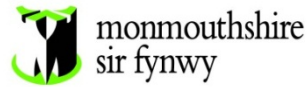


Public Document Pack



Please note the venue for the meeting

County Hall
Rhadyr
Usk
NP15 1GA

Monday, 26 November 2018

Notice of meeting:

Planning Committee

Tuesday, 4th December, 2018 at 2.00 pm,
**The Old Council Chamber, Shire Hall, Agincourt Square, Monmouth,
NP25 3DY**

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 28
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
4.1.	Application DC/2011/00083 - Proposed retail development (detailed submission) (Amended plans received 12/09/2018). Magor Motors, Newport Road, Magor.	29 - 56
4.2.	Application DC/2015/00554 - Construction of detached dwelling with parking and turning provision for 3 cars on existing domestic curtilage. Site adjacent to Cefn-y-Bryn, Grosmont, NP7 8ES.	57 - 62
4.3.	Application DC/2018/00138 - Erection of 2 no. Stable Blocks (amended to 1 no.) Land off Great Oak Farm Road, Bryngwyn, Raglan, Monmouthshire, NP15 2AN.	63 - 68
4.4.	Application DM/2018/00417 - Improved visibility vehicular access to New House, close up existing access. New House Usk Road Llangwm Usk Monmouthshire.	69 - 74

4.5.	Application DM/2018/00466 - Provision of a new Public Lift to provide wheelchair access to the Library Hub on the first floor and Theatre on the second and third floor and staff access to the basement. Refurbish existing lift. Internal remodelling of existing ground floor office space to form Theatre foyer & office. Internal remodelling of existing first floor office space to form a new Library Hub & Mayor's Parlour offices. Provision of a new Library Extension. Provision of Stair lift access to provide wheelchair access to the Bar & WC in the Theatre on the second floor. Provision of a new rooftop plant deck. Abergavenny Town Hall, Abergavenny Town And Market Hall, Cross Street, Abergavenny.	75 - 78
4.6.	Application DM/2018/00908 - Extend opening hours only on Friday and Saturday nights from 00:00 to 2:00am. 35 Frogmore Street Abergavenny Monmouthshire NP7 5AN.	79 - 82
4.7.	Application DC/2018/01143 - Outline permission for one building plot in garden of Brookside. Brookside,Well Lane,Llanfair Discoed.	83 - 100
4.8.	Application DM/2018/01283 - Development of 2 no. residential dwellings and associated works. Infill Plot 1 And 2 At Garden Of Hillcrest Lansdown Road Abergavenny Monmouthshire.	101 - 112
4.9.	Application DM/2018/01496 - Demolition of existing bungalow and erection of 2 no. two-storey dwelling houses with associated works. The Slades, Tump Lane, Undy.	113 - 118
4.10.	Application DM/2018/01525 - Proposed Cattle Building & Removal of Former Cattle Shed. Kemeys House Farm Church Lane Kemeys Commander Gwehelog Usk.	119 - 122
4.11.	Application DM/2018/01526 - Agricultural building housing farm animals. Kemeys House Farm Church Lane Kemeys Commander Gwehelog Usk.	123 - 126
4.12.	Application DM/2018/01575 - Construction of 2no. Residential Dwellings. Cap House Grosmont Road, Llangua, Grosmont, Abergavenny.	127 - 132
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	Appeal decision - 10 - 14 St. Mary Street, Monmouth.	133 - 138
5.2.	Appeal decision costs - 10 - 14 St Mary Street, Monmouth.	139 - 140
5.3.	Appeal decision - 1 Ramp Cottage, Undy, Caldicot.	141 - 142
5.4.	Appeal decision costs - 1 Ramp Cottage, Undy, Caldicot.	143 - 144

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

Public Information

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

Access to paper copies of agendas and reports

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

Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

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

Our Values

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

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

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

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

Purpose

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

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

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

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

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

Decision-making

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

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

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

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

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

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

Main policy context

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

Policy EP1 - Amenity and Environmental Protection

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

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

Policy DES1 – General Design Considerations

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

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

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

Supplementary Planning Guidance (SPG):

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

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

National Planning Policy

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

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

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

Other matters

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

Planning (Wales) Act 2015

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

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

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

Environmental Impact Assessment Regulations 2016

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

Conservation of Species & Habitat Regulations 2010

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

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

Well-being of Future Generations (Wales) Act 2015

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

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

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

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

Equality Act 2010

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

Children and Families (Wales) Measure

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

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

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

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

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

Applicants

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

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

Procedure at the Planning Committee Meeting

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

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

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

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th
November, 2018 at 2.00 pm**

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

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

County Councillor P.A. Fox, J. Watkins and P. Jones attended the meeting by invitation of the Chair.

County Councillors M Feakins and D. Evans left the meeting following determination of application DM/2018/00880 and did not return.

County Councillor G. Howard left the meeting following determination of application DC/2018/00138 and did not return.

OFFICERS IN ATTENDANCE:

Frances Williams	Chief Officer, Enterprise
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
Matthew Phillips	Head of Law/ Monitoring Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors: J. Becker, D. Blakebrough and A. Webb

1. Declarations of Interest

County Councillor A. Davies declared a personal and prejudicial interest, pursuant to the Members' Code of Conduct, in respect of application DM/2018/00880, as he is a resident of Church Road, Caldicot and has been involved in raising a petition regarding traffic congestion at school start and end periods. He therefore left the meeting taking no part in the discussion or voting thereon.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 2nd October 2018 were confirmed and signed by the Chair.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th
November, 2018 at 2.00 pm

3. Application DM/2018/00696 - Outline application (with all matters reserved except for access) for residential development of up to 291 dwellings, a care home and public open space, landscaping and associated infrastructure works. Land Development South Of Crick Road Crick Road Portskewett Monmouthshire

We considered the report of the application, and late correspondence, which was recommended for approval subject to:

- The 20 conditions, as outlined in the report.
- Three additional conditions, following publication of the report, namely:
 - Retaining the hedgerow to the east of the site in perpetuity to a height of 1.8 metres.
 - Removal of permitted development rights to provide a means of enclosure along the site boundary with dwellings on Treetops.
 - The scale parameters to be a maximum height of 12 metres for the residential development and 18 metres for the care home.
- A Section 106 Legal Agreement.

The local Member for Portskewett, County Councillor P. Fox, attended the meeting by invitation of the Chair and outlined the following points. He also spoke on behalf of Portskewett Community Council, as the original representative was unable to attend the meeting:

- Infrastructure overload is occurring through Portskewett with additional traffic being generated due to the development of residential houses at the Sudbrook Paper Mill site.
- There is also a considerable number of houses to be built in the Sudbrook area which will be accessed via the centre of Portskewett village.
- The main access to Crick Road should be via the B4245. However, there are concerns regarding the secondary access. It was considered that human nature will prevail with the easiest access being through Portskewett, exacerbating existing traffic issues.
- Originally, it had been noted some years ago that the secondary access was to only serve an additional 40 houses, which had been deemed acceptable. However, the number of vehicles using this access will be considerably more.
- The infrastructure for Portskewett is becoming saturated due to additional housing developments being established.

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- The local Member welcomes the proposed additional conditions.
- The local Member also welcomes the provision of affordable housing and asked that the allocations of these properties be allocated via the Rural Allocations Policy to ensure that local people are able to live within their community.
- The care home will be a welcome addition to the area.

Councillor A. Easson, representing Caldicot Town Council, attended the meeting by invitation of the Chair and outlined the following points:

- The Town Council is aware of the need to provide affordable housing in the area.
- Caldicot Town Council supports the proposed development in principle, creating 75 affordable homes. However, this support must be measured against the effects of an increased population on the rest of the community and the effects on the existing overstretched infrastructure. The Health Service provision is one of those affected with doctors' surgeries at capacity.
- The Town Council supports the development of a care home on Crick Road.
- The transport infrastructure is inadequate. There is an hourly bus service to Chepstow and Newport but nothing further afield.
- Severnside no longer has the no. 62 bus service. The no. 75 bus service no longer exists either.
- The nearest railway station to Caldicot has poor interconnectivity. It is essential that this service becomes viable for the future for people living in the area. A case should be made to re-open Portskewett Halt.
- Severn Tunnel Junction is the choice departure of many commuters but currently the only option to get there is by car. The Ministry of Defence (MOD) base could be used as a park and ride with a pick up point at the Mitel site.
- The proposed traffic calming measures and the re-alignment of the B4245 from Magor to Parkwall will only address a minor aspect of the traffic issues occurring at this location. This development may not increase the risk in the area. The road from Mitel to Parkwall has recorded three accidents over a five year period. However, to the west of the site, 33 accidents have been recorded over the same period.
- Highways consider re-aligning the B4245 to accommodate a 2.5 metre footpath. Rather than narrow the roadway it would be more sensible to have a footbridge alongside the existing bridge to keep pedestrians and vehicles apart.
- The proposed pedestrian crossing near Mitel will just be a refuge in the middle of the road.

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- The 30mph speed limit should also be extended beyond the Crick Road junction.
- Schools in Caerwent, Portskewett and Rogiet are mainly at capacity. Children are being taken by bus from the area to Magor and Undy. Developments in the future will add to the number of children residing in the area putting even greater strain on school places.
- There will be over 100 children seeking school places in the future. Financial contributions will need to come from the developers to cover the shortfall. Adequate provision should be established in tandem with the development and not after completion.
- Caldicot Town Council seeks to support the development with observations identified.

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

- The site is allocated in the adopted Local Development Plan (LDP) and the principle of development is fully established.
- It is acknowledged that a number of local residents and community and town councils have raised concerns in relation to the proposal. The two main issues relating to highway matters and the impact on the local infrastructure and community facilities.
- The application scheme is centred around a primary access onto the B4245 and a secondary access onto Crick Road. Considerable work has gone into the master plan road hierarchy which has been designed to ensure that the most convenient access will be onto the B4245 and any route onto Crick Road will have hindrances. The primary route will be onto the B4245.
- The site is well located in terms of being in easy walking and cycling distance to the community facilities of Portskewett.
- New footpaths and traffic calming measures will be provided along Crick Road and the B4245 to the Mitel Roundabout. These improvements will provide a safe route to Portskewett Primary School and to the local facilities within the village.
- A direct footpath and cycleway will also be provided over the railway bridge to Caldicot which will provide access to the castle, country park, the comprehensive school and the town centre. These improvements will benefit the wider community.
- Highways has raised no objections to the proposed scheme and supports what is being proposed and what is contained within the traffic assessment.

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- The Section 106 head of terms that have been agreed with officers will improve and enhance local infrastructure and facilities within the area.
- A contribution will be provided in the sum of £50,000 to improve local bus services. £400,000 will be provided to improve recreation facilities and over £800,000 will be provided towards education provision.
- 25% of the development will be affordable housing provision and there will be extensive Section 278 works to ensure that the highway improvements are implemented.
- In terms of health provision, the local Health Board was consulted as part of the LDP process and the planning application process and did not identify a need for improved G.P. provision in Portskewett.
- The layout of the proposed site has evolved during consultation with officers. The master plan and design and access statement demonstrate a commitment to the highest standard of urban design with dementia friendly principles being at the forefront.
- Provision of meaningful greenways measuring up to nine metres width span the length of the site. Significant green infrastructure provision including links with the adjacent railway line.
- Provision of a large central area of public open space comprising of a locally equipped play area costing in the sum of £125,000.
- The retention of four large oak trees and the retention of the majority of existing hedgerow.
- There will be significant landscaping throughout the site to ensure a quality living environment.
- A care home will also be provided which is much needed in the community.
- All material considerations have been addressed.

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

- Traffic management measures are required around the Parkwall Roundabout area and before the Crick cross roads to reduce traffic speeds at this location.
- The site adjacent to the B4245 has a history of flooding which will need to be managed.

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- There are vacant spaces in Caldicot Comprehensive School. However, local primary schools are at capacity.
- There are flooding issues with regard to the Nedern Brook, which has led to flooding of the nearby area.
- Drainage issues in and around the surrounding area of the proposed development need to be carefully assessed.
- The proposed affordable housing is needed for this area.
- The concerns of Mathern Community Council, outlined in the report of the application, were re-iterated.
- Concerns were also raised regarding infrastructure. A Member considered that the traffic assessment that had been undertaken was inadequate, as it only referred to the roads surrounding the area. It was considered that vehicles will be potentially travelling to Bristol via the A48 Pwllmeyric and to Newport. It was also considered that the destination of these vehicles had not been taken into account when the traffic assessment was being undertaken. Caldicot, Portskewett and Chepstow are all interlinked in terms of traffic flow and traffic management. An accident in Chepstow can lead to gridlocked traffic along this route through Portskewett and Caldicot, which can have a similar effect if an accident occurs in Portskewett or Caldicot. The access to Crick Road is not a good idea as it is a narrow road. Measures to prevent access to this narrow road are unclear. Traffic calming ramps had been previously installed but had caused drainage issues. Bus stops will be required on both sides of the road and should include lay bays with appropriate disabled access, as easy access to the care home will be required. It was suggested that deferral of the application should be considered to investigate the highways issues that had been raised.
- There will be an increase in traffic flow. However, vehicle movements will occur at various times and will be travelling in different directions.
- Currently, a variety of events occur annually in the area which generates additional traffic. However, the existing road system is able to cope with an increase in vehicular movements.
- There is a local need for affordable housing within this area and this is an allocated site within the LDP. Considerable work has been undertaken with regard to the design of the site to mitigate the issues that have been raised.
- This is an exciting development and could become a model for other developments to be based on.
- It would be beneficial if local people could be persuaded not to use the secondary access but instead to use the B4245.

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- Some Members expressed their support for the development as it is vital that the facilities outlined in the report of the application are located on this site.
- 25% affordable housing will be brought to the area.
- The care home will benefit people residing in the area.
- In response to issues raised by a Member regarding highways and G.P. provision, the Head of Planning, Housing and Place Shaping informed the Committee that the Highways Department would have considered the wider highways impacts such as movements around the County and the pressures from the removal of the Severn Bridge tolls. There is a Section 278 Agreement involving various off site highways works that includes speed reductions that have been referred to. The concerns regarding G.P. capacity are noted. However, Members will note from another application on the agenda that there will be an extra G.P. in a surgery located a short journey away from the site.
- The Development Management Area Manager informed the Committee that in terms of highways implications, the site has gone through a vigorous LDP process and the infrastructure and road networks would have been addressed. The Highways Department has reviewed the off-site mitigation measures that have been established and considered them to be acceptable. In terms of the planning application, the Highways Department was satisfied with the information that had been submitted and had considered that this development would not have an adverse impact on the local network and deemed this to be acceptable. With regard to the ramps on Crick Road, these traffic calming measures have been established and agreed by the Highways Department which would be aware of any drainage issues that might be occurring. There will be a reduction in the speed of traffic in this area due to the traffic calming measures. With regard to bus stops and laybys, the Highways Department generally does not look for the provision of laybys on 'B' roads. The preference would be for the buses to remain on the road when stopping, which acts as an additional traffic calming measure. This site is not located within a flood zone. With regard to the allocation of affordable housing for local people, it was noted that Monmouthshire's housing policy and the allocation policy would aim to prioritise people in need in Monmouthshire.
- The Strategic Transport Group is looking at ways of getting people to reduce using their cars and to encourage better use of public transport and it was considered that officers should liaise with the Strategic Transport Group for this and future developments.
- In response to a question raised regarding bollards to restrict emergency vehicles, it was noted that this access would be a secondary access to the site and there would be no bollards erected there.

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The local Member for Portskewett summed up, as follows:

- He is not against the principle of development at this site and welcomes the Section 106 funding and where this money will be spent and the affordable housing allocation.
- He acknowledged the additional traffic issues that will impact upon the community which will be challenging.
- People should be discouraged from using the secondary access and acknowledged that some work was being undertaken regarding this matter.

Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins that application DM/2018/00696 be approved subject to:

- The 20 conditions, as outlined in the report.
- Three additional conditions, following publication of the report, namely:
 - Retaining the hedgerow to the east of the site in perpetuity to a height of 1.8 metres.
 - Removal of permitted development rights to provide a means of enclosure along the site boundary with dwellings on Treetops.
 - The scale parameters to be a maximum height of 12 metres for the residential development and 18 metres for the care home.
- A Section 106 Legal Agreement.

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

For approval	-	11
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2018/00696 be approved subject to:

- The 20 conditions, as outlined in the report.
- Three additional conditions, following publication of the report, namely:
 - Retaining the hedgerow to the east of the site in perpetuity to a height of 1.8 metres.

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- Removal of permitted development rights to provide a means of enclosure along the site boundary with dwellings on Treetops.
- The scale parameters to be a maximum height of 12 metres for the residential development and 18 metres for the care home.
- A Section 106 Legal Agreement.

4. Application DM/2018/00880 - Outline Application (With All Matters Other Than Access Reserved For Future Determination) For The Erection Of Up To 130 Dwellings (Use Class C3), Provision Of New Open Space Including A New Community Park And Other Amenity Space, Engineering And Landscaping Works Including Sustainable Urban Drainage System And Enabling Works. Land To East Of Church Road, Caldicot, Monmouthshire

We considered the report of the application, and late correspondence, which was recommended for approval subject to the 13 conditions, as outlined in the report and subject to a unilateral undertaking.

