a high hedge that borders Great Oak Farm Cottages Lane.
- The design and materials are designed to respect the character and appearance of the rural location with timber cladded walls and plain tiled roof.
- The layout shows the proposed muck heap is 40 metres away from Box Bush Barn and out of site, and 45 metres away from the neighbouring property of Box Bush. However, the stables are a rural activity in a rural location, and any sights or smells associated are perfectly normal.
- The intended use is entirely private.
- The Highways Department is satisfied that the entrance design will not be detrimental to highway safety or conflict with transportation policy.
- The client is happy to comply with the four conditions.

Having considered the report and the views expressed, the following points were noted by Committee Members:

- To consider proposals to locate the stables further back from the residential properties.
- Despite assurance over measurements there will be a disturbance to neighbours, and suggest the construction moved further down the site, with a lane alongside for access.
- That prior to any development taking place, the manure site be agreed.
- To consider conditions on hours of building during development, and hours of use.
- To consider a different layout of the stable, rather than an 'L' shape.

It was proposed by Councillor P. Murphy, and seconded by Councillor L. Brown that we defer consideration of application DC/2018/00138 to a future meeting of Planning Committee with a view to relocating the proposed stables and muck heap to a location further away from the nearby dwellings.

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

In favour of deferral 13
Against deferral 0

The proposition was carried.

6. APPLICATION DM/2018/00528 - Proposed replacement dwelling. Argoed Cottage New Mill Road Tregagle Trellech Monmouth.

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

The Chair welcomed Councillor Dr. Larry Stoter of Trellech United Community Council to speak on in respect of the application. In doing so the following points were noted:

- This is a large two storey development, overwhelming and intrusive to the general landscape. In its current position it has clear views into the neighbouring property.

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- It is not seen as a replacement dwelling, as a significant proportion of the existing dwelling is retained.
- The size of the new development – there is considerable dispute between TUCC and the neighbour, and the architects dimensions and calculations.

Mr. P Brice, the applicant's agent, was invited to speak, and outlined the following points:

- The windows are unsustainable due to fire and overlooking issues.
- When the client had bought the property, planning officers had advised to go for a replacement dwelling.
- The existing buildings were measured and new buildings designed with a 30% addition.
- This is a modest dwelling with 2 bathrooms and 3 small bedrooms. It has been dropped down half a level so you enter at ground floor level and the building is sunk into the ground by half a storey.
- The new building has been moved away from the existing so there is no overlooking of the neighbouring property.

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

- It was agreed that the existing property is not in a good state and has grown organically to the detriment of the original house.
- The garage should be excluded as a new build garage, as this could pose problems for future applications. Officers responded that we need to establish if there is visual damage by including the attached garage.
- Controls over the appearance of the retained element of the existing cottage were questioned. Officers responded that an additional condition would be proposed around the appearance and use of the existing building.
- The existing property would be retained as bat mitigation and as a domestic storage building, and not used as habitable accommodation. The applicant's agent confirmed that the Council had requested that the original buildings be maintained.

It was moved by County Councillor Murphy and seconded by County Councillor that application DM/2018/00528 be approved subject to conditions, as outlined in the report.

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

For approval	13
Against approval	0
Abstentions	0

7. APPLICATION DM/2018/00695 - Erection of 8 signs advertising the farm park and farm shop. Brook Farm Holdings Chepstow Road Raglan Usk Monmouthshire.

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

County Councillor R. Edwards declared an interest and left the room during discussion and took no part in the vote.

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Having considered the report, it was moved by County Councillor Feakin and seconded by County Councillor that application DM/2018/00695 be approved subject to the conditions outlined in the report.

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

For approval	12
Against approval	0
Abstentions	1

8. 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.

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

Having considered the report, the following points were noted:

- The local Member has received many comments regarding this site and expressed frustrations regarding builders not adhering to approved plans.
- The original garage had been built in the wrong place and to the wrong design.

The Head of Planning understood the frustrations of Members but stressed that was not the basis for a planning decision.

It was moved by County Councillor Murphy, and seconded by County Councillor Powell that application DM/2018/00707 be refused on the basis that the scale and mass of the garage was excessive, its layout was out of character in relation to the remainder of the development, and it had an unacceptable overbearing effect on the amenity of the neighbouring dwelling to the east, conflicting with policies S17, DES1 b), c) and d) and EP1 of the adopted LDP.

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

For refusal	10
Against refusal	0
Abstentions	2

9. APPLICATION DM/2018/00769 - Outline development of up to 45 dwellings. Land At Chepstow Road Raglan NP15 2EN.

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

Councillor B. Willott, Chair of Raglan Community Council, attended the meeting by invitation of the Chair, and outlined the following points:

- The residents of Raglan do not object to a reasonable number of new homes, and there was a particular welcome to MCC commitment to 35% of affordable housing. However there are a number of concerns with the number of houses proposed for the site.

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- The site is prone to flooding. Covering much of the site with concrete will increase flood risk both to new house owners, and house owners in neighbouring roads. The flood risk will be intensified with the density of 45 houses on the site.
- Insurance premiums are likely to be high and result in an increase for existing homeowners.
- The density will have an ecological impact on wildlife. This could be mitigated if the properties were further away from the stream.
- Traffic management concerns include the exit close to Fayre Oaks Road will need careful engineering.
- It is requested that developers reduce the height of tallest proposed buildings so that no building is over two storeys high, and that these two storey buildings are on the outside of the site by Chepstow Road, or at least away from neighbouring properties in the Willows and Fayre Oaks.

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

- Objections are based mainly on the density of houses proposed, which is not in keeping with the surrounding area.
- At the public enquiry the inspector stated that the site was too small to support 45 dwellings, and that figure was calculated when the development was thought to encompass the whole site of 2.18 hectares. This is no longer the case and the usable area is now 1.5 hectares.
- It is believed that 30 dwellings is a more acceptable figure, and in keeping with the quality of housing for the village.
- It was asked that the draft plan is withdrawn and replaced with a new plan for 30 dwellings, with 50% affordable housing.

Mr. M. Cullen of Alder King, the planning agent acting on behalf of MCC, attended the meeting by invitation of the Chair, and outlined the following points:

- Extensive pre-application consultation has been undertaken with the Council and members of the public, and the site benefits from an allocation within the adopted local plan for up to 45 dwellings, and is considered to be in a sustainable location.
- It is anticipated that the development will feature 2 storey dwellings, with some single storey, and some 2 and a half storey homes to add variety and interest.
- The development will be designed to reflect and complement the wider context of the village in terms of its overall architectural style.
- No development is proposed within flood zone C2. The intention being to safeguard ecology and safeguard the space for public amenity
- A transport statement confirms there are no highway safety issues.
- The proposals include the provision of 35% affordable housing, which equates to 16 units.
- The application comprises sustainable development in accordance with the Council's LDP.

The Head of Planning, Housing and Place Shaping provided an extract from the inspector's report:

Report on the examination into the Monmouthshire Local Development Plan

6.73 In the 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 the

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privacy and amenity of existing residents, it is possible that the developable area will not be sufficient for 45 dwellings. As explained in paragraph 4.12 above the indicative number for each site is necessary for the calculation of overall housing provision and to let those with an interest in sites know what is likely to happen. If they are not achieved, however, the development would not be contrary to policy.

6.74 All in all the flood risk and traffic concerns do not cast significant doubt on the deliverability of the site and thus do not prevent its allocation; detailed matters will be deliberated and ironed out at the planning application stage. The allocation is based on robust and credible evidence and is not contrary to either TAN15 or TAN18. MAC48 will add the allocation to the renumbered Policy SAH10.

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

- Taking into account the matter of density, we should be giving a steer to local developers that we don't want to see developments with 45 dwellings.
- The points were acknowledged and considered valid, and would therefore be taken into consideration when a detailed application is presented.
- Comments were made regarding the number of bedrooms per dwelling, which could make a difference to the combined density. This would be looked at during the reserve matters stage.
- Reassurance was sought surrounding the water board and sewage treatment plant. Detail would be sought but it was understood there was no sewerage capacity constraint in the Raglan area.
- A Member expressed disappointment at the attempt to minimise the number of dwellings being developed, considering the desperate need for homes.

It was proposed by County Councillor Murphy and seconded by County Councillor Powell that application DM/2018/00769 be approved subject to conditions, and a S106 agreement as outlined in the report.

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

For approval	12
Against approval	0
Abstentions	1

10. APPLICATION DM/2018/00910 - Community hub facility and associated landscaping. Three Fields Site Main Road Magor Monmouthshire.

We considered the report of the application which was recommended for approval subject to conditions.

Councillor Murphy read a statement from Councillor L. Dymock, with similar sentiments echoed by Councillor F. Taylor, in full support of the application.

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Members were keen to support the application and recognised the importance of meeting places for communities.

It was moved by Councillor Murphy, and seconded by Councillor Higginson that application DM/2018/00910 be approved subject to conditions, as outlined in the report.

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

In favour	13
Against	0
Abstentions	0

11. Appeal Decision - Green Meadow Farm, Llandeenny Road, Llandeenny, Magor.

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 18th June 2018. Site: Green Meadow Farm, Llandeenny, Magor. NP26 3DB.

The appeal had been dismissed.

12. Appeal Decision - Ridge House Stables, Earlswood, Chepstow, Monmouthshire.

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 20th February 2018. Site: Ridge House Stables, Earlswood, Chepstow. NP16 6AN.

The appeal was allowed.

