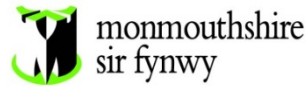


# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 24 September 2018

Notice of meeting:

## Planning Committee

Tuesday, 2nd October, 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 consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
3.1.	Application DC/2017/00994 - Construction of essential rural enterprise worker's dwelling and retention of two kennel blocks, small pets building, use of part of barn for dog and cat kennelling, two permanent isolation kennels, dog grooming parlour and dog walking area. Allt Farm, Llantrisant, Monmouthshire, NP15 1LG .	1 - 12
3.2.	Application DC/2018/00156 - Full Planning Application and Conservation Area Consent for refurbishment of existing structures to provide 12 units, new-build apartment block comprising 12 units, demolition of outbuildings, and associated works. Brecon Road, Abergavenny, Monmouthshire.	13 - 26
3.3.	Application DM/2018/00408 - Provision of a new cycle and pedestrian bridge spanning approximately 60m across the River Usk between Llanfoist and Abergavenny, provision of earthwork ramps to cater for disabled access, provision of a new footpath link and enhancement of an existing footpath. Proposed crossing across River Usk between Abergavenny And Llanfoist.	27 - 46
3.4.	Application DM/2018/00858 - Four bedroom detached property, with integral garage. 100 Hereford Road Monmouth Monmouthshire NP25 3HH.	47 - 52

<b>3.5.</b>	<b>Application DM/2018/00950 - Conversion of dwelling at first and second floor levels to four flats. Extension to rear at second floor level. 9 - 13 St Thomas's Square, Monmouth, NP25 5ES.</b>	<b>53 - 58</b>
<b>3.6.</b>	<b>Application DM/2018/01028 - Erection of detached two bedroom bungalow. 62 Caldicot Road Rogiet Caldicot Monmouthshire NP26 3SG.</b>	<b>59 - 64</b>
<b>3.7.</b>	<b>Application DM/2018/01092 - Four shepherd huts for holiday let use. Land At Bentra Farmhouse, Pentre Road, Llangovan, Monmouth.</b>	<b>65 - 72</b>
<b>3.8.</b>	<b>Application DM/2018/01279 - Agricultural building housing farm animals. Kemeys House Farm, Church Lane, Kemeys Commander, Usk.</b>	<b>73 - 76</b>
<b>4.</b>	<b>FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:</b>	
<b>4.1.</b>	<b>Appeal decision - Beaulieu Barn, 25 The Kymin, Monmouth.</b>	<b>77 - 82</b>
<b>4.2.</b>	<b>Costs decision - Beaulieu Barn, 25 The Kymin, Monmouth.</b>	<b>83 - 84</b>
<b>5.</b>	<b>To confirm for accuracy the minutes of the previous meeting.</b>	<b>85 - 90</b>

**Paul Matthews  
Chief Executive**

## MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

### Public Information

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

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

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

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

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

#### **Welsh Language**

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

# Aims and Values of Monmouthshire County Council

## Our purpose

Building Sustainable and Resilient Communities

### Objectives we are working towards

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

## Our Values

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

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

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

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

## **Purpose**

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

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

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

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

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

## **Decision-making**

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

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

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

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

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

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

## **Main policy context**

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

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

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

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

### *Policy DES1 – General Design Considerations*

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

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

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

#### Supplementary Planning Guidance (SPG):

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

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (adopted March 2016)
- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017

#### National Planning Policy

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

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

- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

### **Other matters**

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

#### Planning (Wales) Act 2015

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

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

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

#### Environmental Impact Assessment Regulations 2016

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

#### Conservation of Species & Habitat Regulations 2010



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

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

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

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

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

A number of sustainable development principles are also set out:

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

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

#### Crime and Disorder Act 1998

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

## Equality Act 2010

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

## Children and Families (Wales) Measure

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

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

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

### **Who Can Speak**

#### Community and Town Councils

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

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

Not to introduce information that is not:

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

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

#### Members of the Public

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

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

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

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

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

## Applicants

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

When is speaking permitted?

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

### Registering Requests to Speak

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

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

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

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

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

### Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

### Procedure at the Planning Committee Meeting

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

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

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

**Application Number:** DC/2017/00994

**Proposal:** Construction of essential rural enterprise worker's dwelling and retention of two kennel blocks, small pets building, use of part of barn for dog and cat kennelling, two permanent isolation kennels, dog grooming parlour and dog walking area.

**Address:** Allt Farm, Llantrisant, Monmouthshire, NP15 1LG

**Applicant:** Mr E James

**Plans:** Floor Plans - Proposed 2923-02b - Ground Floor Plan, Floor Plans - Proposed 2923-03c - First Floor Plan, Elevations - Proposed 2923-04c - Elevations, Site Sections 2923-05b - Site Sections, Block Plan 2923-06c - Block Plan, Location Plan 2923-07c - Location Plan, Site Plan 2923-09c - Site Plan, All Drawings/Plans 2923-10A - Walnut Tree Lodge Kennel, All Drawings/Plans 2923-11 - Cat Isolation Kennel, All Drawings/Plans 2923-12 - Dog Isolation Kennel, All Drawings/Plans 2923-13a - Lakeside Kennels, All Drawings/Plans 2923-14 - Small Animals,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Jo Draper

Date Valid: 30.08.2017

### **1.0 APPLICATION DETAILS**

1.1 This planning application seeks permission for the following at Allt Farm:

- a) A second dwelling;
- b) The regularisation of additional buildings and the use of a farm building associated with the kennels and cattery business; and the change of use of land from agriculture to the exercise of boarding pets.

1.2 This planning application is being submitted under the advice given in TAN 6 as a succession dwelling, with a transfer of management proposed to the son of the farmers who reside in the existing farmhouse. The existing and proposed dwelling and rural enterprise is located between Llantrisant and Tredunnock and between the river Usk and the A449 dual carriageway.

1.2.1 The supporting information submitted with the application states the following:

- (i) There are two separate farm diversification businesses run from Allt Farm. There is Farm Feeds which grows and buys in grain which is either mixed and sold from the farm or delivered and mixed at customers' own farms. In addition to Mr James and his parents, this employs 2 full time and 1 part time worker.
- (ii) In 2006 the applicants diversified by setting up Usk Boarding Kennels and Cattery, gradually adding to the number of animals that can be accommodated. Although their only advertisements are via Yellow Pages, a card at the local veterinary surgery and their website [www.uskkennels.com](http://www.uskkennels.com), the business has built up through repeat bookings and word of mouth recommendations and at peak holiday times they are always fully booked. The kennels and cattery have two full time employees with another three part time workers being taken on during the peak summer months.

- (iii) Mr & Mrs James now wish to consider semi-retirement so that their son Edward can take over the full management of the kennels and cattery
- (iv) Currently Mr Edward James divides his time between Allt Farm and his partner's home. However the kennels and cattery require 24 hour availability, particularly as, supported by Business Wales, Allt Farm has recently been awarded a four year contract from Monmouthshire County Council for collecting stray dogs and providing temporary accommodation for them. Mr James has to guarantee 24 hour availability at all times. Therefore Mr James needs to have a home at Allt Farm. A separate feasibility study is attached to this application which confirms that the existing three-bedroom farmhouse is unsuitable for subdivision or extension to provide self-contained accommodation for Mr James.
- (v) It is proposed to construct a new house adjacent to the kennels to facilitate monitoring of the premises and also to be as far as possible from the A449 which runs immediately behind the existing farmhouse.
- (vi) The River Usk is located around 140m north west of Allt farm. The proposed site for the house within Allt Farm is to the north of and immediately adjacent to the kennels and cattery buildings. There are also kennels within the large sheds to the south.
- (vii) The kennels and cattery form a compact 'U' shape with customer parking at the centre. The reception building also contains a visitor toilet and a small kitchen for the preparation of pet food. There is no office and the administration of both businesses is currently carried out at the farmhouse. Mr James intends to run the kennels and cattery business from an office in the new house. Therefore the house will be sited to the north of the kennels and cattery complex to allow supervision, whilst maintaining a degree of privacy.
- (viii) The proposed dwelling has been designed predominantly as a dormer bungalow, with the first floor accommodated in the roof space. The proposed dwelling measures approximately 12.5m in length and 7-8m in depth. The proposed dwelling is to be sited at a higher level as it is proposed to change the land levels within the site to facilitate a gradual rise (this has already been partly done on site to enable the existing kennels to be sited at a higher level). External materials comprise a render finish with a slate roof, uPVC fenestration.
- (ix) The ground floor layout has been designed to provide a large open plan living space to suit modern family living. The sitting room will have double doors opening onto the gardens. A main entrance will be formed between the sitting room and the kitchen, with a side entrance to utility boot-room and farm office. First floor accommodation will provide three bedrooms. The dwelling has been designed with the first floor rooms set within the roofspace to minimise the height of the building. The floor plans provide 145 sq m of living space.
- (x) A Flood Consequences Assessment has been carried out. The current designs have therefore been formulated in accordance with guidance contained within Planning Policy Wales - TAN 15. Based on the assessment of flood risk carried out to inform this FCA, the finished floor level of the proposed development is recommended to be 13.5m AOD. This includes an additional 300mm freeboard on top of the predicted flood level for the 1000-year event, due to uncertainties associated with the method. This ensures a conservative approach to flood risk is taken. Work has already been undertaken to raise the site levels and facilitate this required floor level, as with the planning consent for the existing catteries and kennels the ground had to be raised by around 1m to 12m AOD for this planning permission. The topographical survey confirms this was carried out. The applicants achieved the required raising of the ground by excavating a pond which is now a feature of the site. There is still some banking proposed around the dwelling and this is a little sharper from the highway, and more gradual from the existing complex of associated buildings.



- 1.3 Usk Boarding Kennels and Cattery Limited is licenced to offer boarding places for 50 dogs and 30 cats. Smaller pets are also catered for (guinea pigs, gerbils etc.), for which a licence is not required. Shortly after moving to the farm, the applicants applied for planning permission for a 20 unit dog boarding kennels and a 10 unit cattery, with associated reception building (reference DC/2004/01526 (M/11055)). The decision notice was issued in January 2006.
- 1.4 Dogs and cats are boarded in purpose-built kennels with runs. Dogs are boarded in three exterior buildings and one former farm building which has been converted internally. Cats are boarded in one exterior building and part of the same converted farm building. A small building is fitted with hutches and cages for smaller pets. A reception building, permitted in 2006, is provided to welcome customers and their pets.
- 1.5 With regard to facilities without planning permission there were twenty dog kennels, 10 cat kennels and a feed preparation / reception building were permitted in January 2006. All dog and cat kennels are double-occupancy. The business was immediately successful and further facilities were erected or installed in 2007. This included:
- 8 x dog kennels in an external building
  - 1 x small pets building
  - 9 x large dog / multiple occupancy 'family' kennels installed in an agricultural building
  - 5 x cat kennels also installed in the agricultural building
- 1.6 The additional external dog kennelling and small pets buildings described above were erected more than four years ago and are now immune from enforcement. However, for completeness and without prejudice to their lawfulness, planning permission is sought retrospectively. The internal kennels were first occupied by dogs and cats in late 2007. The requisite 10 year period for immunity from enforcement for its change of use has been reached. However, retrospective planning permission is sought for the use of the former farm building. More recently, during 2016, further additional work has taken place. A former agricultural lean-to has been demolished and new stand-alone kennel buildings erected in its place. Formal isolation kennels have been installed and a grooming parlour erected. Planning permission is sought for these structures as part of this application.
- 1.7 The use of agricultural land for dog exercising is also formally sought, to the north of the kennelling facilities.
- 1.8 To confirm, planning permission is sought to regularise the following buildings:
- (i) external block of 8 x dog kennels (completed 2007)
  - (ii) external small pets building (completed 2007)
  - (iii) building change of use from agriculture to internal dog and cat kennelling (use commenced late 2007)
  - (iv) block of 8 x dog kennels (completed 2016)
  - (v) 2 x permanent isolation kennels (completed 2016)
  - (vi) dog grooming facility (completed erected 2016)

The retrospective planning application relates to the building shaded in yellow in the diagram below:



- 1.9 A change of use of land is also sought within the red line. The business has exercised dogs over agricultural land to the north of the kennels for around 10 years, for as long as the kennels have been operational. As with the internal kennels installed inside a farm building almost 10 years ago, planning permission is sought retrospectively. External materials will be painted render and slate to all roof areas
- 1.10 This application is being presented to Planning Committee as it has been advertised as a departure due it being a new dwelling within a C2 flood plain. There have been no objections received to date to the application.

## 2.0 RELEVANT PLANNING HISTORY

Reference Number	Description	Decision	Decision Date
DC/2004/01526 (M11025)	20 Unit Dog Boarding Kennels & 10 Unit Cattery.	Approved	01.01.96

## 3.0 NATIONAL GUIDANCE

### Technical Advice Note 6: Planning for Sustainable Rural Communities

#### *Rural enterprise dwellings* include:

- A new dwelling on an established rural enterprise (including farms) where there is a functional need for a full time worker and the business case demonstrates that the employment is likely to remain financially sustainable. (See paragraph 4.4.1).
- A second dwelling on an established farm which is financially sustainable, to facilitate the handover of the management of the farm business to a younger farmer. (See paragraphs 4.5.1 - 4.5.3).

#### 4.5 Second dwellings on established farms

4.5.1 The Assembly Government wishes to encourage younger people to manage farm businesses and promote the diversification of established farms. To support this policy objective it may be appropriate to allow a second dwelling on established farms that are financially sustainable where the criteria set out in paragraph 4.4.1 cannot be fully satisfied.

The two exceptions to the policy are:

- (i) Where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or, that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business; or,
- (ii) There is an existing functional need for an additional 0.5 or more of a full time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary, (as defined by the latest version of the Agricultural Wages Order), from the farm business.

4.5.2 In these circumstances a rural enterprise dwelling may be considered favourably provided the criteria set out above and in paragraph 4.4.1 c - e are met.(set out below)

These special policy exceptions will only apply to the first additional dwelling to be attached to an established farm after this TAN comes into force and not to subsequent dwellings.

- c. the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so; (See paragraphs 4.10.1 - 4.10.3).
- d. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; (See paragraphs 4.11.1 - 4.11.2),and
- e. other normal planning requirements, for example siting and access, are satisfied. (See paragraphs 4.12.1 - 4.12.2).

4.5.3 It must also be demonstrated that the management successor or part time worker is critical to the continued success of the farm business, and that the need cannot be met in any other reasonable way, e.g. through the re-organisation of labour responsibilities. In addition, where all the criteria specified above are met the planning authority should ensure that the new dwelling is tied to the holding by way of a legal agreement.

#### Technical Advice Note 15: Development and Flood Risk

3.4 The planning authority will need to be satisfied that a proposal is justified and that the consequences of flooding are acceptable. Where the risks of, and consequences of, flooding cannot be managed to an acceptable level then developing in these areas shall be avoided irrespective of justification under section 6. Developers will need to provide information to demonstrate that their proposal satisfies the tests contained in the TAN.

3.5 The Environment Agency should assist the planning authority in coming to their decision by providing expert advice on the flooding consequences assessment and the acceptability of the flooding consequences in terms of the risks to people and property. The Environment Agency should make available data and expertise to assist developers in undertaking flood consequences assessment and, where appropriate, advise on any necessary mitigation measures.

Areas of the floodplain without significant flood defence infrastructure. C2 Used to indicate that only less vulnerable development should be considered subject to application of justification test, including acceptability of consequences.

Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement **or**,

ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; **and**, iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and, iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

7.2 Whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, including its effects on existing development. It would certainly not be sensible for people to live in areas subject to flooding (even in two storey buildings) where timely flood warnings cannot be provided and where safe access/egress cannot be achieved.

7.3 Where development is justified the assessment can be used to establish whether suitable mitigation measures can be incorporated within the design to ensure that development is as safe as possible

7.4 Therefore, before deciding whether a development can take place an assessment, which examines the likely mechanisms that cause the flooding, and the consequences on the development of those floods, must be undertaken, which is appropriate to the size and scale of the proposed development.

## **4.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

S12 LDP Efficient Resource Use and Flood Risk

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S17 LDP Place Making and Design

S10 LDP Rural Enterprise

### **Development Management Policies**

DES1 LDP General Design Considerations

EP1 LDP Amenity and Environmental Protection

LC1 LDP New Built Development in the Open Countryside

RE2 LDP The Conversion or Rehabilitation of Buildings in the Open Countryside for Employment Use

SD3 LDP Flood Risk

## **5.0 REPRESENTATIONS**

### **5.1 Consultation Replies**

Llantrisant Fawr Community Council: No objection.

Natural Resources Wales:

We recommend that you should only grant planning permission if you attach the following condition. This condition would address significant concerns that we have identified and we would not object provided you attach them to any planning permission you are minded to grant.

Condition - Finished floor levels are set no lower than 13.5 metres above Ordnance Datum (AOD) (Newlyn).

Reason - To reduce the risk of flooding to the proposed development and future occupants. We note that the application is for the erection of a rural enterprise worker's dwelling and the retention of a series of kennel blocks / buildings which lies within Zone C2, as defined by the

Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, which is a designated main river.

Notwithstanding this, the decision as to whether a development is justified is entirely a matter for your authority. For this reason, we have reviewed the submitted Flood Consequences Assessment (FCA) prepared by Heron Associates dated March 2017. The FCA has been informed by the latest NRW information and is therefore fit for purpose.

We note that no climate change data is available for this location however, the proposed finished floor levels of the rural enterprise worker's dwelling have been designed to the 0.1% (1 in 1000 year) extreme event predicted flood level, plus 300mm. Based on a finished floor level of 13.5m AOD, we note that the building is designed to meet A1.14 criteria. We therefore advise the above condition to set the finished floor levels is included on any permission your Authority is minded to grant.

#### 4.2 Neighbour Notification

There have been no neighbour representations submitted to date.

### **6.0 EVALUATION**

#### 6.1 Principle of the proposed development

6.1.1 The principle of this dwelling has been assessed by the Council's independent rural development assessor. The application is supported by a succession agreement that has been accepted and the exception criteria in paragraph 4.4.1 c - e can therefore be applied in this case and are assessed below accordingly.

6.1.2 The supporting information confirms that the holding is 13ha, split by the A449, with the enterprise offering accommodation for 50 dogs and 30 cats (and smaller pets). The holding extends to 13 hectares, with arable and pasture land, agricultural buildings now used for a feed growing and trading enterprise, the buildings and structures associated with the kennels and the existing detached house, occupied by the applicant's parents. The applicant lives at his partner's home.

The agricultural feed business has operated from the farm since 2004, but it is not entirely clear what proportion of the activity can be wholly defined as agriculture. It is stated that at least some of the feed is farmed from the arable land on the holding, but much is imported from other holdings and it is then mixed and bagged and retailed from the site. It is fair to say that at least a significant element of this business is not agriculture. This is not considered as part of this assessment.

6.1.3 The other enterprise is a pet kennelling service, offering places for up to 50 dogs, 30 cats and some small pets, together with a reception building and associated parking. None of this is an agricultural enterprise. Both enterprises are rural in location. The non-permitted element of the kennels is not taken into account in this assessment. Only the kennelling enterprise is presented in support of the application. Insufficient detail on the other enterprise is provided in order to carry out any meaningful assessment. A kennelling enterprise has existed for more than three years and has become established, so the test is at 4.4.1 of TAN6. Par.4.4.1a of TAN6 states: "...there is a clearly established existing functional need..." It is clear that the proof of need cannot therefore rely on any *proposed* expansion or alterations to the enterprises under scrutiny. The need must be such that it is (4.8.1) "essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most

times.” There is sufficient evidence that the enterprise has sufficient work for one full time worker.

Par. 4.4.1c Established for three years (yes), profitable for at least one (yes), and “both the enterprise and the business need for the job is currently financially sound and has a clear prospect of remaining so” (- a summary of the last three years is provided at 8.9 of the supporting report, which shows sufficient income to support two farm workers). The income generated appears to have been generated at least in part by non-permitted buildings and structures and these would need to be deducted from the financial picture to obtain an accurate picture of the ability of the permitted built form to provide the required income. Given the immunity that can be demonstrated on the majority of the buildings (despite a retrospective application being sought in this instance) this point has been clarified. Further audited evidence has been presented as required to satisfy 4.4.1c. This has since been presented with up to date accounts and this test is satisfied.

4.4.1d Other dwelling – There is an existing dwelling on the site. It is recognised that other buildings on site may not be appropriate to convert to a dwelling. The evidence (Feasibility Study) is compelling in attempting to show why the existing dwelling could not be subdivided and/or extended to satisfy any proven need for a second worker (or indeed a succession worker). Thus, the requirement within par.4.4.1d is satisfied.

4.4.1e Other normal planning requirements, for example siting and access, are satisfied. Detailed planning considerations are considered below.

6.1.4 The principle of a rural enterprise succession dwelling has passed the relevant tests set out in TAN6 subject to detailed planning considerations as addressed below.

6.1.5 With regard to the principle of the associated buildings that have become established without the benefit of planning permission, as retrospective planning consent is sought, the principle of whether they are acceptable in this location must be assessed as if this was a new proposal. With regard to the new buildings this is association with an established rural enterprise and subject to it being visually acceptable and not representing an unacceptable intensification of the site, this incremental expansion of an authorised established rural enterprise is acceptable in this case. With regard to the conversion of the existing agricultural building Policy RE2 is the relevant policy for the conversion or rehabilitation of existing buildings in the open countryside to employment use, this will be permitted provided that all the given criteria are met. In this case this is a conversion of a modern agricultural building, it has been used for its intended purpose for a significant period of time whilst the form, bulk and general design of the proposal respect the rural character and design of the building with little external change. The principle of the new additional buildings and conversion of an existing agricultural building in association with this rural enterprise is acceptable in principle.