The local Member for Caldicot Castle attended the meeting by invitation of the Chair and outlined the following points:

- This has been a highly controversial proposed development. Many residents have contacted the local Member outlining their objections to the proposal. Also, a small number of residents have come forward indicating their support for the affordable housing proposals.
- The vast majority of residents have opposed the scheme for a myriad of reasons.
- This site does not form a part of the Local Development Plan (LDP). The Council has only agreed to give appropriate weight to the lack of five year land supply rather than considerable weight.
- Concerns have been raised regarding the infrastructure within Caldicot. The Doctor's surgery has very long waiting times and it is very difficult to obtain a NHS dentist in Caldicot, leading to higher prices for dental treatments.
- The local primary schools are at capacity.
- Aneurin Bevan University Health Board has stated that there are issues with recruitment rather than building size, but this is no consolation to elderly residents struggling to obtain an appointment to see their G.P.
- Schools are addressed via Section 106 Agreements. However, Caldicot's primary schools are at capacity. The Town cannot wait for houses to be built and then receive Section 106 funding before the primary school places are put in place to accommodate the additional need. Primary school children within

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Caldicot are currently having to travel across the town to attend a school that can accommodate them.

- Capacity needs to be built into the primary schools to accommodate the additional children that will arrive as a result of approving the application to provide additional housing within the Town.
- Concern has been expressed that the proposed houses will appeal to Bristol commuters which could lead to a reduction in Welsh language provision that currently exists within Caldicot.
- Concerns have been raised regarding the archaeological remains that have been found in Nedern Rise and whether more will be discovered and damaged by the development of the site.
- Increased traffic flow could have a negative impact on the air quality and cause damage to the Roman ruins at Caerwent.
- The site contains a public right of way which is used by ramblers and the local community. The right of way will no longer be an attractive route as it will traverse a housing estate. Concerns have been raised that walkers will change their route and walk through the site of special scientific interest (SSSI), potentially creating a negative impact on wildlife. Natural Resources Wales (NRW) aims to deter walkers from the SSSI.
- Concerns have been raised regarding road safety issues on Church Road, especially around the beginning and end of the school day. An increase in traffic flow on Church Road will exacerbate an already dangerous situation.
- Another road safety concern is the entrance to the site via Heol Sirhowy and Heol Trothy. These are small estate roads with children playing in the streets. A second access is required.
- There is concern regarding the increased strain on the road network to and from the Severn Bridge with the potential need for a slip road on and off the M48.
- Noise pollution may become a problem, especially if the tree barrier is reduced between the existing development and the M48.
- A number of residents have been concerned regarding the loss of views of the countryside and are further concerned that the gifted country park section might be developed in the future.
- Concerns has been expressed regarding the increased flooding risks from the Castle grounds that might encroach in to Heol Teifi.

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- The primary concern regarding the proposed development is the ecology of the SSSI, as this site is valuable to flora and fauna which could be damaged should the proposed development be approved.
- This site is not in the LDP. The application does not have to be approved. Existing residents did not anticipate that this site would be developed.

Councillor O. Edwards, representing Caldicot Town Council, attended the meeting by invitation of the Chair and outlined the following points:

- Caldicot Town Council supports the need for affordable housing. However, the Town Council had refused the application.
- The proposed development is outside of the LDP.
- There is insufficient infrastructure.
- There is a lack of primary school places in the Caldicot area.
- The doctors surgery will struggle due to the increased numbers of patients, not just from this development but from developments at Crick, Sudbrook, Magor and Undy.
- Church Road is the main road that traverses Caerwent and into the town centre. Additional traffic will cause a 'bottle neck', especially during school opening and closing times causing a risk to the children's safety.

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

- Over 200 concerned residents have registered their opposition to the proposed development.
- There have been three public meetings held in the last six months with many valid reasons for objections to the proposal being raised.
- John Griffiths AM has also attended a public meeting and had expressed his support for residents' opposition to the proposed development in a subsequent newspaper article.
- Caldicot Town Council and Caerwent Community Council have objected to the proposed development.
- 420 homes are proposed for the Caldicot area which will have a detrimental effect to the infrastructure of the town in the short term with the two developments being one mile apart.

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- Over 1000 people and associated vehicles will join the network that currently exists, in the coming years.
- The area for the proposed development is an area of open countryside and has no special circumstances. It is contrary to policy and is a departure from the LDP.
- Two weeks ago a new notice was posted in the area to change the route for the existing public right of way. The right of way is located in existing open countryside away from the SSSI. The change will take the right of way through the new housing estate.
- HGH Consulting considers that the gifted community park will compensate for the loss of green area and the existing right of way. Caldicot Castle is already a well used community park with a maintained and policed infrastructure. The current field is not planned to include any infrastructure. Entry and exit of the proposed community area will be across private driveways.
- The Castle Community Park will also be impacted by the proposed new estate, as it will be within 100 metres of the development. Reports indicate moderate to high negative impacts on views and amenities to the proposed development.
- The existing right of way runs alongside a nearby lake. All views of the lake and wildlife will be lost.
- There could be a risk to the SSSI as close proximity of construction to the protected area is a material planning consideration and should remain a protected site. A full environmental impact should be commissioned.
- EDP is used by Monmouthshire County Council and HGH Consulting. Concern was expressed that this might result in a conflict of interest.
- The SSSI habitat supports species that are listed as of principal importance for conservation in Wales and has been upgraded to a priority habitat.
- The British Geological Survey has recommended that the SSSI site be reclassified as a UK bat priority habitat.
- The majority of the site is grade 1,2,3 agricultural land. Planning Policy Wales (PPW) gives weight to the protection of land in grades 1,2 and 3a. The proposal for development of this land is not in accordance with the objectives of PPW. Land of this grade is capable of producing high yields of arable and horticultural crops.
- There is a strong feeling within the local community that this development is a development that is too far and will be detrimental to the local environment and infrastructure and should not be progressed.

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

- Development of this area of land has always been envisaged up the boundary of the SSSI but no further.
- A large proportion of the land is reserved as green space. The community park is in the region of seven acres which will be given to the County Council with funds to provide for its future maintenance.
- Planning decisions need to be based on evidence. The applicant and officers have been working together to ensure that the best proposed development scheme is produced and independent verification has been sought when required.
- Officers have ensured that if any mitigation / policy compliance is required, it is achieved via a Section 106 Agreement and conditions.
- The total value of the Section 106 Agreement, including the affordable housing element, equates to a figure in the region of £4.5m.
- This application has been amended and improved during the process and now satisfies the ground rules indicated by Council on 20th September 2018.
- The application has been a well conceived and well assessed scheme and there is no reason for the application to be refused.

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

- Members noted that the site is not allocated for development in the LDP. Members considered the application in the light of the decision made by Council on 20th September 2018 which provided the Council's position, in principle, for residential development on unallocated sites. The shortfall in housing land supply was given 'appropriate weight' and the application was considered against the 11 'ground rules' agreed by Council on 20th September 2018.
- Approval of the application will ensure that the site is fully developed and is complimentary to existing housing developments.
- It is a natural site for development. It is bounded by the belt of trees which contain tree preservation orders. The site cannot be developed any further east.
- Concern was expressed regarding the effects to the junction in Caerwent and ideas to mitigate this have been submitted to the Highways Department.

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- The Authority does not have to wait for the Section 106 funding to extend the school as it can borrow money on the strength of the Section 106 Funding that is coming into the Authority.
- G.P. provision is decided on population. The current surgeries have the facilities to bring in additional G.P.s.
- The Head of Planning, Housing and Place Shaping informed the Committee that there is a clause within the agreed unilateral undertaking in which there is a restriction that the community park shall only be utilised for the purposes of public recreation and for no other purpose.
- There is a need for additional housing in the area.
- There will be 35% affordable housing provided, should the application be approved, providing an additional 14 affordable houses.
- The woods and the SSSI creates a natural barrier preventing further development of the site.
- Investigations are underway regarding Castle Park Primary School to provide parking for school staff and to provide a drop off area for parents.
- Concern was expressed regarding the junction between Church Road and the Roman Road which was considered to be a dangerous access point. A Member considered that traffic assessments needed to be looked at on a wider basis, as there is a traffic impact on the surrounding villages when large housing developments are implemented. There are issues regarding the infrastructure within the area that incorporates the site. The advantages of having developments within the LDP means that the larger infrastructure requirements are looked at. Piecemeal applications create a cumulative impact in the area which is not accounted for. The Local Health Board had indicated that up to the year 2026 there are a total of 4484 houses proposed with a potential increase in the population of 11658. Potentially, six G.P.s will be required. Currently, it is difficult to obtain routine G.P. appointments in the area due to the existing pressures on G.P surgeries as a result of the existing population. Developments require proper infrastructure provision.
- In response, the Head of Planning, Housing and Place Shaping stated that with regard to education, records are kept regarding which applications have been approved and what is already allocated within the LDP. Therefore, this process will be undertaken for this application. The same applies for traffic assessments and the work being undertaken on a regional and all Wales basis with the local Health Board and the NHS to ensure that the interaction that takes place between Planning and Health facilities is incorporated, going forward.

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- With regard to the application, the Health Board has indicated that there is a capacity issue which needs to be addressed. The solution is to appoint an extra G.P. at the Caldicot surgery. The building and car park can accommodate this. There is no requirement to extend the building or car park so no Section 106 Funding will be required for this.
- The Delegation Panel, together with the local members, should be involved with the design of the proposal.

It was proposed by County Councillor M. Feakins and seconded by County Councillor D. Evans that application DM/2018/00880 be approved subject to the 13 conditions, as outlined in the report and subject to a unilateral undertaking.

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

For approval	-	9
Against approval	-	2
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00880 be approved subject to the 13 conditions, as outlined in the report and subject to a unilateral undertaking.

5. Application DM/2018/01050 - Residential development of up to 111 dwellings, new vehicular access from Monmouth Road and emergency vehicle access to Station Road, public open space and associated landscaping, engineering and infrastructure works. Land Development off Monmouth Road, Raglan, Monmouthshire

We considered the report of the application, and late correspondence, which was recommended for approval subject to the 16 conditions, as outlined in the report and subject to a unilateral undertaking.

The local Member for Raglan, attended the meeting by invitation of the Chair and outlined the following points:

- Raglan is a rural secondary settlement and only 10% of the overall housing provision for Monmouthshire is required in rural secondary settlements.
- The current application for 111 houses would result in a 36% rise in the number of houses in the village.
- The application is contrary to the Local Development Plan (LDP). This site is inappropriate in an unsustainable location.
- It is set in an area of good agricultural land and is not within the LDP. It is a development set outside of defined settlement boundaries.

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- The development will create a negative impact on the local infrastructure. In particular, the A40 crossing and junction will experience a 33% increase in traffic in the morning peak times and an 18% increase in the afternoon peak.
- There have been five recorded road traffic accidents in the previous five years, two of which were serious accidents. There is a likelihood of further road traffic accidents with increased traffic flow, should the application be approved.
- The A40 has been a concern for Raglan residents for some time. Concern has been exacerbated with increased pressure on this junction, as the junction is unsafe.
- The high street will also be under considerable pressure, should the application be approved.
- Most residents recognise that there is a need for housing throughout Monmouthshire and that Raglan will not be exempt. Raglan, in particular, requires affordable housing provision. However, there are other, more suitable sites which will generate less pressure on the highway infrastructure and make use of the by-pass.
- Approval of this application could be seen as a catalyst for further development in the area.
- Raglan lacks the infrastructure and opportunities to accommodate a large development which threatens to alter the existing village status.

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

- The representative had contributed to the creation of the existing LDP.
- The application is ignoring a number of clauses within the LDP.
- In terms of the number of houses proposed, considerable weight is being applied as opposed to appropriate weight.
- With the 45 houses on Chepstow Road that have already received planning permission, the additional 111 houses would result in a 36% rise in the number of houses in the village, which is considered to be far beyond appropriate.
- The scale of development is not acceptable.
- Local shopkeepers do not require the proposed added patronage that the development would bring to the village.
- The primary school is currently at capacity and could not accommodate any additional children coming into the village.

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- The development will be built on a significant portion of the best agricultural land in Monmouthshire.
- Planning Policy Wales (PPW) states that note should be taken of existing infrastructure. It is considered that this is not being taken into account.
- The Spatial Plan for Wales 2008 refers to sustainability. People moving into the area would not be working in Raglan but would be commuting out of the village.
- The Community Council requested that the application be refused.

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

- 200 posts objecting to the application have been placed on the planning portal.
- It was considered that the proposed scheme has been engineered to exploit a loophole created by Welsh Government promoting sites outside of LDPs where local authorities have a shortage of planned housing development.
- In July 2018, Lesley Griffiths AM stated that such speculative applications generate uncertainty for communities and add to the detriment of the plan led system.
- Residents are disappointed as the site is owned by a former County Councillor.
- It was considered that the Planning Department takes a strong approach in the Raglan area with refusal for domestic type fences in fields, enforced removal of play items in fields and policed the fenestration of new extensions.
- It was considered that the report of the application is flawed, for example, the school has 210 places with 204 pupils on roll leaving only 6 places for the 10 pupils generated from the 45 homes already approved. It is impossible to extend the school. Therefore, the 24 children generated via this scheme will be required to go to a primary school in Abergavenny.
- It is disingenuous for the proposed site to be located close to the primary school as these pupils will not be attending their local primary school.
- The covenant remains in place.
- The recreation contribution within the Section 106 Agreement is halved from £3000 to £1500 per unit.
- David Davies MP has written to the Head of Planning, Housing and Place Shaping supporting Raglan Community Council's suggestion that the application be refused and then referred to the new LDP process.

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- The Community Council is supportive of sustainable development and acknowledge the need for affordable housing in the village.
- If the scheme is approved, in addition to the 45 houses already granted, it will increase the size of the village by 36%. Such over development will incapacitate the local infrastructure.
- The Community Council asked that the Planning Committee considers refusing the application and work with the Community Council alongside others in the new LDP.

The applicant's agent, Mr. G. Barton, attended the meeting by invitation of the Chair and outlined the following points:

- The scheme has been carefully and sensitively designed focussing on a high quality, design led scheme.
- The scheme is a result of a collaborative process, engaging with officers via of the pre-application service and with the community via a public exhibition, resulting in a high quality thought out scheme.
- No statutory consultees, other than Ragan Community Council, have objected to the proposed scheme.
- A significant package of affordable housing and financial contributions are also proposed.
- The development will provide in excess of £800,000 worth of planning contributions. This could include a contribution towards a new village hall, widened and new footways, improved public transport and provision of primary school places. These contributions will benefit existing and new residents of Raglan.
- It had been accepted that residential development could come forward on unallocated sites where schemes are otherwise acceptable in planning terms and the agreed ground rules are met. The proposed scheme accords with both and should be supported.
- The scheme will aid people to access the local housing market.
- 39 affordable housing units form a part of the scheme. Letters of support have been received in respect of the need for affordable housing in the area.
- With a signed unilateral undertaking and a shortened time period for delivery, there will be no delay to these houses being built, should the application be approved.
- The proposed scheme will make a difference to those in need.

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- If new houses are delayed until the LDP review has been completed, there will unlikely be any provision of housing in settlements such as Raglan before 2023.
- The scheme will bring a number of benefits and will make a significant contribution to addressing the existing housing shortfall.

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

- Members noted that the site is not allocated for development in the LDP. Members considered the application in the light of the decision made by Council on 20th September 2018 which provided the Council's position, in principle, for residential development on unallocated sites. The shortfall in housing land supply was given 'appropriate weight' and the application was considered against the 11 'ground rules' agreed by Council on 20th September 2018.
- LDP policy S1 identifies Raglan as a rural secondary settlement which under Policy S2 was to take 45 houses over the planned period. At that time it had been considered to be a reasonable degree of growth for a settlement of this size. Compared with the LDP allocation and the household size at Raglan the scale of what is now proposed is disproportionate. Raglan village comprises of an historic core around which development has grown sporadically and at a low level. A large development at one end of the village does not respect its character and will be incongruous in scale. As part of the ground rules that have been approved by Council and outlined in the report of the application, point 6 states that the scale of the additional residential development will be considered in the context of the LDP social strategy. It was considered that this application does not meet the test of the ground rules. Raglan is not in a sustainable location and public transport is limited. Employment centres are some distance away and it was considered that the development will be contrary to Policy S16, as it would generate commuting by private car. Using Grade 3a, agricultural land is contrary to Planning Policy Wales (PPW) where there is no overriding need to develop it.
- There is a need for this development within Raglan.
- The application, if approved, will provide 35% affordable housing in Raglan which will help young people to remain within the village.
- The Head of Planning, Housing and Place Shaping informed the Committee that with regard to agricultural land classification there are three grades of best and most versatile agricultural land, 1, 2 and 3a. National Planning Policy states that local authorities should avoid building on these unless there is overriding need. A detailed site survey indicates that two thirds of the site is 3a. The remaining third is 3b or 4. The two thirds of the site is classified as best and most versatile, albeit at the lesser side of best agricultural quality. The scale of the proposed development is a subjective assessment and is considered to be appropriate for Raglan. With regard to the Council decision on 20th September 2018, a hybrid approach had been agreed. This spatial option looked at both the pressing need

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in the south of the County and the LDP settlement hierarchy. Raglan is a rural secondary settlement and falls somewhere between the two. It is acknowledged that there are not key employment opportunities in Raglan and there will be reliance new residents commuting by car. However, in terms of connectivity, Raglan is well connected. A contribution will be made to improve public transport provision. 45 homes have been allocated in Raglan. With regard to school capacity, the Authority cannot build schools larger than is required and is not allowed to plan for surplus places. Currently, children are brought into Raglan to attend the primary school. In future, there is potential for this to change with additional local children being able to attend the primary school with children residing outside of the village attending a primary school elsewhere. The covenant is relevant in in this case in as far as it affects whether this application can come forward quickly. The applicant considers that the covenant issues have been resolved.