13. Costs Decision - Ridge House Stables, Earlswood, Chepstow, Monmouthshire.

We received the Planning Inspectorate report which related to a cost decision following a hearing that had been made on 20th February 2018. Site: Ridge House Stables, Earlswood, Chepstow. NP16 6AN.

The application for an award of costs was refused.

The meeting ended at 17:30pm

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DC/2017/01391

CHANGE OF USE OF THE FIRST FLOOR FROM OFFICES (USE CLASS B1A) TO FOUR FLATS (USE CLASS C3)

4 WESLEY BUILDINGS, CALDICOT

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 14/12/17

1.0 APPLICATION DETAILS

1.1 The premises, a modern red-brick building is located at 4 Wesley Buildings in the Caldicot town centre. The site currently consists of a two-storey building with four retail units on the ground floor and offices on the first floor. The unit is part of a larger building complex. This full planning application seeks the change of use from offices to 4 residential units (2no.one-bedroom units and 2no. two-bedroom flats). Refuse/recycling will be situated to the rear of the building and cycle storage is provided on the ground floor at the main entrance to the flats. The alterations are mainly internal but there will be some alterations to the fenestration. The site, which is adjacent to a public car park, is located within the Central Shopping Area of the town and is part of the primary shopping frontage.

2.0 RELEVANT PLANNING HISTORY

M/8619 Change of use from retail to financial services – Approved 10/07/2003

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 Special Distribution of New Housing Provision
S4 Affordable Housing Provision
S6 Retail Hierarchy
S16 Transport

Development Management Policies

H1 Residential Development in Main Towns, Severnside Settlements and Rural
Secondary settlements
H9 Flat Conversions
RET1 Primary Shopping Frontage
RET2 Central shopping Areas
MV1 Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Caldicot Town Council – Refuse; parking concerns – no spaces provided.

MCC Highways - The proposed development involves the change of use of a first floor office (Use Class B1a) to four flats (Use Class C3).

The Design and Access Statement refers to providing local on-street parking within the local residential area and further off street parking on Jubilee Way and Woodstock Way. Currently the local area suffers from on-street parking stress from local residents and businesses. The addition of four residential dwellings will likely require an additional four spaces to service the dwellings, and in this instance, private parking has not been provided to service the dwellings, which is in contravention of the Monmouthshire Parking Standards.

Therefore, in view of the above, the Highway Authority objects to the proposed development due to the lack of parking provisions provided.

Dwr Cymru-Welsh Water – No objection.

MCC Housing and Communities - 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 that will be required is set out in the table below [not supplied].

The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken.

4.2 Neighbour Notification

One letter of objection received

No parking provision; this will exacerbate existing parking problems in the area.

4.3 Other Representations

Jessica Morden MP has been contacted by constituents who are concerned about the plan to turn the first floor offices at the Wesley Buildings (Newport Road, Caldicot, NP26 4LY) into residential flats.

One constituent who has been in touch with the MP argues that the developers here (London & Cambridge) have deliberately kept the office spaces empty by keeping rents high. He argues that this in turn has strengthened their case to turn the offices into residential spaces in order to allow the developers to make a substantial profit, even at the expense of taking away an attractive site for a business looking to operate in Caldicot town centre – with a detrimental impact on the local economy.

5 EVALUATION.

5.1 Principle of the proposed development

5.1.1 The site is located within the Caldicot Development Boundary within which there is a presumption in favour of new residential development subject to detailed planning considerations. The proposal is therefore in accordance with Policy S1 of the LDP. Policy H1 specifically states that the re-use of accommodation such as vacant upper floors in town centres will be permitted. The conversion of vacant upper floors into residential use is consistent with the objectives of the Development Plan to steer new residential development towards the urban areas and overall the Council encourages the use of upper floors in town centres to be used for residential purposes. Not only is this a sustainable location but residential use can add to the vitality and viability of the town centre. In addition Policy H9 of

the LDP allows for the conversion of properties into flats within town development boundaries, provided that: i) they do not affect the character of the street scene; ii) they do not adversely affect the appearance of the building to be converted or the amenity of the occupiers of adjoining properties, and iii) that sufficient car parking can be provided. As there are no physical alterations proposed to the building except for some minor changes to the fenestration criteria a), b) and c) of Policy H9 are met. The parking issue will be considered separately in this report. The principle of converting the first floor from offices into residential flats is therefore policy compliant. There are residential flats above the retail units on the opposite side of Newport Road so the precedent for residential units at first floor level is already set.

5.2 Loss of Office Accommodation

5.2.1 Wesley Buildings are in the centre of Caldicot Town Centre within the designated Primary Shopping Frontage and a Central Shopping Area. Therefore Policy RET1 and RET2 are relevant. Both seek to retain retail and office use on the ground floor of buildings and this is to protect the vitality and viability of town centres. Neither of these policies refers to or puts restrictions on the use of upper floors. There are in any case several vacant office units within this area of Caldicot. Policy E1 refers to the protection of existing employment land including B1 Uses. This policy states that the loss of existing business sites or premises will only be permitted if the premises are no longer suitable or well located for employment use. The fact that these and many other office sites within Caldicot remain vacant would indicate that there is limited demand for such premises in this location. It is more beneficial for the vitality of the town centre to have occupied residential units at first floor level than it is to have a range of vacant commercial units. The loss of these office buildings would not be prejudicial to the aim of creating a balanced local economy given the variety of industrial and commercial facilities that are currently vacant in the area.

5.3 Parking Provision

5.3.1 The adopted Monmouthshire Parking Guidelines require that one off street parking space be provided per bedroom up to a maximum of three and makes no allowance for sustainable urban locations in its application. In this case, six parking spaces would be required for the proposed development but none is being provided. LDP Policy MV1 states that development proposals will be expected to satisfy the adopted parking standards but that in town centres, if the parking provision cannot be reasonably achieved on site, suitable alternative provision should be made. Here, the flats will be located in a town centre location adjacent to a public car park. There are several other public car parks within walking distance of the site. It would be unreasonable, given the town centre location to expect the flats to have designated private parking provision. It could be argued that the offices, when in use would have generated parking demand during the day time and the increase in parking generated by the flats would be partly offset by the required parking provision for the offices.

MCC Highways have identified that the local area suffers from on street parking stress from local residents and businesses. This area of Caldicot Town Centre however benefits from an abundance of town centre parking in the form of public car parks. It is considered that the limited increase in demand for parking resulting from this development will not be so great as to justify refusal of this application, especially as the previous office use of these units would have generated a similar parking demand. Arguably, the office use would have generated more parking demand in the daytime when the majority of shops and services are also available and staff parking demand is higher.

5.4 Affordable Housing

5.4.1 It is a basic principle of Local Development Plan Policy S4 that all residential developments 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 a financial contribution will be required this can be secured through a s.106 agreement. In this case, it has been calculated that the financial contribution should be £36,715. The developers challenged this figure and stated that the scheme was not viable if a financial contribution for affordable housing was provided. They submitted a viability assessment undertaken by U.L.L Property on behalf of their developer client. This assessment was then independently reviewed by the District Valuer who concluded that:

”My appraisal as detailed above for a fully open market scheme returns a residual land value of some £92,500. This is significantly below the adopted benchmark land value of £165,000 and suggests that the scheme is unviable even without the provision of any S106 sums.

This would suggest that the scheme may be undeliverable unless significant cost savings are found or profit expectations lowered.

If the authority are minded to grant permission on the basis of no contributions we would suggest that a definitive time scale for delivery is agreed which if not met triggers a viability review to ensure the site's deliverability.”

The full report is available for Members to review.

Given the findings of the independent assessment by the District Valuer, officers consider that it is not appropriate to seek any financial contribution from this scheme in respect of affordable housing.

5.5 Economic Development Implications

5.5.1 The loss of office accommodation has been discussed in detail above. Given that these offices have been vacant for some time, this proposal will not result in a loss of employment opportunities. One local resident argues that the developers have deliberately kept the office spaces empty by keeping rents high. He argues that this in turn has strengthened their case to turn the offices into residential space that allows the developers to make a substantial profit, even at the expense of taking away an attractive site for a business looking to operate in Caldicot town centre – with a detrimental impact on the local economy. The issue of the level of rents is a private matter between landlord and tenant and not a material consideration to this case. There are many vacant office units in this area of Caldicot.

5.5.2 In any case, the provision of much needed smaller housing units on the first floor provides homes in a sustainable location without compromising the commercial unit maintained at the ground floor of the premises. This would maintain the vitality and viability of the town centre.

5.6 Response to the Representations of the Community/ Town Council

5.6.1 Caldicot Town Council has raised concerns about the lack of parking provision for the proposal and this has been addressed in full in the main body of the report.

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. Five years in which to commence development.
2. Development shall be carried out in accordance with the listed approved plans.

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Application Number: DC/2018/00096

Proposal: Erection of new detached dwelling house.

Address: 6 Caestory Avenue, Raglan, Monmouthshire, NP15 2EH

Applicant: Mrs Clare O'Keeffe

Plans: P586 L_212 - B, P586 A_100 - , P586 A_101 - , P586 L_001 - , P586 L_002 - , P586 L_003 - A, P586 L_211 - B, P586 L_210 - B

Case Officer: Ms Kate Bingham
Date Valid: 24.01.2018

RECOMMENDATION: REFUSE

1.0 APPLICATION DETAILS

1.1 This application was presented to Planning Committee on 3rd July with a recommendation for approval. Members subsequently deferred the application to seek a reduction in the height and massing of the proposed new dwelling.

1.2 The applicant argues that the development accords with Local Development Plan Policy and is acceptable and does not wish to make any amendments to the proposed dwelling. A report submitted by an independent planning consultant in support of the proposal forms Appendix 1 to this report.