## 6.2 Visual Impact

6.2.1 The proposal has partly changed in design during the course of this application, as the dwelling has been re-oriented with the ancillary lower parts of the dwelling facing the main vantage point of this site from the highway. The proposed dwelling does sit on a raised platform, this is mitigated somewhat by the internal change in land levels over a wider part of the site (a significant part of which has already been undertaken to raise the level for the existing kennels). This, coupled with effective landscaping, will serve to ensure the proposed development assimilates into this landscape. However, the landscaping proposed is minimal and a more comprehensive landscaping scheme is required which will distract viewpoints from a change in levels. It is recommended that a planning condition is imposed to cover this. The proposal has been lowered in height with the first floor accommodated in the proposed roof space, the resultant development appearing from the roadside as a dormer bungalow. The design is

simple, the scale is modest and whilst open to view from the roadside, with a strong landscaping scheme this proposal in this context (immediately adjacent to the associated buildings) will be visually acceptable. There would be no wider adverse visual or landscape impact.

6.2.2 The visual impact of the unauthorised buildings can be assessed as this is retrospective and they are in situ. It is relevant that most of the buildings could claim immunity due to the time period the development has been in existence, but it is also noteworthy that despite these buildings being open to view from the main highway, it has never come into consideration by the Council's Planning Enforcement team as unauthorised development. This is because the buildings work visually within this established use and are visually acceptable as a group of buildings. They are all typically characteristic of buildings that would be regularly seen as part of kennel and cattery proposals, being essentially low profile buildings with associated cages and runs; some of the development has no wider visual impact as it is accommodated within an existing agricultural building. In the case that planning consent has been sought for these individual buildings (either incrementally or as a group), and it is concluded that given the position, the scale and the design of the buildings for which permission is sought, a positive recommendation would have been given.

### 6.3 Flooding

6.3.1 The site is located in Zone C2 that refers to an area of the floodplain without significant defence infrastructure. The supporting information states that the locality is prone to flooding and the lane to the south west often floods when the river Usk breaks its banks. However, despite NRW's records confirming the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, a designated main river, due to the topography and the flow pattern of the River Usk, the site of the kennels and the proposed house has never flooded according to any records. This has not been disputed by NRW as they have confirmed that no climate change data is available for this site.

6.3.2 A Flood Consequences Assessment (FCA) has been completed in compliance with TAN15, which sets out conditions for the permission of development in terms of flood risk. (Detailed review of the NRW flood maps indicated that the site lies within Flood Zone 3, which is categorized as having a greater than 1 percent annual probability of flooding). Therefore, in accordance with TAN15, the FCA is required to demonstrate that the development will be safe for its lifetime, and that the proposed development does not increase flood risk elsewhere.

6.3.3 NRW has noted that the proposed finished floor levels of the rural enterprise worker's dwelling have been designed to the 0.1% (1 in 1000 year) extreme event predicted flood level, plus 300mm. Based on a finished floor level of 13.5m AOD, we note that the building is designed to meet A1.14 criteria. NRW has not objected to this proposal as the FCA has demonstrated that the dwelling meets the required floor levels to ensure that the dwelling will not be impacted by flooding subject to a relevant planning condition being imposed. NRW notes, however, that associated areas, namely parking areas and access drive are indicated to range in elevation between 11.51m AOD and 12.60m AOD. This would result in a predicted depth of flooding of over 1m during the 0.1% (1 in 1000 year) extreme event. However, this area is able to be used for this purpose in association with planning approvals on this site, so the use of this area for this purpose cannot be altered or controlled in this instance as stated by NRW: *the current use of the land is access and parking for the wider site associated with the existing commercial use, and no further charges are proposed. We therefore have no further comment to make. It is recommended that a condition controlling the finished*



*floor level of the dwelling is imposed and the applicant seeks to provide a plan for emergency evacuation.*

6.3.4 Policy SD3 clearly states that *'Proposals for highly vulnerable development or emergency services will not be permitted in areas which may be liable to flooding.* This proposal is therefore contrary to this policy. However, this is an established rural enterprise, the existing dwelling is situated within the C2 flood plain as are the associated building with this enterprise. The principle has been accepted for a succession rural enterprise dwelling to be located on this site which must functionally be linked to the existing enterprise to be justified. It is noteworthy that the entire site with the exception of a very small pocket at the rear of the site behind the existing agricultural barn and tight up against the A449 is situated within the C2 flood zone. To locate a dwelling outside this area would result in a development that failed to relate functionally to the kennels as would be out of sight of the kennels with traffic noise emanating into this zone making this option fail on other policies namely LDP Policy EP1 in respect of unacceptable amenity/living conditions. In practical terms there is viable location for this dwelling to be sited other than where it is proposed in the C2 flood zone. Finally, a robust FCA has been presented that has delivered a scheme that results in the dwelling not being at risk of flooding due to its proposed finished floor level. There is no flood risk to this dwelling or the surrounding area as a result of this development.

6.3.5 The risk of flooding has informed the LDP spatial strategy for Monmouthshire, which proposes to locate development predominantly away from areas of flood risk. However, the supporting text for policy SD3 states that the *'risk of flooding must also be taken into consideration on a development by development basis'*. Furthermore, TAN 15 states. *"The Environment Agency will advise the planning authority on the consequences of flooding for the type and nature of proposal and this should enable the planning authority to arrive at a judgement on the acceptability of the flooding consequences."* NRW have stated no objection subject to a condition restricting finished floor levels which this application proposes to deliver. It is therefore only reasonable and pragmatic in this case that the policy objection is overturned and the dwelling is allowed to be sited in this location.

#### 6.4 Highways

6.4.1 The access is as existing, it is established in association with the existing enterprise. The inclusion of an additional dwelling does not compromise highway safety.

#### 6.5 Residential Amenity

6.5.1 The only neighbouring property is the existing farmhouse; there are no other properties within close proximity that could potentially be impacted by this development.

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

6.6.1 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 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



## **7.0 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.

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

REASON: To safeguard the landscape amenities of the area.

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

REASON: To safeguard the landscape amenities of the area.

5. The occupancy of the dwelling shall be restricted to: a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers, b) a person or persons who would be eligible for consideration for affordable housing under the Local Authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

REASON: To meet the needs of other rural enterprises or persons seeking affordable housing in the locality if it is no longer needed by the original rural enterprise.

6. Finished floor levels of the dwelling, hereby approved, shall be set no lower than 13.5 metres above Ordnance Datum (AOD) (Newlyn).

REASON: To reduce the risk of flooding to the proposed development and future occupant

7. 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 dwelling house or any outbuildings shall be erected or constructed.

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

**Application Number:** DC/2018/00156

**Proposal:** Full Planning application and Conservation Area Consent for refurbishment of existing structures to provide 12 units, new-build apartment block comprising 12 units, demolition of outbuildings, and associated works

**Address:** Brecon Road, Abergavenny, Monmouthshire

**Applicant:** Henstaff Construction Ltd

**Plans:** 1126/FF/506 REV B, 1126/PL/01, 1126ELE/504 REV B, 1126/SF/507 REV B, 1126/GF/505 REV C, 1126/LC/01 REV A, 04 Rev A - Proposed Drainage Layout, 1126RET/302, 1126ELE/508

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham  
Date Valid: 01.02.2018

### **1.0 APPLICATION DETAILS**

- 1.1 This application relates to an existing group of former shops and flats in the centre of Abergavenny. The site is presently disused, and has been for a number of years. It is in a poor state of repair and this application is seeking to restore the site through refurbishment of the existing structures and construction of a new-build element to the rear of the site.
- 1.2 It is proposed to create 12 dwellings within the existing structures, and the same number through a new-build structure to the rear of the site. The new build is required in order to ensure an economically viable scheme.
- 1.3 The site lies within the Abergavenny Conservation Area but none of the structures are listed. It has a north-south orientation, facing onto Brecon Road to the south (opposite the junction with Merthyr Road) and onto St Michael's Road to the north. Although the site is no longer in commercial use, it lies within the central shopping area, as defined by the Local Development Plan (LDP).
- 1.4 The site has some relevant planning history in the recent past, with an application having been approved for residential conversion of the existing structures in 2006. Unfortunately the conversion works were not considered viable and the site has been redundant since that time.

### **4.0 REPRESENTATIONS**

#### **4.1 Consultation Replies**

Abergavenny Town Council - Recommends refusal.

Considered to be significant over-development of the site to accommodate 24 units. The floor space afforded by the individual units is very small.

LDP Policy H9 - Flat conversions, explicitly states that:

Proposals for the conversion of properties into flats within town and village development boundaries will be permitted provided that the development:

- a) will not adversely affect the particular qualities of the street or area where the proposed conversion is located;
- b) will not adversely affect the particular qualities of the buildings, particularly where they make a positive contribution to the character of Conservation Areas;
- c) provides reasonable levels of amenity and privacy of adjacent properties through careful consideration of the positioning of entrances and fire escapes, and noise transmission issues; and
- d) ensures that car parking and service requirements are met in a manner which preserves the character and appearance of the area and do not have an adverse impact on highway safety or cause traffic congestion.

The height of the part of the development at 2.5 storeys is out of character with the area contrary to H9 a) and the parking as commented on below is contrary to H9 d).

#### Car Parking Provision

There is an inadequate number of car parking spaces to be provided. The Transport Statement justifies a lower level of parking provision on the grounds of sustainable location, predicted level of car ownership and on-street parking capacity. The Transport Statement refers to an on-street parking survey, this was carried out on only one night. This is not considered to be a robust sample on which to base the claims that there is on street parking capacity. The local view is that on-street parking capacity in this area is already at full capacity and cannot accommodate additional vehicles and as such is contrary to the LDP policy MV1 which states:

"Where appropriate, development proposals will be expected to satisfy: a) the adopted highway design guide; and b) the adopted parking guidelines. In town centres, if the parking provision cannot reasonably be achieved on-site, then suitable alternative provision should be made."

The impact of this development would be to increase the demand on on-street parking in the surrounding congested narrow streets, this is unacceptable. This is not suitable alternative provision.

Local Member (Cllr Paul Jordan) - Whilst I welcome the proposal for the development of this site in general I do have some reservations as to the provision for parking. I endorse the views of the Civic Society in this regard. Car parking is at a premium in this area. The majority of existing properties have no off street parking. We do not have any enforcement ability at present and vehicles are already parked at night on the A40 Brecon Road. The parking issue could be resolved by reducing the number of apartments and incorporating a design solution similar to the apartments situated in Brewery Yard where parking is accommodated below the units.

Dwr Cymru - Welsh Water - No objection subject to the submission of a drainage scheme demonstrating how surface water will be removed from the site. The existing buildings have an existing consent to discharge both foul and surface water to the public sewer but the proposed new build cannot drain surface water to the public sewer.

Glamorgan Gwent Archaeological Trust - No objection. There is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features

may be disturbed during the course of the work. In this event, please contact this division of the Trust.

Welsh Government Highways Division – Highways Authority for the A40 Trunk Road. No objections subject to condition requiring details of construction compound (see below).

MCC Highways - Object.

The transport sustainability of the site is recognised and the proposal is well served by existing pedestrian and cycling facilities with provision to travel to all available amenities within a reasonable distance of the proposed development. It is also noted that the proposal is well served by public transport, the availability of bus stops in reasonable walking distance from the proposal are available for local commuting and further afield and the location of the rail station at station road although lacking in parking provision is reasonably well served by local buses with stops on Brecon Road.

Brecon Road / A40 is a Trunk Road and therefore falls under the remit and control of the Welsh Government to comment on all highway related issues.

St Michaels Road is a local road and its description of a residential through road is incorrect the road serves both residential and numerous commercial buildings, namely a vehicle repair garage, etc. The existence of double yellow lines along the southern edge of the carriageway and on street parking on the western / residential side demonstrates the historical difficulties and the need to manage on street parking. The street and other streets in the immediate local are not dissimilar and are also prone to significant parking stress.

The transport assessment indicates the following;

St Michaels Road: The proposal will be utilising and improving an existing, that will serve 6 parking spaces and provide access for communal refuse and recycling collection.

Brecon Road: The proposal, will be utilising and improving an existing access that will serve 9 parking spaces, Brecon Road is a trunk road and the Welsh Government should be consulted. It is noted that the Welsh Government have provided a response but have not offered any objection or comment in respect of the use of the existing means of access etc.

Parking Provision

The Transport assessment indicates a total provision of 15 spaces for 24, 1 & 2 bed units.

MCC Adopted Parking Standards require the following;

Type	No. of units	Parking Standards	No. of spaces
1 Bed	18	1 space per bedroom	18
2 Bed	6	2 space per bedroom	12
Visitors		1 space per 5 units	5
Total No. of spaces			35

This equates to a shortfall of 20 parking spaces. The Transport Assessment, 3.3.10 states the reduced level of parking can be justified as;

The site lies within a highly sustainable location, with access to a range of local amenities and facilities, as well as access by a range of transport modes;

The Highway Authority consider a 58% shortfall in parking provision to be unacceptable for this location and will only lead to a significant increase in on street parking stress in St Michaels Road and other streets in reasonable proximity to the development. It is accepted that the proposal is located in a reasonably sustainable location in Abergavenny but the level of car ownership cannot be guaranteed or controlled and that insufficient capacity is available on street to accommodate the additional parking that would undoubtedly be generated by a development of this type and scale.

In light of the aforementioned the traffic generated by the development would not be a real concern as it would not be that much different to the existing and previous use of the site. However the need to park outside working hours and on weekends would be considerably different.

Therefore, the highway authority object as the proposal falls well short of acceptable parking provision and would lead to a real deterioration in highway safety and capacity.

MCC Biodiversity - No objection subject to conditions.

#### 4.2 Neighbour Notification

3 no. objections.

1. Traffic and parking is already a severe problem on St Michael's Road and also Brecon Road. there is already a development being built as we speak at the end of St Michaels road which will bring extra traffic and where are all the cars going to park ?

2. The proposed development is not in keeping with the character and appearance of the Conservation Area as set out in the Councils Abergavenny Conservation Area appraisal and management proposals. The design is unimaginative and lacks ambition.

3. The materials proposed are not in keeping in quality, type or colour of the existing buildings within the Conservation Area and will not engender a feeling of civic pride in this development. 3. Sustainability is mentioned but I can see nothing regarding the buildings achieving their required Code for Sustainable Homes or BREEAM certification.

4. It's acknowledged by LRM Planning and Henstaff Construction Ltd that the parking provision of 14 parking spaces for 18 one bed and 6 two bed dwellings falls well below the LPA's car parking standards of 1 space per bedroom per property (therefore 30 for this development). The Transport Statement is frankly ridiculous; using a London Borough's parking survey methodology in a rural market town; counting yellow line parking as available parking spaces on Merthyr Road etc etc. Car ownership / usage is not decreasing, particularly in rural towns and this development could potentially add 40+cars into the local area. For the developer to not even provide the minimum to meet local standards is likely to cause huge disruption to the existing residents and the LPA should consider their apparent support of this provision.

5. There do not appear to be any accessible parking spaces within the development (or accessible dwellings from what is shown)

6. I note the previous planning permission (2006) was granted for 14 dwellings and not the 24 now proposed. A development of the proposed number on a plot of this size would appear to be recreating the folly of previous generations, considering profit over humane and good societal design.

7. There are no room dims shown on the drawings but using a parking space as a rough comparison (presuming they are draw at 11.5m<sup>2</sup> as per national standards) then many of the rooms in this development do not meet the current minimal building standards for domestic dwellings.

8. To describe this site as lying within the defined central shopping area boundary is stretching reality. It is in the most western boundary and only half the site appears to be within this boundary.

9. The site is described as being in a state of disrepair - this is solely due to Henstaff Constructions neglect of the site over the past 12+ years.

10 As a resident of this area I am amazed that no bat roosts have been found during the ecology survey.

Two representations of support:

1. Initial planning permission was given over ten years ago for this development and there is a desperate need to make progress.

2. Very much hope that the proposal is approved and the work is done quickly.

#### 4.3 Other Correspondence

Abergavenny and District Civic Society - Object.

We are very disappointed to find that the applicants' PAC rejects all criticisms made during the recent pre-application community consultation and therefore submits unchanged plans for approval. This uncompromising attitude would appear to be partly due to your acceptance of the scheme in principle last July, including the very substandard parking provision.

As no changes have been made by the applicants and our objections remain the same, we submit the views expressed at the pre-application consultation. I have highlighted key objections:

1 The Society has long been concerned by the condition of this site and has been urging the planning authority to serve notices to remedy the situation. We are therefore encouraged to see some evidence of the owners' intention to proceed with refurbishment/redevelopment.

2 We also welcome the intention that the development should in part reproduce the form of the buildings that have been here since about 1840, incorporating parts that survive. While elements of the proposals appear to speculate about the original details (see 10 below), the preservation of the unusual courtyard form is probably preferable to redevelopment with a built-up frontage to Brecon Road, whether in period or modern style.

3 However, these credits are more than offset by the wish to over-develop the site in a way that will cause unacceptable problems for both the local area and for residents themselves. The plans approved in 2006 provided 14 homes within a similar building footprint to that now proposed for 24 units. Repeating a questionable trend elsewhere in the town, the proposed flats have poor space standards, probably less than those required by social housing, and it is claimed that the density of development is necessary to ensure the viability of the development. While some compromises may be acceptable in town centre conservation areas to achieve the desired result, in this case we feel that the proposals considerably exceed reasonable tolerances.

4 The site has a mixed-use history and, while we agree that retail space is unlikely to be in demand, we would have preferred some business use to be incorporated.

5 24 flats or 30 bedrooms are provided with little useful open space apart from that to be used by 15 car parking spaces, a number that falls well short of the council's standards. We reject the Transport Statement's justification for the low provision. Not only does it only cater only for an assumed present level of need, with no allowance for rising demand, but it also makes unrealistic claims about the nearby availability of on-street parking spaces. Parking up to 200m from home may be acceptable in

Lambeth; it is not so here, and again the argument ignores growth in demand. There is no nearby public off-street parking. We would oppose anything less than one space per unit.

6 The Transport Statement ignores the traffic generated on St Michael's Road by commercial premises and the St Michael's Church/Community Centre/Primary School car park. It also fails to mention that the turning head at the end of St Michael's Road has been chained off.

7 Another issue concerns the distances between facing windows. While the usual standards may be waived in the Brecon Road courtyard, there need be no such justification in the new-build St Michael's Road section. Even on the St Michael's Road frontage some windows are only about 17m from those on the opposite side of the road.

8 We also find the 2½ storey block out of scale with the character of St Michael's Road.  
9 It thus becomes inescapable that the optimum form of development of this site is likely to be similar to that approved in 2006.

10 The architectural detailing will also be important. While the use of 6 + 6 sash windows, half dormers and slate roofing (with red ridge tiles?) is appropriate, the treatment of the Brecon Road section must be questioned. Four-paned square domestic windows are not characteristic of the period when this part of the town was developed, so the impression given of 18th century cottages, one embellished with a grand door case, is historically inaccurate. Some use of exposed rubble sandstone with red brick dressings would be typical of the 1840s.

11 The proposal should comply with the council's on-site affordable housing policy.

We hope that these observations will lead to a planning application for a more acceptable lower density development. No permission should be granted for such overdevelopment simply because the site was purchased at a price that now makes the acceptable 2006 project uneconomic.

We therefore hope that you will reconsider your previous advice, closely examine the applicants' viability claims and recommend refusal unless the plans are revised at least to reduce the number of units by reducing the height of the St Michael's Road block, with car parking provision closer to normal standards. To do otherwise will suggest that the usual planning requirements will be waived if an owner allows his/her property to become an unused eyesore.

We suggest that it would be prudent to take steps to ensure that the St Michael's Road section cannot be built without also completing the Brecon Road section of the development.

## **5.0 EVALUATION**

### **5.1 Principle of the proposed development**

5.1.1 The site is located within the Settlement Boundary of Abergavenny. Accordingly, the principle of the development is acceptable from a policy perspective, subject to relevant material planning considerations, compliant as it is with LDP policies S1, S2, S4, H1, H9, HE1, MV1 and the Council's Affordable Housing SPG.

5.1.2 The site Brecon Road frontage part of the site is also within the Central Shopping Area (CSA) and the change of use from the mixed retail/residential use to full residential therefore falls to be considered under LDP Policy RET2. This states that;

5.1.3 *Proposals which will safeguard the vitality, attractiveness and viability of the defined CSAs will be permitted but change of use to residential of ground floor premises will*



*not be permitted unless evidence is provided to demonstrate that the premises is not viable for retail or commercial use, including that the premises has been vacant for at least one year and that genuine attempts at marketing the existing use have been unsuccessful.*

- 5.1.4 All of the site has been vacant since the site was last sold in 2005/6 and therefore it is considered that this criteria has been met. The vacant site does nothing to attract footfall to the area, indeed it could be argued that it does the opposite in its current state with hoardings around it. The renovation of the Brecon Road frontage part of the site will therefore improve the vitality and viability of the remainder of the CSA. Furthermore, as the site is on the edge of the defined CSA, within the immediate site environs, with the exception of the aforementioned commercial uses, residential uses are dominant. This is particularly true to the southern side of Brecon Road, and also the case further west of the site.
- 5.1.5 Though large areas of Abergavenny are flood-prone, deriving from the Usk River and to a lesser extent, the Gavenny, the application site is within Flood Zone A, which defines areas considered to be at little or no risk of flooding.
- 5.1.7 It is important to note that in the case of this particular application there is an overriding objective to achieve a sufficient quantum of new development to secure the conservation of the historic ranges and the preservation of the more sensitive Brecon Road streetscape. Viability information has been submitted with the application which shows that even with 100% open market housing (the development is 50% affordable), then in the absence of any grant money the development would have a Negative Residual value of -£160,000. The need for a minimum number of residential units on the site also impacts upon the amount of parking that can be provided. This issue will be addressed under Highway Safety and Parking later in the report.