- Concern was expressed that the global picture was not being recognised in relation to the County. Monmouthshire is an employment commuter region covering Cardiff, Newport and Bristol but there are no traffic assessments covering these issues. Monmouthshire has a 3.9 year supply of housing. However, household projections have dropped significantly over the previous 10 years. If looking at projected population growth, it was considered that Monmouthshire does not have a five year land supply shortfall as the LDP could have been reviewed to lower population projections. It was considered that an influx of people are anticipated to move into the whole of the County from the Bristol area and this needs to be recognised. In response, the Head of Planning, Housing and Place Shaping informed the Committee that in terms of household projections, they have reduced in terms of percentages in the last three census rounds but the starting point has been higher than originally estimated. One of the reasons for the shrinking of household formations is due to young people still having to live at home with their parents. In planning policy terms, household projections are the starting point, then factor in growth aspirations or other policy concerns. People will continue to migrate into Monmouthshire which has always been a population growth tradition.
- Concern was expressed regarding the highways issues that currently exist within Raglan including the need to cross on-coming traffic.

The local Member summed up, as follows:

- The proposed development looks like urban sprawl in a village.
- This application stands alone and is not similar to previous applications considered.
- Suitability of the site the Committee is being asked to be considered and the large number of proposed houses.
- There are alternative sites for housing provision.

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- 45 houses are already being built within Raglan.
- There have been serious road traffic accidents within the village.
- If approved, the development will not be sustainable.

It was proposed by County Councillor G. Howard and seconded by County Councillor L. Brown that we be minded to refuse application DM/2018/01050 on the grounds that the application is contrary to LDP Policies S1, S2, S16 and H4.

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

For refusal	-	4
Against refusal	-	5
Abstentions	-	1

The proposition was not carried.

We resolved that application DM/2018/01050 be approved subject to the 16 conditions, as outlined in the report and subject to a unilateral undertaking.

6. Application DC/2018/00138 - Erection of 1 no. stable block & Change of Use of land for the grazing of horses. Land Adjacent Box Bush Farm For Development Of Stable Blocks Box Bush Road Great Oak Bryngwyn Monmouthshire

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

The Planning Committee had previously considered this application on 7th August 2018. After discussions about the merits of the application, the Committee deferred consideration of the application until a revised site layout had been produced showing the stable block to be moved further away from the adjacent neighbour's property at Box Bush Barn.

Having received the revised plan the application is being re-presented to the Planning Committee following the previous deferment. The proposed stable block has been moved further down the field away from the immediate neighbouring property Box Bush Barn and is now sited 43 metres away from the adjoining boundary. The neighbouring properties have been consulted.

The Development Services Manager informed the Committee that that this application is a major development and it involves a material change of use of more than a hectare of land. Therefore, the application will need to be advertised as a major development and the Committee were asked to consider deferring the application due to these circumstances.

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It was considered that a condition regarding the siting of the horse manure be included in future consideration of this application.

We resolved that consideration of application DC/2018/00138 be deferred to a future meeting of the Planning Committee to allow officers to advertise the application as a major development, as the application involves a material change of use of more than a hectare of land. Also, any future consideration of this application will include a condition regarding the siting of the horse manure.

7. Application DM/2018/00731 - Full planning application for the development of a workshop (B2), two storey office (B1), valet / car preparation area (Sui Generis), parking areas for car storage (B8) and associated infrastructure works (revised Phase 2 Ecological Survey, Planning Statement and FCA received 27.07.2018 and 02.08.2018; Revised FCA received 05.09.2018). Land At Newhouse Farm Industrial Estate, Chepstow, NP16 6UD

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

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

- The local Member and Mathern Community Council are content with the application. However, Mathern Community Council had expressed disappointment that the applicant had not responded to an invitation to meet with the community council with regard to the pre-application stage.
- Drainage issues were raised at the Planning Committee site inspection with regard to effluence and the removal of contaminants. In response, it was noted that the trade effluence for the valet chamber will go into a private pumping chamber. A licence from Welsh Water will be required. Effluent would not enter into the environment. Natural Resources Wales (NRW) has reviewed this process and is content.
- The application, if approved, will improve local employment.

Having considered the report of the application and the views expressed by the local Member, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DM/2018/00731 be approved subject to the nine conditions, as outlined in the report.

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

For approval	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

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We resolved that application DM/2018/00731 be approved subject to the nine conditions, as outlined in the report.

8. Application DM/2018/00858 - Four bedroom detached property, with integral garage. 100 Hereford Road Monmouth Monmouthshire NP25 3HH

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

Planning Committee had previously considered the application on 3rd July 2018. After discussions about the merits of the application, Members had approved the proposed development subject to the applicant signing a Section 106 Legal Agreement requiring a commuted sum of £26,068 for a contribution towards affordable housing provision in the locality.

The application was re-presented to the Planning Committee on 2nd October 2018, as the applicant had 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 had been scrutinised by the Council's Senior Housing Strategy & Policy Officer who had concluded that this particular site was not able to provide a financial contribution towards affordable housing. On the 2nd October 2018 the Planning Committee had deferred a decision on the application until the figures in relation to the viability of the scheme had been scrutinised by the Planning Committee.

In terms of a timeline of this site, there is an extant outline planning consent on the site under application DC/2016/00519 (16/02/2017) where a S106 legal agreement had been signed for an affordable housing contribution of £26,068. This application had been submitted and the legal agreement signed by the previous owner of the site. The applicant for this application (DM/2018/00858) had purchased the site and had submitted a full planning application and after fully considering the build costs of the development was unable to provide an affordable housing contribution given the viability of the scheme. This had been evidenced by the applicant and verified by the Council's Affordable Housing Officer.

Given that a full viability appraisal of the development had concluded that a financial requirement was not viable for this particular site, it was recommended that the application be approved, subject to the conditions outlined in the report, without any requirement for a financial affordable housing contribution.

Having considered the report of the application, it was noted that the Planning Committee should receive Supplementary Planning Guidance to deal with the issues of viability. Some local authorities have made issues of viability public which has improved the situation for these authorities. The Head of Planning, Housing and Place Shaping informed the Committee that there was no need for Supplementary Planning Guidance. However, he has liaised with other authorities about publishing viability statements. In the meantime, this information will be shared with the Planning Committee on a confidential basis.

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It was also considered that Condition 1 of the report of the application should be amended so that the development shall begin within three years from the date of permission, rather than five years.

It was proposed by County Councillor R.J. Higginson and seconded by County Councillor P. Murphy that application DM/2018/00858 be approved subject to the six conditions, as outlined in the report without any requirement for a financial affordable housing contribution. Condition 1 to be amended so that the development shall begin within three years from the date of permission, rather than five years.

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

For approval	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00858 be approved subject to the six conditions, as outlined in the report without any requirement for a financial affordable housing contribution. Condition 1 to be amended so that the development shall begin within three years from the date of permission, rather than five years.

9. Application DM/2018/01089 - Conversion Of Two Agricultural Barns And Associated Outbuildings To Residential Use. New Trecastle Farm, Trecastle Road, Llangovan, NP25 4BW

We considered the report of the application which was recommended for approval subject to the conditions, as outlined in the report and subject to a Section 106 Legal Agreement.

The application had been presented to the Planning Committee on 4th September 2018 with a recommendation for approval. The Committee had deferred consideration of the application pending further information from the applicant about the potential for the barn to be used for business purposes (a criterion of Policy H4 of the LDP) and information about other structures on the site (a nearby silage pit and an existing agricultural building that had been proposed to be retained).

The applicant had responded and provided a business use statement, as outlined in the report.

The application was re-represented to the Planning Committee with a recommendation for approval subject to the conditions, as outlined in the report and subject to a Section 106 Legal Agreement.

Having considered the report of the application, it was proposed by County Councillor P. Clarke and seconded by County Councillor R. Edwards that application DM/2018/01089

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be approved subject to the conditions, as outlined in the report and subject to a Section 106 Legal Agreement.

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

For approval	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01089 be approved subject to the conditions, as outlined in the report and subject to a Section 106 Legal Agreement.

10. Application DM/2018/01122 - Retrospective application to extend curtilage to side of dwelling. Construction of 2m high brick wall 1.1m from inside of kerb. 46 Treetops, Portskewett, Caldicot, NP26 5RT

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

Having considered the report of the application it was noted that the wall is well built and does match some of the brickwork on other nearby properties.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DM/2018/01122 be approved subject to the one condition, as outlined in the report.

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

For approval	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01122 be approved subject to the one condition, as outlined in the report.

11. Application DM/2018/01292 - Installation of a portrait bench and figures adjacent to old Cattle Market site and Monnow Bridge. Land Adjacent Monnow Bridge, Monnow Street, Monmouth

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

Having considered the report of the application, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DM/2018/01292 be approved subject to the three conditions, as outlined in the report.

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

For approval	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01292 be approved subject to the three conditions, as outlined in the report.

12. Application DM/2018/01351 - Agricultural building for storage of straw and woodchip animal bedding. Pear Tree Cottage, Danygraig Road, Cross Ash, Nr. Abergavenny, NP7 8NU

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

Having considered the report of the application, it was proposed by County Councillor R. Edwards and seconded by County Councillor P. Murphy that application DM/2018/01351 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	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01351 be approved subject to the two conditions, as outlined in the report.

13. Appeal decision - Land at The Glebe, Newport Road, Magor

We received the Planning Inspectorate report which related to appeal decisions following a site visit that had been made on 25th September 2018.

- Appeal Ref: APP/E6840/C/18/3200088 - Site: Land at The Glebe, Newport Road, Magor.
- Appeal Ref: APP/E6840/C/18/3200092 - Site: Land at Silverdale, Newport Road, Magor.
- Appeal Ref: APP/E6840/A/18/3200781 - Site: Land at Silverdale and The Glebe, Newport Road, Magor.

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We noted that:

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a closed boarded fence to front garden on land at The Glebe, Newport Road, Magor, Monmouthshire NP26 3BZ referred to in the notice, subject to the following condition: Within 1 month of the date of this decision the fence shall be treated with a brown stain finish.
2. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a closed boarded fence to front garden on land at Silverdale, Newport Road, Magor, Monmouthshire NP26 3BZ referred to in the notice, subject to the following condition: Within 1 month of the date of this decision the fence shall be treated with a brown stain finish.
3. The appeal is allowed and planning permission is granted for the erection of closed boarded fencing to front gardens at Silverdale and The Glebe, Newport Road, Magor, Monmouthshire NP26 3BZ, in accordance with the terms of the application, Ref DC/2017/01188, dated 14 November 2017, and the plans submitted with it, subject to the following condition: Within 1 month of the date of this decision the fencing shall be treated with a brown stain finish.

14. New appeals received - 24th May to 23rd October 2018

We noted the new appeals received between 24th May and 23rd October 2018.

The meeting ended at 6.35 pm.

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Application Number: DC/2011/00083

Proposal: Proposed retail development (detailed submission) (Amended plans received 12/09/2018)

Address: Magor Motors, Newport Road, Magor

Applicant: Mr. Rod Morgan

Plans: Site Plan 003 - D, Floor Plans - Proposed 004 - C, Elevations - Proposed 005 - B, Elevations - Proposed 006 - B, Landscaping Plan 007 - B,

RECOMMENDATION: APPROVE

Case Officer: Mrs. Helen Hinton

Date Valid: 14.02.2011

1.0 APPLICATION DETAILS

1.1 This application seeks consent for the development of an A1 retail store on the existing site of Magor Motors. The application is submitted in outline, with matters and details submitted in respect of access, appearance, layout and scale.

1.2 Members will note this application was received in 2011 and was subsequently reported to Committee on 17th January 2012. At that Committee, Members resolved to approve the application subject to the applicant entering into a Section 106 legal agreement to provide:

1. Use of the Wheatsheaf car park as an overflow car park in perpetuity
2. The provision, maintenance and updating of signage and information boards about facilities available in the Magor CSA and the history of the locality including Magor Conservation Area
3. Off-site road works including in respect of the service exit onto Main Road and the provision of a section of footway past the site on Newport Road.

1.3 This report contains information and data from the original committee report with additional information and analysis with regards to up to date data and considerations.

1.4 As part of the original proposal, a delivery access was to be gained partially over a triangular shaped parcel of land 11m wide, 10.5m deep to the north-west of the site, adjacent to the B4245, which is in Council ownership. Despite extensive negotiations, the applicant has been unable to purchase the land and the proposal has now been amended to alter access to the site and exclude this area from the application.

1.5 In conjunction with the access alterations, the proposed store has also been reduced in floor area and an agreement to allow overflow parking from the development in the car park of the Wheatsheaf withdrawn. All parking is now proposed within the boundaries of the site.

1.6 The proposed building would measure at its greatest 44m wide and 15.5m deep with a net retail floor space of 482m². The retail space has been reduced from the 710m² and 651m² as originally and previously proposed. The building would be predominantly single storey, with a two storey element containing storage, offices, plant room and lift at the western end. Externally the building development would be finished with render with natural stone plinths and contrasting panel elevations; painted timber frame windows and doors; and a staggered pitched roof with a maximum height of 12.2m falling to 3.6m finished with natural slate and pre-patinated grey coloured zinc gutters and downpipes. Customer access to the store would be in the southern elevation contained within a projecting gable with lean-to canopy either side. Windows would be provided on all elevations overlooking the highways to the north and east and the public right of

way to the west. The building would be positioned behind the reën and grassed area, in the east. Boundary treatments would include stone walls, timber post and rail fencing, and timber boarding

1.7 All vehicles would access the site from Newport Road, leading into a 27 space car park adjoining the store. The service area on the western side of the building would operate on a one-way system with vehicles entering from Newport Road but exiting onto Main Road. The exit on the B4245 would be gated and restricted to service vehicles with a left turn option only. The overall scheme would require some associated road works, including the provision of a footway along the Newport Road frontage and a splayed vehicular egress onto Main Road from the service yard. A cycle parking area would be provided adjacent to the customer entrance to the building.

1.8 The store would operate between the hours of 8am and 10pm Monday to Saturday, and 10am to 4pm Sundays. The applicant anticipates that the store would employ 10 full time and 20 part time staff.

1.9 Foul water would drain to the mains; surface water would discharge to the adjacent reën via an attenuation and oil filtration system.

1.10 The applicant, who is an owner and operator of Magor Motors, applied to redevelop the site in order to build a retail store in 2005; that application was refused and the subsequent appeal dismissed. The same applicant is of the view that it remains an appropriate time to reapply for redevelopment for retail purposes given an acknowledged shortfall in retail provision in Magor itself, and the proximity of the site to the Central Shopping Area at Magor. The applicant says the family intend to run the store themselves as a 'trolley' store aimed at weekly shopping; a retailer has not been named.

1.11 Site Appraisal

1.12 Magor Motors occupies a prominent site with highly visible frontages to Main Road (a section of the B4245 between Langstone and Caldicot) to the north and to Newport Road (R161) to the east, which leads to Magor shops and The Square. The site is currently in use as a repair garage and includes a fenced compound behind the repair buildings.

1.13 The application site has an area of approximately 0.2 hectare. The current business is accommodated within two large single storey garage buildings and Mill House which is a former stone cottage with slate roof, although repairs and works to vehicles frequently take place on Newport Road. The buildings have a cumulative footprint of 767m². Access is available from Newport Road, both directly off that road and via a lane which serves the fenced compound behind the buildings. The lane narrows to a public footpath on the western side of the site. There is a triangular grassed area to the east, at the junction of Main Road with Newport Road, which is excluded from the application, with the garage buildings sitting behind that grassed area and immediately alongside a reën.

1.14 Adjoining the site to the south-west is Pond House - a traditional cottage - and its curtilage, with more housing directly opposite with Chestnut Close and Mill Cottage to the east and Mill Reën and Cowleaze to the north. Newport Road divides less than 100 m to the south-west of the site, this point marking the visible edge of the Central Shopping Area with The Co-op (formerly Budgens general store), a hairdresser and the Wheatsheaf public house, and a small number of retail units, restaurants and cafes etc., in The Square. Other retail facilities in the wider area include The Flower Shed (formerly Mayfair Stores) further to the south-east along Main Road, and Magor Services at the motorway junction.

1.15 The proposals map of the Monmouthshire County Council Local Development Plan (LDP) identifies that the site is unallocated; positioned within the settlement development limits of Magor; within the Magor Conservation Area, which is centred on The Square; and an area of archaeological sensitivity but is outside of the central shopping area (CSA). The site is unallocated. The site is also partially within the C1 flood zone and adjacent to a C2 flood zone as defined by the Development Advice Maps of Technical Advice Note (TAN) 15: Development and Flood Risk (2004).

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
M11365	Demolition Of Existing Buildings & Erection Of New Village Store & Car Park.	Refused	18.07.2005
M07037	Demolition Of Garage Buildings And Mill House To Provide New Village Store And Car Park.	Refused	18.07.2005
DC/2007/00549	Change of use of existing garage. MOT station, ancillary parts and car sales showroom to include sales and distribution of car motor parts, spares and accessories.	Approved	09.10.2007
DC/2011/00083	Proposed retail development (detailed submission) (Amended plans received 12/09/2018)	Pending Consideration	
DC/2011/00119	Proposed Retail Development (involving the demolition of existing buildings) - Conservation area Consent		Pending Consideration

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S6 LDP Retail Hierarchy
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

RET2 LDP Central Shopping Areas
RET4 LDP New Retail Proposals
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
MV2 LDP Sustainable Transport Access
MV3 LDP Public Rights of Way
MV7 LDP Rear Access/Service Areas
MV9 LDP The Road Hierarchy
DES1 LDP General Design Considerations
HE1 LDP Development in Conservation Areas

4.0 REPRESENTATIONS

Some of the responses noted below have been summarised. The full texts of the consultation responses are available on the Council's website.