1.3 As such, the application is now recommended for refusal for the following reason:

1. The proposed dwelling is considered to be out of keeping with the character and appearance of the local area by virtue of its excessive height, scale and massing and is therefore contrary to the adopted Monmouthshire Local Development Plan Policies S13, S17 and DES1 b), c) and l).

1.4 The following was submitted as further correspondence since the last report was considered by Members:

Email from a local resident expressing concern about the accuracy of the officer report and statements made within that:

"...I will list the areas of concern I have about you report. Again not going into lots of detail as the detail has been given on line and at the meeting...again objection attached so you don't have to hunt it down.

1. Ridge height being similar – no - % differences in objection.
2. Materials used similar to properties - no and specifics given in report not similar – grey window frames, grey slate roof etc.
3. Any trees being taken out against Tree officers recommendation. Report uses "Welcomed" – still don't understand use of this language in a report of this nature.
4. Design similar to neighbouring properties – dormer windows – they are different types and none at similar height
5. Different use and definitions of "storey" to suit. In meeting it started to be referred to as 2 and ½ – which was never mentioned in the report – another definition – are Willows therefore now 1 and ½ ?

6. Not be prominent or dominate – every planning committee member said opposite, especially those who visited. One councillor said he didn't need the visit or to hear my comments at the meeting as this was already obvious – why not obvious to your team? Simple maths shows the property is over three times bigger than next biggest and 5 times bigger than some. How could it not dominate in that location?

7. 8.3m being within standard height of a two storey house – where are your stats on this, please provide. It certainly is not within standard for Raglan and not in the vicinity of the proposal. Also use of storey again to suit your slant in the report.

So as stated on the phone your report has been slanted by use of language to fit the narrow decision to recommend approval. My view is this slant has used facts that are wrong and misleads the reader of the report.

I understand you will comment that these areas are subjective. I totally disagree as did all the members of the planning committee who spoke against your report's findings/views. This is why I think it is down to you to change the report and in future not use misleading language like "similar" when it is obviously is not similar. Using ridge height as an example - It is either higher, lower or the same. Give the facts - 16% higher than the highest – reader can then think is that "similar" or not and decide in keeping or not.

I apologise for being relatively blunt here, but I feel you and your team have not produced a report that an informed decision can be made upon. The public rely on you to put forward the facts and then make a recommendation, which I agree is likely to be subjective. In this case, a recommendation was made on incorrect facts. Which I find very difficult to accept.

It is also my view, due to indirect comments made by planning committee members at the meeting that they are concerned the report was misleading and not completed – highways, trees to mention but two. One councillor asked is there anything else wrong, to which, if you re run the video, did not get answered as the answer given just related to this first question about the trees."

The original objection is attached as Appendix 2 to this report.

1.5 Members should note that it is not the convention for officers to correct a report, and these issues are ultimately subjective and depend on the scope by which you define the locality of the area when, for instance, you make a comment that the proposed materials or scale of a proposal, are in keeping with the area. It is acknowledged that the local resident has raised some material issues and that Members were in broad agreement with many of these matters when they discussed the application at Committee. Ultimately, this is a matter for Members to decide by determining whether the proposal is acceptable as submitted, or not.

PREVIOUS REPORT (3rd July 2018 Committee meeting)

1.0 APPLICATION DETAILS

1.1 This is a full application for a single dwelling in the rear garden of an existing semi-detached property in the village of Raglan which is designated within the Local Development Plan (LDP) as a Rural Secondary Settlement under Policy H1. Within such settlements the principle of new residential development is acceptable.

1.2 The proposed new dwelling will be two storey with additional accommodation within the roof area. The ridge height of the proposed dwelling has been reduced by approximately 1.2m following advice from officers, the garage element has also been reduced to single storey and the external chimney removed. The access and parking/turning area has also been amended so as to require the removal of fewer trees.

1.3 The site is not within a flood zone, conservation area or other designated area and is considered to be of sufficient size to accommodate a new dwelling and associated garden, parking and turning area.

2.0 RELEVANT PLANNING HISTORY (if any)

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

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
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development
LC5 LDP Protection and Enhancement of Landscape Character
SD4 LDP Sustainable Drainage

4.0 REPRESENTATIONS

4.1 Consultation Replies

Raglan Community Council - recommends refusal:

1. The development will have a detrimental impact on neighbouring dwellings due to its design, bulk, size, layout and scale.
2. Loss of privacy via a Juliette balcony serving a sitting room.
3. Vehicle tracking information requested by Highways has not been provided.
4. Contrary to the Well Being of Future Generations (Wales) Act 2015.

The above is to be read in conjunction with previous objections:

1. The Arboricultural Impact Assessment, has identified that the removal of the mature Birch trees will be a loss of a visual amenity as well as habitat. Therefore this proposed development is in conflict with policy NE1.
2. Consideration should be given to the ground water and surface water from this proposed development. Welsh Water in their consultation has identified that surface water and ground water from this development should not be discharged into the existing drainage systems. It would appear the plans have not shown any secondary drainage indicating how the water will be discharged from the proposed soakaway catchment pit. This could have an adverse effect on neighbouring properties due to the existing ground conditions (Drawing P586). The same drawing doesn't show how the surface water is going to be managed from the other elevation of the proposed dwelling. Therefore this proposed development does not follow policy and is in conflict with policy SD4 to reduce surface water run-off and minimise its contribution to flood risk elsewhere. This location is subject and prone to water logging and the current land becomes water logged. This water logging will only increase due to the amount of hard landscaping around this proposed development. There will be an increase in surface water and ground water from this development which will affect neighbouring properties which is in conflict with Policy EP5
3. Consideration should be given to this proposed development and policy EP5 - Foul Sewage Disposal. Welsh Water in their consultation have identified that a main sewerage line runs through the proposed site. The current Policy EP5 6.3.74 has identified some rural parts of the County and a number of rural villages in the county where the existing connections and sewage treatment plants are inadequate. There is a history of foul sewage with blockages and flooding in local gardens in

both Caestory and Ethley Drive that adding additional drains to the system will put more strain on system. The Welsh Water (drawing 341109,207411) is indicating the existing line of the drainage system. It can only be assumed that any drainage connection will be into one of the inspection chambers on the south or south east side of the proposed development. Therefore any connection required is outside the red line development, therefore substantial disruption may be required to connect to the existing systems. The site layout drawing indicates that the foul sewage connection will be outside the development. Therefore there doesn't appear to have been any application to Welsh Water or Monmouthshire County Council to make this connection. Local knowledge has identified that there is a current issue with foul sewage disposal in this location. The proposed development does not follow policy EP5 and consideration must be given to the connection into the existing drainage system.

4. Consideration should be given to this proposed development policy MV1 the adopted highway design guide, where a vehicle should be able to drive into a parking space and leave the property in a forward motion. The existing site location plan indicates that the current garage will be demolished to provide access to the back land development. On visual inspection of 6 Caestory Avenue, there doesn't appear to be the amount of space as indicated on drawing P586 L_003. Whilst infill and back land developments may plug into existing infrastructure, they should be accessible in their own right. In this case the back land development would appear to be reducing the off road parking to 6 Caestory Avenue. Access for all is a consideration of scales of development. This should include consideration of all approach routes, parking areas and entrances to buildings both from an occupant's and visitor perspective. It would appear from drawing P586 L_003 there is insufficient room to park 6 vehicles and be able to drive in a forward direction, turn within the boundaries of the proposed dwelling and drive out in a forward gear. Therefore this proposed development does not follow the Highway Authorities guidance for off street parking. Concern must also be expressed regarding parking to 6 Caestory Avenue, and vehicles able to drive in a forward direction and turn within the boundaries of the existing dwelling and drive out in a forward gear. If the Planning Authority are minded to permit development the traffic movement in this location will increase and the potential of accidents occurring will increase.

5. This proposed development can be classed as back land development. Any Planning Application of this nature should integrate into the existing landscape features, where trees or landscape features form part of a back land plot, the design should seek to retain these and integrate them into the new development. Any development proposals should be expected to follow the established building line where this is a strong characteristic of an area. In this case the proposed development is set back from the building line and will disrupt the quality of the street scene. This proposed development is in conflict with MCC LDP policy DES1 along with other policies. The development should be of a form and scale which respects the local area. It is important to ensure that new development respects the scale and density of existing properties. In general the scale and massing of new housing in back land areas should not exceed that of the existing dwellings fronting the surrounding streets.

6. Any back land development site should retain or replace trees and hedges. This proposed development has indicated that it is going to remove existing Silver Birch trees. The Arboricultural Impact Assessment indicates the trees and hedges could be replaced by replanting. Any replanting would not be comparable and the length of time it would take to replace the current privacy and amenity of occupiers of neighbouring properties would be decades. It would be expected in general the height, form and massing of the proposed development should be similar to that of those in the existing street frontage and surrounding dwellings. This proposal is more of a new type of a town house which can be found on new development sites. The existing properties in this location are of a typical two storey design. This proposed development does not help or ensure the proposed development meets the expectations of MCC LDP, and does not integrate into the existing environment nor does it take account of the character of the area.

7. The community council has concerns over the increase in traffic movement in this location and the proposed access to the development. The access to this development is situated on an existing bend, increasing the danger to existing road users. The applicant should contact the Highway Authority relating to Section 184 of the Highways Act 1980 which must be acknowledged and satisfied, and permission pursuant to Section 184 of the Highways Act 1980 granted by MCC Highways, prior to the Planning Authority granting any consent or before commencement of access works.