## 5.2 Design and Impact on the Abergavenny Conservation Area

- 5.2.1 The site, which measures around 0.14ha, is occupied by various buildings of differing architecture, construction and state of repair. Formerly, the site was occupied by an H-shaped arrangement of buildings, albeit that many elements of this have been demolished over the years, leaving behind either dilapidated buildings or empty spaces in the northeast, southeast and southwest corners of the site. Older images of the site show that the site was formerly home to two single storey shops that bookended the Brecon Road frontage of the site, narrowing the view into the site.
- 5.2.2 Despite the site's state of disrepair, its location within the Conservation Area and its current form means that it has heritage value that must be a consideration under any planning application for its development. The Conservation Area Appraisal for Abergavenny mentions this site amongst an 'attractive group of modestly scale[d] houses and former shops' on Brecon Road. It goes on to state that 'the courtyard group is a particularly attractive group of modest houses' that may be former stables, and the group in combination are likely to be remnants of early development along Brecon Road. With this context in mind, it was advised at pre-application stage that the site holds some value from a heritage perspective. Accordingly, Officers advised that the demolition of the primary courtyard buildings would not be supported. The two more recently constructed buildings to the site's rear - one detached and one attached, are not considered to be of particular value and thus their demolition is considered to be acceptable.

Existing Buildings

- 5.2.3 The proposed layout seeks to maintain the existing site's form and assets. The courtyard structure has steered the proposals for the front of the site and has aimed to maintain the historic characteristics of the courtyard. The new-build block fronting on St Michael's Road is in a horseshoe-shaped block. In general terms, the site's current plan form would be both respected and retained by the proposals - with two courtyards to the north and south. The retention of the plan form in the southern half of the site would preserve the sense of enclosure viewed from Brecon Road, as well as the setback of the built form away from the frontage in the central section. The roof covering would be a natural Spanish slate, a sample of which can be conditioned.

#### New Build

- 5.2.4 The proposed new development to the north is proposed to be of two and a half storey form with a lower central element with vehicular and pedestrian access below. The townscape along St. Michael's Road comprises a linear expanse of late 20th century semi-detached residential dwellings of little architectural sophistication. There is therefore a contrast in terms of the quality of built form adjoining the site on Brecon Road to the south and St. Michael's Road to the north; making the latter comparatively less sensitive in terms of development. In spite of it being the 'Old Brecon Road', there is little evidence to indicate that the road formed any focus for activity, with the current character and appearance being of a secondary thoroughfare away from the main street, and with a broad diversity of built form represented. As such, the northern portion of the site where the new build is proposed is considered to be less sensitive in heritage terms, in large part because of the nature, appearance and significance of the adjoining built development on St. Michael's Road to the west and north. Even still, the proposed arrangement of new build development adopts a rectilinear plan form to create a second enclosed courtyard and retains views through to the northern elevation of an existing structure from the street. The siting and arrangement of the proposed new building is considered to provide clear spatial and visual separation from the Brecon Road frontage and the more sensitive elements of the Conservation Area.
- 5.2.5 The existing residential houses on St. Michael's Road are of conventional two storey construction although there are some older and higher buildings towards the junction with Brecon Road and also some ad hoc industrial development upon the south side of the street. In this context the development of two and a half storey buildings to St Michael's Road is considered to be justified because of the amount of this scale of built development throughout the historic built environment of the surrounding conservation area character area.
- 5.2.6 The architectural form and materials palette is sympathetic to the surrounding context of the conservation area throughout the proposed development. This extends to the use of dormer windows, pitched roofs, some sash windows and a highly characteristic six panelled door in a classical architrave on the Brecon Road frontage. The proposed materials for the development comprise the following;

Walls - Clay facing brickwork - colour red/brown multi. Render to be Parex Monorex through-coloured "smooth finish" or similar approved. Colour to be Natural White G00. Thermowood Timber cladding stained to match main entrance doors.

Window cills - reconstituted stone in feature locations. Colour smooth buff.

Roofs - Redland Cambrian reconstituted slated. Colour to be Slate Grey Pre-weathered.

Windows - St Michael's road new-build block to be Slimline profile proprietary uPVC double-glazed units with fenestration patterns as indicated on the drawings. Brecon Road block to be timber windows painted white. Double-glazed units with fenestration patterns as indicated on the drawings.

Doors - IG Doors GRP woodgrain composite Secured by Design standard sets with door patterns as indicated. Glazed fanlight above doors where indicated. Colour to be Rosewood.

Fascias - St Michael's Road new-build block to be white UPVC. Brecon Road block to be timber painted black.

Rainwater Goods - Aluminium - colour coated black.

5.2.7 In accordance with points (b), (c) and (l) of LDP policy DES1, the development will therefore respect the existing form, scale, siting, massing, density and layout of the adjacent neighbourhood. The new-builds elements will reflect the existing buildings so that they complement each other once completed.

5.2.8 In light of the above, it is assessed that the development proposals would at least preserve, if not enhance, the character and appearance of the conservation area, most particularly in view of the site's currently poor and still deteriorating dilapidated condition.

### 5.3 Economic Development Implications

5.3.1 The renovation of the existing buildings on Brecon Road will improve the appearance road frontage which should in turn improve the viability and vitality of the Central Shopping Area. Additional dwellings in the area will also bring more people to the town centre which will have wider economic benefits.

### 5.4 Highway Safety

5.4.1 There are 14 car parking spaces proposed, which is below the requirements of the Authority's car parking standards of one space per bedroom per property (up to a maximum of three spaces per property). It can be seen from the site layout that there is limited opportunity to provide car parking on site and that this is the maximum provision that the site can accommodate. The refurbishment costs of the existing buildings mean that a certain quantum of new-build development must be achieved, thus the discrepancy between dwellings and car parking spaces arises.

5.4.2 This matter was discussed in depth at pre-application stage, where multiple meetings were held with the Local Authority Planning and Conservation Officers. The conclusion of these meetings, after extended deliberation by the Authority, was that Officers felt that in this case they could support the under provision of car parking on-site, on balance, given the value that is attributed to the retention and quality refurbishment of the existing historic courtyard buildings.

5.4.3 Aside from the retention and improvement to the heritage asset, further justification for the under provision of car parking is put forward by virtue of the site's location. The site lies within the defined central shopping area boundary and the entire breadth of the town centre is walkable within a kilometre of the site. This ensures prime accessibility to a host of services and facilities, including primary retail fare, employment uses and other wide-ranging town centre provisions. The site also lies within walking distance of bus stops on Brecon Road, which provide access to numerous local and regional destinations, including larger employment hubs such as Cardiff, Newport and Merthyr Tydfil. Abergavenny also benefits from having a train station on a main line, also within walking distance or by bus.

5.4.4 In addition, the supporting Transport Statement that is submitted as part of this application states that the level of car ownership for the proposed development (based on size and tenure of housing, as well as location) is likely to be less than 0.68 vehicles

per household. Furthermore, it goes on to address that there are around 45 spare on-street parking spaces within the surrounding area before demand exceeds 85% of capacity. Even if this figure is optimistic, it is clear that there is some parking available within the vicinity of the site if required.

- 5.4.5 On balance therefore, it is considered that because of the specific circumstances of this case, it will be acceptable for the development not to meet the required Parking Standards normally applied.

## 5.5 Residential Amenity

- 5.5.1 The proposed new-build block has no side windows and there is sufficient distances provided between the existing buildings on the site and the rear elevation of the new build. As a result there will be no adverse overlooking between neighbours. The conversion of the existing range of the buildings has been designed so there will be no habitable room windows overlooking neighbours on either side. The layout is therefore considered to accord with the provisions of criterion (d) of LDP Policy DES1, which relates to privacy and amenity of neighbours.

## 5.6 Ecology

- 5.6.1 The application for the proposal is informed by an ecological assessment: Ecological Impact Assessment (ECIA). Site off Brecon Road, Abergavenny. Produced by Wildwood Ecology, dated 18th May 2018, Revision F. The ECIA is informed by a phase 1 habitat survey, desk study, preliminary roost assessment and a single bat activity survey. This survey effort meets the recommended level for a site of this type. The surveys have been undertaken by suitably experienced ecologists at appropriate times of the year and following best practice.
- 5.6.2 Of the seven buildings on site, two were described as having low potential to support individual bats using the site opportunistically. The Council's Biodiversity Officer raised concerns over this conclusion because the descriptions and photographs provided appeared to show suitability to support more than an occasional roost. As a result the Officer visited the site with a colleague and the scheme ecologists and it was agreed that although there were many potential access points to the building, there were limited potential roost features. Therefore, the single bat activity survey that had been completed is considered to be sufficient survey effort to characterise bat use, in line with survey guidelines. However, it is advised that a precautionary method of works should be used in areas which have potential roost features. The revised report that has been submitted includes suitable recommendations.
- 5.6.3 The desk study that was undertaken returned records of common roost nesting birds within the search area but no evidence of birds was recorded during the surveys. It would however be advisable to follow the advice provided in the report in case birds were to start nesting between the date of the survey and works commencing on site.

The inclusion of bat and bird boxes on the buildings is welcomed as this meets policy guidance to include enhancements for biodiversity on all planning applications and the council's Biodiversity Officer is satisfied that if the report recommendations are implemented, then there should be no negative impacts on biodiversity as a result of the proposed development. Suitable planning conditions are included below.

## 5.7 Archaeology

- 5.7.1 Information in the Historic Environment Record, curated by the Glamorgan Gwent Archaeological Trust (GGAT), shows that the proposed application is situated adjacent to the line of the Brecon to Caerleon Roman Road (RR62a) and is within the Monmouthshire Conservation Area. It is also located immediately adjacent to the Archaeologically Sensitive Area and is approximately 500m to the northwest of Abergavenny Roman Fort, a Scheduled Ancient Monument (Cadw Ref.: MM193). However, there are no designated sites within the proposed application area.
- 5.7.2 A review of the Historic Ordnance Survey mapping of the proposed application site by GGAT shows that the property has previously undergone redevelopment with an outbuilding shown in the northern extent of the application area on the Second Edition (1901) but not present on the Third Edition (1920). The current property extends to the north, covering the same area as the outbuilding shown on the Second Edition Ordnance Survey map. Therefore, it is likely that any possible archaeology present within this area may already have been disturbed from previous construction works. Additionally, we also note from the supporting documents that ground investigations have already occurred at the site and that the trial pits and window samples indicate that made ground varies across the proposed development area at depths ranging from 0.2m to 1.5m (Drawing Number: 17.3866-02 Rev: A). Therefore, it is our opinion that it is unlikely that archaeological remains will be encountered during groundworks and the impact of the development upon the buried archaeological resource is considered to be low.
- 5.7.3 GGAT note that the buildings that are to be demolished are mid to late 20th century structures and the supporting photographs and Heritage Impact Statement undertaken by EDP (Report Ref: edp3367\_r001) also details that these buildings are of low archaeological and architectural significance. Furthermore, the remaining structures which form part of the original building as shown on the early historic Ordnance Survey mapping have been partially destroyed either by demolition from earlier planning permission for redevelopment of the site or from dereliction. We note that the proposed reinstatement of the property's boundary walls is a positive factor and additionally that the proposed changes to the front and rear elevations of the property do not detract from the building's original features such as the dormer windows and the central passageway. Therefore, it is considered that the impact of the proposed development on the archaeological resource is low.

## 5.8 Affordable Housing

- 5.8.1 The development is to be undertaken in partnership with Melin Homes. As a result it is proposed that 50% of the units provided will be affordable. LDP Policy S4 requires 35% of the units to be social rented through a Registered Social Landlord. They must also meet DQR which all of the units in the proposed new building can achieve. The 35% will be secured via a Section 106 Agreement.

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

- 5.9.1 The Town Council have objected to the proposed development on the grounds of lack of parking and the design and scale of the proposed new building. These issues have been addressed above.

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

The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015

(the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### S106 Heads of Terms

35% of the residential units must be affordable.

The new block shall not be constructed unless in conjunction with, or following the completion of the conversion and re-build of the existing buildings on the site.

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. Prior to the commencement of any other works, details of a site construction compound shall be submitted to the Local Planning Authority for written approval. This shall demonstrate how access and turning space will be maintained through construction to ensure that all vehicles entering and exiting the A40 trunk road, can do so in a forward gear.  
REASON: In the interests of Highway Safety
4. Works shall be carried out in accordance with the mitigation and enhancements described in Section 5 Conclusions and Recommendations of the submitted report "Ecological Impact Assessment (ECIA). Site off Brecon Road, Abergavenny. Produced by Wildwood Ecology, dated 18th May 2018, Revision F" and as shown on the plan "Site Layout/ Block Plan. Ecology Enhancement. Produced by Hammond Architectural Ltd. Dated September 2017. Drawing number 1126/PL/01"  
REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).
5. Additional lighting on the northern elevation of the building shall be low level (<2.4m) PIR lighting only, located away from mitigation bat boxes, with directional cowls to reduce light spill.  
REASON: To safeguard roosts, foraging and commuting routes in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2017.
6. 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.
7. Samples of the external finishes for the development shall be submitted to and agreed by the local planning authority prior to works commencing on site and the development shall be carried out in accordance with those approved details, and retained as such in perpetuity.
8. The details of windows and doors of the development, drawn at a scale of 1:10, shall be submitted to and approved by the local planning authority prior to works commencing on site and the development shall be carried out in accordance with those approved details, and retained as such in perpetuity.

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

the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

3. Any material change to site access at the trunk road will require Road Safety Audit in accordance with HD19/15 of the Design Manual for Roads and Bridges. The Applicant shall agree the required measures with the Welsh Government before works commence on site and will be responsible for meeting all costs associated with these works. Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Welsh Government. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system.
4. The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)

This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.



**Application Number:** DM/2018/00408

**Proposal:** Provision of a new cycle and pedestrian bridge spanning approximately 60m across the River Usk between Llanfoist and Abergavenny, provision of earthwork ramps to cater for disabled access, provision of a new footpath link and enhancement of an existing footpath.

**Address:** Proposed Crossing Across River Usk Between Abergavenny And Llanfoist

**Applicant:** Mr Stephen Baldwin

**Plans:** General DR-CB-0101 - P1, General DR-CB-0102 - P1, General DR-CB-0103 - P1, General DR-CB-0104 - P1, General DR-CB-0105 - P1, General DR-CB-0106 - P1, General DR-CB-0107 - P1, Site Layout DR-CB-0108 - P1, General DR-CB-0109 - P01, General DR-CB-0110 - P01,

## **RECOMMENDATION: Approve**

Case Officer: Ms Kate Bingham  
Date Valid: 10.08.2018

### **1.0 APPLICATION DETAILS**

1.1 This application is for a shared cycle and footbridge across the River Usk between the village of Llanfoist and the town of Abergavenny.

1.2 As background to this application, the Welsh Government (WG) aims to enable more people to walk and cycle as a method of travel, to benefit people's health, the environment, and the economy. Consequently, the Active Travel (Wales) Act 2013 was introduced by the WG. The Act created new duties for local authorities in Wales and the Welsh Ministers, with the aim of making active travel the most attractive option for shorter journeys. To enable this, local authorities in Wales are required to produce active travel maps and deliver year on year improvements to active travel networks and facilities. The council therefore wishes to provide a modern pedestrian route to current Equality (Act 2010) standard between Llanfoist and Abergavenny. Previous considerations to provide an improved footway on the existing bridge have not been realised.

1.3 In order to improve the existing facilities for pedestrians and cyclists in the area, the following proposals have been put forward:

- A shared cycle / footbridge over the River Usk
- A connecting unsegregated pedestrian cycle path with integrated vehicular access linking the A4143 (Merthyr Road) to the footbridge
- A 3m unsegregated pedestrian cycle path to tie in with the existing NR46 path north of River Usk
- Improvements to NR46 National Cycle Path
- New link between NR46 and Merthyr Road (Castle Meadows)

1.4 Possible Future Phase Improvements also include pedestrian and cyclist improvements on the Waitrose roundabout.

1.5 As part of these overall proposals, Monmouthshire County Council is seeking to obtain detailed planning permission for the construction and operation of a new footbridge over the River Usk between Llanfoist and Abergavenny, approximately 100m downstream of the existing Abergavenny Bridge. The proposed scheme will comprise a new cycle and pedestrian footbridge spanning approximately 60m across the River Usk, and will include the provision of earthwork

ramps to cater for disabled access, provision of a new footpath link and enhancement of an existing footpath.

1.6 The site includes land within and over the River Usk and its floodplain. The River Usk is designated as a Main River by Natural Resources Wales (NRW) and has a number of important environmental designations.

1.7 North of the River Usk, the site comprises an area within Castle Meadows, an area of community greenspace between the town of Abergavenny and the River Usk. National Cycle Route (NR46) (also a Public Right of Way) runs through the site along the northern bank of the River Usk. A further Public Right of Way (PRoW) crosses through the Site from the A4143 to Linda Vista Gardens. South of the River Usk, the Site comprises an area of grassland and riverside vegetation between the River Usk and The Bridge Inn Public House beer garden, and Bridge Cottages.

1.8 The River Usk is designated as a Main River by Natural Resources Wales (NRW). The river is also designated for nature conservation as a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) due to the habitats and species present.

1.9 Castle Meadows, within which this site is located, is designated in local planning policy as an Area of Amenity Importance, in relation to its importance as an area of green infrastructure offering social, environmental and economic benefits. The site is also located entirely within Abergavenny Conservation Area. Furthermore, within the surrounding area are several designated heritage sites. This includes the existing Abergavenny Bridge, a scheduled monument and Grade II\* listed building located approximately 100m upstream of the Proposed Scheme. North of the site and Castle Meadows is Linda Vista Gardens (a Grade II listed historic park and garden), Abergavenny Castle (a scheduled monument and Grade II listed historic park and garden) and the buried remains and earthworks of the Roman fort of Gobannium (a designated scheduled monument). Llanfoist New Cemetery to the south-west of the Site is a Grade II historic park and garden. Several other listed buildings are located within Abergavenny and Llanfoist.

1.10 In the wider landscape, the Blaenavon Industrial Landscape World Heritage Site lies approximately 800m to the south-west of the Site and the Brecon Beacons National Park approximately 700m to the west of the Site.

1.11 The proposed bridge will span 60.4m across the River Usk and carry a 3m wide combined footway and cycleway. The side-walls of the bridge will consist of timber beams covered with external rain-screen timber cladding. Timber shingles used for the cladding will be from a locally (British) sourced species. This cladding will be arranged in a diamond pattern on the exterior face and vertical pattern on the interior face to create the closed side-walls. This pattern has been designed to reduce the visual impact of the bridge; a quality that will be enhanced as each timber shingle weathers with subtle differences over time. With a stainless steel parapet fitted to the top, the side-walls will be up to a height of 1.4m. The deck of the bridge will be timber with an anti-slip surface fitted. The bridge will not be lit. A cow gate / cattle grid will be fitted on the northern entrance of the bridge and a heavy duty bollard at the southern entrance to prevent the access of motor vehicles.

1.12 The bridge will be supported by earthwork abutments on both banks and a central 'Y' shaped pier which will be located in the shingle bar within the river channel, outside of the usual course of the river.

1.13 Earthworks will raise the ground level at either end of the bridge by approximately 2.5m in order to raise the bridge out of the usual water level of the floodplain. The earthwork access ramps will run parallel to the river and be a gradient of 1 in 20. Steeper side slopes (approximately 1 in 2 gradient) will have native riverside vegetation planted.

1.14 In order to improve access to the bridge from Abergavenny across Castle Meadows, a new permanent footpath 100m long and 3m wide will be constructed from the existing Castle Meadows

access gate on Merthyr Road to the existing footpath along the northern bank of the River Usk. This existing footpath (and National Cycle Route) will also be widened and resurfaced.

1.15 The height of the bridge has been designed to be above usual flood levels (with a consideration of climate change). However, the bridge will not be accessible during severe flood events.

1.16 As part of the planning process, an Environmental Impact Assessment (EIA) has been completed to understand the likely significant environmental effects that the proposed scheme may have on the surrounding environment and residents during construction and once in use. EIA is a process that identifies the key environmental effects of a development and suggests ways that these effects can be avoided, reduced or managed. It is a requirement of UK law for certain developments that are likely to cause significant environmental effects.

1.17 The site covers an area of 1.29 hectares. The area of temporary construction works is shown by a blue line on Figure 1 within the Environmental Statement. The red line shows the completed extent of the footbridge and its earthworks.

#### 1.18 Construction Phase

1.19 During the construction phase, areas within the site will be fenced off to the public and the footpaths and National Cycle Route within the site will be temporarily diverted.

1.20 Once the site is fenced off, a construction compound will be established and working areas cleared. This will require the removal of two trees and two small groups of trees, which have been assessed as being of low quality. All other trees will be retained and where necessary protected.

1.21 The scheme will require some Heavy Goods Vehicles (HGVs) to deliver timber, steelwork and construction equipment. However this is anticipated to only require a low number of infrequent trips. Construction access to the site for HGVs and the contractors will be from Merthyr Road north of the Site, and from the access on the south bank adjacent to The Bridge Inn.

1.22 Various construction vehicles and equipment will be present within the site during the construction phase. This will include cranes, which are required to lift the bridge in to place. In order to construct the foundations of the central pier, some vehicles and equipment will be located within the river channel on the shingle bank at certain stages of construction.