4.1 Consultation Replies

Original Application and 2011 Re-consultation:

Magor & Undy Community Council - Approve subject to capacity of mains sewer infrastructure to take foul sewage; proposed HGV/delivery van access to/from B4245 and access to/ from car park onto village road being acceptable to Highways Dept. Particular concerns raised regarding the access/egress of vehicles on to the B4245. There is a need to provide 'crossing control' or traffic light system to ensure the safe crossing of pedestrians across the B4245 from Dancing Hill to the adjacent public footpath.

Reconsultation - Comments as per previous response.

Highways- Object to a new access off B4245 which is a busy arterial route; concerns as to whether the proposed access off R161 can safely accommodate the level of anticipated traffic; and insufficient parking provision.

Re-consultation- Raise no objections subject to conditions.

Following the submission of the Transport Statement, it is noted that the proposed access onto the B4245 would be restricted to use by service vehicles exiting the site only with all vehicles including customer and service vehicles entering the site via the primary access off the R161. It is considered that this will not have an adverse effect on the flow of traffic on the B4245, as service vehicle movements will be infrequent.

In accordance with the traffic data supplied within the Transport Statement the proposed access onto the R161 and the existing junction from the R161 onto the B4245 can accommodate the additional traffic associated with the development and would remain within capacity.

Parking provision remains inadequate - 27 spaces rather than the 43 required by the CSS standards but information supplied by the applicant's consultants suggests this would be adequate given the likely pattern of use and the availability of public parking.

Conditions recommended restricting access to the B4245 to service vehicles only and restricted to one way use (exit only) and a management plan detailing how this will be controlled; visibility splays on the B4245 of 2.4m x 90m in each direction.

Environmental Health (Land Contamination) - Raise no objections subject to conditions.

The Geo-technical and Geo-environmental Desk Study identified a number of potential contaminants and pathways that could be a risk to human health and the aquatic environment. An intrusive site investigation should be carried out to assess the extent of contamination and undertake a quantitative risk assessment to determine actual risk to the potential receptors.

Development Plans - Attention drawn to UDP policies S8 - Village shops and services and S4- New shopping proposals.

Whilst a Retail Assessment has been submitted by the applicant more evidence would be needed to demonstrate that the retailing being carried out would not undermine existing outlets or adversely affect the vitality or viability of the existing centre. Regard must also be had for relevant guidance in Planning Policy Wales for retailing and town centres.

Conservation - Design is rather plain with a strong horizontal emphasis in contrast to the majority of the buildings within the Conservation Area that are of a much smaller scale. The structure should be visually broken down into smaller units with greater vertical emphasis through the use of

a a variety of materials, roof forms, building lines and bays. Boundary wall details should be conditioned. The exposure of the watercourse fronting the site is welcomed with a suitable scheme of landscaping conditioned to increase its prominence.

Environment Agency - Raise an objection.

The Flood Consequences Assessment (FCA) dated November 2008, revised November 2009, fails to demonstrate that the consequences of flooding can be managed over the lifetime of the development. The site lies partially within Zone C1 and the submitted FCA says the proposed development is for residential development. There is insufficient information to demonstrate that the risk of pollution to groundwater is acceptable.

Re-consultation - specifically relating to pollution issues - Raise no objection subject to conditions.

Specifically relating to flood risk - Raise no objection subject to conditions. Having regard for the submission of an updated FCA, the EA are satisfied that the consequences of flooding can be acceptably managed in accordance with TAN15.

Welsh Water - Raise an objection.

The development would overload the existing public sewerage system and no improvements are planned with Welsh water's Capital Investment Programme.

Re-consultation - No objection subject to conditions including separate foul and surface water drainage arrangements.

Caldicot & Wentlooge IDB - The proposal will have no direct effect on the Board's operational interests but sets out advisory notes including reference to the very high ground water levels that are experienced in this area.

Re-consultation - Response as previously provided.

Glamorgan Gwent Archaeological Trust - Raise no objections subject to condition. The application area was the site of the Magor grist (grain) mill and it has been suggested that the millpond to the north was the site of a medieval quay; medieval boats with shallow draught could have navigated along Mill Reen to this site. It is therefore possible that buildings associated with this harbour could have been built on the frontage of the street leading to the Square. Conditions recommended requiring a programme of investigation.

JW Planning (JWP), Retail Consultants to MCC - In the course of the application it was discovered that the retail floor space at Budgens had been underestimated in the assessment by the applicant's retail consultants. Consultants for Budgens submitted letters objecting to the application and setting out updated floorspace and turnover figures for Budgens in Magor. These prompted responses from the applicant's retail consultants and the submission of a revised assessment from J W Planning. The submissions are listed in paragraph 5.1 of this report and are referred to in summary in the ensuing assessment of retail issues.

SEWBREC- report does not identify biodiversity constraints directly affecting the site.

4.22018 Amendments and Reconsultation

Magor and Undy Community Council -Raise an objection on the grounds of increased traffic flow having a detrimental effect on an already overcrowded road; access/egress issues on to busy B4245 and parking Issues.

Highways- Raise no objections. The overall floor area of the building has been reduced therefore the proposed car parking provision is satisfactory and in accordance with the Monmouthshire Car Parking Standards 2012.

It should be noted that the previously agreed exit is already a relaxation of our normal standards as we were reluctant to agree a secondary access to the site, particularly onto the B4245. However, in order to prevent the development being sterilised and to assist with the servicing of HGV's we agreed to relax our normal standards by allowing a HGV 'exit only' onto the B4245. The exit as agreed had satisfactory junction geometry allowing a suitable swept path for HGV's, particularly articulated vehicles, therefore we are unable to relax our standards any further to overcome what is simply a land ownership issue.

The revised details submitted include a topographical survey and swept path analysis for an articulated HGV exiting the site onto the B4245. Having assessed the swept path of the articulated HGV on the topographical survey data we are satisfied that the turning movements can be safely accommodated without the need to overrun the oncoming lane of the B4245 when turning left from the site exit.

Conservation and Heritage- No additional or further comments to make.

Dwr Cymru/ Welsh Water - No response received to date.

Rights of Way - The applicant's attention should be drawn to Public Footpath No 88 in the community of Magor with Undy which runs immediately adjacent to the site. Countryside Access would therefore like it required that the path made up to multiuser adoptable standards and added to the List of Streets as part of the application. An additional pedestrian link into the site from the path would also helpful the requirement of the Active Travel Act. If this cannot be achieved Public Path no. 88 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Rights of Way taking place. No barriers, structures or any other obstructions should be placed across the legal alignment of the path and any damage to its surface as a result of the development or private vehicular use must be made good.

JW Planning (JWP), Retail Consultants to MCC

There is theoretical expenditure capacity to support existing convenience facilities within Magor CSA as well as the application proposal. A significant number of main food shopping trips are currently made to large foodstores outside Magor by car (to Newport and Caldicot).

The application proposal would create an alternative food shopping outlet for Magor residents and, because of its larger size and greater retail offer than the existing Co-op store, would be likely to attract additional 'main food' shopping trips as well as 'top-up' trips. This is a qualitative benefit.

We are satisfied that there are no alternative sequentially preferable sites that could accommodate the application proposal. As noted above, there would be no purpose served by reducing the floorspace size or level of car parking provision associated with a new store, as this could prejudice its ability to attract main food shopping trips.

The principal retailer within Magor CSA with which the application proposal would compete directly, is the Co-op. We believe that the Co-op turnover could be reduced by 25-30%. However, because the Co-op appears to be trading relatively well, this level of impact may be capable of being absorbed, albeit it could cause a significant change in the Co-op's trading format and the range of goods on offer. Whilst we do not suggest that it would necessarily happen, the possibility of closure should not be dismissed (or the possibility of relocation of the Co-op to the new store premises).

Irrespective of any consequences for the Co-op as a retail business, the key planning issue is the effect of the application proposal on the vitality and viability of Magor local centre as a whole (for which the Co-op acts as an anchor trader). Impact on the CSA will be determined in large part by the propensity or otherwise of the proposed store to generate additional linked trips to the CSA.

In the Report to Planning Committee of January 2012 (Paragraph 5.2.1) officers concluded that on balance increased footfall is likely to be achieved in the CSA, given the implementation of robust measures including signage and conditions preventing the store from offering such services as a

post office, ATM, pharmacy or café that are otherwise present in the CSA. In our opinion none of the changes of circumstance since then warrant reconsideration of this conclusion.

Ward Member - No written response received to date.

4.3 Neighbour Notification

As part of the consultation with regards to the initial proposal, 22 letters of representation were received - 12 in objection, 10 in support these area summarised as follows:

Objections-

Including a letter from Mr. Ostler (former owner of Budgens now operated as a Co-op) setting out an analysis of the proposals and the likely implications for the store's continued viability, and a letter from the operator of the Post Office also expressing concern about the potential adverse impact on the viability of that business.

The proposed store would directly compete with existing local retailers to the detriment of those businesses and the Central Shopping Area generally

The figures submitted by the applicant are unrealistic and there is not a need for the proposed store

Loss of viability would impact on the upkeep of existing commercial properties in the CSA and Conservation Area

Contrary to national and local policy and guidance

Highway dangers and congestion

A similar proposal was previously rejected

Noise nuisance

Harm to the Conservation Area

Vacant properties already available in the CSA

Flood risk

Garage needed to help with breakdowns on the M4 and to provide a local service.

Support-

The introduction of competition is welcomed

The store would provide additional shopping opportunities by way of a trolley shop and reduce the need for journeys to towns such as Newport

Job opportunities

Parking proposals are adequate

Other businesses would benefit from spin-off

The remaining stores in The Square would not be affected

Widening of the footpath welcomed.

4.4 Re-consultation with regards to the amended details

The amended plans and details have been advertised by direct neighbour notification (including the Co-op), the erection of site notices and publication of a press note. Six letters of representation have been received and are summarised as follows:

Objections -

Too close to existing trade.

The proposal falls outside the CSA. Policy RET4 requires demonstrable need. Magor and Undy are well serviced by the existing retail provision.

The proposal would be detrimental to the existing Central Shopping Area. The proposal would provide parking on site which would discourage shoppers from visiting the Central Shopping area and have a negative impact on the existing small businesses.

The proposal is too large in scale, unnecessary and will be detrimental to the look and feel of Magor.

There is insufficient trade to support another supermarket of double the size of the existing

Magor and the surrounding area are well served by Asda and Waitrose in Caldicot. If the M4 relief road goes ahead, the junction for access will be on the eastern side of Magor, the amount of passing traffic and trade will decrease significantly.

Proposal will generate increase traffic on the busy B4245 which is very busy and congested.

The current commercial use of the premises operates within restricted hours; the proposal would result in early opening mornings and late opening the evening.

Increased disturbance from opening hours, noise, lights and fumes from delivery and customer vehicles would detrimentally impact homes in Chestnut Close, Dinch Hill Lane, Mill Reen and Main Road.

Turning right onto main road from the access directly opposite the junction with Dancing Hill will be difficult and dangerous creating increased possibility of accidents.

Increase in danger to resident's crossing the B4245 to access the path to the villager centre in direct proximity to the exit.

The existing business is thriving and offers a valuable service to the community.

The proposal will result in the demolition of Mill House which is marked as being of historic significant on the Welsh Government Website and by Cadw.

Support-

It would be nice to have a positive promotion of locally owned businesses, especially if we're to meet the needs of an increased population in Undy through its proposed housing development. As the Postmaster in The Square in Magor, the application is supported providing there are plenty of signs directing people to The Square. Lots of people don't know what is in The Square as not signposted. All business find it hard. Improved signs provided in conjunction with the supermarket would help all.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The present use of the site is as a repair garage. What is now proposed is the redevelopment of the site and the house plot in order to provide a Class A1 (retail) store selling primarily convenience goods. The site falls within the defined settlement development limits but is outside of the Central Shopping Area of Magor. The key considerations with regards to the proposal have been determined as: whether the proposal complies with local and national policies which emphasise the need for new retail developments to protect and enhance the vitality and viability of existing shopping centres; impact on the Conservation Area of Magor; highway safety and free flow of traffic in the area; the residential amenity of those living closest to the site; design; flooding implications; drainage; land contamination and the public right of way.

5.1.2 In carrying out the following appraisal and forming a recommendation, Officers have been mindful that the retail issues are finely balanced with numerous retail assessments which differ in content, assumptions and conclusions being submitted for consideration. These assessments are primarily sourced from NLP - retail consultants on behalf of the applicant who support the application; JWP for the Council who have identified potential advantages and disadvantages ; and GRPC on behalf of the original owners of (the former) Budgens who objected at that time.

5.1.3 The following documents have been submitted by the above parties:

NLP - Retail Assessment dated November 2010

Mr Ostler (Budgens) - letter of objection dated 03-03-11

JWP - letter of advice dated 15th April 2011

NLP - further submission dated 13th July 2011

GRPC - letter of objection dated 25th October 2011

NLP - further submission dated 4th November 2011

JWP - further letter of advice dated 21st November 2011

GRPC - further letter of objection dated 5th December 2011

Ben Morgan (applicant) - email dated 8th December 2011

NLP - further submission dated 19th December 2011.

Nathaniel Litchfield and Partners - Retail Assessment January 2017

These documents are available to view on the website.

5.1.4 Strategic Policy S6 of the Local Development Plan allocates Magor as a local shopping centre - a second tier centre within a three tier hierarchy in the County. The shopping centre at Magor is roughly centred on The Square and comprises a compact area with a small number of retail and service outlets. The application site lies outside the CSA whose eastern boundary is formed by Newport Road. However, over the years the number of A1 retail outlets in The Square has diminished and such units are now confined to a post office/gift shop, pharmacy and charity shop. Other businesses comprise a pub, restaurants and takeaways, estate agents, dentist and opticians.

5.1.5 The general store Co-op (formerly Budgens) with a sales floorspace 277m² is the principal retailer and is the store with which the application proposals would most directly compete, although not entirely comparable as Co-op operates as a top-up store whereas the application store, would have a larger retail floor space (482m²) and is proposed to be run as a trolley store catering for weekly shopping, although GRPC have suggested that the proposed store is too small to function effectively in that way. Co-op presently functions as an anchor trader for Magor shopping centre as a whole, by providing 'spin-off' for the smaller shops such as the Post Office.

5.1.6 The main retail issue for consideration is whether the application proposals would benefit or damage the vitality and viability of Magor CSA. The new store would be likely to have an adverse impact on Co-op. It must therefore be determined whether the potentially detrimental impact of loss of trade would have an unacceptable knock-on effect on the remainder of the CSA based on The Square, or whether the extra trade attracted by a store offering an enhanced shop option would bring a realistic opportunity for additional footfall which would benefit the CSA and the businesses in The Square in particular? The proposed store is further from the CSA and The Square than Co-op but is on the route to the centre from Main Road. Information boards could be required to be displayed to advise on the facilities in and the history of the CSA/Conservation Area and planning conditions could prevent the store providing specialist services such as a post office, ATM or pharmacy. Whilst objections were initially received from Mr Ostler of Budgens (and Budgen's own planning consultants) and the operators of the Post Office, no objections have been received from other local traders. Following direct consultation in light of the amended plans and updated retail assessment no response has been received from the Co-op, with the current Post Master supporting the application, subject to the developers providing increased signage and publicity for the businesses within The Square.

5.1.7 The following appraisal takes account of the submissions listed in paragraph 5.1.2 above. Also of relevance to the consideration of the application is the DJD Retail and Leisure Study (RLS) 2010 commissioned by MCC as part of the evidence base of the Local Development Plan and the Monmouthshire Retail Expenditure Forecasts Update 2016 (MREFU) which has been prepared by JW Planning. The documents contain population and expenditure assessments for various parts of the County including Magor which is identified as one of the six centres in the County, and the only 'village' (as opposed to town) centre, but included because of the population it serves, (Paragraph 1.4 RLS).

5.1.8 Paragraph 15.74 of the RSL study notes that "The CSA is a major asset of Magor in terms of its function, historic character and identity. However, because of its compact nature, the opportunity to undertake further development within it is limited, and any new larger scale retail (or leisure) development could therefore only be achieved outside the CSA". Paragraph 5.65 of the MREFU report reiterates this point

5.1.9 Paragraphs 5.61 and 5.62 of the MREFU report note that the predominant function of Magor centre is for top-up convenience purchases, the majority of the residents' expenditure being attracted to nearby centres such as Newport. The overwhelming majority of Magor residents' expenditure is attracted to centres elsewhere - Newport City Centre and Retail Park being the

most popular destinations. Magor currently retains 19% of residents' expenditure for convenience goods, predominantly accounted for by top-up shopping.

5.1.10 Chapter 10 deals of the RLS study notes that Magor has a diverse range of uses including net retail floorspace of 310 sq. m for convenience goods and 450 sq. m for comparison goods and advises that the catchment is the settlement itself, With paragraph 13.85 stating "there is theoretical capacity to attract back convenience expenditure that is currently lost..."

5.1.11 The data provided as part of the MREFU identifies Magor as having a Sales Floor Space potential (sq.m) of 558 in 2016; increasing to 840 by 2021; 846 by 2016; and 852 by 2031 and a Gross Floorspace Potential (sq.m) - 80% net: gross ratio of 798; 1,200; 1,208; and 1,217 for the same period.

5.1.12 The CSA at Magor is subject to LDP policy RET2 which sets out criteria for the development of retail and service facilities. The policy applies specifically to proposals 'within CSAs' but it reflects the Council's commitment to safeguarding the 'continued vitality and viability of the defined CSAs'; the explanatory text in paragraph 6.1.66 confirms this approach. The Council's retail consultants (JWP) are concerned that if the application proposal were to act as a freestanding store, with limited links to the CSA, it would not meet the requirements of this policy.