8. Raglan Community Council's primary objection relates to the overbearing impact on neighbouring properties, and that it would be out of character with the area. The development will create a loss of privacy for the adjoining properties.

It can be considered the proposed application is in conflict with the following policies in Monmouthshire County Councils LDP that was adopted in February 2014.

Policy H3,
Policy SD4
Policy NE1,
Policy EP5
Policy MV1
Policy DES1

The following issues of environmental concern have been identified with the above. If the Planning Authority are minded to grant consent for the proposed development, the community council would ask for the following conditions to be included in the decision notice:

a) Before the development commences, a scheme shall be submitted and agreed in writing by the Local Planning Authority in respect of the control of noise/dust emanating from the construction phases of the development. Such a mitigation scheme shall be implemented and maintained and shall not be altered without the written approval of the Local Planning Authority.

b) The applicant should contact the Highway Authority relating to Section 184 of the Highways Act 1980 which must be acknowledged and satisfied, and permission pursuant to Section 184 of the Highways Act 1980 granted by MCC Highways, prior to the Planning Authority granting any consent or before commencement of access works.

c) The applicant should be made aware that there should contact Dwr-Cymru / Welsh Water, in relation to any new connection to existing sewer, it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

d) It is recommended that the applicant obtains consent from Dwr-Cymru / Welsh Water for any connection to the public sewer under s106 of the Water industry Act 1991 before consent is granted by the Planning Authority.

e) All works and ancillary operations during the construction phases of the development shall be carried out only between the following hours:

0800 - 1800 hrs

Monday to Friday

0800 - 1300 hrs

Saturday

At no time on Sundays and Bank Holidays.

Deliveries to site and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.

Reason: to protect the amenity of the locality especially people living nearby

MCC Highways - No objection. No Highway objection to the principle of the proposed development, however we would request the application be deferred until the applicant has submitted vehicle tracking details.

MCC Tree Officer - Initial response: I note from the tree report that it will be necessary to remove 8 no. Birch trees from the rear garden, plus some hedgerow. According to BS5837:2012 Trees in relation to Design, Demolition and Construction Recommendations the Birch trees are listed as Category B2 i.e. trees of moderate quality that make a significant visual contribution, the retention of which is desirable. The trees are highly visible, particularly when viewed from Prince Charles Road to the southwest. In my opinion the loss of these trees will have a significant detrimental impact on the landscape.

In conclusion the proposed loss of these trees precludes me from supporting this application and my recommendation is that it be refused in its current form.

*Awaiting further comments following amendments to driveway leading to loss of 3 no. Birch trees.

MCC Housing Officer - Financial contribution of £27, 685 required towards the provision of affordable housing in the local area.

MCC Public Rights of Way - Further to previous comments, Monmouthshire County Council is in receipt of a path order application that would accommodate the proposed development. Countryside Access therefore withdraws its objection. Please be advised however that path orders are subject to consultation, legal tests and can fail.

Neighbour Notification

16 representations received. Object on the following grounds:

1. Concerned about the roots of all the Birch trees listed, some more than others e.g. Birch 885 and the proposal to build so close to Birch 886. The proposed wall of the house is about a metre away from the tree trunk. So if the house is built the majority of the branches would be taken off and the root system disturbed under the West side of the house.
2. The turning and parking area in front of the build has been reduced. Therefore, if any vehicle larger than a car (delivery vans, utility vans, tradesmen etc.) goes down the driveway the only way out is to reverse onto the blind bends.
3. Whilst some small effort has been made with regards to the existing mature trees, we still feel the development will have a major impact on the surrounding natural environment, specifically the habitats of many various types of wildlife.
4. The property is not at all in keeping with the neighbourhood and is far too large.
5. The proposed property will overlook several gardens due to the height of the build.
6. Against the loss of the trees which offer some privacy at the rear of the garden of no. 12 The Willows.
7. Even following amendments, the building is still large and overbearing and totally not in keeping with any other neighbouring properties and the close proximity of the proposed building will only exaggerate that.
8. The windows on the top floors will still have an uninterrupted view of neighbouring properties and gardens.
9. Access to the property is still gained via a blind bend which is already dangerous for both pedestrians and drivers alike, the potential for extra traffic/parked cars there will only seek to make this worse.
10. All 8 trees should be retained.
11. Bats noted living in the trees.
12. Environmental impact on drainage due to large increase in hard surface.
13. Loss of residential amenity for the occupiers of the host dwelling who will be overlooked and closed in by a fence.
14. Proposed house is still too imposing and will overshadow and block light to surrounding dwellings.
15. Drainage that connects to 6 Caestory Avenue will now run under the drive and may crack with vehicles running over the top as we understand the drains are not down very deep.
16. PPW states that: Development plans should include clear policy criteria against which applications for development of unallocated sites will be considered. Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas. 'Tandem' development, consisting of one house immediately behind another and sharing the same access, may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front, and should be avoided. Also that: Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.
17. The scale of the proposed development is of an executive 4 bedroom property, exceeding the scale of the semi-detached property in whose grounds it sits.
18. Lack of public frontage to the property makes this property vulnerable to the residents, and is out of keeping with the neighbourhood where all front doors are onto public spaces and/or roads. A dangerous precedent.
19. Dropping the ridge height has done little to me to suggest that this development is appropriate for the site, which essentially is utilising a back garden for development of a property out of scale and out of keeping with the general feel and scale of properties in the immediate area.

20. The building is over 2m higher than anything else in the area. The eaves height is only 22 cm lower than as submitted. When you link this to the proposal being 17m long and 11m wide the revision has no significant effect on how out of character, overshadowing and overbearing this proposal still is and the significant effects on the neighbouring homes. The developer again shows no consideration for the community.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site lies within the development boundary of Raglan as defined by Policy H1 of the Local Development Plan, within which new residential development is acceptable in principle. The size of the plot is considered to be large enough to comfortably accommodate a single detached dwelling with associated parking/turning area and private garden area. Although located to the rear of an existing dwelling, being a corner plot access is achievable without significant disturbance to the host or neighbouring dwelling. Only the application site and the neighbouring two plots that are also on the corner, are large enough to accommodate a detached dwelling within the garden with access within the vicinity of the site and therefore an unwelcome precedent is unlikely to be set should the application be approved.

5.2 Design

5.2.1 The proposed dwelling is traditional in design having a pitched roof with dormers and an attached one and a half storey element containing a double garage. The other existing dwellings in the area are mainly former Local Authority houses which are generally in pairs of semi-detached blocks although there are some more modern detached two storey dwellings to the side/rear at The Willows. The proposed new dwelling will be finished with a slate grey roof, rendered walls, timber doors and grey uPVC windows. These materials are typical of the area and are considered to be in keeping.

5.2.2 The ridge height of the proposed dwelling has been reduced from approx. 9.5m as originally submitted, to approx. 8.3m. This reduction has been achieved by dropping the ceiling heights and also the eaves. The proposed development is set back from the building line but will not be prominent when viewed from Caestory Avenue. It will relate to the existing dwellings on The Willows to the south-east of the site when viewed from the adjacent public open space and it is not therefore considered that the proposed dwelling will appear incongruous within the local street scene - especially as the ridge line is now more in line with the heights of the other dwellings in the vicinity. An external chimney that was originally proposed has also been omitted from the scheme and the secondary garage element with accommodation above is now lower meaning that this part of the building is now 0.5m lower than as originally submitted.

5.2.3 The retention of six of the eight existing birch trees on the site is welcomed and will further help to soften the overall impact of the development and also screen the property from views from the south-west.

5.2.4 Overall, it is considered that following amendments, the proposed new dwelling now is in keeping in terms of design and scale with the character and appearance of the surrounding area and the proposed development is not therefore considered to be in conflict with LDP Policy DES1 or the advice in PPW.

5.3 Highway Safety

5.3.1 The existing plot will be separated into two individual residential properties, with a shared vehicle/pedestrian access serving both dwellings off Caestory Avenue as in the current arrangement for No. 6 - i.e. no change is proposed to the access off the public highway to the properties. The shared use driveway is proposed to be 3.6m wide and will be approximately 30m in length. At this point it will become the private drive for the new dwelling and accessed via an automated gate. The existing property will be served by three dedicated parking spaces. The proposed dwelling will

include a double garage and additional parking to cater for three vehicles. No vehicle tracking information has been submitted by the applicant as requested by Highways. However, the proposal includes a turning head, approximately 5m x 5.5m, adjacent to the shared use driveway, for use by the existing house. A turning area of similar dimensions is also included adjacent to the double garage at the proposed dwelling. For a dwelling of the size proposed in this application the parking and turning arrangements are considered to be acceptable and it is also considered that increased use of the access for one additional dwelling will not significantly affect highway safety.

5.4 Residential Amenity

5.4.1 The proposed dwelling has been designed so as to avoid overlooking of neighbouring gardens and dwellings from habitable rooms. Furthermore, there is a distance of at least 11m between all elevations of the new dwelling and the boundaries with neighbouring properties. There will be approximately 30m between any windows on the proposed new dwelling and the existing dwellings on Caestory Avenue. The Juliette balcony on the south west elevation referred to by a neighbour and the Community Council overlooks a public open space and will not therefore harm the residential amenity of the neighbouring dwellings at The Willows. The distances between the proposed new dwelling, habitable windows and neighbouring gardens and dwellings is considered to be sufficient so as not to lead to a significant loss of privacy for any occupiers.