1.23 On both banks of the river the ground level will be raised approximately 2.5m for construction of the earthwork access ramps. Piling will be undertaken at each bank to provide the foundations of the footbridge abutments.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/00408	Provision of a new cycle and pedestrian bridge spanning approximately 60m across the River Usk between Llanfoist and Abergavenny, provision of earthwork ramps to cater for disabled access, provision of a new footpath link and enhancement of an existing footpath.	Pending Determination	
DC/2014/01332	Change of use from A1 (shop / hairdressers use) to A2 office use (financial or professional services)		

DM/2018/00408	Provision of a new cycle and pedestrian bridge spanning approximately 60m across the River Usk between Llanfoist and Abergavenny, provision of earthwork ramps to cater for disabled access, provision of a new footpath link and enhancement of an existing footpath.	Pending Determination	
DC/2015/00028	Retention of three logo signs for pub; flat to wall; replace previous signage	Approved	20.03.2015
DC/2012/00083	Ground floor dining room extension incorporating disabled WC & kitchen wash-up area.	Refused	12.12.2013

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

#### **Strategic Policies**

S5 LDP Community and Recreation Facilities  
S7 LDP Infrastructure Provision  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

SD3 LDP Flood Risk  
GI1 LDP Green Infrastructure  
LC5 LDP Protection and Enhancement of Landscape Character  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
EP2 LDP Protection of Water Sources and the Water Environment  
EP3 LDP Lighting  
DES1 LDP General Design Considerations  
HE1 LDP Development in Conservation Areas

### **4.0 REPRESENTATIONS**

#### 4.1 Consultation Replies

Abergavenny Town Council - Recommends approval.

Llanfoist Community Council - Recommends approval.

David Davies MP - Would be grateful if Officers and Members could carefully consider the comments made by residents of Bridge Cottages.

NRW - We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Requirement 1. Flood Risk Management - flood modelling to be fully verified and the FCA finalised to demonstrate the risks and consequences of flooding can be managed to an acceptable level in line with TAN15.

Requirement 2. European Protected Species - further information is required to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of Bats (European Protected Species).

Condition 1. Construction Environment Management Plan - to protect the River Usk SAC/SSSI and the water environment.

ADDITIONAL INFORMATION SUBMITTED AND NRW RECONSULTED. AWAITING FURTHER COMMENTS.

Landscape:

We agree with the findings of the LVIA that there would be negligible effects on the landscape character, setting of and views from the National Park due to the scale and nature of the development and distance of receptors within the National Park. The proposed development would not interfere significantly with views towards the National Park.

Water Quality and the River Usk Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI):

We welcome the submission of the Outline Construction Environment Management Plan (CEMP), by WSP, reference 70034788\_ CEMP, dated February 2018. We note that the appointed contractor will be required to produce their own CEMP and detailed method statements for elements of the project, following the methods and practices in the draft/outline CEMP but providing additional detail as necessary. This should be provided in advance of the project implementation

Therefore, we advise that a condition securing a CEMP is included on any planning permission granted that ensures adequate protection of the River Usk SAC/SSSI during construction.

Water Quality and the River Usk Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

We welcome that the methods, selected for the pier and abutment foundations, will entirely avoid the use of percussive piling techniques, which can be lethal to individual fish in relatively close proximity to the works. However, we also note some inconsistency and uncertainty within the Environmental Statement (ES) and between it and the draft CEMP regarding the precise methods and environmental risks involved in installing the pier foundations by this method and further clarification on these aspects is required.

Construction of the bridge pier foundations:

We note that the apparent uncertainty may relate to the need to balance the water pressure between the inside and outside of the sealed caisson prior to and during pouring of the concrete, and the differing approaches specified at various places in the ES and draft CEMP involve either 1) the use and potentially the feasibility of placing a concrete 'plug' in the base of the caisson prior to dewatering and then pouring the concrete, or 2) that the concrete will be poured entirely with the water in place, which will be collected and disposed of safely during the pouring operation, and that the ability to vary the rate of concrete pouring is stated as advantage in terms of pollution control. It is also stated that some contamination of groundwater, which is in connection with the flow of the river, is inevitable but this can be controlled and minimised.

In either of the above two cases, but especially where there is likely to be significant contamination of the collected water with cement, the contaminated water must be collected and disposed of safely and not be discharged to the watercourse while there is still significant contamination. The ES/draft CEMP state that contaminated water will be treated in a settlement pond/tank, or potentially removed from site, but no details are provided including where a settlement pond/tank would be located and its required capacity, infiltration rate, residence time etc. The method may be suitable for removing fine sediment but potentially less suitable for cement contamination and we

would need to be assured as to its suitability, especially given the likely free draining nature of the soils. Further details should be provided within the final CEMP.

In terms of monitoring, given the likelihood of some degree of cement contamination occurring during the concrete pouring operation due to connection between the groundwater and river flow, we require that pH is monitored by the Contractor continuously at a suitable point in the river flow downstream of the caisson and that any elevation of pH above pH 9 should be noted and change to the rate of pouring implemented at or approaching this point where feasible, as this is an identified threshold for causing damage to aquatic life. This action should be included in the final CEMP.

Construction of the abutments:

As stated above, we welcome the use of a non-percussive piling method. We note that, as with the pier foundations, the piling will extend well below the water table and so contamination of groundwater and hence the flow of the River Usk is a risk. We note that some specific guidance on avoiding this risk during piling operations is identified in the draft CEMP. While we would assume that the risk is lower with the casting of the piles for the abutments than for the pier, we would also require further clarification on this aspect within the final CEMP.

Construction of the ramps:

We note that for a period of time during construction of the ramps and prior to establishment of vegetation cover they will be highly vulnerable to causing silt laden run-off to the river during heavy rain, and that detailed measures are to be specified in a site drainage management strategy/earthworks strategy to avoid any significant silt pollution from occurring. Similar measures also apply to the entire construction site. This will involve use of silt fences/cut-off drains, covering of stockpiles etc. as necessary. We advise that this is referenced within the final CEMP.

General measures for avoidance of pollution with fuels, oils etc:

We welcome the detailed measures stated in the draft CEMP such as refuelling only in suitable designated areas away from watercourses, ensuring that machines are in a good state of repair, storing fuels, oils, chemicals etc in suitable secure bunded areas, etc. as necessary to prevent pollution of groundwater and surface water. We also note the preparation of detailed contingency plans in the event that flooding of the site is forecast.

Timing of the works:

We welcome the commitment to undertaking those aspects of the works with a higher risk of pollution and disturbance by vibration etc., in particular the construction of the foundations for the pier and abutments, in July to September outside of the main period for fish spawning and migration. The period of highest sensitivity for the fish in the River Usk SAC at this location is in April to June, when spawning of shad occurs at a site adjacent to Castle Meadows a short distance downstream and shad may also be migrating further upstream through the construction site at this time (although generally at night). Although the above-mentioned construction activities will avoid the time of highest risk, other fish, for example Atlantic salmon will be present in lower densities near to or within the construction site at all times of year, and further, any siltation of spawning gravels downstream could cause more lasting degradation of the habitat and is to be avoided as far as possible.

Although the ES covers these points in some detail, there should be further consideration within the CEMP.

Cadw - Until more information is provided by the applicant we are unable to assess the impact of the proposed scheme on the setting of MM010 Abergavenny Bridge.

The developer's Environmental Statement, Chapter 7 'Historic Environment' whilst it endeavours to assess the setting of the designated historic assets following Welsh Government best practice guideline 'Setting of Historic Assets in Wales (2017)' the documentation is considered inadequate.

The assessment conclusions produced for all the designated historic assets are equivalent and in summary are that:

In the constructional phase there will be a temporary loss of inter-relationship between all the assets as a result of the plant and construction compounds and the magnitude of change on the setting of

all the assets is considered to be medium. There is likely therefore to be direct, temporary, short-term effects of moderate negative significance.

The heritage significance of the assets would remain high. No further mitigation is recommended as the impacts will be of a temporary and short term nature. In the operational phase the effects of the proposal are considered to be similar and the conclusions are that the magnitude of change to the setting of the assets would be low. There is likely to be direct, permanent, long-term effect but of minor negative significance. The heritage significance of the assets would remain high.

There is insufficient demonstration of argument for how the conclusions reached in section 7.7 have been developed from the statement of heritage values in section 7.4.9. In particular we are concerned as to the impact on the setting and significance of MM010 Abergavenny Bridge. Whilst the design of the new bridge and its oblique positioning are intended to minimise visual impact; upon the scheduled monument both in views towards it and as a new and prominent structure visible from it, the choice of location will mean that both the setting of the scheduled monument and significant views towards the heart of the medieval town and the castle will be adversely affected. The impact on the scheduled monument may have been underestimated or it may be in error.

Glamorgan Gwent Archaeological Trust - The proposed application area is situated approximately 100m to the southeast of Scheduled Monument of Llanfoist (Abergavenny, or Usk) Bridge (Cadw reference MM010, also Grade II\* Listed), and includes the Essential Setting of the Linda Vista Gardens (Cadw reference PGW (Gt) 59 (MON)). There are no recorded non-designated historic assets within the area directly affected by the proposals, and historic mapping of the 19th century onwards does not show any features. This does not preclude there being the likelihood of unrecorded features or finds. However, the supporting information includes an Environmental Statement, Chapter 7 and Appendix G of which deals with Historic Environment impacts. The details show the bridge will be created using ramped access and following routes that are extant and utilise those used by the Eisteddfod Genedlaethol. The supports for the bridge will be within the river environment and the historic mapping shows that whilst the route of the river has varied, this area has been a channel since the earliest mapping evidence.

Given our understanding of the available information at this time, it is our opinion that there will not be a requirement for archaeological mitigation works. As the archaeological advisors to your Members, we therefore have no archaeological objection to this application. If the detailed proposals alter, please contact us. The Record is not definitive, however, and should any archaeological remains or features be encountered please contact us.

MCC Heritage - Pre-application advice:

Llanfoist Bridge is Grade II\* highly graded due to it being a fine historic bridge of handsome appearance.

It is also a Scheduled Ancient Monument and is within the Abergavenny Conservation Area.

The central location is, on paper, the most balanced of various options considered. However any bridge here will still have a significant impact on the character of the conservation area as well as the setting of the designated heritage assets.

There was an initial desire not to have any supports of the bridge in the water course, however this creates a very large bridge which will have a significant permanent impact on the character and setting of the listed and Scheduled Monument. Therefore suggested looking at alternative bridge designs with support in the river (as now proposed).

The application now proposes a steel footbridge which will be clad in timber. It will be supported by a column that is within the river channel but that is normally uncovered shingle. This approach requires a less engineered structure which will have a reduced visual impact.

MCC Highways - The highway authority would offer no objection in principle and welcome the proposal to provide an independent pedestrian / cycle crossing of the River Usk, but would offer the following comments and observations.

- o The natural desire line would place a pedestrian / cycle crossing directly adjacent to the existing bridge, but this location has been discounted due to various and specific issues with the bridge (CADW & NRW) that prevents the crossing being either on the upstream or downstream of the bridge.
- o The proposed crossing is not on what is considered to be the natural desire line and further investigation to provide through the residential properties at Cooper Way/Riverside Drive/James Jones Close? This would provide connectivity to the proposed crossing and reduce the numbers of NMVs moving along the existing Merthyr Road public highway.
- o The proposed crossing is not to be lit, no lighting is to be provided as "It is considered that lighting of any part of the scheme would not be appropriate due to the impact on the sensitive receptors and the overall impact on visual impact as a result of the scheme". This is likely to restrict the attractiveness of the route particularly during the hours of darkness, winter months, the lack of natural surveillance etc. those wishing to cross the river would then be left with no alternative but to use the existing Llanfoist Road bridge. It is arguable that by not utilising lighting, the proposal will be redundant for a large percentage of the time.
- o Those users travelling from Llanfoist, West of Merthyr Road will undoubtedly utilise the existing A40 underpass and existing footway network but will need to cross Merthyr Road. The current proposal does not include for any improvements to Merthyr Road and the Waitrose roundabout but may be carried out as a possible future phase, reference Llanfoist to Abergavenny Shared Cycle Footbridge, Active Travel Audit, Appendix A1, the lack of such improvements will significantly reduce the crossings attractiveness and not attract increased pedestrian and cycle use.

General;

- o The Walking and Cycling Active Travel audits submitted have been carried out in line with Welsh Government templates and are of a robust nature. Generally in agreement with audit content, however it should be appreciated that scoring of such audits is subjective;
- o The proposed approach ramp, along the southern bank, is to be of shared use with DCWW to allow them maintenance access to their existing apparatus. This will be in conflict with pedestrians and cyclists.
- o Welsh Government Active Travel Design guidance requires unsegregated shared use pedestrian/cycle bridges to be a minimum of 4m wide on primary routes or 3.5m wide on less busy secondary routes. However, a 3m width is acceptable where flows are less than 50/hr. The Submission does not make any reference to predicted flows within the Design and Access Statement and/or Active Travel Audit - how has the 3m width been arrived at.
- o LTN 1/12 Shared Use Routes for Pedestrians and Cyclists states a preferred 3m width where the route is not bounded by vertical features. The presence of vertical features creates the need for additional width as a buffer zone. The 1.4m high bridge parapet and approximately 2.5m high embankment at 1 in 2 side slope should be considered in this respect.

MCC Rights of Way - Although the proposed scheme potentially improves accessibility by creating paths where none presently exist, the applicant should be sure that the proposed development does not have a negative impact on the availability of the existing path network as it is legally recorded.

Not only should any changes to the existing paths comply with the standards set out by the Fieldfare and Sensory Trusts, they should also apply to the proposed new paths. Countryside Access is particularly concerned about the surface of the paths, changes in gradient and the accessibility of furniture.

If the alignment of the paths set out on the application drawing does not match those legally recorded, a Path Order will be required. Importantly, Path Orders are not guaranteed to be successful. Details of the Path Order process are available from Countryside Access.

MCC Biodiversity - No objection subject to conditions.

MCC Green Infrastructure – comments awaited and will be reported as late correspondence.

#### 4.2 Neighbour Notification



Four objections received:

1. A waste of money when a footpath already exists.
2. The new Bridge will cause a complete lack of privacy to the residents in the cottages as the height of the bridge will be higher than the fencing already there.
3. Flooding risk to the properties will increase as the footbridge will need ramp access so the levels will change.
4. No proposed lighting on the footbridge, so will not be ideal to use in the dark, resulting in pedestrians using the existing bridge anyway.
5. I have used the existing bridge with 2 children and a dog without incident or cause for concerns for my safety.
6. This bridge would be a temptation by youths to jump off during the summer months, causing unnecessary risk to life.
7. The view across Castle Meadows is unique and uniquely beautiful. Trees, grass, the Castle, Llanfoist Bridge and perhaps a few cattle. Rare is it to see such an unspoilt vista and I can think of few others in the middle of a town. The proposed cycle bridge would completely wreck this with an oversized and ugly construction.
8. I am a keen cyclist and dislike the existing crossing as much as anyone else, but natural beauty is rare and precious and simply must take priority.
9. Any new cycle crossing should be close to the existing bridge to minimise the visual impact.
10. The increase in foot traffic is as a result of the housing estate built on Coopers site. I believe one of the proposed positions of the bridge was in line with this estate and there is the potential to create access directly from the estate. This would serve their purpose i.e. Where all the increased pedestrian traffic has originated.
11. Realistically how much will it be used? People with pushchairs, wheelchairs etc crossing the bridge onto a meadow that is usually quite muddy. Know there's a footpath but it's probably not wide enough for two pushchair/wheelchairs to pass.

Three representations of support:

1. The current bridge is a hostile and dangerous for pedestrians and cyclists. There is simply too much heavy and sometimes fast traffic on the road, and the footway is very narrow. Crossing the bridge on the footway is particularly terrifying if accompanying young children.
2. The new bridge, together with improvements to onward links on the Llanfoist side as identified in the Active Travel Audit report would be a major contribution to improving conditions for walking and cycling in Abergavenny and Llanfoist. In view of the large number of new homes that are being built in Llanfoist, it is particularly important to provide direct, safe and pleasant walking routes to Abergavenny town centre and the leisure amenities of Castle Meadows and Linda Vista Gardens.
3. Safe crossing of the Usk for pedestrians and cyclists is long overdue, and particularly now, with the population of Llanfoist growing as quickly as it is - it is essential that a safe and attractive walking/cycling route between Abergavenny and Llanfoist is established.
4. The current very narrow pavement on the side of the road bridge is not fit for purpose. It is extremely dangerous. I cross the bridge daily to get to and from work and on several occasions have had the frightening experience of vehicles mounting the pavement. This has been a particular problem when I have had my two young children with me using a pushchair and buggy board. Unless something is done very soon there may be a terrible accident. A separate footbridge is long overdue.
5. PLEASE - we need this bridge NOW!!! To anyone who thinks it is unnecessary to protect pedestrians, as I was walking home from Abergavenny towards Llanfoist yesterday an army truck mounted the pavement such that both its nearside wheels were on the footpath. It came from behind me so I had no warning and it was terrifying. Thankfully I came to no harm, but was quite shaken for a while afterwards. I cross the bridge in Llanfoist almost everyday walking to and from work. I often have my young children with me. Had they been with me yesterday whoever was nearest the road would at best have been seriously injured. We need a separate footbridge NOW before someone is killed.

General comments:

1. With regard to the links across Castle Meadows, these should be a good, smooth all-weather surface, and not prone to mud and large puddles of standing water in the winter or after heavy rain.
2. The bridge is a great start, and will improve that journey for many people, but it is essential that improvements to the onward journey to Llanfoist village, Waitrose, the old railway cycle route (and beyond) are also looked at urgently- crossing Merthyr Road at the Bridge Inn or at the Waitrose roundabout can be extremely difficult and unpleasant.
3. The footbridge should be as near as possible to the current road bridge. This would limit any increase in distance to pedestrian journeys, decrease extra work in making new paths and mitigate the objections to local residents whose gardens back onto Castle Meadows and who feel their privacy will be compromised.
4. There need to be substantial footpaths to and from the bridge to allow access especially during the winter months when the Meadows flood and the ground is likely to become muddy.
5. Lighting on the paths and bridge itself is necessary otherwise the bridge will only be of any use during daylight hours.
6. Other pedestrian access points to and from the bridge in order to complete journeys must be improved as a matter of urgency.
7. As a long-term resident of Llanfoist I have been saddened to note that, perversely, the more developed and bigger Llanfoist has become in recent years, the more distant it feels it is becoming from Abergavenny itself. What used to be a pleasant walk into town now feels like running the gauntlet trying to avoid the ever-increasing traffic and adding to this traffic by using the car is becoming a safer option, thereby compounding the problem further. Arguments regarding the aesthetic quality of the proposed bridge have little weight in comparison to the risk to life as a result of unsafe pedestrian access across the current bridge. More and more houses and other developments are being built in the area and safety measures to protect pedestrians have not kept up.
8. A well-designed footbridge should have little impact. Indeed, it could (and should) enhance the local area and allow pedestrians to enjoy the views of the river and the beautiful hills and countryside that surround us, rather than just trying to get across the existing bridge as quickly as possible.
9. Castle Meadows covers a vast area and the impact on wildlife will be minimal if the bridge is built close to the existing structure where there is already substantial traffic, air, noise and light pollution. Encouraging walking by providing safe access, rather than constantly relying on vehicular transport, would have far more positive environmental benefits than any negative aspects of building the bridge.
10. I have attended both public meetings held over recent years as was highly disappointed and surprised to note that what I would consider to be essential practical aspects associated with building the new footbridge appear to be being ignored. The architects seem to have the sole aim of designing the bridge without any thought to other practicalities: connecting paths, onward journeys or lighting. What is the point in providing a bridge if it does not fully link up to other routes? The purpose of a bridge is to assist a journey, not just to provide a crossing from one river bank to the other. Without proper planning of access routes on either side the bridge will just be a very expensive and rather pointless white elephant.
11. As we are all well aware, Castle Meadows is prone to flooding. The paths to and from the bridge through the Meadows therefore need to be adequate such that they can be safely used by pedestrians throughout the year. Again, keeping as close as possible to the existing structure would limit the length of new paths required.
12. Further afield, the whole pedestrian journey between Llanfoist and Abergavenny needs substantial improvement, too. Developments in the area have caused a huge increase in traffic over recent years but little has been done to protect pedestrians walking through this area. The zebra crossing in Llanfoist Village must be replaced with a pelican crossing as so few drivers bother to stop to allow pedestrians to cross. Also, a pelican crossing on the Abergavenny side of the river needs to be installed to allow pedestrians to cross to the far side of the road to access Nevill Hall Hospital. Currently during busy times the only options at this point are to wait until a driver is considerate enough to allow crossing. The vehicular access point from the roundabout into Waitrose is an additional area of concern. Again, due to poor driving, indication is often not given to allow pedestrians warning that a car intends to turn into Waitrose thus making this crossing unsafe, too.

13. Without adequate lighting the bridge will only be of use during daylight hours. Peak travel time during the winter months is in the dark. If the bridge (and linking paths) is not lit it will not be useable for half of the year. The hours of darkness are probably the least safe on the current bridge and so therefore the times a new footbridge is most needed.

14. We are all aware of the current obesity crisis and the future impact this will have on the health of our nation and on health and social care. We need to urgently consider ways to encourage people to be more active. A safe and pleasant walking route between Llanfoist and Abergavenny would be an excellent way to promote walking with the associated health benefits from exercise. It would also lessen the impacts of traffic on the environment. Road routes through Abergavenny are becoming gridlocked at certain points of the day and parking in town is becoming ever more difficult. Giving people an opportunity to walk rather than use the car would bring not only health benefits to those individuals but would also improve traffic flow through busy streets, making them cleaner and safer for everyone. If enough people could be encouraged to walk there would be wider-reaching environmental benefits limiting the effects of global warming and ultimately lowering the likelihood of Castle Meadows flooding. An effective footbridge would be a small step towards this major goal.

15. I really do hope a safe pedestrian route extending all the way from Llanfoist to Abergavenny will soon be provided. We desperately need it. I fear that someone could be badly injured (or worse) if something is not done. The preservation of human life must be considered above all else. Heavy goods vehicles and buses frequently mount the pavement across the bridge making it unsafe for pedestrian use.

## **5.0 EVALUATION**

### 5.1 Principle of the proposed development

5.1.1 The need for a safe pedestrian/cycle crossing over the River Usk is acknowledged and a footbridge will provide this. Strategic Policy S16 refers to transport and supports development that promote sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision.