5.1.13 In a similar vein, LDP policy RET4 also makes clear that the preferred locations for larger retail developments (over 300 sq. m) are CSAs, with application of the sequential approach where there are no suitable sites in CSAs. In such circumstances, the policy requires that there is a demonstrable need; that it would not undermine the vitality and viability of the centre as a whole; that the development is of an appropriate scale and type; would not have a detrimental impact on future public or private investment to safeguard the vitality and viability of centres; is accessible by public transport and is not on land allocated for other purposes. A need for a convenience store to serve weekly shopping needs - a trolley shop - has been shown to exist. Notwithstanding the comments of the Inspector who dealt with the earlier Magor Motors appeal, it is considered that there are no other suitable alternative sites within the CSA, given the intention to provide specifically, a trolley shop and an associated convenient car park.

5.1.14 The Council's retail consultants have suggested that consideration should be afforded to a development which includes Manor Farm, on the basis that this would be better related to the CSA. Manor Farm has a frontage to Newport Road alongside The Wheatsheaf. However, concerns are raised regarding the suitability of this site in whole or part for a retail development on the scale proposed bearing mindful of the need to provide an access with the requisite visibility splays onto Newport Road, the fact that Manor Farm itself is Grade II listed and the potential impact a new retail development might have on the buildings and their setting. There are also additional issues in that the ownership of the site seems to be unknown and it has not previously been promoted as a development site. It is therefore considered that there is no compelling requirement to promote this site for retail use. The application site itself is already developed and is relatively close to the CSA, occupying an edge-of-centre location. The application site is not allocated for any specific purpose with the ensuing appraisal outlining why it is considered that the proposed development need not harm the vitality or viability of the CSA as a whole.

5.1.15 LDP Policy S6 states proposals for new or enhanced retail and commercial development will be permitted provided they are at a scale appropriate to the local area and its role in the hierarchy. It is considered that the application proposals are of an appropriate scale in the context of quantitative need and the physical scale of the proposed development itself relates acceptably to the physical limitations of the site and its surroundings.

5.1.16 National planning policy and guidance on retail issues, as set out in Chapter 10 of Planning Policy Wales (PPW) Edition 9, November 2016 and Technical Advice Note 4: Retailing and Town Centres 2016, both have objectives aimed at supporting and enhancing the vitality and viability of established centres whilst at the same time ensuring an accessible and effective pattern of retail provision. Paragraph 10.4.1 of PPW sets out those matters to be taken into consideration in the determination of retail applications, the most relevant being:

- Compatibility with an up to date development plan strategy;
- Quantitative and qualitative need for the development/extension
- Sequential approach to site selection
- Impact on existing centres
- Accessibility by a variety of modes of travel
- Impact on overall traffic patterns.

5.1.17 An ensuing paragraph (10.1.7) explains that vitality is reflected in how busy a centre may be, and its attractiveness in its facilities and character. Viability refers to the ability of the centre to attract investment and maintain its fabric. Based on the retail assessments submitted, it is considered that there is spare capacity within the Magor catchment area and that allowing the application need not harm the vitality and viability of Magor Central Shopping Area (CSA) subject to measures to ensure strong links to the CSA and a restriction on the range of goods and services available at the proposed new store.

5.1.18 The requirements of PPW paragraph 10.4.1 are considered below in more detail drawing on the submissions listed in paragraph 5.1.2

5.1.19 Original Quantitative Need Assessment

5.1.20 Where need is a consideration, PPW paragraph 10.2.9 advises that precedence should be given to establishing quantitative need.

5.1.21 There is acceptance among the three retail consultants (NLP, JWP and GRPC) of expenditure capacity within the Magor catchment area since there is significant leakage to shopping centres elsewhere but there is some disagreement on the level of available expenditure.

5.1.22 The RLS 2010 report calculated that in 2009 Magor, with a population of 9213, generated an available convenience goods expenditure of £15.7m of which only 14.3% was retained in Magor. This has subsequently been increased to 19% as part of the MREFU 2016 report.

5.1.23 NLP have extrapolated a population figure of 9311 at 2013 which JWP accept but the two consultants differ marginally in their calculation of overall available expenditure at 2013 from the Magor catchment area:

NLP £17.7m

JWP £16.1m (drawn from the RLS 2010 report).

5.1.24 NLP accepts the RLS estimate of 14.3% market share of available convenience expenditure currently attracted to Magor, made up of 1.2% main food and 38.6% top up. With the new foodstore in place NLP estimate a retention figure of 44% made up of 30% main food and 70% top up, with an estimated convenience expenditure of £7.79m retained in Magor. NLP calculated a total convenience turnover of £6.77m (Budgens £1.02m and proposed store £5.75m) with the expenditure surplus of £1m being dependent on an uplift in market share. JWP consider this to be an arbitrary assumption but notwithstanding this, JWP accepts that there is expenditure capacity to support the proposed store and GRPC do not dispute this.

5.1.25 There is disagreement on how much trade would be clawed back from centres elsewhere. NLP suggest the new store would claw back 92% of its food turnover (with 8% diverted from Budgens) but this has not been substantiated. GRPC suggest that 70% is a more realistic figure and they go on to suggest that as a minimum the proposed store would draw 20% of its food turnover from the CSA with an impact of 54% on Budgens.

5.1.26 There is disagreement on the likely trade impact on the existing anchor A1 store. The three parties disagree on the likely impact of the new store on the existing as the table below (compiled by JWP) shows.

Diversion from Budgens		Turnover/benchmark	Trade impact	
NLP	8%	£0.51m	+3%	-22%
JWP	12%	£0.75m	10%	-32%
GRPC	20%	£1.28m		-54%

5.1.27 NLP calculate the convenience turnover of the proposed store at £6.39m and JPW accept this as a realistic figure although GRPC have raised concerns about its reliability. At the time of the original report the turnover of Budgens was £2.37m but the differing trade diversions estimated by the consultants give rise to the differing residual turnovers indicated and to the differing estimates of post impact performance of the existing store against benchmark. Whilst NLP suggest a figure of +3%, JWP calculate a figure of -10%. GPRC say that using their calculation of a trade impact of -54% the result would be the closure of the store and that even JWP's estimate of a 32% impact would prejudice the future and reduce its turnover to a level that is unlikely to be viable or profitable.

5.1.28 There is disagreement on the likely level of footfall and expenditure in The Square following the operation of the proposed new store.

JWP has criticised NLP's assessments since NLP do not explain how they arrive at the following estimates:

- An additional expenditure of £220,000 for the CSA through linked trips
- A linked trip from the proposed store should generate £30 per visit whereas a linked trip from the Budgens store generates £10 per visit
- The proposed store should give rise to a net increase in linked trip expenditure to the CSA of £145,000 based on a deduction of £75,000 to account for linked trips diverted to the proposed store.

5.1.29 JWP suggest the prospects of the proposed and existing generating linked trips to the CSA have to be based largely on qualitative judgements. The new store with a larger floorspace should attract more shoppers to Magor than the existing provision, but conversely Co-op is more closely integrated with the existing CSA. This again points to the necessity for the proposed store to have strong links with the CSA if linked trips are to be generated.

5.1.30 2018 Quantitative Need Assessment

5.1.31 A retail assessment addendum (RAA) has been prepared by Lichfield on behalf of the Applicant. This update was requested by the Council following the publication of the MREFU which has been prepared by JWP. JWP have subsequently reviewed the RAA and provided a consultation response.

5.1.32 The RAA provides the following information:

Magor catchment area is constrained by large food stores in surrounding towns with stronger food and grocery shopping facilities to the east and west of the local centre. The area is still only served by one convenience food store - the Co-op which took over the premises in 2015. The MREFU states that 95% of the floorspace is dedicated to the sale of convenience goods with the remaining 5% dedicated to comparison sales. The store is predominantly for basket/ top-up food

5.1.33 The MREFU report (Table 4a) indicates that in Zone 6, the most popular destination for main-food shopping was 'Newport' (no specific store listed) with 33.8% of respondents stating they had visited this store for main food shopping. This can likely be attributed to the fact that there are several large food stores in Newport including Tesco Extra (circa 6 miles from Magor), Morrison's (circa 7 miles) and Aldi (circa 6.5 miles).

5.1.34 The Asda (8.5%), Co-op (8.5%) and Waitrose (5.6%) in Caldicot were popular destinations for Zone 6 residents as well as Lidl (5.6%) and Tesco (4.2%) in Chepstow. The Co-op in Magor only attracted 2.8% of Zone 6 respondents for main food shopping. Almost all respondents within Zone 6 stated that they undertake their main food shopping outside of the Magor catchment area, and are driving at least 10 minutes to get to these destinations.

5.1.35 However, the MREFU report (Table 4b) indicates that for Zone 6 residents, the most popular shop for top-up food shopping was Co-op in Magor (48.5%). The 2010 RA suggested that 39% of respondents did their top-up food shopping in Budgen's/ Ostlers, Magor, suggesting that the Co-op store is trading more successfully than the Budgen's/Ostlers store, despite the opening of the new Asda at Caldicot.

5.1.36 The turnover for the proposed store at 2021 is estimated to be £6.19 million, of which £5.86 million will be convenience goods turnover and £0.33 million will be comparison goods turnover. Being mindful of the MREFU report that states that by 2021, there will be a need for an additional 840 sq. m of convenience floorspace in Magor due to a desire to increase retention rates from their extremely low level of 18.8%. It is considered that the proposed store goes some way to meeting the identified quantitative need.

5.1.37 If a new store of the size proposed (almost double that of the Co-op store) were to be provided in Magor, then it can offer a genuine alternative for some of the main food shopping trips that are currently undertaken by Magor residents in Newport, Caldicot and Chepstow thereby improving Magor's existing low retention rate for main food shopping of just 2.9%

5.1.38 In response JWP have provided the following information:

In the absence of factual information on the current performance and turnover of the Co-op, it is helpful to adopt a turnover figure for reappraising the application proposal; and to consider whether the previously used figures for the store remain valid. There have been some changes of circumstance since 2011, namely:

- The store changing from Budgens to the Co-op in 2015;
- The opening of the large Asda foodstore in Caldicot, 2,320 sq.m sales area, in October 2014, approximately 6 km from Magor. This will have abstracted some trade from the Co-op. RPS, who acted for Asda, estimated that £0.2m convenience turnover would be diverted from the Co-op Magor (RPS Proposed Foodstore at Woodstock Way, Caldicot, Monmouthshire Updated Retail Assessment 2011);
- Some growth of available convenience expenditure since 2011.

5.1.39 On balance, given the offsetting of Asda Caldicot abstracting turnover from the Co-op, but available expenditure having grown since 2011, it is possible to adopt the previously used convenience goods turnover figure of £2.37m as applying at 2016, which allowing for post 2016 expenditure growth could become £2.5m by 2021. This is a healthy turnover figure.

5.1.40 A 2021 proposed store convenience turnover of £5.86m, Co-op convenience turnover of £2.5m, and £0.49m convenience turnover in other Magor shops (MREFU 2016 Table 5, £0.46m, with post-2016 allowance for growth) would give a total turnover of £8.85m for Magor shops. However, this overall turnover figure makes no allowance for the impact of the proposed store on the Co-op (and other Magor shops), which would reduce their turnover.

5.1.41 The retention rate for Magor shops will continue to be constrained by the attraction of the large foodstores nearby in Newport and Caldicot, which will remain attractive for Magor residents' main food shopping trips. We are satisfied that a retention rate of circa 38% of convenience expenditure, associated with the application proposal, is justifiable.

5.1.42 Original Qualitative Need Assessment

5.1.43 The application proposal would create an alternative food shopping outlet for Magor residents. The store is intended to function as a larger shopping facility which is not presently available in Magor - although GRPC have questioned whether the proposed store is large enough to fulfil such a function (with the floor area further reduced since the time of the initial assessments). Whilst the proposed store would clearly be much smaller than the superstores found at out of town locations, it could nonetheless function as a store providing greater purchasing opportunities and as such would materially increase the local retail offer. The proposed store would increase choice and would be likely to generate linked trips to other retail, commercial

and community facilities within the CSA. JWP, retail consultants to MCC, have doubts about the extent to which the proposal would generate linked trips and question the information submitted by the applicants on this aspect. However, it remains the case that JWP themselves accept the potential for linked trips provided there are strong links to the CSA. Such links can be secured through the planning process.

5.1.44 2018 Qualitative Need Assessment

5.1.45 Overall, the retail offer in Magor is relatively weak. This is consistent with the 2010 RLS conclusion and paragraph 5.61 of the MREFU report which states that there is a limited range of shops with the centre predominantly acting as a secondary service centre for local residents, failing to cater for day to day shopping needs.

5.1.46 The CSA currently has limited parking opportunities; with a small free council car park on the southern edge of the CSA providing 29 spaces and some on road parking on the main streets. The lack of parking available to serve the convenience and comparison stores is a contributing factor to the high levels of leakage observed from Magor.

5.1.47 The proposal would provide 27 car parking spaces. The purpose of these will primarily be to aid shoppers undertaking their main food shop at the new store. However, shoppers will also be able to walk the short distance (170m) to the other shops and services in The Square. Subject to appropriate management, this could facilitate linked trips with the CSA, to the overall benefit of the vitality and viability of the town centre.

5.1.48 Following further consideration JWP have provided the following response:

As there is no named trader for the proposed store, less reliability can be placed upon specific qualitative benefits that would arise from the store. However, with a sales floorspace almost double that of the Co-op plus 27 dedicated car parking spaces, it can be assumed that the store would be able to stock a wider range of goods and that the adjacent ground level parking would make it more attractive for main food shopping trips in particular. This would represent a qualitative benefit for Magor residents.

5.1.49 On the basis of the above, and as recognised by JWP, it is considered that the proposal meets the qualitative need tests set out in paragraph 10.4.1 of PPW since it would (or could):

- support the strategy and objectives of the LDP;
- be highly accessible by walking, cycling or public transport;
- contribute to a reduction in car journeys (in terms of length of journey);
- contribute to the co-location of facilities;
- significantly contribute to the vitality, attractiveness and viability of Magor centre; and
- alleviate a lack of convenience provision.

5.1.50 Sequential test

5.1.51 PPW states in paragraph 10.2.16 that developers should be able to demonstrate that all potential town centre options, and then edge of centre options, have been thoroughly assessed using the sequential approach. NLP say in paragraph 5.7 of their Retail Assessment, "The CSA of Magor has been tightly drawn, and contains no vacancies, or sites which would be suitable for comprehensive development...". They go on to cite the RLS 2010 (paragraph 15.74) Study in support of this statement and say that in these circumstances it is appropriate to consider an edge of centre site, this being a category into which the application site falls. NLP also suggest that the only other potential edge of centre site, Manor Farm, offers no sequential benefits over the application site. This conclusion is shared by Officers, the findings of the later MREFU report and JWP as part of the 2018 response.

5.1.52 Economic impact

5.1.53 Paragraph 5.1.26 of this report sets out the differing views of the three retail consultants on the likely trade impact on the then Budgens Store. This store makes a major contribution to the

vitality and viability of the CSA and if there is a reduction in footfall in the CSA from trade impact then this is a matter for great concern unless the Local Planning Authority can be assured that any reduction would be balanced or preferably exceeded by footfall in the CSA by way of linked trips associated with the proposed new store.

5.1.54 The shops in the CSA perform an important role within an attractive square which is also a conservation area and a concern for planning officers is that the new store might risk damage to the vitality and viability of Magor CSA. This concern accords with the advice in PPW where paragraph 10.2.12 recognises that it is not the role of the planning system to restrict competition between retailers within centres (although in this case one store would be edge of centre) but rather that the planning system should reinforce the role of centres as the best location for most retail activities. This sits at the heart of the retail guidance in PPW and if, in the worst case, the new store would lead to the closure of the existing store then the application proposals would not sit comfortably with PPW, notwithstanding the duty of the LPA to consider the health of the CSA as a whole and not individual traders.

5.1.55 It is clearly difficult to predict with accuracy the extent of the likely adverse impact on the existing store. If the new store were to trade on the basis of a lower end of the market bulk buy type trolley store, then it is credible to suggest that Co-op could continue to trade as a top-up convenience store offering a different retail facility. If the new store were to operate as a more general store, albeit aimed at main rather than top-up shopping, then it would be in more direct competition with Co-op and in the worst case scenario, the latter store could be forced to close. The planning system has no control over how the proposed store would operate other than by way of restricting the type of services offered such as to preclude, for example, a pharmacy, post office, ATM and cafe. Previous objections have also suggested that an adverse impact on the existing store would have a knock-on adverse impact on local suppliers and this is also a consideration although it does not relate directly to consideration of the viability and vitality of the CSA.

5.1.56 As part of the 2018 RAA, it is assumed that the majority of the proposal's turnover will come from a reduction in leakage as the proposal will introduce supermarket, rather than small convenience store shopping to Magor for the first time, leading to a change in the shopping patterns of residents.

5.1.57 The RAA calculates under half of the store's turnover (£2.81m) is expected to be drawn from food stores in Newport with an estimated 10% of the store's turnover (£0.59m) being diverted from Co-op. The residual of the convenience goods turnover of Co-op store will be £3.24 million, compared with the company average benchmark turnover of £0.95 million. The RAA considers that the Co-op store will continue to trade significantly above the benchmark turnover and that the level of trade diversion will not adversely affect the viability of the store and would not directly lead to its closure.

5.1.58 Whilst it is anticipated that Tesco in Chepstow and Asda in Caldicot are likely to experience a trade diversion of around £0.76 million and £0.82 million respectively, it is considered that both stores will continue to trade significantly above their benchmark turnovers and the trade diversion will be off-set by growth in turnover between 2016 and 2021.