5.4.2 In terms of the new dwelling having an overbearing impact on the neighbouring occupiers, the height has now been reduced to 8.3m which is similar to a standard two storey dwelling, rather than 9.5m as originally submitted and the secondary garage element also reduced in height. As such, the massing and bulk of the proposed dwelling at the distances away from neighbouring dwellings mentioned above, is not considered likely to have an overbearing impact on these occupiers. It is therefore considered that the proposed new dwelling will not harm the residential amenity of the any neighbouring occupiers and therefore is in accordance with Policy EP1 which relates to local amenity.

5.5 Ecology and Trees

5.5.1 The application has been amended so that 6 of the 8 existing Birch trees which have been identified as of moderate value are now to be retained. This has been achieved by re-routing the access around the trees and also reducing the parking and turning area. The root areas of the retained trees will be in the line of the proposed access and therefore it is advised that the construction of the driveway and parking area affecting these trees uses a no dig technique as detailed in Arboricultural Method Statement 1 to minimise the impact on these trees. This can be conditioned. Two new trees should be planted to compensate for the loss of two existing trees.

5.5.2 A neighbour has reported seeing bats in the area and suggests that they could be living in the Birch trees. As such the trees that are to be removed should be checked for bats prior to any clearance works on site. Should bats be found then the developer will have a duty under European Legislation to not disturb or harm the bats or their resting or roosting places.

5.5.3 The section of hedgerow across the site that is to be removed is Beech and has been assessed as offering little in the way of habitat for wildlife. All of the boundary hedges are to be retained.

5.5.4 Provided that conditions to ensure the protection of the trees that are to be retained are included on any consent and an informative added reminding the developer of their responsibility in relation to bats then it is considered that the proposed development will not have an adverse impact on nature conservation and therefore complies with Policy NE1 of the LDP.

5.5 Affordable Housing

5.5.1 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. In this case the amount required has been calculated as £27,385. The calculator does not assess whether or not the scheme can afford the policy compliant amount

of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken. It should be noted that the Council does not wish to hinder the supply of dwellings from self-builders who could be building to meet their own needs. Therefore, such self-builders will not be required to make a financial contribution.

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

5.6.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act. The reduction in the scale of the dwelling and the retention of 6 existing trees is considered to have significantly reduced the potential impact of the proposed new dwelling on the well-being of neighbouring occupiers. The proposed development will also provide the benefit of an additional home in an established settlement which is considered to be a sustainable location.

5.7 Response to the Representations of the Community/Town Council and Other Issues Raised

5.7.1 The objections raised by the Community Council in relation to loss of trees, highways, residential amenity, design and the Well-Being of Future Generations Act 2015 have been addressed above. It is considered that the revisions made to the proposal have overcome these objections.

5.7.2 In relation to drainage, DCWW in their consultation have identified that surface water and ground water from this development should not be discharged into the existing foul drainage system. This is a standard response from DCWW on all new residential development. Detailed drainage drawings would not be expected at the planning stage but will be covered under the Building Regulations for this scale of proposal. Foul sewage disposal would be to the mains sewers. DCWW have not indicated that there is a capacity issue with the sewers in the area and therefore it would not be reasonable to refuse the proposed development on these grounds. Connection outside the red line development boundary is commonplace and disruption will be minimal. An application to DCWW to connect to the sewer would not be made until planning consent has been secured as there is a cost involved. Again, this is normal and should not affect the determination of the planning application.

5.7.3 The Community Council have also requested various conditions be imposed should consent be granted. Conditions in relation to the construction phase of the development are not normally imposed on small developments such as this and noise and dust is in any case controlled under Environmental Health Legislation. The request for the applicant to contact the Highway Authority relating to Section 184 of the Highways Act 1980 and DCWW in relation to Section 104 Adoption Agreement (Water Industry Act 1991) are not included as conditions as they relate to separate legislation that does not require duplication.

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

Financial contribution towards affordable housing in the local area to be paid on the completion of the sale of the new dwelling. 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 No surface water 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.

4 The retained Birch trees shall be protected during construction in accordance with the recommendations in BS5837:2012 'TREES IN RELATION TO DESIGN, DEMOLITION AND CONSTRUCTION - RECOMMENDATIONS' by Cardiff Treescapes dated 19th March 2018 (Revised 8th May 2018).

REASON: In the interests of nature conservation and visual amenity.

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 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

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

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.

Erection of New Dwelling House at 6 Caestory Avenue, Raglan, NP15 2EH
Planning Application Ref DC/2018/00096



Background

A planning application for the above development was registered as valid on 24 January 2018. Following discussions with the Development Management case officer the initially submitted scheme has been revised to lower the ridge height from 9.5m to 8.3m, reduce the height of the secondary garage element by 0.5m and remove the external chimney. The application has also been amended to ensure that six of the eight Birch trees on the western boundary with the adjoining rear garden are retained.

The development has received a number of objections from neighbours and Raglan Community Council. And although the Development Management case officer's report to Planning Committee on July 3 2018 answered all the concerns and provided a clear justification for allowing the scheme to proceed, Planning Committee members deferred consideration of the scheme and requested the applicant to amend the scheme.

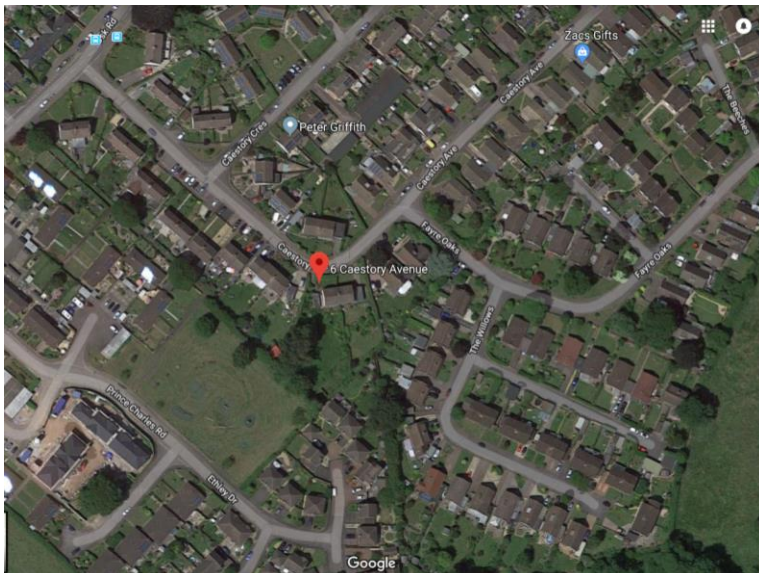
The author, who is an established Chartered Town Planner with over 35 years professional experience, visited the site on July 18 and has examined the proposed plans and Development management case officer's report to Planning Committee.

This short report details why the Planning Committee has no defensible or sustainable grounds for resisting or requesting changes to the proposed dwelling which conforms entirely to the national planning guidance as expressed in PPG Wales and the Council's LDP policies and generally accepted development guidelines adopted in the Supplementary Planning Guidance of many LPAs in Wales.

Development Proposed

The development lies in the adopted settlement boundary of Raglan. The character of the area is residential with a mixture of housing styles, densities with generally well maintained front gardens. The dwelling does not lie in Conservation Area or in a designated or protected landscape.

The development proposes one single detached two storey dwelling house to the south of the large rear garden of 6 Caestory Rd. The principle orientation would be to the north west. The proposed dwelling is mainly two storey with rooms in the roof space with an attached single storey garage element with a room above and circulation space.



The site is well enclosed by large mature trees and hedges and well screened from Caestory Avenue and neighbouring gardens and from the play area and surrounding houses.

Mature Western Boundary



View South East Towards Ethley Drive



View North Towards 6 and 8 Caestory Av



View Towards Site Looking North



The location and orientation of the proposed dwelling ensures that standard objectively assessed guidelines used extensively in local planning authorities in Wales and England are met. The Council does not appear to have adopted SPG on issues such as Infill Sites or Residential Amenity but other LPAs have guidance that uses common standards such as distances between habitable room windows and neighbouring boundaries, distances between habitable room windows and set back of dwellings from boundaries.

So, for example, claims of overshadowing and overdevelopment can be dismissed on the grounds that the development is located so that habitable room windows of the proposed dwelling are located a minimum distance of 10.5m away from the garden boundary of surrounding development. This is a

well-established guideline adopted in most LPAS nationally and especially where land is flat and boundaries are well established and visually strong. ensures that the development would be acceptable.

So, for example the habitable room window in the story and a half south western side elevation is some 16m away from the front garden of the nearest property in Ethley Drive that lies to the south east of site. The rear garden at Ethley Drive is located 10.5m away from the windows on the eastern side elevation window. It will be also being noted that alongside the required distance between habitable room windows and the neighbouring gardens is the fact that the boundary on the eastern side is formed by a mature hedge. Habitable room windows on the western (front) elevation of the proposed dwelling lie 11m away from rear garden to 4 Caestory Avenue with this boundary being formed of mature birch trees. On the proposed side elevation facing north , habitable room windows would be located 12m away from the proposed common garden boundary with the host dwelling at 6 Caestory Av and a minimum 10.5m but on average longer between windows facing the rear garden of 8 Caestory Avenue

In a similar manner, no habitable windows in the new dwelling would lie within a 21m distance with direct views into adjoining habitable room windows. So, for example windows on the northern side elevation would lie 25m away from the main rear wall of 6 Caestory and 28m from 8 Caestory. Windows on the front, western elevation would lie 34m from the side wall of 4 Caestory. While a rear, eastern facing first floor obscurely glazed bathroom window would lie 15m away from the rear of the closest dwelling in Ethley Drive, it will be noted that the angle of view between the windows is very acute and not direct. Therefore, the development would clearly comply with the Council's objectively set guidelines and there would be no adverse overlooking resulting in poor amenity for the proposed dwelling or for neighbours.