### 5.2 Design

5.2.1 The proposal is for a 3-span glulam (laminated timber) bridge with stainless steel U frames which support a structural timber deck supported on a single pier of V-shaped stainless-steel (upper section comprised of four arms) supported on a concrete plinth. The bridge abutments are concrete and will be held within earth embankments. The bridge span is approximately 60m and will be 3.4m (including 1.4m parapet) above the existing bank level. As the existing and new bridge are located in a meander of the river, constructing a new bridge directly across the river will mean that the new bridge will not be parallel with the existing bridge, but will be perpendicular with the river. This is considered beneficial to achieve a positive relationship with the existing bridge as the structures will not visually overlap when seen from a large area of the Castle Meadows. Competition with the original bridge has also been avoided in terms of scale.

5.2.2 The proposed bridge has been designed so that the vertical alignment of the crossing is as low as possible whilst meeting the hydraulic requirements. Consequently the heights and the extents of the ramps are also minimised as far as practicable. Adding an intermediate pier reduces the main span, limiting the deck depth and allowing for the side structural beams not to exceed the height a parapet would have. This allows them to perform the double parapet / structure role, and for the bridge to be compact and simple in appearance. The relatively long span will allow views of the old bridge from below the deck of the new one. All the materials proposed have a natural appearance that are considered to be in keeping with the environment and will age naturally as they are all non-painted. The materials used and the design itself with cladded structural elements and details that avoid water stagnation provide a bridge that should be durable with low maintenance. The external rain-screen cladding of the structural glulam beams serves two purposes. Its primary function is to protect the timber superstructure from exposure to sun, adverse weather and water penetration, in order that the anticipated design life of these elements is ensured, whilst allowing ease of maintenance as cladding panels can be replaced in small sections. Its secondary function is that of a fitting and attractive architectural finish; this is

important as the elevational view of the bridge is largely comprised of this cladding. The design proposal for this element is to use sawn timber shingles of a locally native species (larch), arranged in a diamond pattern. The Design and Access Statement submitted with the application explains that it was felt that of the patterns for the cladding tested, the simpler vertical or horizontal timber boards would not achieve the appropriate quality of finish required for this bridge, but by breaking up the external elevation further with a more complex pattern, the bridge will appear visually interesting from close views, whilst remaining visually recessive from distant views (shared with its historic neighbour. This is a quality that will be enhanced by the subtle differences in the way in which each shingle will weather over time to create a subtle patina effect. The diamond pattern has also been chosen as an honest expression of the functional requirements of a rain-screen cladding in the traditional sense. Unlike the non-overlapping options explored (such as a herringbone pattern), the overlapping shingles do not require an additional waterproofing membrane beneath.

5.2.3 The internal cladding provides the same function as the external cladding; that of weather protection for the primary structural timber beams. The aesthetic finish chosen for the internal cladding is vertical overlapping timber boards, arranged so that they are spaced between the uprights of the internal steel U-frames. The result is an understated appearance when compared to the sophisticated external cladding which adds a visual hierarchy that is coherent with how the bridge is differently experienced by users from on the deck and from a distance.

5.2.4 Owing to the presence of livestock in the Castle Meadows directly to the north east of the bridge, there is a requirement for the prevention of access to the bridge by livestock, whilst maintaining safe and comfortable access to the bridge for all pedestrian and cycle users. The proposed gate is a combined cattle-grid / pedestrian gate located at the North-East Abutment location. This position has been chosen to minimise the visual intrusion into the surrounding environment, whilst allowing the associated architectural metalwork of gate and grid to be read as a part of the overall bridge proposal.

5.2.5 Throughout the design process, there has been consideration of lighting the new bridge and/or connecting paths. This was also discussed with the Design Commission for Wales (DCfW) in their Design Review Report from November 2016. The proposed site is located across the River Usk Special Area of Conservation (SAC) and SSSI, as well as within the Castle Meadows. It is considered that lighting of any part of the scheme would not be appropriate due to the impact on the sensitive receptors and the overall impact on visual amenity including heritage assets as a result of the scheme. However, infrastructure will be put in place at this stage to allow lighting to be considered in the future.

5.2.6 In order to have a positive relationship with the Castle Meadows, the ramps of the bridge are expected to be perceived as smooth alterations of the topography, keeping the current appearance as much as possible. On both banks, the ramps are planned as earthen embankments with smooth slopes covered with grass, aligned with the existing river paths.

### 5.3 Landscape Impact

5.3.1 The site is located on the south-west fringes of Abergavenny in open meadowland adjacent to the River Usk and lies within NCA31 Central Monmouthshire and there are a number of features which contribute to the landscape setting including topography, vegetation and public right of ways. The landscape around the site is rich in heritage features that contribute to the local landscape character and visual amenity in the immediate vicinity of the site.

5.3.2 It is considered that construction activities will give rise to direct effects on landscape resources within the site alongside indirect effects on local landscape character and views in the wider area. However, the construction activities will be temporary in nature and will incorporate measures such as a tidy site policy within a Construction Environmental Management Plan (CEMP). Effects of moderate negative significance are anticipated during the construction period.

5.3.3 In terms of the direct effects of construction activities on selected viewpoints, an effect of negligible to major adverse significance is anticipated. Major adverse effects on views from users

of Abergavenny Bridge and residential and commercial properties along the A4143 Merthyr Road will only occur during limited stages of the construction phase, when construction works are at their peak (i.e. when cranes and other plant are present). All construction phase effects on visual amenity will last only the several month duration of the construction phase.

5.3.4 Measures to reduce landscape and visual effects are designed into the proposed development as primary mitigation. This includes the height of the bridge above the existing ground level, the limited width of the proposed structure and incorporation of native planting into the design of the embankments. Furthermore, glulam laminated timber has been chosen as the material for the bridge cladding because of its non-reflective attributes and natural appearance. The cladding also uses a complex pattern designed to appear visually recessive from distant views.

5.3.5 Despite the incorporated design measures, the introduction of a new bridge, embankments and paths will be a change to the existing open, natural character, although only a small area is affected. The Council's landscape officer considered the information submitted in the Environment Statement in relation to the LVIA and is satisfied that this has been appropriately assessed and broadly concurs with the findings although it is suggested that the sensitivity of the Landscape to the type of development would be high and not medium (ref Monmouthshire landscape Sensitivity and Capacity Study). In terms of the overall impacts and the sensitivity of the landscape, it is considered that the mitigation proposed is limited to offset what has been identified as a permanent negative impacts as a result of the structure. These impacts will be significant as set out in the landscape and visual effect of the operational Phase Section 6.7 of the ES and it is considered that more mitigation should be provided to address these issues.

5.3.6 It is therefore recommended that a more detailed landscape plan be submitted which addresses direct impacts of the bridge and the associated new footpaths and the indirect views and vistas and impact upon the landscape character as highlighted in the report. This can be provided via a landscape condition (see below).

#### 5.4 Impact on Conservation Area and Scheduled Ancient Monument

5.4.1 Through consultation with Cadw, the Welsh Government's Historic Environment Service, five heritage assets in the nearby area were considered to be potentially sensitive to changes in their setting (e.g. how they are seen and appreciated). These are: Abergavenny Bridge, Abergavenny Castle, Linda Vista Park and Gardens (and Castle Meadows by association), remains of the Gobannium Roman Fort and Llanfoist New Cemetery. An assessment was therefore undertaken to better understand the value of these assets, how the site of the proposed footbridge contributes to their setting and what effect the scheme may have.

5.4.2 No heritage assets will be physically affected by the scheme (i.e. no alterations will be made to Abergavenny Bridge). Construction of the Proposed Scheme (i.e. the presence of equipment and temporary fencing off of areas of Castle Meadows) will have a temporary negative effect on the setting of the heritage assets identified above. However this will only be on a short-term basis. Once operational, the bridge will have an impact, on the setting of the heritage assets - mainly views of the historic bridge itself. However, due to the scale, design and location of the bridge, is not considered that it will prevent the appreciation of the historic characteristics of the original bridge or surrounding heritage assets.

5.4.3 Notwithstanding the comments from Cadw, it should be noted that the design of the bridge has been developed in conjunction with the MCC Heritage Manager and the Cadw Inspector of Scheduled Monuments. The Design Commission for Wales presentations have also not raised any concerns to date.

#### 5.5 Green Infrastructure

5.5.1 The Council have recently completed a GI Management Plan for Castle Meadows which the Council has just completed working with the Friends of Castle Meadows volunteer group. The

management of the area around the bridge should be in line with this plan. It is also suggested that a £10,000 GI bond is paid (via a Section 106 Agreement) to cover:

- a. Management/ maintenance of the grassland reinstatement
- b. Proposed new mitigation management around the ramp and sections of the new footpath.
- c. Interpretation/leaflets to promote active travel around Abergavenny in relation to key GI assets.
- d. Seating.
- e. Update of the Castle Meadow management plan.

## 5.6 Economic Development Implications

5.6.1 The proposed bridge and associated improvements to the footpath/cycleway network will enable more people to walk and cycle as a mode of travel for part or all of a journey. These changes aim to improve health in communities, reduce greenhouse gas emissions, help address poverty and disadvantage, and help the economy grow by unlocking sustainable economic growth. Increasing rates of walking and cycling will directly contribute to WG aims as enacted in the Active Travel (Wales) Act 2013 (the Act).

## 5.7 Highway and Footpath Safety

5.7.1 The A4143 connects the communities of Llanfoist and Abergavenny via the Llanfoist Bridge crossing (over River Usk). The Llanfoist Bridge is a Scheduled Ancient Monument. Part of the existing structure was built in the 17th century, and subsequently widened in the 19th century. The carriageway width is typically 6m, with a narrow footway on the eastern side, typically no more than 1.5m wide.

5.7.2 The A4143 is used by traffic travelling between Abergavenny town, Llanfoist and the neighbouring villages of Govilon and Gilwern. The road is also the main approach route into Abergavenny for traffic approaching eastbound along the A465 from the Heads of the Valleys area, and vice versa. In addition, the A4143 is signed as an alternative route for light traffic travelling eastbound on the A40 in order to avoid the town centre. Traffic surveys in 2003 indicated Annual Average Daily Traffic (AADT) flows of 10,580 southbound and 11,377 northbound. Llanfoist Bridge also lies on National Route 46 (NR46) between \*Merthyr Tydfil and Hereford and is an important leisure link between Abergavenny town centre, the World Heritage Site of Blaenavon, and Iron Mountain Trail. The volume of traffic, added with the proximity of southbound vehicles (particularly HGVs) to the kerb line, combined with the limited footway (which is sometimes occupied by fishermen casting their rods from the bridge) creates unappealing and unsafe facilities for pedestrians. Those with impaired mobility are particularly disadvantaged by the current pedestrian facilities.

5.7.3 The natural desire line would place a pedestrian / cycle crossing directly adjacent to the existing bridge, but this location has been discounted due to various and specific issues with the bridge (raised by Cadw and NRW) that prevents the crossing being either on the upstream or downstream of the bridge.

5.7.4 The proposal will provide a much safer route between Llanfoist and Abergavenny than the road bridge for both pedestrians and cyclists and would be in accordance with the Active Travel (Wales) Act and the Well-being of Future Generations Act.

## 5.8 Residential Amenity

5.8.1 The most directly affected residents (i.e. those residents living closest to the bridge on the south side of the river) that engaged in pre-application consultation or have made comments on the application do not support the new bridge. This is on the grounds that these residents will be affected by a change to flooding impacts. A Flood Consequence Assessment submitted with the application has demonstrated that this change will be minimal and is not likely to adversely affect their properties.

5.8.2 These residents also raised other concerns regarding security and potential overlooking from bridge users. In this respect it should be noted that an existing footpath runs along the river bank to the rear of their properties although at present the path does not link up to the wider footpath or cycle network. There will be views to the properties on the south side of the river when crossing the proposed new bridge as the bridge will be higher than the existing banks. The views will be into the rear gardens of these properties at a distance of approximately 25 metres from the near side of the bridge to the garden boundaries and at a distance of around 40 metres to any windows. This is not considered to be close enough to harm the privacy of these occupiers and on balance the wider benefit of the bridge is considered to outweigh these concerns.

## 5.9 Ecology

5.9.1 Based on the current objective survey and assessment available, it is considered that there is enough ecological information to make a lawful planning decision subject to appropriately worded planning conditions. As EIA development requiring a Habitats Regulations Assessment, detailed surveys have been undertaken to inform the assessment of impacts of the scheme.

### **5.9.1 Protected Sites**

#### 5.9.1.1 River Usk SAC

The bridge will span the river with some of construction including one of the piers sitting within the designated site. A Habitats Regulations Assessment was undertaken to inform the scheme. The assessment is required by Regulation 63 of The Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EDC) before the Council as the 'Competent Authority' under the Regulations can give consent for the project.

5.9.1.2 A Test of Likely Significant Effect was initially carried out and considered embedded mitigation. Interest features relevant to the scheme include Ranunculion fluitantis and Callitriche-Batrachian vegetation communities, Fish species (Sea lamprey, Twait shad, Atlantic salmon, Brook lamprey, Bullhead, River lamprey, Allis shad), and otter.

The following hazards have been screened out as they are unlikely to cause a significant effect:

- o Disturbance during operation (access / noise / recreation / increased activity / litter)
- o Disturbance during operation (lighting)
- o Habitat Fragmentation during construction
- o Changes in Physical/thermal regime
- o Change in surface flooding during operation
- o Change in flow or velocity regime, Siltation/ sedimentation / turbidity during operation

A number of other hazards were taken forward to Appropriate Assessment stage to consider the impacts of the scheme on the integrity of the European site. Avoidance Measures are included in the application and embedding of these has been demonstrated however, due to some uncertainty for some elements and in light of a recent CJEU ruling, a full Appropriate Assessment has been undertaken.

5.9.1.3 The hazards taken forward are associated with the construction phase and include elements that could result in disturbance including vibration, toxic contamination, siltation / sedimentation, risks of entrapment, surface water changes and impacts from non-native species. In order to protect the integrity of the site, two standard planning conditions are recommended; a Contractor's Construction Environmental Management Plan and a Non-Native Invasive Species Management Plan (see below). These are developed from the British Standard BS42020 Biodiversity - Code of Practice for Planning and development.

5.9.1.4 NRW have been consulted on the HRA and we await their comment in line with the legislation.

#### 5.9.1.5 River Usk SSSI

The proposed scheme sits within the Lower Usk SSSI but is just downstream (Llanfoist Bridge) from the Upper Usk site. Mitigation measures associated with the SAC will also protect the reasons for designation of the SSSI.

### 5.9.2 Habitats

Whilst the development itself (piers and abutments) has a relatively small footprint, the compound area is considerably larger and has the potential to have a negative effect on grassland habitats on Castle Meadows. Since the Eisteddfod on Castle Meadows, site management has included measures to increase species diversity in the grassland including the addition of wildflower seed. We would expect to see the restoration of the site to include a good proportion of native wildflower species including yellow rattle. A planning condition to seek the restoration is recommended.

### 5.9.3 Protected & Priority Species

#### Otter

This protected species is known to use the River Usk here however, no resting up sites or holts were identified in the vicinity of the works. Measures to safeguard otter must be incorporated into the Contractor's Construction Environmental Management Plan (CEMP) and a condition is recommended below. As an Interest Feature of the designated site, it has also been considered through the Appropriate Assessment process.

#### Bats

Further survey of the trees was undertaken at the request of NRW in their comments dated 18th May 2018. No bat roosts were identified although the potential for the trees to be roosts remains. Ecological supervision has been recommended and shall be included in the CEMP.

#### Reptiles

The preliminary ecological appraisal recommends further survey for common reptile species as suitable habitat is available however, these protected & priority species were screened out of the Environmental Statement as being of value within the context of the study area alone. This is however still an outstanding issue as no avoidance / mitigation measures have been included in the scheme other than staged vegetation clearance. Measures would need to be incorporated into the Contractor's CEMP.

#### Non-native invasive species

In addition to plant species (Giant Hogweed, Himalayan balsam and Japanese knotweed), Signal crayfish were also recorded. A management plan for non-native species is recommended and would be secured via planning condition.

### 5.9.4 Lighting

5.9.4.1 The Biodiversity Officer has expressed a concern regarding the installation of lighting on the bridge, not least because of the important fish spawning sites and migrating routes but also because of wider implications relating to bats and other nocturnal wildlife. It is noted that no lighting is proposed but infrastructure will be put in place at this stage to allow lighting to be considered in the future.

## 5.10 Flooding

5.10.1 During construction, the presence of equipment within the river channel and floodplain during a flood event would result in changes to flood flows and floodplain storage, which could lead to an increased flood risk to properties and people elsewhere as well as a risk to construction workers and equipment. A Flood Management Plan will be developed and implemented and the Met Office and Natural Resources Wales' Flood Warning service will be used to ensure no equipment is located in the flood channel during flood events. Site offices and stockpiles will also be located on higher ground that is above the level of the most common floods. The floodplain storage that would be lost because of construction activities is also negligible compared to the volume of water that the floodplain can store. As such, construction activities are anticipated to cause a negligible increase in flood risk.

5.10.2 Once operational, the pier will be located within the river channel and the earthwork ramps located within the floodplain. These structures will cause a minor change in flood flows and reduce



floodplain storage, resulting in the displacement of flood waters. Hydraulic modelling indicates this will marginally increase flood risk to adjacent properties within the existing floodplain. The maximum increase would be approximately 100mm (at the Bridge Inn) in a 1 in 1000 year flood event (a flood event that would be predicted only to happen once in every 1000 years). The impact reduces with distance from the Proposed Bridge. No additional properties will be impacted that are not currently impacted, and the hazard rating to properties that are currently at risk will not change. The marginal increased risk of flooding is considered acceptable to enable the positive outcome of having a new bridge crossing for the wider public to use.

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

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

### **6.0 RECOMMENDATION: APPROVE**

#### **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 development shall take place (including ground works, vegetation clearance) until a Contractor's Construction Environmental Management plan has been submitted to and approved in writing by the local planning authority. The CEMP shall build upon the principles set out in the submitted Outline Construction Environment Management Plan (CEMP), by WSP, reference 70034788\_ CEMP, dated February 2018 and take the points raised by NRW in their consultation response dated 18th May 2018. The CEMP shall include the following as a minimum:

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with

REASON: To safeguard the Integrity of the River Usk SAC.

4 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of invasive non-native species on site. The measures shall be carried out strictly in accordance with the approved scheme

REASON: To safeguard the Integrity of the River Usk SAC

5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Details shall include:

1. hard surfacing materials;
2. detail of minor artefacts and structures;
3. proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports and CCTV installations.);
4. Soft landscape details shall include: planting plans, specifications including cultivation and other operations associated with plant, grass & wildflower establishment, schedules of plants, noting species, sizes, numbers and densities.
5. Details of the Green Infrastructure (GI) Assets and Opportunities plan to include: Existing assets, opportunities and constraints, existing PROW and movement and connections to and from the bridge, existing vegetation and green links and opportunities for connecting to key GI assets.

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure in accordance with LDP policies, LC5, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

6 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs in accordance with LDP policies, LC5, DES1, S13, GI1, NE1, EP1 and SD4.

7 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features in accordance with the approved designs in accordance with LDP policies, LC5, DES1, S13, GI1, NE1, EP1 and SD4.

8 No lighting or other means of illumination shall be used on the footbridge.

## INFORMATIVES

- 1 CEMP - further to the detail in the condition, the following is included as guidance for what we would expect to see included in the CEMP. As a minimum the CEMP must:
  - o Build upon the principles in the CEMP submitted with the application
  - o Address matters raised by NRW in consultation response
  - o Matters raised through the Appropriate Assessment process
  - o Measures to safeguard otter including survey prior to commencement of works
  - o Measures relating to the felling of trees with bat roost potential
  - o Nesting bird considerations
  - o Detail of lighting during the construction phase
  - o Measures to prevent impacts from siltation/sedimentation and toxic contamination including detailed concrete pouring methods
  - o Reptile, amphibian and mammal considerations

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**Application Number:** DM/2018/00858

**Proposal:** Four bedroom detached property, with integral garage.

**Address:** 100 Hereford Road Monmouth Monmouthshire NP25 3HH

**Applicant:** Mr Adrian Palmer

**Plans:** Elevations - Proposed P3/1606/39004 - , Site Plan 2127 LP01 - , Floor Plans - Existing FFT 1606 39004 - , Ground Plan GFT 1606 39004 - , Site Layout REV A P4 1606 39004 - B, Street Scene REV A P5 1606 39004

**RECOMMENDATION: Approve**

Case Officer: Mr David Wong

Date Valid: 22.05.2018

## 1.0 APPLICATION DETAILS

1.1 Planning Committee previously considered this application on 3rd July 2018. After discussions about the merits of the application, Members approved the proposed development subject to the applicant signing a section 106 Legal Agreement requiring a commuted sum of £26,068.00 for a contribution towards affordable housing provision in the locality.

1.2 The application is re-presented for consideration as the applicant has provided information to confirm that it would not be viable for the development to be constructed with the financial contribution sought. The information submitted by the applicant has been scrutinised by the Council's Senior Housing Strategy & Policy Officer who has concluded that this particular site is not able to provide a financial contribution towards affordable housing.

1.3 It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should contribute to the provision of affordable housing in the local planning area however; this is subject to the viability of each individual scheme. Given that a full viability appraisal of the development has concluded that a financial requirement it is not viable for this site the application is re-presented to Members with the recommendation to approve the development (subject to the conditions outlined in the report below) without any requirement for a financial affordable housing contribution.

1.4 The previous report presented to the Committee meeting held on 3<sup>rd</sup> July 2018 is below.

## 1.0 APPLICATION DETAILS

1.1 The application seeks full planning consent for the construction of a new dwelling within the residential curtilage of Eldorado, 100 Hereford Road, Monmouth. The principle of the proposal has already been assessed and approved under the outline planning permission DC/2016/00519. This is a full planning application as this proposal comprises a new access arrangement; it is useful to note that the height and depth of the proposal is different from the outline permission – hence the full application.