5.1.59 The RAA further considers that the provision of the proposal would attract regular shopping trips with new car parking; new shoppers to the area are also likely to link their shopping trip with the use of services and other shops in the centre of Magor. It is estimated that this could result in additional linked trip expenditure in the village centre of circa £220,000 p.a as per the 2010 RA.

5.1.60 Following consideration, JWP have advised that as a result of the large amount of trade leakage from the catchment area, the majority of the proposed store's turnover will be drawn from stores elsewhere, but that its impact on these stores elsewhere is unlikely to be material.

5.1.55 Based on the currently assumed 2021 convenience turnover for the Co-op of £2.5m, a trade diversion of £0.7m would decline the Co-op turnover to £1.8m and represent a trade impact of 28% ($0.7/2.5 \times 100 = 28$). NLP assesses a trade impact significantly less than this (15.3%) (RAU Table 1 final column), but the principal reason for this is the difference in the assumed turnover of

the Co-op. We believe the Survey derived turnover figure from MREFU 2016 (£3.62m) taken by NLP is likely to be too high which in turn has the effect of reducing the % trade impact arising from trade diversions.

5.1.61 JWP consider the proposal has the potential to reduce the Co-op's turnover by 25-30%. However this level of impact has also to be considered in the context of the post-impact residual turnover of the Co-op, which would be £1.8m (£2.5m-£0.7m=£1.8m). The sales density arising from a turnover of £1.8m depends upon the accuracy of the convenience sales floorspace figure. However, even taking the larger floorspace used in the 2011 assessment attributable to Budgens/Ostler (277 sq.m), a sales density of circa £6,500 would be achieved, which in quantitative terms is a reasonable performance.

5.1.62 JWP consider that the level of impact may be capable of being absorbed, albeit it could cause a significant change in the Co-op's trading format and the range of goods on offer. Consideration must be given to the possible closure or relocation of the Co-op to the new store premises. In the event of vacation of the existing store, the premises would become available for other retail or service uses. It must be acknowledged that the premises are in a prominent position at the entrance to the CSA which enhances their commercial attractiveness.

5.1.63 JWP conclude:

"In the report to Planning Committee of January 2012 officers concluded that, on balance, increased footfall is likely to be achieved in the CSA, given the implementation of robust measures including signage and conditions preventing the store from offering such services as a post office, ATM, pharmacy or café that are otherwise present in the CSA. In our opinion none of the changes of circumstance since then warrant reconsideration of this conclusion."

5.1.64 Overview

5.1.65 The latest advice by JWP advises that there is theoretical capacity and need within the area for the proposal, but reiterates the overall conclusions of their original report. Irrespective of any consequences for the existing store which acts as an anchor trader, and which in the worst case could be closure or relocation, the key planning issue is the effect on the vitality and viability of Magor local centre as a whole.

5.1.66 The level of trade impact from the application proposal could risk damage to the vitality and viability of Magor CSA and its designation as a conservation area. For the application proposals to be acceptable it would be essential for it to perform a strong role in attracting new shoppers to the CSA and this will depend on the quality of the physical links from the new store to the CSA. JWP were initially concerned that the CSA itself may not be sufficiently attractive to draw an adequate number of shoppers from the new store; that the Manor Farm site should be considered bearing in mind its location on the northern edge of the CSA with more effective links to it and that is critically important for the new store to be perceived by Magor residents as being part of the village centre rather than separate from it. While a bigger foodstore with a wider range of goods is to be welcomed in principle, the key land-use consideration is whether this can be brought about alongside protection of the shopping/service centre role and function of Magor CSA and protection and enhancement of the village centre's status as a conservation area. If the store were to act as a freestanding foodstore with limited links to the CSA it would be inconsistent with local and national policy and strategy to maintain and enhance the existing shopping hierarchy.

5.1.67 The concerns raised by JWP remain valid. However, it is considered that the area does contain sufficient quantitative and qualitative need to support and sustain the proposal and the existing store. It is considered links to the CSA can be suitably strengthened through the use of planning conditions and legal agreements to improve the adjoining pedestrian routes and the provision and maintenance of information boards at the application site. Such information boards would identify the facilities available in and near the CSA, and the history of the locality, and thereby encourage footfall into the CSA. A planning condition precluding the use of the application site for, for example, a post office, pharmacy, café, ATM, and lottery ticket sales, would reinforce the role of existing local specialist traders in the CSA who would be expected to benefit from an increased number of shoppers visiting the new store, with attendant benefits also to other traders.

It is recognised that Co-op would be likely to lose some existing trade but the issue for consideration is impact on the centre as a whole and planning officers believe, on balance, that the vitality and viability of the CSA as a whole would not be harmed.

5.1.68 Previous application and appeal decision

5.1.69 In December 2001 an application was made for the redevelopment of the Magor Motors site for a retail development with 560 sq. m shop sales area - more than the current scheme but similarly with first floor office space, and a car park for 26 cars. The Report to Committee on the application referred to the strong local need and considerable leakage out of the area. It was the view of officers that in these circumstances the new store and the expanded then Londis (which has subsequently become Budgens now Co-op) store could co-exist. The site was regarded as edge of centre and the report noted there were no viable alternative sites closer to the CSA. The Report suggested that the development was not considered to undermine the vitality or viability of the village centre and that it met local and national retail policies and guidance. It was also considered that subject to careful design and conditions the development would not harm conservation, residential or highway interests.

5.1.70 The Recommendation was not accepted by Members who resolved that planning permission should be refused for two reasons which alleged that the proposal would undermine the viability and vitality of the shopping centre and that it would be detrimental to highway safety and local amenity due to traffic generation and congestion. An appeal was lodged against the refusal, and the associated refusal of Conservation Area Consent.

5.1.71 In February 2006 an Inspector of the Planning Inspectorate dismissed the appeals making the following points:

- The Londis store was being extended to 525 sq. m and would offer trolley shopping.
- There was a need to retain a higher proportion of retail expenditure in Magor to create more sustainable travel patterns.
- There was likely to be a quantitative need for additional convenience goods expenditure in Magor of about the size of the proposed development.
- Magor did not have a trolley shopping supermarket but this would be provided by the Londis store and the Inspector considered there was little qualitative need for the proposed development.
- The inspector was not satisfied that alternative shopping formats within the CSA had been properly explored to assess available CSA sites.
- The development would reduce linked trips to the CSA and the knock-on effect would be to undermine the vitality, attractiveness and viability of the CSA.
- Reduced footfall and expenditure in the CSA would not preserve or enhance the Conservation Area.

Taking these points together, the Inspector concluded the appeal should be dismissed as was the concurrent Conservation Area Appeal.

5.1.72 In recommending the current application for approval Officers are mindful of the appeal decision referred to above, however, these are now 12 years old and there has been increase in available expenditure and demand. Although there is still a balance to be struck, it is considered that there are clear contextual differences between the two cases. At the time of the appeal decision in 2006 the property boom was nearing its peak; the market has changed considerably since that time. There remains considerable convenience goods expenditure leakage out of Magor and the settlement still does not have a trolley shop. Some years on from the appeal decision Co-op has a sales floor area of 277sq. m (not 525sq m as anticipated by the Inspector). Other differences are that the nature of the CSA itself has changed somewhat, with fewer retail stores. Trading conditions are more competitive, reflecting a different economic environment.

5.1.73 Also of relevance by way of background are two applications by Tesco for redevelopment of the former Undy Service Station site on Main Road as a Tesco Express convenience store, this site being roughly 100m to the south-east of the current application site. The first application (DC/2008/00853) was refused on the grounds that the proposed store would adversely affect the vitality and viability of the CSA and consequently harm the Conservation Area, and highway and

parking concerns. Tesco submitted a revised application (DC/2010/00936) with a slightly smaller sales area and increased parking but these changes did not overcome the Council's fundamental objections to the scheme. An appeal was lodged against non-determination but was not pursued; in the interim the Council's Planning Delegation Panel resolved that they would have refused planning permission if the application had remained within their jurisdiction, the reasons for refusal being broadly the same as those in the case of the first application. The proposed Tesco store was felt to be sufficiently distant from the CSA as to be poorly related to it both physically and visually and that shoppers calling at the store would thus not be likely to make a linked trip to the CSA. The store would be comparable in size with Co-op, offer a similar 'top-up' shopping facility and would thus be directly comparable with that store rather than offering a different retail facility. The parking and servicing arrangements were considered inadequate and potentially hazardous to highway safety. Although repeating points already made, it is the case that the current proposal, whilst also occupying an edge of store location, is nonetheless more closely related to the CSA both functionally and visually. It is considered that the proposal would offer a retail facility not currently available and could provide parking and servicing facilities which meet the requirements of planning and highway officers. There would still be some competition with the existing store, although the Council are required to assess the impact on the CSA as a whole, and by association also the Conservation Area, not just at the potential impact on an individual trader.

5.1.74 Summary

In light of the above, it is considered that the proposed store would help meet both a quantitative and qualitative need for additional convenience goods shopping in Magor. Although outside the CSA the site, it is considered that the provision of additional dedicated parking has the potential to increase footfall in the CSA to the benefit of the retail units there such as the post office and pharmacy, as well as other businesses. There are no available alternative sites in or better related to the CSA and thus the proposal meets the sequential test. Although the likely loss of some trade to an existing trader (principally the Co-op) is regrettable the issue for consideration is impact on the vitality and viability of the CSA as a whole and not competition in terms of impact on an individual trader. On balance, it is considered that the application proposals meet relevant local and national retail planning policies and guidance.

5.2 Conservation issues

5.2.1 The application site lies within Magor Conservation Area the boundary of which follows the rear fronting the site, and includes the central shopping area. LDP policy HE1 advises that developments will only be approved if they "...a) preserve or enhance the character or appearance of the area and its landscape setting." The Council's retail consultants have pointed out that the proposed store could have an adverse impact on the defined CSA. The CSA which is focused on The Square, is an attractive shopping centre with a balance of small shops commensurate with the scale of the centre and its role in the community. The whole of the CSA lies within the Conservation Area. The small shops make a major contribution to the economic use of the buildings within The Square and adjacent streets. These buildings form a key part of the Conservation Area and some are listed. A reduction in trade and turnover could well lead to some closures and/or a reduced level of repair/maintenance of existing retail units to the detriment of the character and appearance of the area around The Square. Such a consequence would be out of accord with policies S17 and HE1 of the LDP and with the advice in Chapter 6 of PPW, which deals with 'Conserving the Historic Environment'.

5.2.3 There can be little doubt that the proposed development would have an adverse impact on Co-op which is presently the anchor store for the CSA in the Conservation Area, notwithstanding that differing estimates have been submitted of the extent of the impact. What is less clear is whether the new store would lead to more or less footfall in the CSA. There is a potential for increased footfall but it is not possible to be certain that this potential will be realised. If footfall is significantly reduced then there is a serious risk of harm to the prosperity of the CSA and thus to the fabric and appearance of the buildings within this part of the Conservation Area.

5.2.4 PPW advises in paragraph 6.5.21 that there will be a strong presumption against the granting of planning permission for developments, which damage the character or appearance of a

conservation area or its setting to an unacceptable level. On balance it is considered that the increased footfall could be achieved by the implementation of signage and conditions imposed on the consent preventing the store from offering services such as a post office, ATM, pharmacy or café that are otherwise present in the CSA.

5.2.5 The site lies within an area of archaeological sensitivity. Following consultation GGAT have raised no objections subject to conditions requiring the developer to undertake an archaeological investigation.

5.2.6 Public concerns have been raised with regard to the loss of Mill House. Although the property is within the Conservation Area and is recognised as being of local importance within the context, the building is not listed. In this instance, the loss of the building whilst regrettable is required to provide a comprehensive and viable redevelopment of the site.

5.2.7 On the basis of the above the application is considered compliant with the requirements of policies S17, HE1 and HE2 of the LDP.

5.3 Highway safety

5.3.1 All vehicles accessing the site would do so from Newport Road (R161) to the east leading to a 27 space parking area. The access and junction would be constructed to the requisite standard with the alterations to the highway network secured by a Section 38 Highway Agreement. Delivery and service vehicles would proceed to the service area adjacent to the western end of the building, which could accommodate two delivery vehicles with a dedicated service vehicle exit provided in the northern boundary leading onto the B4245 which would be gated with a no right turn limitation. Although the need for service vehicles to access the service yard via the car park is not ideal, it is considered acceptable by the Councils Highways Team given the low number of delivery vehicles likely to access the site on a weekly/daily basis. Pedestrian movement to and from the store along Newport Road (R161) would be improved by new and improved footway provision along this particular frontage, with wider benefits to pedestrians walking to and from The Square and other local destinations.

5.3.2 As part of the initial application, the Highways Team raised concerns regarding the creation of a new access onto the B4245 and the impacts this would have on the flow of traffic due to the slowing, stopping, and turning of vehicles access and egressing the site; the proposed junction and capacity of Newport Road (R161) to safely accommodate the level of anticipated traffic; and the parking provision which fell short of the required level.

5.3.3 As a result, a Transport Assessment has been submitted confirming that the proposed access onto the B4245 would be restricted to service vehicles exiting the site only; the proposed access onto the R161 and the existing junction from the R161 onto the B4245 could accommodate the additional traffic associated and would remain within capacity; and a proposed agreement to allow overflow parking in the Wheatsheaf car park. It was therefore concluded that the development would not have an adverse effect on the highway safety and free flow of traffic on B4245 or Newport Road as service vehicle movements would be infrequent and the highway network has sufficient capacity to accommodate the increased movements.

5.3.4 Despite extensive negotiations, the applicant has been unable to secure purchase of the Council owned land to the north-west of the proposed access. Furthermore the agreement to use the Wheatsheaf car park for overflow purposes has also been withdrawn. As a result amended plans have been submitted in 2018 for consideration. These detail a smaller store; alterations to the service exit; a topographical survey; and swept path analysis for an articulated HGV accessing and egressing the site. Following consideration, the Highways Team have advised that the proposed parking provision is satisfactory for a development of the size now proposed and in accordance with the Monmouthshire Car Parking Standard 2012 and that turning movements for articulated GHV can be safely accommodated without the need to overrun the oncoming lane of the B4245 when turning left from the site exit.

5.3.5 Irrespective of the above, there would be a need to provide a parking strategy which would allow shoppers time to make a linked trip to the CSA. It is considered that such a strategy could be secured planning condition.

5.3.6 Whilst it is acknowledged that customers to the store may park on Newport Road or in the car park to Chestnut Close, it must be acknowledged that such a situation already occurs due to the lack of parking to the front of the Co-op and the number of vehicles associated with the garage being parked or repaired on the highway. With regards to the proposal, it is considered more likely that if a space can't be found, customers would move on to the public car park to the rear of The Square or onto Caldicot. Whilst the proposal could generate a greater number of vehicle movements to and from the site, relative to the existing arrangement, it is considered that the proposal would generate less on street parking and congestion and as a result would have a beneficial impact on the free flow of traffic on Newport Road.

5.3.7 On the basis of the above and in light of the Transport Statement and amended details received, and it is considered that the development proposed would not a detrimental impact on the highway safety and free flow of traffic within the area. Subject to the imposition of conditions relating to the provision of a parking strategy of the site, it is considered that the parking area proposed as part of the development could make a positive contribution to the area. The application is therefore considered compliant with policies S16 and MV1 of the LDP.

5.4 Residential amenity

5.4.1 The site is adjoined to the south-west by Pond House which is a traditional stone cottage. Although currently unoccupied and boarded up, the former occupant objected to the proposed development raising particular concerns with regards to noise, traffic movements and congestion, fumes, and light spill including from vehicle headlights. These are valid concerns but could equally arise with the current use of the site as a repair garage, and the location of Pond Cottage on Newport Road which links Main Road with The Square and other local roads and the use of those roads by both local residents and service vehicles. It is considered that controls on operating hours, external lighting, and the treatment of the common boundary, can provide satisfactory safeguards against potential nuisance.

5.4.2 Broadly the same comments are applicable in respect of the houses at Chestnut Close to the east and to a lesser extent to the properties in Cowleaze and Mill Reen to the north, on the opposite side of the B4245. Following re-consultation a small number of objections have been received from those living closest to the site, raising concerns with regards to viability, traffic generation and highway safety and potential detrimental impacts on residential amenity.

5.4.3 The proposed service exit onto Main Road would be located more or less opposite the junction with Cowleaze which is a residential street. Although residents nearest Main Road might be subject to some additional disturbance, such disturbance would be minimal given the small number of service vehicles expected to visit the site on a daily basis and the traffic flows already carried by the B4245. Subject to the conditions referred to above, it is considered that the proposal would not have a significantly detrimental impact on residential amenity and the application is considered compliant with the requirements of policies, S17, EP1 and DES1 of the LDP.

5.5 Design

5.5.1 The Council's Conservation Officer has raised concerns about the proposed design of the store having regard to its visibility in the general scene and its location in the Conservation Area. The Agent has responded to those comments and the context provided by the adopted Conservation Area appraisal which states: "The older houses are modest, two storey, stone built structures, now roofed with slate and with no architectural pretensions, most are rendered and painted." The Agent responds that there is limited scope in designing a retail proposal due to the internal space requirements. However, they do propose the use of a palette of materials with rendered walls, natural slate roof and stone plinths; the inclusions of a bay projection on the north elevation facing the Mill Reen, with a twin gable to break the roof form of the linear building; and a gable over the entrance of the store facing south, with the fenestration arrangement and glazed

canopy providing further articulation to this elevation. It is the Agent's opinion that the step in height between the two principal blocks and the turn in the block to follow the reën, provide further breaking of the mass. The Agent suggests there is no clear historic pattern beyond the buildings facing immediately onto The Square in Magor and beyond that the pattern is disjointed, illustrated by the contrast in pattern of existing buildings on the development site forming Magor Motors, the single storey buildings across the road (Chestnut Close), and the individual houses of Mill and Pond Houses. The Agent suggest that the proposals present a significantly improved entrance to Magor from the Main Road from an aesthetic point of view and are more likely to draw people into The Square and CSA than currently.