The proposal would result in the host dwelling having a plot size 476 sq m with an amenity area of 167 sq m. The proposed dwelling would have a plot size of 918 sq m and a proposed amenity area of 511 sqm. The footprint size of the new dwelling including a garage would be 130 sqm. The footprint to plot size ratio would therefore be 14%.

In terms of location and orientation, the dwelling is set within a very spacious plot with distances between the dwelling and the nearest boundary of 3.8m to the south, 10.5 to the east and south east, 12m to the north and 9m to the west. These distances further demonstrate that with such a set back from boundaries with neighbours, then the two and a half storey building could not be assessed as being over dominant or overshadowing of neighbouring dwellings or gardens.

In terms of density the proposed plot would be in keeping with the surrounding character of the area that already display a diversity of densities. The proposed plot size of 918 sqm would produce a dwellings per hectare (dph) density of 11. As indicated in the case officer's report, the three dwellings 4,6,8 Caestory by reason of their location on a bend are much larger than surrounding development. These existing densities are:

4 Caestory Av (928 sq m) 11 dph (dwellings per hectare)

6 Caestory Av (1394 sq m)) 7 dph

8 Caestory Av (765 sq m) 13 dph

Numbers 2 and 4 to the east and 2 Caestory Av to the west are also larger plots when compared with densities in other parts of Caestory Av and to the south at Ethley Drive and south east at The Willows.

2 Caestory Av (420 sq m) 23 (dph)

2 Fayre Oaks (720 sq m) 14 dph

4 Fayre Oaks (450 sq m) 22 dph

This contrasts with dwellings further to the west such as 24 Caestory Av where densities rise at 238 sqm and 42 dph.



Case Officer's Report to Planning Committee

The case officer's report to Planning Committee describes the proposal and explains that the development conforms with Strategic policies and more detailed Development Plan policies as adopted in the Council's LDP.

Design

The case officer rightly accepts that in overall design terms the dwelling is acceptable and given its overall height, mass, scale and external materials complements the appearance of the area. As indicated earlier, the client has already been willing to amend the scheme and further design limitations are unnecessary and unwelcome.

Access

Access to the host dwelling and new dwelling to the rear would be off the existing highway access to the west of the host dwelling. Three car parking spaces and circulation space would be provided to the host and new dwelling.

Residential Amenity

The case officer rightly concludes that *'distances between the proposed new dwelling, habitable windows and neighbouring gardens and dwellings is considered to be sufficient so as not to lead to a significant loss of privacy for any occupiers'*. The case officer also correctly judges that the dwelling would also not have an overbearing impact on adjoining properties in line with Policy EP1. Our additional justification provided above in terms of objective evidence supports the assessment of the case officer.

Ecology and Trees

Six of the eight birch trees are to be retained with two replacement trees to be planted to replace the trees lost. The case officer notes the retention of the boundary hedges that are very well established and offer significant screening. The development therefore conforms with nature conservation policy NE1 of the LDP.

Conclusion

There are no sustainable or defensible reasons for the current proposals presented before Committee to refuse the application. Especially given the changes already made to the application. My advice is that if the Council be refused to reappraise its decision not to approve the application based on this further report. However, if the Council were not to approve the scheme in its current form then I would advise that an appeal be made to the Planning Inspectorate and an application for costs made.

R C Hathaway MRTPI

Chartered Town Planner

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Comments on planning officers report to MCC Planning Committee agenda item 4d

I HAVE READ THIS REPORT AND BELIEVE THERE ARE FACTUAL INACCURACIES, CONTRADICTIONS WITHIN IT AND ASSUMPTIONS MADE TO REACH INCORRECT CONCLUSIONS.-----

The comments below are in sequential order to the report.-----

Paragraph 1.2 – the report refers to the house as 2 story with “additional accommodation within the roof area” this is misleading at best. This house is affectively being built as a three story house with 4 large dormers and all the roof space being used hence very high roof ridge line to cater for a lounge, Master bedroom, Bathroom dressing room and landing – this is not additional accommodation it is using the roof as a third storey.-----

No other property in the area is built this way and no property has dormers from their roofs above two storey level. If you used the same wording as the report all neighbouring houses in the willows would be single storey “with additional accommodation within the roof area” - this is incredibly misleading. -----

This property is three storey by any other name with large windows at over 6 meters high.-----

To say the garage has been reduced to single storey is bizarre. It has not changed since the first set of plans apart from ridge line reduced. It still has the proposed lounge with a dormer window. The planning officer seems to contradict herself, as later in the report paragraph 5.2.1 refers to the garage as 1.5 storey. It can't be both – so what is the overall height 2, 2.5 or 3 storey? -----

I agree the ridge line has been reduced, but would argue whether it is 1.2m as difficult to scale diagrams from on line copies. Even if the 1.2m is correct the house has gone from being 9.5m to 8.3m. This is still between 1.1m and 3m taller than any other property surrounding the proposal. Link this to the length and breadth of the house 15/16M and 11M it is still totally overbearing and out of character house sat behind and above the houses in Caestory, the Willows, Ethley drive and the park.-----

Page 28 of the report states the planning officer is waiting a report from the MCC Tree Officer. My view is this proposal should not have come to committee until he had commented. He was adamant that any removal of the trees he could not support. I would like to know his view on taking 3/8 of them away (and also the effect on the root system of the remaining trees). This is a key element to the amenity enjoyed by current residents. Replanting does not suffice as these Birches will take 3 or 4 decades to replace. Again the report is misleading without the tree officers comments, how they can recommend approval of the proposal when the tree officer has not commented on nearly half of the trees being taken that he so strongly commented upon having to stay is jumping to conclusion.---

Section 5 evaluation-----

5.5.1 – The report contradicts itself here again. It says it won't lead to a precedent, but states the two neighbouring plots are large enough to take dwellings. Surely it therefore does set a precedent (even if just for those properties, which would be even more intrusive if proposals were built in their gardens). It also sets a precedent for any other person in Raglan with a large garden to sell to

developers for higher prices than to families who need affordable housing. I think the report focusses too much on maths rather than human geography and the knock on consequences.-----

Paragraph 5.2.1 -----

As indicated above, garage now classified as 1.5 storey whereas paragraph 1.2 states single storey. More contradiction. -----

NO slate grey roofs nearby, NO dormers of this nature nearby, NO grey surround windows nearby, NO natural wood garage, front or back doors nearby, NO windows of this design nearby – WHICH BIT apart from render OF THIS IS IN KEEPING OR IN CHARACTER OR TYPICAL OF AREA. Did the planning officer visit the site and actually look at the style of houses?-----

As an aside the Chimney stack has now been removed as a nod to getting the overall height down, but this has 1) allowed larger windows at a higher height to be drawn into the plans, and 2) makes it more out of character in the location as all the houses neighbouring do have chimneys. -----

Again what definition of “storey” is the Planning officer using. She describes the Willows as two storey. If they are two storey then the proposal is three storey. i.e. “both use roof area for accommodation”-----

Paragraph 5.2.2-----

“The proposed development is set back from the building line but will not be prominent when viewed from Caestory Avenue” – Unbelievable comment. The square meterage of the proposal facing Caestory Avenue (on a slight slant agreed) is 88sqm. It will be the most obvious building for people living both sides of the road and people walking up and down the road. -----

Facing the Willows and Ethley drive is 110sqm of building that is not in character with the Willows. TO SAY THAT IS NOT INCONGRUOUS is naïve at best.-----

THE RIDGE HEIGHT IS NOT IN LINE WITH NEIGHBOURING PROPERTIES. FACT. My ridge height is 7.2m – measured last year. It is arguably the highest around. This proposal, if it is 8.3m tall, is nearly 16% higher than the highest and some 35 / 40 % higher than others. Again I ask whether the planning officer visited and if yes, if the heights were measured.-----

Paragraph 5.2.3 -----

“The retention of six of the eight existing birch trees on the site is welcomed and will further help to soften the overall impact of the development and also screen the property from views from the south-west”-----

The fact that the development needs further softening says it all!!! There is some confusion about how many trees will actually be lost. Report says 6 birch to stay whereas plans suggest 5 remain. I am surprised the report was issued without the Tree Officers comments on the revisions.-----

Not sure “South West” is correct here. The remaining trees are to the North, North West and West of the development. -----

Paragraph 5.2.4 ----- DUE TO THE ABOVE I COMPLETELY DISAGREE WITH THE EVALUATION BY THE PLANNING OFFICER. THERE ARE POINTS THAT ARE FACTUALLY WRONG AND CONCLUSIONS DRAWN THAT ARE BASED ON INCORRECT ASSUMPTIONS/VIEWS.-----

Highways. Paragraph 5.3-----

Without the tracking diagrams how can an assumption be made that this has been dealt with. This was requested 5 months ago and been ignored by the developer.-----

All I can do is reiterate the fact that this is a dangerous bend that will become more dangerous with the proposed additional exciting traffic from the proposed development. Be it on the Highways conscience if there is a fatality or serious injury.-----

5.4 Residential Amenity

5.4.2 – “8.3m which is similar to a standard two storey dwelling “ – WHERE WOULD THIS BE - NOT WHEN COMPARED TO PROPERTIES WITHIN ¼ MILE OF THIS PROPOSAL. I have just done some research on “average height of a two storey house” and my results come in at between 6.09 and 7.10m – so please let me know where 8.3m qualifies as similar to standard.-----