1.2 The proposed dwelling would still be sited to the north of Eldorado and it would have a footprint measuring around 130m<sup>2</sup>, which is within the parameters of the outline permission. The proposed eaves height is 4m and the overall ridge height is 8.5m, which is 500mm higher than the outline approval. Also, the overall depth of this proposal is approximately 13.5m as compared to 10m under the outline approval.

1.3 The appearance of this proposed dwelling is contemporary. In addition, it is now proposed to widen the existing access so that each of the dwellings, i.e. the existing dwelling and the proposed dwelling, will have its own individual access. It is useful to note that the outline permission was to utilise the existing access to the site to be shared between the two dwellings.

## **2.0 RELEVANT PLANNING HISTORY**

DM/2018/00858 Four bedroom detached property, with integral garage. Pending Determination

M05959 Outline Planning Application For Detached Two Storey Dwelling And Vehicle Access Improvements Etc.  
Refused 31.07.2001

M05523 Outline Planning Application for Detached Two Storey Dwelling In Proposed Building Plot.  
Refused 16.03.2001

DC/2016/00519 Building plot for single detached residential dwelling.  
Approved 16.02.2017

DC/2018/00112 Single detached residential development. (DC/2016/00519).  
DM/2018/00858 Four bedroom detached property, with integral garage.  
Pending Determination

M05523 Outline Planning Application for Detached Two Storey Dwelling in Proposed Building Plot.  
Refused 16.03.2001

DC/2016/00519 Building plot for single detached residential dwelling.  
Approved 16.02.2017

DC/2007/00745 Extensions & refurbishment of existing single family house with new double garage & summer house.  
Approved 09.08.2007

DC/1979/00324 Extension; Approved 02.07.1979

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S1 LDP 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

DES1 LDP General Design Considerations EP1 LDP Amenity and Environmental Protection  
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements

## **4.0 REPRESENTATIONS**

### **4.1 Consultation Replies**

Monmouth Town Council: No objection to a property being built at the location but requested a smaller footprint and the build is out of character for the area.

Glamorgan Gwent Archaeological Trust: There is an archaeological constraint; standard conditions requested.

### **4.2 Neighbour Notification**

One comment received:

1 - On the application document the proposed address for the property is 100A Hereford Road this conflicts with our address which is also 100A.

2 - When the site is cleared of tree stumps and hedging this work must not de-stabilise the foundations of our retaining wall and fence posts which line the full length of the north side of the development site.

3 - There is also a stretch of land owned by us between the proposed north boundary wall and our retaining wall which acts as a pathway for the maintenance of the retaining wall and fencing, and also provides access to our back garden. This is currently identified by our boundary tape to signify the width of the pathway.

## **5.0 EVALUATION**

### **5.1 Principle of the proposed development**

5.1.1 The principle of constructing a dwelling within the residential curtilage of 100 Hereford Road has already been considered and approved by Committee under the outline approval DC/2016/00519. It is useful to reiterate that the proposed site lies within Monmouth's development boundary as designated within LDP Policy S1. Policy H1 considers that residential development is permitted within settlement development boundaries subject to detailed planning considerations.

### **5.2 Design**

5.2.1 The proposed site is a small gap between dwellings, the newly built dwelling within the ground of 102 Hereford Road and the host dwelling (known as Eldorado, 100 Hereford Road). The overall width of the proposal is similar to that approved under the outline approval, being approximately 10m. The overall height of the proposal is 500mm higher than the outline approval. However, these changes are marginal. Also, it is considered that the bulk of the proposal would sit comfortably between the neighbouring properties, maintaining the hierarchy along Hereford Road. This would be because of the topography as the site is on a slope.

5.2.2 In terms of design, the appearance of this dwelling is modern in style. There is a good mix of dwellings with various design along this part of Hereford Road. The dwellings immediately opposite the road are more traditional in design than those dwellings alongside the application site. Also, there are dwellings of more modern design off Hereford Road e.g. Highfield Close. Therefore, this element is considered to be acceptable and would not be out of place within this part of Monmouth.

### **5.3 Highway Safety**

5.3.1 Under the previous outline approval, it was proposed to utilise and share the existing access for the proposal and the host dwelling. This application is now proposed to widen the existing access so that each dwelling has its own access. Having consulted the Council's Highways Department, they advised that the width of the current proposed access point is significantly wider than that considered in the outline proposal. Highways want to see the width of the access reduced to approximately 4.5m maximum and a demonstration that vehicles are able to park and manoeuvre within the site to enter and exit in a forward gear.

5.3.2 In addition, Highways would like to see that the car parking provision for each property is in accordance with the Monmouthshire Parking Standards - one space per bedroom per dwelling with a maximum of three spaces per dwelling. It should be noted that integral garage parking will not count towards the overall car parking provision based on permitted development rights to convert integral garages to additional living space. It is considered that there is ample space at the forecourt area of the proposal to provide for turning and the three on-site parking spaces.

5.3.3 The applicant agrees to reduce the width of the proposed access; a retaining wall will be erected to restrict the width of the access point to approximately 4.5m. In addition, there will be at least three parking spaces within the proposed parking bay as demonstrated on the latest site layout (Site Layout Version B). These changes were then presented to the Highways Department and have been accepted. A condition will be imposed to ensure that the retaining wall remains in place in perpetuity.

#### 5.4 Residential Amenity

5.4.1 There will be a first floor bedroom window on the side elevation of bedroom 2, facing towards the host dwelling, 100 Hereford Road. It is considered that due to the angle of this window in relation to the host dwelling, it would largely be obscured by the remaining part of the proposed dwelling. Therefore, it is unlikely to cause a significant loss of privacy to the neighbouring property.

#### 5.5 Response to the Representations of the Town Council

5.5.1 The Monmouth Town Council has no objection to a property being built at the location but requested a smaller footprint. They also considered that the proposal is out of character for the area. It is useful to note that under the outline approval, the footprint approved parameters were 140m<sup>2</sup> to 160m<sup>2</sup> and the footprint of this proposal is approximately 120m<sup>2</sup>. Therefore, this footprint of the proposal is smaller than the outline approval. The proposal is not considered to be an over development of the site and sits comfortably on the plot.

5.5.2 In terms of design, the proposal is contemporary and as stated above there is a good mix of dwellings with various designs and sizes along this part of Hereford Road. Therefore, it is not considered that this modern design is, of itself, sufficient reason to justify refusal. In addition, the submitted street scene drawing shows that the bulk, height and width of this proposal would sit comfortably in between the existing neighbouring properties. Therefore, this element is considered to be acceptable.

#### 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' wellbeing objectives set out in section 8 of the WBFG Act.



## 5.7 Affordable Housing Financial Contribution

5.7.1 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 set out in the table below. Based on the previously approved outline permission, it is required to secure a sum of £26,068.00 and the applicant has confirmed in writing that this request is acceptable.

## 5.8 Archaeology

5.8.1 The proposed development is in an area of known Roman and medieval activity, and whilst no structures or features are known to exist in the development area, it remains a possibility that during requisite ground works, buried archaeological remains may be encountered. Therefore, relevant conditions are requested.

## 5.9 Other issues raised

5.9.1 A neighbour commented that on the application document the proposed address for the property is 100A Hereford Road; this conflicts with his address which is also 100A. They also would like to make known that when the site is cleared of tree stumps and hedging this work must not de-stabilise the foundations of his retaining wall and fence posts which line the full length of the north side of the development site. Finally, they commented that there is also a stretch of land owned by them between the proposed north boundary wall and their retaining wall which acts as a pathway for the maintenance of the retaining wall and fencing, and also provides access to our back garden. This is currently identified by their boundary tape to signify the width of the pathway. Having reviewed these comments, it is considered that these are not material considerations.

**6.0 RECOMMENDATION: APPROVE** subject to a section 106 Legal Agreement requiring the following:

A commuted sum of £26,068.00 is required for the Affordable Housing Financial Contribution.

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 Before the approved development is first occupied the access shall be constructed in accordance with the approved plan.  
REASON: To ensure the access is constructed in the interests of highway safety.

4 The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be

undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

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

5 No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building is first occupied.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water.

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed retaining wall along the western elevation (front) of the site. The hereby approved retaining wall shall be built in accordance with the approved details and maintained thus thereafter in perpetuity.

REASON: To safeguard the visual amenities of the area.

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

4 The developer is advised that the provisions of the Party Wall etc. Act 1996 may be applicable to the proposal and is advised to seek appropriate advice prior to any work commencing on site.

**Application Number:** DM/2018/00950

**Proposal:** Conversion of dwelling at first and second floor levels to four flats. Extension to rear at second floor level.

**Address:** 9 - 13 St Thomas's Square, Monmouth, NP25 5ES

**Applicant:** Mr And Mrs Hale

**Plans:** All Proposed Plans BP2628/01 - A,

## **RECOMMENDATION: APPROVE**

Case Officer: Mrs Jo White

Date Valid: 05.06.2018

### **1.0 APPLICATION DETAILS**

1.1 This application relates to a three-storey property at 9-13 St Thomas Square, Monmouth. The site is located within the designated Central Shopping Area of Monmouth Town and is within a Conservation Area as defined by Monmouthshire Local Development Plan.

1.2 The property is retail at ground floor with a 6-bed residential dwelling occupying the first and second floor. This application seeks permission for the sub-division of the first and second floor into four residential flats together with a second floor extension (over the existing first floor extension) to provide a stairwell.

1.3 The property has the benefit of a rear garden that is largely hard landscaped with a decked seating area. Neighbouring properties consist of three storey buildings that are commercial at ground floor with mostly residential above. A complex of residential flats is located to the west that overlooks the rear of the site.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2013/00294	Reinstate blocked up doorway on front elevation; install new doors on S.E. and N.W. elevations; internal passage to access rear of property.	Approved	21.05.2013
DC/2017/00149	Erection of 2no. internal walls to revert unit back to 2no. separate units.	Approved	16.02.2017
DC/2011/00949	Sub division of shop to shop and dental surgery.	Approved	14.12.2011

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

#### **Strategic Policies**

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

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
HE2 LDP Alterations to Unlisted Buildings in Conservation Areas  
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
MV1 LDP Proposed Developments and Highway Considerations  
H9 LDP Flat Conversions

### **4.0 REPRESENTATIONS**

#### **4.1 Consultation Replies**

Monmouth Town Council: No response received.

MCC Heritage Officer: Acceptable subject to condition requiring details of external materials.

NRW: No objections.

Senior Housing Strategy and Policy Officer: Local Development Plan Policy S4 requires 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. However, after undertaking a viability appraisal on the above scheme I have concluded that it is not viable for the applicant to make a financial contribution towards affordable housing.

Welsh Water: requested standard condition and Informatives.

MCC Highways: Object to the proposal -

There is no existing car parking provision for the existing dwelling and there are no proposals to create any car parking provision for the proposed flats.

The MCC Parking Standards requires one car parking space to be provided for each bedroom per dwelling with a maximum of three car parking spaces per dwelling. Based on this requirement the existing six bed dwelling requires the maximum three car parking spaces and due to lack of provision we would expect up to three vehicles are accommodated locally on-street or in the public car parks.

Considering the proposed development of 2 No. two-bedroom flats and 2 No. one-bedroom flats there is a requirement for six car parking spaces in accordance with Monmouthshire Parking Standards. As stated above there are no proposals to provide any parking therefore we would expect a further three vehicles to contribute towards the existing on-street parking and public car park facilities which is already at capacity.

In light of the above comments, we would object to the application on the grounds that no car parking facilities are being provided therefore the development will have a detrimental impact on the local highway network and local public car parking facilities, which already suffer from parking stress and are at capacity.

## 4.2 Neighbour Notification

No responses received.

## 5.0 EVALUATION

### 5.1 Principle of the proposed development

5.1.1 The site is located within the settlement boundary of Monmouth town as defined under Policies S1 and H1 in the Monmouthshire Local Development Plan (LDP). Policy H1 of the LDP specifies that the subdivision of large dwellings such as upper vacant floors in town centres will be permitted subject to detailed planning considerations whilst Policy H9 refers specifically to flat conversions stating that proposals for conversion into flats within town centres will be permitted provided that they do not adversely affect the qualities of the street scene or the building and provide reasonable levels of amenity.

5.1.2 The use of the first and second floor will remain unchanged (domestic) and it is considered that there will be no negative effects on the street scene, the building or the wider area that is designated as a Conservation Area. Indeed, the adjacent buildings benefit from first and second floor flats and thus the development will be in keeping. The proposed second storey extension will be located to the rear which is largely screened and is therefore not considered to detract from the overall appearance or character of the Conservation Area in accordance with LDP Policies HE2 and H9.

### 5.2 Design and Residential Amenity

5.2.1 The proposed second floor extension to the rear is modest in size, measuring 2.5m wide with a projection of 4.6m, and will extend the height of the existing extension to match the eaves of the main building. The extension will provide a stairwell to access Flat 4. A window will feature to the rear elevation of the extension to match that of the existing first floor. Finishes will be painted, textured render and uPVC windows to match that of the existing building. A new pedestrian door is proposed to be inserted into the front elevation to provide access to Flat 1. Historic photos provided by the applicant indicate that this is in the location of an original door opening. It is considered that the new door opening will create a visually balanced shopfront and will not cause harm to the character of the Conservation Area. The Council's Heritage Officer has confirmed they have no objections to the proposal subject to a condition requiring details of external materials. On this basis, the development is not considered to have a detrimental effect upon the character of the Conservation Area in line with LDP Policy HE2.

5.2.2 The scale and mass of the extension is considered to be acceptable and given its centrally located position, will not cause any unacceptable overbearing or overshadowing onto the neighbouring properties. There may however be some overshadowing to the rear windows of Flat 4 and Flat 3, all of which serve bathrooms and kitchens. It is not considered that the level of potential overshadowing on these non-habitable rooms will cause such an adverse impact to warrant refusal. The development is therefore considered to be in accordance with LDP Policies EP1, DES1 and HE2.

5.2.3 The rear garden provides a reasonable level of amenity for the flats and it is considered there is sufficient space for paraphernalia such as bin storage and drying areas. In terms of privacy on the neighbouring properties, it is considered that the change from a dwelling to flats will have a negligible impact. The development is therefore considered to comply with LDP Policy H9 in this regard.

### 5.3 Highway Safety

5.3.1 Owing to its town centre setting there is no vehicular access to the rear of the site. The existing 6-bedroom dwelling therefore has no parking provision. In response to the objection made by the Highways Officer, it is noted that the proposal does not include on-site parking provision in accordance with the adopted parking guidelines. However, the property is located in one of the

main settlements which provides sustainable transport links including cycle routes. It is within walking distance of public car parks, shops and supermarkets. Whilst it is acknowledged that the public car parks are considered to experience parking stress, given the sustainable location of the site it is likely that not all future residents would require a car. Notwithstanding this, the potential addition of three cars, which may only require parking in the evenings (when the shops are closed and thus the car parks are less likely to be at capacity), is unlikely to cause such a significant impact so as to warrant refusal.

#### 5.4 Ecology

5.4.1 Having visited the site and assessed the 'Bat Form A' submitted with the application it was concluded that the presence of bats is unlikely. However, an informative note will be added should any bats or roosts be discovered during building works.

#### 5.5 Affordable Housing

5.5.1 Developments considered under LDP Policy H1 are also subject to affordable housing contributions under Policy S4. For sites within Monmouth town an affordable housing contribution of 35% is required for development sites of 5 or more dwellings. For developments below this threshold a financial contribution towards the provision of affordable housing would be required. However, in this instance, the Senior Housing Strategy and Policy Officer has conducted a viability appraisal and has concluded that it would not be viable for the applicant to make a financial contribution towards affordable housing.

#### 5.6 Conclusion

5.6.1 On balance, given its sustainable location, proximity to public car parks and the need to provide additional housing to contribute towards the housing stock it is considered that the lack of on-site parking provision for three cars is not a reason for refusal in this instance. There will be no detrimental impact upon the character or views in and out of the Conservation Area as a result of the development and it is therefore recommended that the application be approved subject to conditions.

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

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

### **6.0 RECOMMENDATION: APPROVE**

#### **Conditions:**

- 1 This development shall be begun within 5 years from the date of this permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development shall be carried out in accordance with the list of approved plans set out in the table below.  
REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
- 3 No surface water from any increase in the roof area of the building /or new impermeable surfaces within its curtilage shall drain 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 pollution of or detriment to the environment.

- 4 Details of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. Such details shall include the manufacturer, product name and colour.

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

## **INFORMATIVES**

1. The developer may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)
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).

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**Application Number:** DM/2018/01028

**Proposal:** Erection of detached two bedroom bungalow.

**Address:** 62 Caldicot Road Rogiet Caldicot Monmouthshire NP26 3SG

**Applicant:** Mrs Julie Hand

**Plans:**

## **RECOMMENDATION: Approve**

Case Officer: Ms Kate Young

Date Valid: 20.06.2018

### **1.0 APPLICATION DETAILS**

1.1 No 62 Caldicot Road is a two storey semi-detached dwelling with a detached garage to the side, that fronts onto the B4245. It has a vehicular access to the front. The site is located within the Rogiet Development Boundary. The application seeks the demolition of the detached garage and the erection of a two bedroom detached bungalow with a vehicular access shared with the existing property. Parking provision would be provided for two cars at the front of the site. Since the original submission the design of the bungalow has been amended to provide a hipped roof.

1.2 The application is being presented to Committee at the request of the local member.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/01028	Erection of detached two bedroom bungalow.	Pending Determination	

### **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  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

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

## **4.0 REPRESENTATIONS**

### 4.1 Consultation Replies

Rogiet Community Council - no response received.

MCC Housing Officer - It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. The calculation of the financial contribution of £9982.00

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.

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. Should this application fall into that category details of how to claim an exemption under the self-build provision are set out in B.2. of the Council's Affordable Housing Supplementary Guidance document (page 9).

MCC Highways - The application is for the construction of a 2 bedroom detached bungalow within the existing property boundary of No. 62 Caldicot Road. The existing plot will be sub-divided into 2 by the use of close boarded fencing.

The Application states that the proposal will utilise the existing drop kerb access to/from the public highway currently serving No. 62. A shared-use drive/turning area/parking hardstanding will be utilised by the existing and proposed dwellings.

No change to the existing public highway access arrangement.

The proposal will provide sufficient parking and turning area for 3 No. vehicles serving No. 62 and 2 No. vehicles for the new dwelling.

The proposal states that the shared-use driveway will be constructed in permeable paving.

No Highways grounds for objection.

Local Member - may I provide my objection for the following planning application for an erection of a detached 2 bedroom bungalow. My objections are in respect to the unsuitable site of a back garden development. The design will not fit in with the local houses in the area and it will increase the amount of traffic to the existing property which resides on one of the busiest roads in the area (B4245 Caldicot Road, Rogiet). I ask that this application is brought to full planning committee for the above reasons.

### 4.2 Neighbour Notification

Letters of objection received from two addresses.

Too many houses being built in gardens which is unsafe for other residents

Increase in traffic

Other properties have trees and hedges in their gardens

Impact of the safety of surrounding houses and gardens

Increase in the density of housing which would not have been allowed originally

Creating poor quality plots with little parking or amenity space.

## **5.0 EVALUATION**

### 5.1 Principle of the proposed development

5.1.1 The plot is located within the Rogiet Development Boundary which is part of the wider Severnside settlement. Both policies S1 and H1 of the LDP presume in favour of new residential development within settlement boundaries subject to detailed planning considerations. The plot is of sufficient size to provide for a new dwelling and to ensure that both the existing and the

proposed dwelling have adequate parking and amenity space provision. The principle of a new dwelling in this location is acceptable and policy compliant.

## 5.2 Design

5.2.1 This area of Rogiet is characterised by semi-detached two storey dwellings on a defined building line, facing towards the main road. The proposal is for a bungalow set further back in the plot. Although this does not accord with the established settlement pattern of the area, the proposal will not have an adverse impact on the street scene, given that it is set at a slightly lower level and away from the road. Providing a hipped roof will help to reduce the impact further. The proposed bungalow will not be visually prominent within the street scene. While not conforming to the established street pattern the proposed bungalow will not cause harm to the street scene because it will not be visually prominent. The proposed bungalow will be finished in materials to match the existing dwelling with concrete roof tiles, brickwork walls, cast stone cills and white uPVC fenestration details, fascias and bargeboards. As regards to finishing materials the dwelling will be in keeping with the character of the area. The proposal, while not strictly reflecting the form and siting of the surrounding residential properties, does respect the scale and materials of the surrounding properties, it does maintain reasonable levels of privacy and does not have an adverse impact on the character of the area when viewed from public vantage points. Therefore the proposal does accord with the objectives of Policy DES1 of the LDP.

## 5.3 Affordable Housing

5.3.1 Policy S4 of the LDP requires that all new housing development makes a contribution to affordable housing within the County. Single dwellings are required to make a financial contribution for this and the amount will depend on the size and location of the proposed dwelling. In this case a two bedroom property in Rogiet will be required to make a contribution of £9982.00 which will be secured through a section 106 Legal Agreement.

## 5.4 Highway Safety

5.4.1 The proposal would share the existing vehicular access off the B4245, which is adjacent to the driveway for no. 60. There is a significant amount of hardstanding to the front of no. 62, sufficient to provide 3 parking spaces for the occupiers of that existing property. To the front of the proposed dwelling provision is being made for an additional two car parking spaces. There is also room within the site to turn a vehicle. The provision of 5 off street parking spaces is in accordance with the adopted Monmouthshire Parking standards. The amount of traffic generated by one additional property is negligible compared to the amount of traffic using the adjoining B road. The local highway network has sufficient capacity to accommodate the traffic generated by one additional dwelling. MCC Highway officers have no objection to the proposal.