5.5.2 Whilst some further refinement of the design might bring improvements, the efforts made to break up the mass of the building and use traditional materials are recognized, as is the improvement in the appearance of the site that the proposals would achieve. Conditions can be imposed to require the submission of further details such as finishing materials, the treatment of the boundaries to introduce greater use of natural stone, and landscaping. Advertisements would require separate consent. Given these provisions, it is considered that, on balance, the proposed design is acceptable and is compliant with the requirements of policies S17, HE1, HE2, EP1 and DES1 of the LDP.

5.6 Surface water drainage

5.6.1 Surface water is now proposed to drain to the adjacent reën via an attenuation system and oil interceptor. Soakaways are not a satisfactory option at this site given the high water table. All foul water from the development would be discharged into the mains sewer. Following re-consultation, Dwr Cymru/ Welsh Water have raised no objection to the proposed arrangement. Subject to the imposition of conditions requiring the submission of a detailed drainage scheme, the application is considered compliant with the requirements of policies S12 and SD4 of the LDP.

5.7 Flood risk

5.7.1 The site lies partly within Flood Zone C1 with a small part within C2. Although a retail development falls within the category of less vulnerable development as defined in Technical Advice Note 15: Development and Flood Risk, it is nonetheless, necessary to consider whether the consequences of a flooding incident would be acceptable.

5.7.2 The Flood Consequences Assessment (FCA) submitted on behalf of the applicant points out that Zone C1 is a flood risk category applying to sites with significant infrastructure including flood defences and that the site is only marginally within the current extreme flood limit. The FCA suggests that the site is sufficiently far from the tidal defences in terms of tidal risk since in the event of a breach of the sea defences, flood waters would take some time to reach the site and would be attenuated such that the flood depths on the site and access roads, speed of flood inundation and flood velocity would be well below the recommended limits in TAN 15.

5.7.3 With regard to fluvial flood risk, the flow in Mill Reën is controlled and limited by two upstream culvert systems. The topography of the area is such that any out of bank flow in the reën will flow eastwards and away from the site. The FCA also highlights that dry means of access and egress exist immediately to the north and northwest of the site. In the event of a severe fluvial event, such as intense rainfall in a flash storm, the site could be at risk if the drainage system proved unable to cope, but that this is a scenario which could occur at any site within a flood zone.

5.7.4 In their response the Environment Agency (EA) (now Natural Resources Wales) note the following points:

- The proposal is for a use categorised as of low vulnerability;
- The site would be designed to be flood free for the 0.5% plus climate change event over the 75 year lifetime of the development with finished floor levels set at 9.4m AOD and car parking areas at 9.2m AOD;
- The proposed development would not modify flood waters across the site, affect local hydraulics or increase flooding elsewhere;

- Surface water runoff from the site would not be increased as there are no additional impervious areas created as a result of the development.

5.7.5 On the basis of the above appraisal, the EA do not object to the proposed development subject to conditions relating to finished levels.

5.7.6 Section 6 of TAN15 outlines justification tests that highly vulnerable development must satisfy in order to be considered acceptable. The proposed development (which is defined as less vulnerable) would contribute to key employment objectives within the Local Development Plan (LDP) to support the growth of resilient communities. Furthermore the site is considered to be previously developed land. Given the vulnerability classification of the proposal and the increased in levels that would be provided provide to limit and mitigate the impact of flooding, it is considered that siting the development proposed in this location would be acceptable and would be in accordance with the justification tests that are outlined in section 6 of TAN15. The application is therefore considered compliant with the requirements of policies S12 and SD3 of the LDP.

5.8 Ground contamination, air quality, noise and lighting

5.8.1 The Geo-technical & Geo-environmental Desk Study submitted in support of the application identified a number of potential contaminants and pathways that could be a risk to human health and the aquatic environment. The Council's Environmental Health Officer with responsibility for land contamination issues does not object to the proposed development provided conditions are attached to a grant of planning permission to require an intrusive site investigation to assess the extent of contamination, a quantitative risk assessment to determine actual risk and to require remediation and monitoring if necessary.

5.8.2 Although Air quality has not been raised as a specific issue by the Environmental Health Officer, it has been raised by a member of the public. In this instance, it is considered that the movement of vehicles to and from the site would not have a significant impact on air quality in the vicinity given the current use of the site as a repair garage and existing vehicle movements on local roads. Noise emissions associated with the proposed store are not anticipated to be unacceptable for the same reasons.

5.8.3 External lighting can be controlled by condition and the impact of headlights on nearby properties can be reduced by appropriate boundary treatments.

5.8.4 On the basis of the above and subject to conditions, the application is considered compliant with the requirements of policy EP1 of the LDP.

5.9 Public Right of Way

5.9.1 Public footpath No.88 runs adjacently to the western boundary of the site. As part of their consultation response the Countryside Rights of Way Officer has requested that it be made up to multiuser adoptable standard. Following consultation the Agent has confirmed that they are aware of the designation and whilst the path would run adjacently to the car park of the development there is no intention to incorporate it into the layout of the scheme. As such an informative note could be placed on any grant of consent outlining that the path must be kept to and free from use at all time, with no barriers, structures or obstructions placed across the legal alignment.

5.10 Comments on local representations

5.10.1 The Community Council have previously supported the application subject to concerns on drainage, highway issues and local residential interests being met. An amended consultation response is awaited and will be reported verbally. The requisite agencies consulted on drainage and highway issues do not object to the proposed development, and Highway Officers have not suggested that a further pedestrian crossing is needed on Main Road. This report has appraised the likely impact on residential amenity interests and concluded that the impact would not be unacceptable subject to appropriate safeguards such as restrictions on operating hours and the treatment of boundaries and lighting. A relatively small number of individual letters were submitted

by local residents and most of the points raised have been addressed elsewhere in this report. The noise associated with the proposed store must be balanced against the existing industrial use of the site and its location alongside a busy road, whilst comments objecting to the loss of the garage operations are not strictly a planning consideration as such operations could cease in any event. The site is not allocated for industrial purposes in the LDP.

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.

5.12 Conclusion

5.12.1 On balance, it is considered that planning permission should be granted subject to conditions which include a restriction on the retail use of the site to preclude the provision of goods and services such as a post office, pharmacy, café, ATM, hot food, flowers and the sale of lottery tickets. This would still leave the store able to provide a comprehensive range of food products whilst also having regard for the Council's obligation to seek to protect and enhance the viability and vitality of the existing CSA. A planning condition is also required to ensure a car park management regime which facilitates links trips by shoppers, as is a S106 agreement to ensure the provision of measures to promote footfall into the CSA and conservation area. Subject to these safeguards, it is considered that the proposals accord with local and national policies on retailing in that the new store would help meet a shortfall in retail facilities in Magor. A quantitative need for convenience shopping would be addressed and as the new store would offer an enhanced shop which is not presently available, a qualitative need would also be met, as would the sequential test since there is not a suitable site available within the defined CSA. The new store would draw some trade from the existing anchor store, Co-op, but the test which the LPA must apply is to consider the effect on the CSA as a whole and not on an individual trader. Although Co-op occupies a crucial role at present as the anchor trader to the CSA, the new store has the potential to fulfil a similar function and encourage linked trips to the CSA. The maintenance of a healthy footfall into the CSA would also meet the Council's obligation to ensure the preservation and enhancement of conservation areas since a healthy trading environment is likely to ensure continued high standards of maintenance of properties in the Conservation Area.

5.12.2 The requisite number of parking spaces relative to the size of the store can be provided; the arrangements for operational and non-operational vehicles movements can be satisfactorily accommodated and the associated improvements to the footway past the site would be of wider local benefit by facilitating pedestrian movements to and from the CSA. Drainage arrangements are satisfactory and other interests such as archaeology and land contamination can be dealt with by condition.

5.12.3 The suggestion of a restriction on the range of goods and services, and the need for a car park management scheme, was brought to the attention of NLP who are the applicant's retail consultants. Their original response was to suggest that the proportion of non-convenience goods be limited to 15% - a greater proportion than the figure of 10% originally suggested in their retail assessment which accompanied the application, and that the goods and services to be excluded should comprise a post office and pharmacy. NLP subsequently agreed to a restriction of 10% non-convenience goods and that a café should also be excluded and an ATM. They are not agreeable to the exclusion of other goods and services, arguing that such provision is part and parcel of a retail food store, that their exclusion could prevent the development proposals going forward, and that allowing the provision of these goods and services (hot food, flowers and lottery tickets) would not undermine the vitality and viability of the CSA. It is considered that such 'concessions' are inadequate to ensure that the new store would not unacceptably affect the vitality and viability of the CSA and the character and appearance of the Conservation Area. It is

therefore considered that the application should only be recommend for approval on the basis of the restrictions described and reflected in condition 4 below.

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

1. The provision, maintenance and updating of signage and information boards about facilities available in the Magor CSA and the history of the locality including Magor Conservation Area
2. Off-site road works including in respect of the service exit onto Main Road and the provision of a section of footway past the site on Newport Road.

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 Approval of the details of the landscaping of the site (hereinafter called the reserved matter) shall be obtained from the Local Planning Authority prior to any works commencing on site.

REASON - The application is in outline only.

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

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

- 3 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.

- 4 The premises shall be used as an A1 retail food store and for no other purpose (including any other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987) without the prior written approval of the Local Planning Authority. The proportion of non-convenience goods which may be sold shall be limited to 10% net sales area floor space and the store shall not provide any of the following goods and services: post office, pharmacy, cafe, ATM, hot food and drink, lottery tickets or flowers.

REASON -To ensure that no alternative use is made of the premises which is likely to be a nuisance to adjoining properties and to help safeguard the vitality and viability of the Central Shopping Area and the character and appearance of the Conservation Area in accordance with policies EP1 and HE1 of the Monmouthshire County Council Local Development Plan.

- 5 Before the store is occupied a car park management scheme shall be submitted for the prior written approval of the Local Planning Authority. The management scheme shall allow opportunity for shoppers to make linked trips to Magor Central Shopping Area. The approved scheme shall be implemented and maintained as agreed in writing with the Local Planning Authority.

REASON - To help safeguard the vitality and viability of the Central Shopping Area (CSA) and the character and appearance of the Conservation Area by facilitating linked trips to the CSA in accordance with policy RET4 of the Monmouthshire County Council Local Development Plan.

6 The premises shall not be used for the approved purposes outside the following times :
08.00 - 20.00 Mondays to Saturdays 10.00 - 16.00 Sundays.

REASON- In the interests of residential amenity in accordance with policy EP1 of the Monmouthshire County Council Local Development Plan.

7 No development shall take place until the written approval of the Local Planning Authority has been obtained to the proposed materials and surface finish to be used for the external surfaces of the walls, windows and roofs of the development hereby permitted. No materials other than those approved shall be used unless otherwise agreed in writing by the Local Planning Authority. Where samples are to be agreed, these shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON - To ensure a satisfactory form of development takes place in accordance with policies EP1, DES1, HE1 and HE2 of the Monmouthshire County Council Local Development Plan.

8 Notwithstanding the details of the approved plans, all rainwater goods shall be of cast metal and matt painted and remain as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON - To ensure a satisfactory form of development takes place in accordance with policies DES1 and HE1 of the Monmouthshire County Council Local Development Plan.

9 Samples of the proposed surfacing materials to the car park and external circulation space shall be submitted to and agreed in writing with the Local Planning Authority before works commence . The development shall be carried out in accordance with those agreed finishes and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON - To ensure a satisfactory form of development takes place in accordance with policies DES1 and HE1 of the Monmouthshire County Council Local Development Plan.

10 No development shall commence until details of the design, height and materials proposed for the various boundary treatments shown on the layout plan have been submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatments shall be installed prior to the first beneficial occupation of the store and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON - To ensure a satisfactory form of development takes place in accordance with policies DES1 and HE1 of the Monmouthshire County Council Local Development Plan.

11 The new access onto the B4245 shall be constructed with a visibility splay of 2.4m by 90m in both directions. Nothing which may cause an obstruction to visibility may be erected or grown within the splay area in order to prevent any obstruction to visibility. The store shall not be occupied until the access and splays have been constructed to the satisfaction of the Local Planning Authority.

REASON - To ensure the access is constructed in the interests of highway safety in accordance with policy MV1 of the Monmouthshire County Council Local Development Plan

12 The new access onto the B4245 shall be a one way system used only for the egress of service vehicles. Before the use of the store commences a management scheme for the service area and access shall be submitted for the prior approval of the Local Planning Authority. The

approved scheme shall be implemented prior to the first beneficial use of the store and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON - In the interests of highway safety in accordance with Policy MV1 of the Monmouthshire County Council Local Development Plan.

13 Prior to the first beneficial occupation of the store, the car parking and service vehicle provision shall be provided in accordance with the approved plan. The area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON - To ensure provision is made for the parking of vehicles in accordance with policies DES1 and MV1 of the Monmouthshire County Council Local Development Plan.

14 Prior to the commencement of development details and arrangements for the storage and collection of refuse shall be submitted to and approved by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be maintained as such thereafter. The refuse storage area shall be provided prior to the first beneficial use of the store.

REASON - In the Interests of amenity and hygiene in accordance with policies EP1 and DES1 of the Monmouthshire County Council Local Development Plan

15 Prior to the commencement of development, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and maintained as such in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

REASON - In the interests of residential amenity and nature conservation in accordance with policies EP1 and NE1 of the Monmouthshire County Council Local Development Plan.

16 Prior to the commencement of development a scheme of foul drainage and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first beneficial occupation of the building and maintained as such thereafter.

REASON - To ensure satisfactory facilities are available for disposal of foul and surface water in accordance with policies EP1 and SD4 of the Monmouthshire County Council Local Development Plan.

17 The development hereby approved shall be carried out in accordance with the Flood Consequences Assessment (FCA) produced by Linus Mofor (MDC Limited), updated July 2011, and the following mitigation measures detailed within the FCA: (i) Finished floor levels shall be set no lower than 9.4 metres above Ordnance Datum (AOD) (Newlyn). Finished levels to car parking/other outside areas within the development are set no lower than 9.2m above Ordnance Datum (AOD) (Newlyn).

REASON - To reduce the risk of flooding to the proposed development in accordance with policy SD3 of the Monmouthshire County Council Local Development Plan and Technical Advice Note (TAN) 15: Development and Flood Risk (2004).

18 Prior to the commencement of development, an appropriate Desk-Study of the site shall be has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority. (The Terra Firma Report 11410 meets this requirement). If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2001), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until a remediation Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, has been submitted to and approved in writing by, the Local Planning Authority. Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

REASON - To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed in accordance with the requirements of policy EP1 of the Monmouthshire County Council Local Development Plan.

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

REASON - To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed in accordance with policy EP1 of the Monmouthshire County Council Local Development Plan.

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

REASON - To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Technical Advice Note (TAN) 24: The Historic Environment (2017).

INFORMATIVES

1 The developer is reminded that a S106 Agreement accompanies this permission.

2 The applicant's attention is drawn to the Environment Agency's letter dated 9th June 2011, a copy of which can be viewed on the Council's website.

3 Public footpath No.88 runs adjacently to the western boundary of the site. The path must be kept to and free from use at all time, with no barriers, structures or obstructions placed across the legal alignment.

DC/2015/00554

CONSTRUCTION OF DETACHED DWELLING WITH PARKING AND TURNING PROVISION FOR 3 CARS ON EXISTING DOMESTIC CURTILAGE

SITE ADJACENT TO CEFN-Y-BRYN, GROSMONT, NP7 8ES

Case Officer: Kate Bingham
Registered: 21/12/2015

RECOMMENDATION: APPROVE

1.0 APPLICATION DETAILS

1.1 This application was presented to Committee on 3rd July 2018 where it was deferred to allow officers to negotiate with the applicant with a view to establishing a better solution to accommodate safer parking provision at the site with appropriate conditions in respect of the materials to be used, and report back to Committee.

1.2 Concern was expressed regarding the linear parking at this location and the highway safety issues surrounding passengers alighting from the vehicle onto the highway in order to allow the vehicle to be parked. It was considered that removal of a section of the banking with a retaining wall to accommodate safe parking provision at this site could be considered. As such, the scheme has been amended and the parking area increased in size. Rather than a stone retaining wall around the parking area as originally proposed, a "Permacrib" timber retaining wall is now proposed. This comprises interlocking timbers infilled with selected granular infill. It is planned to fit growbags to the front of the interlocking timber wall to allow planting of rockery plants which over 2 or 3 growing seasons will cover the wall face and help it blend into the street scene. A 1m high fence will also be required for safety on the top of the Permacrib wall. This will be a chain-link type fence or stock fence on timber posts which will be more open than close board timber and will therefore have less of a visual impact.

1.3 The car parking area has been designed to comply with Monmouthshire's Parking Standards with each space being 2.6m wide by 4.8m long. A turning area has also now been provided to allow vehicles to enter and leave in a forward gear. The access, visibility, water catch drain and soakaway will be as the previously proposed scheme. The driveway wall to the existing dwelling will be retained as existing with the only alteration being to reduce the height to 900mm within the visibility splay.

1.4 It is considered that these changes address the highway concerns raised by Members. Furthermore, the use of Permacrib to retain the bank behind the parking and turning area will have less of a visual impact than the previously proposed stone wall as the timber ages and planting takes over. It is therefore considered that the proposed development accords with Local Development Plan Policies MV1 and DES1 and will also preserve or enhance the Grosmont Conservation Area in accordance with LDP Policy HE1.