With regard to bulk and mass the proposal is totally out of character and not in keeping with the bulk and mass of any properties within the location. This property is three times the size of the next largest property and you could argue 4 on the basis of how the L shaped nature faces other properties. The square meters of building facing all sides is still huge having only been reduced slightly. It is totally out of character. It is up to 5 times bigger than some of the other neighbouring properties -----

The proposal may confirm regulatory wise to being exactly the right distances away from “living/habitable” rooms, but you need to look at the size compared with existing properties and the fact it is really three storeys which gives it the elevation to overlook gardens and houses.-----

5.5.1 Trees mentioned above is it 5 or 6? Tree officer to comment please. If a smaller development was put here no trees would be lost.-----

5.5.2 Does the site need to be inspected for bats rather than wait for a non-community driven developer to disclose?-----

5.5.1 On the basis the developer wanted to put two new houses on the site originally (pre planning advice) I can't believe they are building for them self. I hope this isn't a loop hole.-----

5.7.1 I DONOT CONSIDER THAT THE REVISIONS GO ANYWHERE NEAR OVERCOMING THE OBJECTIONS OF THE LOCAL COMMUNITY COUNCIL.-----

SUMMARY-----

SMALL PIECEMEAL AMENDMENTS RECEIVED TO TRY AND PLACATE PLANNING OFFICER. I AM AWARE THERE WAS DISGAREMMENT IN THE PLANNING TEAM AS TO WHETHER THE RECOMMENDATION WAS APPORVE OR NOT.-----

PROPOSAL CONTINUES TO BE OVER BEARING, OVERSHADOWING, OUT OF CHARACTER IN THE LOCATION. IS DANGEROUS TO PEDESTRIANS AND ROAD USERS. STILL WANTS TO TAKE AWAY TREES.

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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: Refuse

Case Officer: Ms Kate Young
Date Valid: 01.05.2018

1.0 APPLICATION DETAILS

1.1 This planning application was deferred at the meeting of Committee held on 7th August 2018 to be refused, contrary to the recommendation of officers. The application is therefore re-presented to Committee with a recommendation for refusal.

1.2 Members concerns related to the scale and position of the garage element of the proposal. The reason for refusal offered to reflect those concerns is set out below:

1.3 Reason for refusal:

1. The scale and mass of the garage as built is excessive, its layout pushed forward of the common building line of this development is out of character in relation to the remainder of the development and it has an unacceptable overbearing effect on the amenity of the neighbouring dwelling to the east, conflicting with Policies S17, DES1 b), c), and d) and EP1 of the adopted Monmouthshire Local Development Plan.

PREVIOUS REPORT (7th August Committee meeting)

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
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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/2018/01048

Proposal: Replacement detached garage.

Address: Swallow Hill, Prospect Road, Monmouth NP25 3SZ

Applicant: Mr & Mrs Roden

Plans: All Drawings/Plans 18.843/100/01 Scheme Proposal Scale 1:100, 500 and 1250 - ,

RECOMMENDATION: APPROVE

Case Officer: Mr Tudor Gunn

Date Valid: 29.06.2018

1.0 APPLICATION DETAILS

1.1 Swallow Hill is a detached two-storey dwelling located within the residential area of Osbaston in Monmouth. The neighbouring properties on Prospect Road consist of a variety of mainly uniquely designed and modern properties.

1.2 The proposal is for a replacement detached garage. The proposed garage would have a footprint of 3.9m wide x 5.65m long with a height of 4.1m to the roof ridge and 2.2m to the eaves as viewed on the principal elevation. Due to the descending ground levels to the rear (west) the eaves height increases to 3.8m as viewed from the rear.

1.3 The existing garage has a footprint of 3.1m wide x 4.3m long with a height of approximately 2.2m to the peak of the flat roof as viewed on the principal elevation, rising to a maximum height of 3.7m as viewed from the rear as the ground level descends.

1.4 The proposed garage would have a hipped roof with plain tiles with bonnet hips to match the house whilst the walls would consist of facing brickwork to match the house and natural larch cladding. The garage door, side door and window would be constructed with painted softwood joinery. Rainwater goods would be white uPVC. The foundational base would be sand cement render on the existing blockwork base whilst the ground levels would be adjusted locally to accommodate the structure.

1.5 The existing garage to be demolished is generally well maintained and consists of a single skin pre-fabricated concrete garage with corrugated clear polycarbonate roof with timber purlin roof supports. There is no roof lining.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01048	Replacement detached garage.	Pending Consideration	
DC/1982/00859 (GW18079)	Erect A House & Garage APP_TYP 02 = Outline DEV_TYP 01 = New Development MAP_REF = 350681214269	Approved	10.11.1982

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

4.0 REPRESENTATIONS

4.1 Consultation Replies

Monmouth Town Council - Approved with condition: Ensure adequate drainage provided.

4.2 Neighbour Notification

No response to consultation.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The principle of replacing an existing single garage with an improved structure with high quality materials on the same site is acceptable in principle. The existing structure is limited in terms of architectural appeal so the main issues are concerned with the increase in dimensions and suitability of the proposed structure.

5.1.2 The proposed garage would add a further 0.8m of width, 1.35m of length, and 1.9m in total height to the roof ridge. This increase in height is due mainly to the fact that the existing structure is flat-roofed so effectively the eaves height would remain the same but with a ridged roof on top. The impact of the proposed roof would be partially offset by the fact that the roof is hipped.

5.2 Design

5.2.1 The proposal would have an acceptable visual impact in relation to the street scene. The proposed garage would occupy the same site as the existing garage so the structure would be primarily visible from the residential road the dwelling sits on in addition to the neighbouring properties.

5.2.2 The proposed garage is larger than the existing garage especially with regard to the height, but the residential plot is relatively large and is capable of accommodating a slightly larger structure. The proposed garage would continue to appear subordinate to the main dwelling and would continue to provide the storage that a modern dwelling reasonably requires. Moreover, the garage would be set back 10m from the road that further reduces the visual impact and therefore there would be no detrimental effect on the street scene.

5.2.3 The scale of the proposal is considered to be acceptable and it would not be considered to be detrimental to the character and appearance of the area. It would be constructed with quality materials that would provide an improved aesthetic appearance and would be of a traditional form with a hipped roof. The proposed development respects the existing siting and layout of its setting and would be in accordance with Policy DES1 of the Local Development Plan.

5.3 Highway Safety

5.3.1 The proposal is for a replacement garage of similar proportions on an almost identical siting so there would be no effective change to the existing entrance and exit arrangements. As a result, there would be no additional highway safety issues over the existing arrangement.

5.4 Residential Amenity

5.4.1 The proposal is not considered to have an unacceptable impact on any other party's residential amenity. The replacement garage would still be limited to the ground floor whilst the window to the rear would effectively replicate the existing window on the outbuilding. The land to the west and south descends so from these lower vantage points the garage effectively sits on higher ground, but there would be no material difference over the existing arrangement and there would be no additional overlooking issues.

5.4.2 Although the garage is sited on higher ground 0.4m (at the narrowest point) from the shared boundary with the adjacent neighbouring dwelling, Wrekin, because the garage is to the north there would be no additional loss of light given the sun's natural course from east to south to west through the course of the day.

5.4.3 The proposed garage is very similar in dimensions to the existing garage which is not prominent in the immediate or wider landscape so the slightly larger proposal would also not appear as overbearing or dominate the neighbouring parties.

5.4.4 The proposal would not have an unacceptable impact on any party's privacy, be harmful or obstruct any party's access to natural light. The proposed development would therefore be in accordance with Policy EP1 of the Local Development Plan. There are no objections.

5.5 Ecology

5.5.1 A Bats in Buildings Part A Checklist was provided in relation to the proposed demolition of the existing single garage. There was found to be no evidence of bats or other protective species in the garage especially given the non-lined flat roof and non-cavity walls. The proposal would therefore pose no harm to ecological concerns.

5.6 Conclusion

5.6.1 For the reasons outlined above, the proposal would have an acceptable visual impact and would not be harmful to the character, appearance or amenity of the area. The proposed development would be in accordance with the relevant policies in the Local Development Plan and is therefore recommended for approval.

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.

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

2 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

3 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/2018/01089

Proposal: Conversion of two agricultural barns and associated outbuildings to residential use.

Address: New Trecastle Farm Trecastle Road Llangovan Monmouthshire NP25 4BW

Applicant: Ben Thorpe - MCC Estates

Plans: Location Plan - , Site Plan - , Cross Section - , Location Plan 17/463/001 REV A - , Elevations - Existing 17/463/010 REV A - , Elevations - Existing 17/463/011 REV A - , Elevations - Existing 17/463/012 REV A - , Elevations - Existing 7/463/013 REV A - , Block Plan 7/463/020 REV A - , Site Plan - , Floor Plans - Proposed 7/463/030 REV A - , Floor Plans - Proposed 7/463/031 REV A - , Proposed Roof Plan 7/463/032 REV A - , Floor Plans - Proposed 7/463/035 REV A - , Proposed Roof Plan 7/463/036 REV A - , Elevations - Proposed 7/463/040 REV A - , Elevations - Proposed 7/463/041 REV A - , Elevations - Proposed 7/463/042 REV A - , Elevations - Proposed 7/463/043 REV A - , Cross Section 7/463/050 REV A -

RECOMMENDATION: Approve

Case Officer: Ms Kate Young
Date Valid: 12.07.2018

1.0 APPLICATION DETAILS

1.1 New Trecastle Farm comprises a vacant farm house and several farm buildings. It is accessed via a no through road that also serves two other properties. The current full application seeks the conversion of two of the outbuildings into residential use. The first is a stone barn with brick detailing and timber boarding on the two gable ends. There is a lean-to of corrugated metal to the rear. It is proposed to demolish the lean-to and replace it with a stone and timber lean-to and to convert the barn into a two storey, three bedroom dwelling. Existing openings would be utilised and two roof lights would be provided. The free-standing Dutch barn, to the south of the building would be utilised for garaging by infilling some of the panels.