## 5.5 Residential Amenity

5.5.1 This site is surrounded by residential properties. To the east of the site is no. 60 Caldicot Road, this property is set well away from the common boundary by approximately 9 metres. The existing garage of no 60 lies between the main house and the proposed bungalow. The principal windows of no. 60 face front and back, although there are two windows on the ground floor of the side elevation. Because of how the properties are orientated on the site and the fact that the proposed bungalow will be set further back in the plot there will be no overlooking and no significant loss of outlook. To the west of the proposed plot and attached to no.62 is no.64. The proposed bungalow is over 10 metres from the garden area of no.64, is single storey and would have no windows on the side elevation facing that property; there would be one door on the side which would contain some glazing. The garden of the existing property would be between the proposed bungalow and the existing property at no.64. This arrangement means that there is no loss of privacy and no unacceptable over-dominance. To the south of the site is number 5 Buckland Close, this property has a long rear garden and a high wall along the common boundary. There would be no direct overlooking of the site.

## 5.6 Ecology

5.6.1 The proposal would involve the demolition of the pre-fabricated detached garage to the side of the property. This garage is made of precast concrete with a flat roof of corrugated asbestos sheeting. The applicants completed a Bats in Buildings part A checklist, complete with photographs. It would appear that there is little potential for the garage to be used as a bat roost. An informative can be imposed reminding the applicant of their responsibility if any bats are found on site.

#### 5.7 Response to the Representations of the Community Council, Local Member and objectors

5.7.1 The Local Member is concerned that the proposed bungalow is not in keeping with the character of the surrounding properties. While it is true that the bungalow will not match the prevailing character of two storey dwellings in the area, the bungalow will not be visually prominent and will not have an adverse impact on the street scene. The increase in traffic generated by this single dwelling is negligible compared to the traffic already using B4245 and there is sufficient capacity on the road network to accommodate the traffic generated from one additional dwelling. The letters of objection have come from properties that are not directly adjacent to the site and make general comments about the principle of additional dwellings in residential curtilages.

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

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

### **6.0 RECOMMENDATION:APPROVE**

Subject to a s.106 Legal Agreement requiring the following:

A financial contribution for the provision of 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 or Reasons :**

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

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

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

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

3 Before dwelling hereby approved is first occupied the parking provision shall be constructed in accordance with the specifications on the approved plan.

REASON: To ensure adequate parking provision is provided in the interests of highway safety.

## **INFORMATIVES**

1 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).

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**Application Number:** DM/2018/01092

**Proposal:** Four shepherd huts for holiday let use.

**Address:** Land At Bentra Farmhouse, Pentre Road, Llangovan, Monmouth

**Applicant:** Mr R Harry

**Plans:** All Proposed Plans Proposed Floor Plan and Elevations - Revised 11.09.2018, Other Shepherd's Hut Spec - , Other Colour Sample - , Location Plan Rev A - , Block Plan BP2619/00 REV A - , Block Plan BP2619/01 - , Block Plan BP2619/02 - , Transport Statement - , Landscape Visual Impact Assessment Revision A Sept 2018 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Mrs Jo White

Date Valid: 18.07.2018

### **1.0 APPLICATION DETAILS**

1.1 This application relates to three parcels of land; two to the north-west of existing holiday lets known as Fuesli Lodge and The Mill House, Pentre Road, Llangovan and the other an orchard some 350m to the south-west of Fuesli Lodge.

1.2 Planning Permission is sought for four shepherd huts for holiday accommodation. The huts will measure 5.6m x 2.5m wide x 2.7m to ground level and will be sited for 12 months of the year. No amenity block is proposed as toilet/shower facilities (composting toilets) will be provided within the huts. Water will be provided to the huts by means of a water storage tank underneath each hut. The plans indicate a small gravelled outdoor seating area adjacent to each hut.

1.3 The two shepherd huts proposed within the orchard would be at opposite ends, to the south-west and to the north-east respectively. The topography of the orchard is such that it slopes downwards in both a north-easterly and south-easterly direction. Due to its raised level, part of the orchard can be viewed from the road (Pentre Lane) when travelling in a south-westerly direction.

1.4 The other two huts will be located approximately 160m - 190m to the north-west of Fuesli Lodge, in adjacent fields (separated by high hedges). The topography is such that the land rolls away gently from midway across the field down to the northern corner, where the shepherd huts are proposed. A small woodland area runs adjacent to the northern boundary.

1.5 Parking will be provided in the two locations; for the orchard huts this will be just off the existing access into the orchard and for the huts north-west of Fuesli Lodge the existing parking area will be utilised.

### **2.0 RELEVANT PLANNING HISTORY**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2011/00178	First floor extension and alterations	Approved	19.04.2011

DC/2016/00016	Non-material amendment relating to application DC/2011/00249; Face south roadside elevation with local random rubble stonework with semi-recessed bagged pointing.	Approved	19.01.2016
DC/2011/00430	Conversion of redundant agricultural storage building to holiday let	Approved	12.07.2011
DC/2011/00249	Conversion of redundant milking parlour to holiday let	Approved	05.05.2011
DC/2016/00736	Discharge of conditions 4 and 5 of planning permission DC/2015/01369.	Approved	04.08.2016
DC/2015/01369	Two storey extension to replace lean-to single storey extension.	Approved	01.04.2016

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

#### **Strategic Policies**

S8 LDP Enterprise and Economy  
S11 LDP Visitor Economy  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design  
S16 LDP Transport

#### **Development Management Policies**

NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character

### **4.0 REPRESENTATIONS**

#### **4.1 Consultation Replies**

Raglan Community Council: Community Council: no objections. However, if the Planning Authority is minded to grant permission, it is recommended that conditions are included and the following conditions should be considered.

- No vehicular access must be constructed over the fields from the gravel parking area to the Shepherds Huts north of Bentra cottage.
- If there is any loose or other material discharged onto the highway the landowner should ensure the material is cleared within a reasonable time.



MCC Highways: No objections. The submission provides sufficient parking and turning arrangements within the development. Whilst there will be a slight increase in vehicle movements to and from the application site it is accepted that holiday lets tend to be seasonal and are not overly used on an all year round basis, therefore vehicle trips to and from the site will be fairly infrequent. In addition, due to the nature of the development the traffic generated is very likely to fall outside peak time am and pm traffic flows therefore is not considered to have any detrimental impact on highway safety.

MCC Environmental Health: based on revised information received, request a condition that no amplified music be played after 9pm.

MCC Ecology:

No concerns about the original location of the shepherd huts. However, concerns regarding the revised locations next to the woodland - this area is high quality landscape for bats, especially lesser horseshoes, and there are several protected roosts in the area. The woodland is likely to supporting commuting and foraging bats, and there are trees on the woodland edge which have potential to support bat roosts. A 30m buffer zone from the woodland edge would be a suitable to avoid potential impacts (combined with lighting control).

#### 4.2 Neighbour Notification

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

- concern about unacceptable noise levels from guests and light pollution from huts;
- increase in road traffic on lanes and junction opposite London House, with limited passing places;
- concern that it will lead to more huts in the future;
- Huts in orchards will be visible to all neighbouring properties
- The area of outstanding beauty will be compromised;
- The four huts are more like common Gypsy Caravans;
- The 'wrong type' of person will be attracted;
- Over-development
- Holiday makers will cause accidents;
- Concerns relating to the effects on the delicate ecosystem, wildlife and local environment;
- Abuse of existing holiday lets will be repeated and add to current traffic related problems;
- Two huts would be in sight of upstairs windows of Bentra Cottage if it were not for the fact the applicant has allowed the boundary hedge to grow to 20 feet;
- Huts positioned close to ancient watercourse and no evidence of environmental impact study - concerns of effects on water quality;
- The scattering of huts seems unusual. Random caravans will spoil the overall aspect;
- There is no access to two huts nearest Fuseli Lodge - presumably there will be a track/path across the field which will have further urban type development;
- Pentre Lane not suitable for more traffic as already experiencing subsidence and cracking;
- Disturbance to Livestock as Public Right of Way in area will cause extra footfall which may cause disruption amongst livestock.
- Applicant does not live or work in the area and so will not be directly affected by the development;
- The nature of accommodation suggests frequent turnover of visitors set close to neighbouring properties;
- The accommodation is not accessible to disabled persons;
- There are already a number of campsites/holiday lets in the area;
- No visitor attractions within walking distance and so car journeys required

4.2.1 One Letter of Support has been received:

- The huts appear to have been appropriately located so as to assimilate into the landscape;
- Considered to be low impact visitor accommodation which will have low impact upon highway network;
- Enterprise of this nature should be encouraged within reason;
- There are multiple ways out from the proposed sites depending on where they were travelling.

## 5.0 EVALUATION

### 5.1 Principle of the proposed development

5.1.1 National planning policy on tourism is set out in Chapter 11 of Planning Policy Wales (PPW, Edition 9 November 2016) and reflects the Welsh Government's aim to encourage tourism to grow in a sustainable way and make an increasing contribution to the economic, social and environmental well-being of Wales (11.1.2). It provides for the planning system to encourage sustainable tourism in ways that enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and local communities (11.1.4).

5.1.2 Strategic Policy S11 of the Monmouthshire Local Development Plan (LDP) refers to the 'Visitor Economy' and sets out that "development proposals that provide and/or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations".

5.1.3 Shepherd huts are a relatively new form of visitor accommodation. As such, there is not a specific policy within the current LDP relating to this type of tourist accommodation. However, Supplementary Planning Guidance (SPG) 'Sustainable Tourism Accommodation' was adopted in November 2017 to provide clarity and certainty for applicants, officers and Members in the interpretation and implementation of the existing LDP policy framework in relation to proposals for sustainable visitor accommodation.

5.1.4 Paragraph 1.3 of the SPG identifies "the importance of tourism to the Monmouthshire economy, the need to safeguard, provide and enhance the County's visitor facilities, including the accommodation offer, is essential if Monmouthshire is to realise its potential as a high quality and competitive visitor destination."

5.1.5 The LDP defines sustainable tourism as tourism that is 'economically viable, generates local benefits, is welcomed by and helps support local communities, reduces global environmental impacts and protects/enhances the local environment' (5.82). In this instance the shepherd hut accommodation provided would be moveable and is therefore considered to be a low impact form of visitor accommodation and would satisfy Policy S11 in principle.

### 5.2 Visual Impact

5.2.1 Due to the topography of the land, the huts north-west of Fuesli Loge will be located at lower level, with potentially only the upper section visible from Fuesli Lodge. Woodland is located approximately 5m to the rear of the huts creating screening from the north. High hedgerow provides screening between the huts together with high vegetation to the boundary of Bentra Millhouse, some 85m to the east. Taking this into consideration, the two huts to the north-west of Fuesli Lodge are located as such that they are not considered to have a harmful visual effect upon the landscape and would therefore be acceptable to be in situ throughout the year.

5.2.2 With regards to the huts proposed within the orchard, high-level vegetation provides screening to the northern boundary, adjacent to the road, together with hedgerows to the south. Open fields bound the orchard to the east and south-east providing wider vantage points. However, the huts are set back within the orchard and will thus be largely screened by the orchard itself. Whilst it is acknowledged that these huts will be more exposed during the winter months when the trees are bare, they are set far enough into the orchard so as not to cause a harmful impact upon the wider rural landscape.

5.2.3 With regards to the use of the siting of the huts all year round, Section 4.18 of the SPG specifies that "glamping accommodation such as yurts, tepees, bell tents, shepherd's huts should be taken down or relocated out of season. However, the necessity for this will need to be considered on a case by case basis depending on the site context and landscape/visual impacts". In light of this, it is considered that in principle the siting of the huts in the same location throughout the year would be acceptable in principle subject to the visual impact on the wider rural landscape. Given

the modest scale of the huts, together with their siting (within a slight dip and nestled within an orchard), it is considered that the impact upon the wider landscape would be acceptable.

5.2.4 Due to the siting of the huts, guests will be required to walk from the parking areas through fields/orchard to access the huts. The applicant has confirmed that no formal pedestrian access or circulation routes are proposed as it is intended to add to the rural experience. Whilst this rustic approach could be considered a positive approach, it could heavily restrict accessibility for users. A condition would therefore be imposed to require an appropriate, yet informal, pedestrian/circulation route from the parking areas that will be visually sympathetic to the wider landscape.

### 5.3 Design

5.3.1 Following negotiations with the applicant the colour of the proposed huts have been revised. The revised plans now indicate that each hut will be finished in black corrugated steel roof (featuring solar panels), black steel wheels, corrugated walls in a 'Juniper Green' and black windows. The muted colours will assimilate into the landscape and are not considered to cause visual harm to the rural landscape, in accordance with LDP Policy DES1.

5.3.2 The huts are modest in scale measuring approximately 5.6m long x 2.45m wide with an overall external height of 2.7m. Solar panels to the roof assist in the making the huts energy efficient and composting toilets will harvest human waste, ensuring the huts are environmentally friendly.

### 5.4 Highway Safety

5.4.1 Concerns have been raised by residents regarding an increase in traffic along Pentra lane. The huts are dispersed across two locations at either end of Pentra Lane with parking provided for both respective locations. Whilst the four huts proposed would inevitably create additional traffic, the Council's Senior Highways Engineer is of the view that this would only be a slight increase that would be infrequent and would be unlikely to be at peak times. He is satisfied that there are no grounds to sustain an objection on highway safety grounds or traffic impact. The development is therefore considered to comply with LDP Policy MV1.

### 5.5 Residential Amenity

5.5.1 Local residents have raised concerns relating to noise and disturbance created by guests using the huts. The nearest dwelling to the huts located north-west of Fuesli Lodge is Bentre Millhouse which is approximately 138m to the east and is screened by high vegetation. Similarly, the nearest dwelling to the huts in the orchard (London House) is some 110m to the west. Given the screening, which will provide a degree of noise attenuation, the distance from neighbouring properties and the topography of the land, there are no concerns that the huts would cause unacceptable harm to the local residential amenity in terms of visual impact or noise disturbance.

5.5.2 The Environmental Health Officer has suggested a condition be imposed restricting any amplified music being played after 9pm. However, for the reasons outlined above, it would be unreasonable to impose such a condition. In any event, the Council's Environmental Health department would be responsible for any statutory noise complaints.

5.5.3 For the reasons discussed above, it is considered that the proposed development for four shepherd huts would not cause unacceptable harm in terms of noise or privacy to the residential amenity of local residents, as required by LDP Policy EP1.

### 5.6 Ecology

5.6.1 The Council's Ecologist raised concerns in respect of the two huts proposed adjacent to the woodland (north of Fuesli Loge) in terms of the effect on commuting and foraging bats. A 30m buffer zone from the woodland edge was therefore recommended.

5.6.2 In response to the comments, the applicant sought independent advice from Acer Ecology who suggested that mitigation in the form of either removing the window that fronts the woodland or

placing a specialist film to the window to reduce light glare would be sufficient mitigation measures to protect the bats. It was further advised that, "the bats would typically fly close to the woodland and so unless the building was within 2-3m of the woodland they wouldn't be directly affected by the building." Owing to this, the two huts in question are positioned some 5m from the edge of the woodland. A condition imposing that a sample of the proposed light-reducing film is submitted prior to commencement (and retained in perpetuity), together with a condition prohibiting the erection of any external lighting would mitigate against any detrimental effect upon commuting and foraging bats.

## 5.7 Response to Objections

5.7.1 Local concerns relating to visual impact, residential amenity and highway safety have been addressed in the preceding sections of this report and can be managed through planning conditions. Other issues raised relate to the site being designated as Area of Outstanding Natural Beauty (AONB) and a Site of Scientific Special Interest (SSSI) together with the current application being the basis for future expansion. Firstly, the site does not fall in either the Wye Valley AONB or a SSSI. Secondly, the Local Planning Authority (LPA) can only consider the proposal as submitted rather than on speculative future intentions. Planning conditions would ensure the size of the development is managed and any future applications to expand would need to be considered on their own merits. Other comments made in relation to the applicant's personal circumstances are not a planning consideration in the determination of this application.

## 5.8 Conclusion

5.8.1 The proposed siting of four Shepherd's huts for tourism use would not cause unacceptable harm to the local residential amenity or the wider rural landscape. The number of units is small, with the units being spread across two areas. As a result, it is not considered that they would give rise to an unacceptable increase in noise or vehicular movements. Ecology mitigation is proposed for the huts adjacent to the woodland and will be managed through planning conditions. As such, subject to conditions, the proposal is considered acceptable and in accordance with LDP Policy S11, DES1, EP1, NE1, MV1 and Supplementary Planning Guidance 'Sustainable Tourism', and is therefore recommended for approval.

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

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

## **6.0 RECOMMENDATION: APPROVE**

### **Conditions:**

- 1 This development shall be begun within 5 years from the date of this permission.  
  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development shall be carried out in accordance with the list of approved plans set out in the table below.  
  
REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
- 3 There shall be no more than four shepherd huts on the site at any one time.

REASON: To safeguard the landscape and to define the scope of the permission.

- 4 Notwithstanding the details submitted, no works shall commence on site until a scheme of hard landscaping has been submitted to and approved in writing by the Local Planning Authority. Such details shall include:
- a. Levels showing the extent of 'cut and fill' for the siting of the huts;
  - b. Details of any hard surface materials to be used for the siting of the shepherd's huts.
- Such details as may be approved shall be implemented prior to beneficial use of the shepherd huts hereby approved.

REASON: To protect the visual impact upon the landscape.

- 5 No development shall take place until details of proposed pedestrian access and circulation routes (footways to the huts) have been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented prior to beneficial use of the shepherd hut hereby approved.

REASON: To protect the visual impact upon the landscape.

- 6 The shepherd huts shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year.

REASON: The provision of permanent residential accommodation would not be acceptable in the open countryside.

- 7 An up to date register containing details of the names, main home address, dates of arrival and departure of occupants using the shepherd's huts shall be made available for inspection by the Local Planning Authority upon request.

REASON: To ensure the shepherd hut site is occupied as holiday accommodation only. The shepherd hut site is unsuitable for general residential accommodation because of its location in the open countryside and the policy support for glamping is due to the economic benefits secured.

- 8 Prior to the commencement of any works, a sample of the light reducing film to be applied to the north elevation windows of the huts that face the woodland (north-west of Fuesli Lodge) shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented prior to the beneficial use of the shepherd's huts hereby approved and shall remain in perpetuity.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern.

- 9 No lighting or lighting fixtures shall be installed on the huts or within the development boundary until an appropriate lighting plan which includes low level PIR lighting and allows dark corridors for bats has been agreed in writing with the Local Planning Authority. The plan shall detail light type, specification and position. The development shall be carried out in accordance with the agreed details and no other lighting or lighting fixtures shall be installed.

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

- 10 No windows other than those indicated on the approved plans shall be inserted in the shepherd huts hereby approved unless otherwise agreed by the Local Planning Authority.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern.

- 11 None of the shepherd huts hereby approved shall be replaced by any other structure(s) or glamping accommodation differing from the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure compliance with the approved plans and to safeguard the amenities of the area.

- 12 In the event of the shepherd huts ceasing to trade, the units shall be removed from the site and the land restored to its former condition within 3 months of closure of the business.

REASON: To safeguard the visual amenity of the area.

## **INFORMATIVES**

1. The applicant is advised that a site licence from the Environmental Health will be required to ensure appropriate standards of public health and safety are achieved and maintained. Please contact [environmentalhealth@monmouthshire.gov.uk](mailto:environmentalhealth@monmouthshire.gov.uk)

**Application Number:** DM/2018/01279

**Proposal:** Agricultural building housing farm animals.

**Address:** Kemeys House Farm, Church Lane, Kemeys Commander, Usk

**Applicant:** Mr Beverly Baker

**Plans:** Design and Access Statement and All Drawings/Plans 024129 – A

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Lowri Hughson-Smith

Date Valid: 14.08.2018

### **1.0 APPLICATION DETAILS**

1.1 This is an application for a new agricultural building to house cattle at an established farm in Kemeys Commander. The farm has some 80 hectares of pasture land and a several existing farm buildings. The building will replace temporary accommodation pods currently on site to house calves.

1.2 The proposed building will be 13.76m in width by 22.86m in length and 7.85m in height. The building will be steel framed and clad in grey coloured galvanised steel.

1.3 The site has recent permission for three similar freestanding buildings.

1.4 The application is presented to Planning Committee because the applicant's agent is related to a member of the Development Management Team.

### **2.0 RELEVANT PLANNING HISTORY**

The relevant planning history is detailed below:

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/00733	Agricultural farm building to house farm animals.	Approved	05.07.2018
DM/2018/00817	Agricultural farm building housing farm animals.	Approved	05.07.2018
DM/2018/00818	Agricultural farm building housing farm animals.	Approved	05.07.2018

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

#### **Strategic Policies**

S10 LDP Rural Enterprise

#### **Development Management Policies**

LC1 LDP New Built Development in the Open Countryside

RE4 LDP New Agricultural and Forestry Buildings

RE5 LDP Intensive Livestock/Free Range Poultry Units

DES1 LDP General Design Considerations

EP1 LDP Amenity & Environmental Protection

### **4.0 REPRESENTATIONS**

#### **4.1 Consultation Replies**

Gwehelog Fawr Community Council - no comments received to date.

#### **4.2 Neighbour Notification**

No comments received to date.

### **5.0 EVALUATION**

#### **5.1 Principle of the proposed development**

5.1.1 The site is part of a working farm located in the open countryside in the village of Kemeys Commander.

5.1.2 There is a general presumption against development in the open countryside unless the proposed development accords with national planning policy or specific policies in the LDP.

5.1.3 In respect of this proposal, Policy LC1 of the LDP permits new built development in the open countryside if it is compliant with specific policies in the plan and meets the criteria identified in Policy LC1. The specific relevant policy in this case is RE4 which supports new agricultural buildings.