1.2 The second building is a single storey stable block of stone with brick detailing with terracota tiles on the roof. It is proposed to convert this into a single storey three bedroom dwelling with a glazed link. The existing courtyard would be used as residential curtilage. Both buildings appear structurally sound. Post and wire fences would be used to delineate the boundaries.

1.3 A Design & Access Statement and an Ecology Survey were submitted as part of the application.

1.4 This application is presented to Committee as the applicant is Monmouthshire County Council.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01089	Conversion of two agricultural barns and associated outbuildings to residential use.	Pending Determination	

DC/2014/00821	Discharge of condition 5 of DC/2012/00917	Approved	31.07.2014
DC/2006/00419	Provision and erection of a double portal framed covered yard 18.3m long x 16.8m wide for housing of livestock.	Approved	06.09.2006

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

EP1 LDP Amenity and Environmental Protection
 DES1 LDP General Design Considerations
 H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use
 LC5 LDP Protection and Enhancement of Landscape Character
 NE1 LDP Nature Conservation and Development
 MV1 LDP Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Raglan Community Council: no response received.

Housing, Strategy & Policy Officer:

It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is £54,321.

The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken.

Highways - No Objection.

Vehicular Access to/from the public highway, the farm access and the development will remain unchanged. Sufficient parking is being provided.

Natural Resources Wales (NRW):

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Condition: The development to be carried out in line with Section 10 of the submitted Ecological Report, to ensure the favourable conservation of Bats, a European Protected Species.
 European Protected Species

We have reviewed the submitted Ecological Report 'The Barn and Stables, New Trecastle Farm, Llangovan, Monmouthshire NP25 4BW - An Ecological Survey Report' prepared by Just Mammals Consultancy, dated February 2018. We note that evidence of lesser horseshoe, brown long-eared and common pipistrelle bat use of the buildings was found, and that historic records of soprano pipistrelle and Natterer's bat presence on the site exist.

Legislation and policy

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

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

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

On the basis of the above information, we do not consider that the development is likely to be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, provided that the development is undertaken following the recommendations made in section 10 of the document titled 'The Barn and Stables, New Trecastle Farm, Llangovan, Monmouthshire NP25 4BW - An Ecological Survey Report' by Just Mammals Consultancy, dated February 2018.

European Protected Species Licence

Please note, a European protected species (EPS) Licence is required for this development. If granted, planning permission does not provide consent to undertake works that require an EPS licence.

MCC Biodiversity:

Thank you for consulting the Biodiversity and Ecology Officer on the above case. Due to the numbers and types of bat species recorded at the site we need to formally consult NRW (Ecology).

4.2 Neighbour Notification

Letters of objection received from 2 addresses.

Significant change of use from farming which will impact on the landscape and its management

The site is adjacent to the AONB

New agricultural buildings may be required to replace those lost

These barns have only been redundant since April 2017

MCC has changed its policy and is now trying to sustain commercial use in agricultural buildings

New Trecastle is a viable farm

Need to update the ecology survey

Impact on historical interests, there is a SAM and Grade II* building adjacent to the site

The site was well managed and husbanded until the forced termination of the tenant farm

MCC is in breach of its obligation to conserve the character of the area.

The land for each plot should remain as agricultural land and not be developed as ornamental gardens or built structures.

The ecological report is incorrect and misleading.

Barn Owls and Little Owls are nesting in the barn, there are long eared bats in the farm house.

Playing down the ecological value of the site

DNA analysis is required

The site may be very significant for bats and owls.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 This application seeks the conversion of buildings in the open countryside into residential use and as such it falls to be considered against Policy H4 of the LDP. These are traditional stone buildings with some timber cladding, no extension is required other than replacing the existing lean-to. The principle of converting these buildings is acceptable and complies with the objectives of Policy H4. The conversion of the stables does not involve any extension to the original building but a glazed section will replace some of the original structure, other than that no other new openings will be made. With regards to the stone barn the lean-to at the rear will be replaced with a stone and timber structure and two roof lights will be added. As such the form, bulk and general design of the proposal will respect the rural design and character of the original buildings. Each plot will be given a generous parcel of land but the residential curtilage will be tightly drawn around each property and its parking area, it will be defined by a post and wire fence which is in keeping with the rural character of the area. The curtilage and access is in scale and sympathy with the surrounding landscape. The existing Dutch barn will be utilised to provide parking for plot 1. No other infrastructure or ancillary buildings will be required. Both buildings are structurally sound and only localised repair work will be required. There is no need for substantial reconstruction. The buildings are in a relatively isolated location close to existing residential properties and have limited access; therefore they are not considered suitable for business use.

5.1.2 The proposed conversions comply with all of the criteria set out in Policy H4 of the LDP.

5.2 Affordable Housing Provision

5.2.1 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 that will be required is £54,321. This can be secured through entering into a Section 106 Legal Agreement.

5.3 Highway Safety

5.3.1 No new or altered vehicular or pedestrian access is proposed from the public highway. Each new dwelling would have a separate access from the no through road which also serves two other properties. Each plot would have at least three car parking spaces within the site which is in accordance with the adopted Monmouthshire Parking Standards. MCC Highways have no objection to the proposal.

5.4 Residential Amenity

5.4.1 The main property affected by this proposal is New Trecastle Farm House, which is in the same ownership. The farmhouse is set at a higher level than the barns but faces towards them. It is approximately 14 metres from the Dutch barn, to be used for garaging, 15 metres from the stables and 22 metres from the two storey stone barn. The buildings to be converted are already there so there will be no additional impact on outlook and there will be no direct overlooking. The two properties at Old Trecastle are both at least 100 metres from the site and there are mature trees in-between which will act as a screen. There will be an increase in traffic using the access to Old Trecastle, but the amount of traffic generated by two additional residential properties, after the construction phase is over, is not likely to be so significant as to justify refusal. The proposal accords with the objectives of Policy DES1 and EP1 of the LDP with regards to residential amenity.

5.5 Impact on Historical Features

5.5.1 The Historic Motte and Bailey and Listed Building are approximately 100 metres from the site. The proposal is not involving any new building work on greenfield sites that could affect

archaeology and there is no new significant building work that could affect the setting of these structures.

5.6 Ecology

5.6.1 An Ecology Survey by Just Mammals was submitted as part of the application. An Ecological assessment was undertaken in summer 2017, in accordance with the local planning authority guidelines, and national survey standards. Two dusk emergence/activity observations identified the presence of a small number of bats in both buildings. From the barn a single brown long-eared bat and a common pipistrelle bat were seen to fly out at the western end, indicating summer day roosting behaviour. Evidence of lesser horseshoe bat was also found, with fresh bat droppings and insect remains, consistent with night roosting activity. There is also historic data of soprano pipistrelle bat, and Natterer's bat roosting in the barn.

5.6.2 The stables building is also a bat roost location, with a single brown long-eared bat and a common pipistrelle bat seen to exit from the open-fronted wagon bay at the western end of this building too. No other species, and no bat droppings, were found inside the building, suggesting it is an occasional day roost for these two species. No evidence for the presence of a maternity roost was found in either of the buildings, but the farmhouse, a short distance to the east of the outbuildings, is known to be a maternity roost location for a colony of brown long-eared bats. Historic breeding bird activity was also noted, with old nests of swallows, and other bird species. A live barn owl was seen during the second dusk observation, and a quantity of barn owl pellets were found in the upper level of the barn, indicating a regular perch location for this bird. No evidence of barn owl breeding activity was found.

As a result of these findings a scheme of mitigation is proposed on the site which retains bat roost locations in both the barn and stables and also makes use of the Dutch barn which stands between the barn and the stables. A Scheme of Mitigation for bird species is also provided, which includes a barn owl loft in the Dutch barn.

NRW have reviewed the report and agree with the findings, they offer no objection to the proposal but do state that a European Protected Species (EPS) licence will be required from Natural Resources Wales (NRW) for both buildings before any work is done which affects roosts and the bat exit entry points.

5.6.3 European Protected Species – Three Tests

5.6.3.1 In consideration of this application, several bat species 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 and the Council's Biodiversity and Ecology Officers as follows:

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

Development Management Comment: This proposal will provide two residential properties. There is a shortage of new residential options within the County and these two relatively small units will go some way to address that shortfall. There is a social and economic benefit from providing two new residential units.

(ii) There is no satisfactory alternative

Development Management Comment: This application seeks the conversion of two barns into residential use, as such there is no alternative. New build residential development would not be policy compliant.

(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.

Development Management Comment: Mitigation is being proposed as part of the development to provide specific bat roost opportunities within the existing buildings.

5.6.3.2 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

5.7 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 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.

6.0 RECOMMENDATION: APPROVE

Subject to a S106 Legal Agreement requiring the following:

A financial contribution of £54,321 for affordable housing 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 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 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: If substantial extensions or alterations were necessary this development would not normally be favourably considered.

- 4 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.

5 The development to be carried out in line with Section 10 of the submitted Ecological Report, to ensure the favourable conservation of Bats, a European Protected Species.

REASON: To ensure the favourable conservation of Bats, a European Protected Species.

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