#### ***Policy RE4***

Policy RE4 of the LDP allows new agricultural buildings providing they are reasonably required for agriculture and have adequate provision for foul and surface water disposal.

5.1.4 It is clear the building is reasonably required for the purposes of agriculture to house cattle which are currently being kept in temporary pods. The building proposed is designed to meet this need.

5.1.5 The building is within a large farmyard and there is not considered to be any issues in respect to surface water run-off, which can be accommodated within the site. There will be no foul drainage associated with the proposals.

5.1.6 It is concluded the proposal accords with LDP Policy RE4.

#### ***Other requirements of Policy LC1***

Policy LC1 is a criteria based policy and the requirements are considered in more detail below.



**a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5/  
b) new buildings are wherever possible located within or close to existing groups of buildings;**

5.1.7 The proposed building is located adjacent to other farm buildings and will be read in the landscape as part of the farm complex and would therefore assimilate with the existing landscape and meet criteria a) and b) of Policy LC1.

**c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside/ d) the development will have no unacceptable adverse impact on landscape, historic/cultural or geological heritage, biodiversity or local amenity value**

5.1.8 The proposed building is designed for an agricultural purpose and is of a scale, size and layout which mirrors other buildings on site. The building respects the surrounding countryside and remains in keeping with the farm complex and will not appear incongruous in the landscape. Given the design, size and form it is not considered the proposed building will have an unacceptable impact on the landscape, historic/cultural or geological heritage.

5.1.9 The building is located within heavily worked area of the farm yard and therefore the site has limited biodiversity which is unlikely to be adversely impacted by the proposed building.

5.1.10 Impact on local amenity is considered acceptable and is discussed in more detail below under the sub-heading 'residential amenity'.

5.1.11 Considering the development in the context of Policy LC1 together with Policy RE4, it is concluded the proposed development is policy compliant and, therefore, the principle of development is established. Other material considerations which require assessment are design and residential development and these matters are discussed in more detail below.

## 5.2 Design

5.2.1 The building will be a freestanding dual pitched steel framed building with a floor area of 315m<sup>2</sup>. It will have galvanised steel walls and a fibre cement roof. The building will be in keeping with those adjacent to it and the rest of the buildings within the farm complex. Furthermore, the building has been sited so as to minimise its impact on the wider landscape as discussed above. The development therefore complies with policy DES1 and RE4 of the Local Development Plan.

## 5.3 Residential Amenity

5.3.1 The building will be located on an established dairy farm which has numerous livestock units. The addition of the proposed building would have a negligible additional impact on residential amenity in the locality. The building proposed in this application is relatively small and unlikely to result in noticeable increase in noise or odour. Furthermore, the building will be over 100m away from the nearest neighbouring property and on this basis it is considered that it has been sited so as not to cause unacceptable nuisance to these properties, complying with the relevant criteria of Policy RE5 and EP1 of the LDP.

## 5.4 Other Issues

5.4.1 There is no prescribed limit to what size a dairy farm can be under planning legislation. Any future expansion of the farm would be considered under Policy RE5 of the LDP which relates specifically to intensive livestock.

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

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

## **6.0 RECOMMENDATION: APPROVE**

### Conditions:

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

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 28/08/18

gan Paul Selby BEng (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07/09/2018

## Appeal Decision

Site visit made on 28/08/18

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 07/09/2018

**Appeal Ref: APP/E6840/A/18/3203203**

**Site address: Beaulieu Barn, 25 The Kymin, Monmouth NP25 3SE**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr James Tuttle against the decision of Monmouthshire County Council.
- The application Ref DC/2018/00091, dated 22 January 2018, was refused by notice dated 29 March 2018.
- The application sought planning permission for Proposed conversion of redundant barn to provide new dwelling without complying with conditions attached to planning permission Ref DC/2007/01144, dated 8 February 2008.
- The conditions in dispute are Nos 1, 2 and 3 which state that:
  1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995, as amended (or any order revoking and re-enacting that Order with or without modification) no development within Part 1 of Schedule 2 to the Order, shall be carried out on land to which this permissions relates, without express planning permission having first been obtained from the Local Planning Authority.
  2. No part of any wall of the existing building other than shown on the approved plans to be demolished shall be demolished without the prior written approval of the Local Planning Authority. Full details of any such work shall be submitted to the Local Planning Authority as part of any application for approval required by the condition.
  3. Before development commences details of the proposed means of enclosure shall be submitted to and approved in writing by the local planning authority. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order, 1995, as amended (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.
- The reasons given for the conditions are:
  1. This conversion is granted having regard to the Council's policies which relate to the conversion of redundant buildings in the countryside. If substantial extensions or alterations were necessary this development would not normally be favourably considered.
  2. This conversion is granted having regard to the Council's policies which relate to the conversion of redundant buildings in the countryside and the information supplied with the application. If substantial demolition and rebuilding are necessary the development may be beyond that which has been permitted.
  3. In the interests of visual amenity and to safeguard the appearance of the area.

## Decision

1. The appeal is allowed in part and planning permission is granted for Proposed conversion of redundant barn to provide new dwelling at Beaulieu Barn, 25 The Kymin, Monmouth NP25 3SE, in accordance with the terms of the application Ref DC/2018/00091, dated 22 January 2018, without compliance with condition numbers 1 and 2 previously imposed on planning permission Ref DC/2007/01144, dated 8 February 2008, and subject to the conditions set out in the schedule to this decision letter.

## Application for costs

2. An application for costs was made by Mr James Tuttle against Monmouthshire County Council. This application is the subject of a separate Decision.

## Main Issue

3. This is whether the conditions are reasonable and necessary in the interests of the protecting the character and appearance of the converted building and the Wye Valley Area of Outstanding Natural Beauty (AONB).

## Reasons

4. Planning Policy Wales (PPW) says that conditions on a planning permission should only be imposed where, amongst other things, they are necessary and reasonable in all other respects<sup>1</sup>. Further advice is provided in the Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular'), including on the use of conditions to restrict permitted development rights.
5. The appeal site is situated in attractive surrounds on the northwestern slopes of a hillside within the AONB. It lies close to public footpaths, including the Offa's Dyke National Trail, which bisects grazing land a short distance to the east. The immediate area, including the appellant's wider landholding, has a predominantly rural character, featuring fields, paddocks, agricultural buildings and substantial areas of woodland. Whilst a nearby cluster of well-sized dwellings also bear influence on the immediate area, these are well separated from the appeal site in visual terms, lying to the west of Good Neighbours Lane.
6. The site is occupied by a modest, stone-built barn which has been converted into a dwelling. Its limited curtilage, which contains a gravelled driveway and trees planted within a modest lawn, is bounded by low, visually permeable fences and/or established native hedgerows. The site is readily visible across the open fields to the east, and features prominently in a 'walking view' from the Offa's Dyke footpath. Its separation from other dwellings and the manner in which it is bounded by land in agricultural use contribute to the site's intrinsically rural character and appearance.
7. Subsequent to the barn's conversion to a dwelling, various structures have been constructed in the adjoining smallholding for agricultural or equestrian purposes. Although these collectively contribute to the developed character of the wider landholding, they clearly relate to a rural enterprise and are thus not perceived as overtly alien or intrusive elements of the wider pastoral landscape.
8. A two storey extension to the barn conversion has recently been granted planning permission by the Council (Ref: DC/2016/00287). The submitted drawings indicate

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<sup>1</sup> PPW paragraph 3.5.2

that the extension would substantially increase the scale of the dwelling. Nonetheless, due to the immediate context and the permitted scheme's design, following implementation I am of the view that the appeal dwelling would appear as a working farmhouse, albeit an extended and modified one, rather than a domestic building or a new-build country residence.

9. The reasons given for imposing conditions 1 and 2 on the original barn conversion indicate that, had substantial extensions, alterations, demolition or rebuilding of the barn been required to convert it to a dwelling, permission would not have been granted. Whilst the Council's local policies have changed in the intervening period, the objectives of policy H4 of the Monmouthshire Local Development Plan (LDP) appear to be similar to that in place at the time of the original permission being granted. I note in particular criterion (d) of policy H4, which states that the more isolated and prominent the subject building, the more stringent will be the design requirements with regard to new door and window openings, extensions, means of access, service provision and garden curtilage, especially if located within the Wye Valley AONB.
10. Condition 2 seeks to ensure that the Council's written approval is obtained before any walls in the original barn are demolished or rebuilt. Whilst the appeal building is of some character there is little to indicate that it is visually or historically significant. The barn already appears to have been subject to considerable rebuilding and is likely to be subject to more following implementation of the permitted extension. Given this, further demolition/rebuilding on the remaining elevations would have little impact on its visual integrity. Its modest size and the screening provided by boundary foliage would further limit visual impacts associated with selective demolition or rebuilding.
11. Condition 1 removes permitted development rights for enlargements, improvements and other alterations to the dwelling. Paragraph 3.2.2 of PPW states that, save in exceptional circumstances, planning conditions should not be imposed which restrict or withdraw such rights. This stance is echoed by paragraph 5.105 of the Circular, which states clearly that there is a presumption against such restrictions.
12. It seems to me that the constrained curtilage would limit opportunities to substantially extend the barn under permitted development rights. Moreover, since this condition was imposed a considerable two storey extension to the original building has been permitted. Whilst I acknowledge that a less sensitively designed side extension to that permitted could be erected in its place, any extension constructed under permitted development rights would be of more modest scale and unlikely to be any more visually prominent than that already permitted.
13. Part 1 of Schedule 2 to the General Permitted Development Order grants permission for alterations such as changes to windows and allows the erection of outbuildings on Article 1(5) land. In practice the barn's modest scale would limit opportunities for substantially wider or taller windows, or additional windows, particularly at the more publicly visible first floor level. Further, given that the appearance of the extended building would change substantially following the implementation of planning permission ref: DC/2016/00287, fenestration changes to the original barn would, in themselves, not harmfully alter its appearance or character. The modest curtilage would also limit scope for the construction of any substantial outbuildings.
14. The permitted extension represents a material change to the site's circumstances. Whilst it has not yet been constructed I afford substantial weight to it as a fall-back position. I consider that, in the context of the extended dwelling, any changes to the original barn undertaken under permitted development rights would be perceived as relatively minor. Conditions 1 and 2 are thus no longer necessary or reasonable.

15. Condition 3 was also imposed for reasons of visual amenity. The appellant contends that boundary treatments constructed under permitted development rights, such as close boarded fences, would be restricted to 2 metres in height and thus screened by the taller hedgerows planted on the perimeter. That as may be, but were the condition to be deleted the hedgerows could be removed and fences erected in their place.
16. It might be that any replacement boundary treatments would have limited visual impact. Nonetheless, I consider there to be a strong possibility that they would have a substantially adverse visual impact. This is as a result of the overtly rural character of the appeal site and the adjoining land; the way in which the site protrudes from the lane into open fields; and the visual prominence of the site from nearby footpaths. Whilst the permitted extension would alter the property's appearance, it would retain an intrinsically rural character. The erection of visually impermeable fencing and/or boundary treatments composed of materials inappropriate to the rural setting would harmfully domesticate the site. Insensitive boundary treatments would also further clutter the wider landholding and would appear dominant and alien within this attractive and well-traversed rural setting, causing substantial harm to the natural beauty of the AONB. These factors amount to exceptional circumstances and warrant the removal of permitted development rights for fences, walls or other means of enclosure. They also justify the retention of existing boundary treatments which were approved prior to the implementation of the original permission.
17. For the reasons given above I conclude that conditions 1 and 2 are no longer necessary or reasonable. However, removing condition 3 would have the potential to cause substantial harm to the natural beauty of the AONB, contrary to the landscape aims of LDP policies H4 and LC4. I will therefore re-impose this condition, along with the other conditions (Nos 4 to 7) attached to permission ref: DC/2007/01144, so far as the same are still subsisting and capable of taking effect.

### **Other Matters**

18. Local residents have drawn my attention to traffic levels on local roads, and potential impacts on accessibility or highway safety, but the removal of the three conditions would have a negligible impact on such matters. Some have raised concerns about additional homes or holiday lets in the area but, similarly, that is not what has been applied for. Commentary regarding the appellant's motivations is not a relevant planning concern. Whilst I also note that some residents support the removal of the three conditions on the basis that the appellant has demonstrated that he is committed to the site's sustainable management, the site's ownership could change. I afford these matters little weight.
19. I have had regard to the two appeal decisions submitted by the appellant. These are not easily comparable to the appeal scheme as both are English cases and thus subject to different national policy and guidance. Case ref: APP/Q4625/A/12/2170281 relates to development in the Green Belt, which is subject to specific tests, with a particular emphasis on preserving 'openness'. Case ref: APP/Y3615/A/11/21442861 appears to relate to a site lying within a predominantly residential area. The approach and judgement required in both circumstances differs substantively from an assessment of landscape and visual impacts on a rural site within an AONB, as is the case here. I therefore attach little weight to these two cited appeal decisions.
20. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision accords with the Act's sustainable development principle through its contribution towards supporting safe, cohesive and resilient communities.

## Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed in part. I will therefore grant a new planning permission without the disputed conditions 1 and 2, but subject to the others being re-imposed, including condition 3.

*Paul Selby*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 3) Before development commences details of the proposed means of enclosure shall be submitted to and approved in writing by the local planning authority. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order, 1995, as amended (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.
- 4) The development shall be begun within 5 years from the date of this permission.
- 5) Where any species listed under Schedule 2 or 4 of the Conservation (Natural Habitats, & c.) Regulations 1994 (or any legislation revoking and re-enacting those Regulations with or without modifications) is present on site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
- 6) The development hereby approved shall be implemented in accordance with the scheme shown on drawing no 04A. The scheme shall be retained in perpetuity unless written consent is granted by the Local Planning Authority authorising changes to the approved scheme.
- 7) Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) lighting must be angled downwards and must not be placed above 2.3m above the ground level.

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## Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 28/08/18

gan Paul Selby BEng (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 07/09/2018

## Costs Decision

Site visit made on 28/08/18

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers  
Date: 07/09/2018

**Costs application in relation to Appeal Ref: APP/E6840/A/18/3203203**

**Site address: Beaulieu Barn, 25 The Kymin, Monmouth NP25 3SE**

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

- The application is made under the Town and Country Planning Act 1990, section 78, section 322C and Schedule 6.
- The application is made by Mr James Tuttle for a full award of costs against Monmouthshire County Council.
- The appeal was against the refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the proposed conversion of redundant barn to provide new dwelling without complying with conditions attached to planning permission Ref DC/2007/01144, dated 8 February 2008.

## Decision

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

## Reasons

2. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The costs application is made on substantive grounds. The applicant contends that development which should clearly have been permitted was prevented, citing in particular an example of unreasonable behaviour described in paragraph 3.11 (i) of the Annex, which identifies that the imposition of a condition that does not comply with the tests set out in WGC 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular') would be unreasonable.
4. Paragraph 3.8 of the Annex says that there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application where the proposal is not in accordance with relevant development plan policy and no material considerations indicate that permission should have been granted. For the reasons given in my decision letter, although I have found that conditions 1 and 2 are not necessary or reasonable, I have concluded that condition 3 complies with the tests set out in the Circular. The Council's refusal of the application was therefore not unreasonable insofar as it related to condition 3.

5. The applicant contends that the Council failed to afford appropriate weight to material changes to the site's circumstances since the original conditions were imposed. I do not disagree with this view insofar as it relates to the recently-permitted two storey extension to the appeal building. Nonetheless, the weight to be attached to a particular consideration is a matter of judgement for the decision-maker. Whilst I disagree with the Council's conclusions in relation to conditions 1 and 2, it clearly took the relevant factors into account when coming to its decision. Its conclusions were also substantiated in relation to the relevant development plan policies and the tests in the Circular. The Council's written evidence during the appeal process has been precise and relevant to the case in hand.
6. I acknowledge that the applicant has had to seek professional advice to lodge the appeal. Nonetheless, as all three disputed conditions relate to visual impacts, the written evidence relating to conditions 1 and 2 is unlikely to have been notably more onerous or different in nature than would have been the case if the only condition in dispute was No 3. Consequently there is little evidence that the Council's actions have led to the applicant incurring unnecessary or wasted expense in the appeal process.
7. For the above reasons I conclude that neither a full or partial award of costs is justified in this case. The costs application is refused.

*Paul Selby*

INSPECTOR

# Public Document Pack Agenda Item 5

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th  
September, 2018 at 2.00 pm**

**PRESENT:** County Councillor R. Edwards (Chairman)

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

County Councillor M. Feakins joined the meeting during the presentation of application DM/2018/01089.

### **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
John Rogers	Legal Officer
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillors P. Clarke and A. Davies

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

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

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

The minutes of the Planning Committee meeting dated 7<sup>th</sup> August 2018 were confirmed and signed by the Chair, subject to the following amendments:

##### **Minute 6 - Application DM/2018/00528**

Seconded by County Councillor M. Feakins

##### **Minute 7 – Application DM/2018/00695**

Seconded by County Councillor P. Murphy

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th  
September, 2018 at 2.00 pm**

**3. 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**

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

Councillor A. Easson, representing Caldicot Town Council, attended the meeting by invitation of the Chair and informed the Committee that as there was to be a parking permit allocated to each of the proposed four flats at the Waitrose car park then the concerns of the Town Council would be addressed.

The applicant's agent, Ms. S. Hartrey, attended the meeting by invitation of the Chair. In light of the information received regarding the allocation of parking permits to each of the four proposed flats, the applicant's agent had no further information for the Committee.

Reference was made to condition one and the commencement of development within five years. It was suggested that the condition should be amended to commence development within three years to enable an earlier review of the viability situation if development is not commenced, as recommended by the District Valuer.

Having considered the report of the application and the views expressed, it was proposed by County Councillor G. Howard and seconded by County Councillor P. Murphy that application DC/2017/01391 be approved subject to the two conditions, with condition one being amended to commence development within three years to enable an earlier review of the viability situation if development is not commenced, as recommended by the District Valuer.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/01391 be approved subject to the two conditions, with condition one being amended to commence development within three years to enable an earlier review of the viability situation if development is not commenced, as recommended by the District Valuer.

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

We considered the report of the application which was presented for refusal for one reason.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th September, 2018 at 2.00 pm

This application had been presented to Planning Committee on 3rd July 2018 with a recommendation for approval. However, the Planning Committee subsequently deferred the application to seek a reduction in the height and massing of the proposed new dwelling.

The applicant considered that the development accorded with Local Development Plan Policy and was acceptable and did not wish to make any amendments to the proposed dwelling. As such, the application is now recommended for refusal for the following reason:

- 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).

The Committee expressed its disappointment that the applicant had not considered making any amendments to the application. It was therefore proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2018/00096 be refused for the one reason, as outlined in the report.

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

For refusal	-	10
Against refusal	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2018/00096 be refused for the one reason, as outlined in the report.

#### **5. 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**

We considered the report of the application and late correspondence which was presented for refusal for one reason.

The application had been deferred at the Planning Committee meeting 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.

The Committee's concerns related to the scale and position of the garage element of the proposal. The reason for refusal offered to reflect those concerns is as follows:

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th September, 2018 at 2.00 pm

- 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.

The local Member for Caerwent, also a Planning Committee Member, outlined the following points:

- His views expressed at the August 2018 meeting of Planning Committee in respect of this application had not changed.
- Since the last meeting, further representations had been received from members of the public expressing their concerns regarding this development.
- The development had not complied with the planning permission that had been granted.

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

- Some Members considered that the development had not resulted in loss of amenity by the standards that the Committee had established in previous planning application decisions made and considered that there was no reason to refuse the application.
- Other Members considered that if the application had initially been presented to the Committee in its current form, the Committee would most likely have refused the application.
- The development disrupts the street scene.

It was proposed by County Councillor P. Murphy and seconded by County Councillor L. Brown that application DM/2018/00707 be refused for the reason outlined in the report and that the Authority takes enforcement action.

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

For refusal	-	8
Against refusal	-	4
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00707 be refused for the reason outlined in the report and that the Authority takes enforcement action.

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th  
September, 2018 at 2.00 pm**

**6. APPLICATION DM/2018/01048 - REPLACEMENT DETACHED GARAGE.  
SWALLOW HILL, PROSPECT ROAD, MONMOUTH, NP25 3SZ**

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

In noting the detail of the application, it was proposed by County Councillor P Murphy and seconded by County Councillor D. Evans that application DM/2018/01048 be approved subject to the two conditions, as outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01048 be approved subject to the two conditions, as outlined in the report.

**7. APPLICATION DM/2018/01089 - CONVERSION OF TWO AGRICULTURAL  
BARNs AND ASSOCIATED OUTBUILDINGS TO RESIDENTIAL USE. NEW  
TRECASTLE FARM TRECASTLE ROAD LLANGOVAN MONMOUTHSHIRE,  
NP25 4BW**

We considered the report of the application, and late correspondence, which was recommended for approval subject to the five conditions, as outlined in the report and subject to a Section 106 financial contribution of £54,321 for affordable housing in the area.

In noting the detail of the application, it was proposed by County Councillor L. Brown and seconded by County Councillor G. Howard that we be minded to defer consideration of application DM/2018/01089 to a future meeting of Planning Committee to consider proposals against Policy H4 (business use) and to clarify future intentions for a nearby silage pit and an existing agricultural building that is to be retained having regard to the amenity of the occupiers of the proposed dwellings.

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

In favour of deferral	-	12
Against deferral	-	0
Abstentions	-	1

The proposition was carried.

We resolved that we be minded to defer consideration of application DM/2018/01089 to a future meeting of Planning Committee to consider proposals against Policy H4

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th  
September, 2018 at 2.00 pm**

(business use) and to clarify future intentions for a nearby silage pit and an existing agricultural building that is to be retained having regard to the amenity of the occupiers of the proposed dwellings.

**The meeting ended at 3.23 pm.**