2.0 REPRESENTATIONS

2.1 Consultations Responses
None received to date.

2.2 Neighbour Consultations

To follow.

PREVIOUS REPORT

1.0 APPLICATION DETAILS

- 1.1 The application site relates to the side garden of an existing property within the village of Grosmont. It is proposed to erect a detached two storey dwelling with an associated parking area.
- 1.2 The site is within the Grosmont Conservation Area and within the Development Boundary.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

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

H2 – Residential Development in Main Villages
NE1 – Nature Conservation and Development
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
MV1 – Proposed Developments and Highway Considerations
SD4 – Sustainable Drainage
LC5 – Protection and Enhancement of Landscape Character
HE1 – Development within Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultation Responses

Grosmont Community Council – recommends refusal. Members are concerned about the proposals for car parking / turning and possible drainage / sewer issues. It is felt that the proposed construction is potentially hazardous and that this is not suitable in a conservation area. It is noted that a number of objections have already been posted.

Glamorgan Gwent Archaeological Trust – requests a condition requiring a Programme of Archaeological Work to be submitted and approved in writing by the LPA prior to development.

MCC Tree Officer – No objections subject to condition requiring tree planting to replace those removed prior to the determination of this application.

MCC Heritage – No objection following amendments to parking area and orientation of dwelling.

MCC Highways – Object for the following reasons:

- Linear parking adjacent to the B4347 is not acceptable as it will compromise highway safety and create vehicle conflicts as encourages inappropriate vehicle manoeuvres while accessing and egressing the parking area.
- Visibility for vehicle egressing in a forward gear is reduced due to the angle of departure.
- Conflict is promoted as the access drive to Cefn y Bryn is via the layby.
- Number of spaces not in accordance with MCC Parking Guidelines (3 spaces required)

4.2 Neighbour Consultation Responses

Representations from one neighbouring occupier. Objects on the following grounds:

- Visibility splays not adequate.
- Car doors will open onto the highway.
- Insufficient parking spaces provided.
- Vehicles won't be able to get out of Cefn y Bryn.
- Only possible to access the parking area when travelling in the direction of Grosmont to Kentchurch.
- Drainage from parking area will be onto the highway.
- There is no additional information on the proposed route or position of the proposed pumping/ejector station. The difficulty with single dwelling pumping systems with a low volume of sewage can cause septicity within the system.
- Proposal does not meet building regulations in relation to disabled access.
- The road past the site is the alternative route advised for over-height vehicles using the A4645 to/from Hereford making the parking more dangerous.

Six objections received from residents from outside the area who travel on the B4347;

- The proposed parking is a danger to road users.

5.0 **EVALUATION**

5.1 Principle of Development

5.1.2 Development boundaries have been drawn for the "Main Towns", within which new build residential development/ redevelopment or conversion to residential, or subdivision of large dwellings or reuse of accommodation such as upper vacant floors in town centres will be permitted subject to detailed planning considerations, and other policies of the LDP that seek to protect existing retail, employment and community uses. As the site is within the development boundary of Grosmont and not allocated for any other use then new residential development is acceptable in principle.

5.2 Visual Amenity and Impact on the Conservation Area

5.1.2 The proposed dwelling is traditional in design and scale. The orientation was amended to better reflect the character of the village at the request of the Heritage Officer.

5.1.3 The main visual impact of the proposed development would be the proposed parking area. This was originally proposed to be a much larger area with a high retaining wall. However, it was considered that this was over-engineered and would harm the character and appearance of the Conservation Area. As such a more informal solution was sought resulting in the lay-by parking arrangement now proposed. Although this

is not the ideal solution in terms of highway safety, it is considered that in this location it will be acceptable for the reasons stated above. The proposal therefore meets the requirements of LDP Policies DES1 and HE1.

5.3 Residential Amenity

5.3.1 The small dwelling that is proposed will have a minimal impact on the surrounding residential properties.

5.4 Access and Parking

5.4.1 Given the scale of the development it is considered that a reduction in parking spaces is acceptable in this case. Being within a conservation area, many of the surrounding properties were built prior to motor car ownership and have very informal parking arrangements. The introduction of a parking and turning area of the type that would be required on a modern development site would have a detrimental impact on the setting and character of the Grosmont Conservation Area. The original engineering required to achieve three parking spaces and a turning area was not therefore supported. The 5m retaining wall to accommodate parking and the tarmac area for parking was considered to be too large and would have set an unwelcome precedent within the Conservation Area.

5.4.2 The parking arrangement now proposed, although not ideal will accommodate two vehicles off the road and any future occupier would be aware of the restrictions of this arrangement in terms of direction of arrival and departure. On balance therefore, it is considered to be acceptable because of the special circumstances of this site.

5.5 Trees

5.5.1 The Grosmont Conservation Area Appraisal notes that the site is identified as having trees important to the Conservation Area. As noted by the Council's Tree Officer, these trees have now been removed. To compensate a landscape plan should be provided for the site to show new replacement tree planting which can be conditioned.

5.6 Response to Community Council and Neighbour Objections

5.6.1 The issue of the parking area has been addressed above.

5.6.1 Dwr Cymru Welsh Water have been consulted on the application and have offered no objection to the proposed drainage of foul water to the mains sewer and surface water to soakaways. The Building Regulations requirements will ensure that the details of this drainage will be acceptable.

5.6.2 Highways have offered no objection to the drainage proposed to the parking area.

5.7 Affordable Housing

5.7.1 As this application was registered prior to the adoption of Supplementary Planning Guidance in relation to affordable housing then a financial contribution will not be sought.

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

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	Landscaping plan to be submitted.
4	Implementation of landscaping plan.
5	Written scheme of Archaeological Investigation to be submitted.

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DC/2018/00138

ERECTION OF 2 NO. STABLE BLOCKS (AMENDED TO 1 NO.)

**LAND OFF GREAT OAK FARM ROAD, BRYNGWYN, RAGLAN, MONMOUTHSHIRE,
NP15 2AN**

RECOMMENDATION: APPROVE

Case Officer: Elizabeth Bennett
Registered: 10/05/2018

1.0 APPLICATION DETAILS

- 1.1 Planning Committee previously considered this application on 7th August 2018. After discussions about the merits of the application, Members deferred the application until a revised site layout was produced showing the stable block to be moved further away from the adjacent neighbours property at Box Bush Barn.
- 1.2 Having received the revised plan the application was then re-presented to Planning Committee following the previous deferment. The development was then noted as being *major development* as the site area exceeded 1 ha and thus the proposal needed appropriate publicity to be regarded as a valid application. Following this, the application has been amended so that the site area is now under 1 ha, having been reduced to the single field adjacent to the highway. The sites measures 0.99ha. The proposed stable block has been moved further down the field away from the immediate neighbouring property Box Bush Barn and is now sited 43m away from the adjoining boundary. The proposed location of the muck heap is 60m away from the neighbouring boundary at Box Bush Barn.
- 1.3 A condition would be added, if consent is granted, as follows:

"4. No waste from the stabling and keeping of horses on the site shall be permitted other than in the location shown on the approved drawing."
Reason: in the interest of local residential amenity.
- 1.3 The previous report presented to the Committee meeting held on 7th August 2018 is below.

PREVIOUS REPORT

1.0 APPLICATION DETAILS

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

1.2 There is an existing property 'Box Bush Barn' located within 9m of the field boundary, with the proposed building to be located approx. 43m from the boundary of the property.

2.0 RELEVANT PLANNING HISTORY

NONE

3.0 LOCAL DEVELOPMENT PLAN POLICIES

3.1 Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

3.2 Development Management Policies

EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations

LC1 - New Built Development in the Open Countryside

LC5 – Protection and Enhancement of Landscape Character.

NE1 - Nature Conservation and Development

4.0 REPRESENTATIONS

4.1 Consultation Responses

Councillor S Jones – No response received to date.

Llanover Community Council – No response received to date.

MCC Tree Officer – I do not feel that any trees will be affected by the proposals therefore I have no further comments to make.

MCC Highways Officer - The field in which the stables are to be sited is already served from established field access reasonably wide enough and set back for limited field access and egress but inadequate to facilitate access on a regular basis for the development proposed. It is recognised that the proposal will increase traffic movements on the local network but the increase in traffic movements associated with a development of this nature be it for personal or commercial use would not be detrimental to highway safety or capacity or in conflict with transportation policy.

4.2 Neighbour Consultation Responses

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

5.0 EVALUATION

5.1 Visual Impact

5.1.1 The principle of a stable block within the open countryside is acceptable. Stables such as these are common place in the Monmouthshire Countryside. During the course of the application and following negotiations with officers the number of proposed buildings has been reduced to 1 no. in line with policy LC1 of the MCC LDP where: b) new buildings are wherever

possible located within or close to existing groups of buildings; c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside;

The scale and appearance of the building is acceptable and accords with policy DES1 and EP1 of the LDP. The stable block has been re-positioned (following requests from the planning committee) on the eastern edge of the field, located 43m away from the neighbouring boundary with Box Bush Barn alongside the boundary hedge, but allowing adequate space for any hedge maintenance. In this location the stable block and hay store will be satisfactorily assimilated into the landscape and will not be visually prominent. The scale and finishing materials of the building will respect the character of this rural location and will have no unacceptable adverse impact. The proposal therefore accords with the objectives of policy LC1 of the LDP

5.2 Neighbour Objections

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

- The applicant quotes BHS guidelines, but these are only 'guides'. but in practical terms they are not adequate, therefore three stables would be more appropriate than six.

5.3 Residential Amenity

5.3.1 Box Bush Barn is a recently converted residential property located approx. 43 meters from the closest point of the proposed stable block. Following revisions of the proposal it is considered the revised layout will have minimal visual impact upon the barn conversion with the revised site entrance sitting between the property and the stables. There is an existing hedge which runs along Box Bush Barn which will act as a natural buffer.

5.3.2 The revised proposal has considered the possible effect upon waists created by the proposed animals on site. The proposed 'muck heap' has therefore been located at the furthest point away from the residential property whilst maintaining practical access to it. Monmouthshire is a rural county where smells and flying insects are common place and to be expected. As with all stables there will be some organic waste resulting from the mucking out of stables it is therefore not considered that the location of the muck heap being 46m away from the residential property will have any adverse effect upon the property.

5.4 Conclusion

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

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

5.4 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**

6.1 Conditions:

- Standard Five Year Limit
- Development To Be Carried Out In Accordance With The Approved Plans
- No External Lighting

6.2 Informatives

- Nesting Birds

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Application Number: DM/2018/00417

Proposal: Improved visibility vehicular access to New House, close up existing access.

Address: New House Usk Road Llangwm Usk Monmouthshire

Applicant: Mr K Prince

Plans: Site Plan BP2412/00 - , All Proposed Plans BP2412/01 - C,

RECOMMENDATION: APPROVE

Case Officer: Mr Andrew Jones

Date Valid: 23.03.2018

1.0 APPLICATION DETAILS

1.0 This application relates to a property known as New House, which is located within a group of properties and buildings located off the B4235 (Usk to Chepstow) highway. To the south east of New House is Belmont Farm and associated farm buildings. There is an existing vehicular access to serve Belmont Farm and this has historically been shared by the occupier of New House who was related to the owners of Belmont Farm.

1.1 Planning permission (DC/2014/01150) was refused in January 2015 for the creation of a new vehicular access point onto the B4235 to serve New House Farm, separately from Belmont Farm. It was stated that the reason for this new access was that the existing access point to serve New House Farm is dangerous and it was no longer possible to continue the arrangement of a shared access with Belmont Farm. The application was refused for the following reasons:

1. The proposed vehicular access point out onto the B4235 has not been justified as reasonably necessary to serve New House separate from Belmont Farm and therefore introduces an unnecessary additional conflict point for other road users on the B4235 contrary to the premise of strategic policy S16 and development management policy MV1 of the Monmouthshire Local Development Plan.

2. By virtue of its domestication of the land, the proposed access point and associated trackway is considered to result in an unnecessary and unjustified detrimental visual impact upon its surrounding landscape character contrary to strategic policies S13 and S17 and development management policies LC1, LC5 and DES1 (e) of the Monmouthshire Local Development Plan.

1.2 Since this time further information has been provided in respect of the historical existing access at New House, and how this and other buildings at the site have been served over time. In addition a detailed soft landscaping scheme has now been provided. The merits of both shall be discussed in the ensuing sections of this report.

1.3 The application is presented to Planning Committee as a result of an objection from a statutory consultee, in this instance the Council's Highways Engineer.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2014/01150	Improved visibility vehicular access to New House, close up existing access.	Refused	29.01.2015

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

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

4.0 REPRESENTATIONS

4.1 Consultation Replies

Llangwm Community Council - Recommend the application is approved.

MCC Highways - It is proposed to create a new vehicular access from New House, Llangwm onto the B4235 and permanently close the existing access.

The application is a resubmission of the same proposals which was refused under application DC/2014/01150.

The Highway Authority maintains its stance in respect of these proposals therefore would reiterate our previous highway comments as below.

New House has a historical vehicular access onto the B4235 at the northeast corner of the site, directly adjacent to an existing barn. The existing access is positioned on the inside bend of the B4235 and because of this together with the barns existing position there is very limited visibility in the eastern direction. As a result the access has been become disused.

The adjacent property, Bellmont Farm, has an existing vehicular access onto the B4235 which is of a good standard with reasonable visibility in both directions. Since the historical access to New House became disused, the property has had the enjoyment of sharing the existing access to Bellmont Farm.

In light of the aforementioned we would not wish to see the creation of an additional access onto the B4235 as it would create an unnecessary additional conflict point for other road users on the B4235. It is therefore recommended that the existing access to Bellmont Farm continues to be utilised by New House.

It is noted from supporting information submitted with the application that New House has no legal right of access over the existing access to Bellmont Farm. However, we would comment that prescriptive rights are likely to have been achieved over the time the access has been used by

New House. In addition we would comment that there is no reason why a legal right of access cannot be granted to New House to remain in perpetuity.

In light of the aforementioned comments we would recommend refusal of the application on highway grounds.

MCC Ecology - Biodiversity Officer - I can confirm that there are no issues associated with dormouse in this instance. However, as dormouse are a European Protected Species (EPS) protected under the Conservation of Habitats and Species Regulations 2010 (as amended) please include the following standard informative on any consent:

Hazel Dormouse - Please note that the hazel dormouse is protected under The Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual dormice from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If dormice are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.

Nesting Birds - As the hedgerow provides suitable bird nesting habitat and a large section of hedgerow is to be removed to create a visibility splay (95m) please include the standard bird nesting clearance condition on any consent.

MCC Public Rights of Way - The applicant's attention should be drawn to Footpath No. 59 in the community of Llangwm which runs immediately adjacent to the site of the proposed development. Public Path No. 59 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Rights of Way taking place.

No barriers, structures, significant change of level or any other obstructions should be introduced into the legal alignment of the path and any damage to its surface as a result of the development must be made good at the expense of the applicant.

Importantly, unrelated to the proposed development Footpath No. 59 already appears to be unavailable at the site. This is an issue that needs to be resolved. The applicant should contact public Rights of Way.

4.2 Neighbour Notification

One general observation - This seems like a sensible proposal to make access to New House safer. One point I would make is that the application states that no hedges will be affected whereas of course some will be removed to form the new access and the splay.

5.0 EVALUATION

5.1 Highway Safety

5.1.1 With regard to highway safety impact, the proposal is not supported by the Council's highway officers. This is because they consider that an additional access onto the B4235 would create an unnecessary additional conflict point for other road users on the B4235.

The Council's Engineer remains of the opinion that the applicant does have a legal right of way over a different vehicular access to the adjoining Belmont Farm. These two properties have been in separate ownership since 1979, visitors to the previous owner of New House had only used the access to Belmont farm during the latter years of the owner's life when he was in ill health. The legal advice provided by the applicant is that this would not afford the current owners of New House prescriptive rights over the Belmont Farm access. The only vehicular access therefore that is within the ownership of New House would be to the north east of the dwelling on the bend of the B42355 that is tucked behind a converted barn. As such, it is accepted that New House does not have prescriptive rights to the Belmont Farm access, and given the dangerous access set behind the neighbouring barn conversion, a new access would be justified. The existing access is to be closed up, and would be controlled through a planning condition, which would reduce potential points of conflict.

5.1.2 The visibility splays and access details are considered to provide a far safer entrance provision that would meet the requirements of Policy MV1.

5.2 Visual Impact

5.2.1 As detailed in Section 1 of this report, the previous application was refused planning permission in part as the proposed access was considered to have an "unnecessary and unjustified" detrimental impact on the surrounding landscape. For the reasons detailed in the preceding section of this report, it is now considered that on balance a replacement access is justified.

5.2.2 With regard to visual impact, a desktop survey on Landmap has identified the application site as 'having a high visual and sensory landscape characterised by undulating farmland unspoilt by visually intrusive development and picturesque views.' No landscaping details were submitted with the previous application, this has now been provided and a number of trees are to be planted between the track and public highway to mitigate its visual impact. Whilst excavation works would be required at the first bend in the track the remainder would follow the sloping topography of the land. The track itself would be gravelled wheel-tracks that are considered appropriate given the rural context. It is therefore considered that in view of the changes now detailed, including the proposed landscaping which would be required to be implemented by condition, are appropriate to acceptably address the objections to the previous application.

5.3 Biodiversity

5.3.1 As a section of hedgerow is proposed to be removed to create the visibility splay, the Council's Ecologist has requested a condition be imposed to ensure no hedgerow is taken out between 1st March and 31st August (inclusive) unless a detailed assessment has been undertaken and written confirmation received from the Local Planning Authority has been obtained. An advice note is also to be included with regard to hazel dormouse at the request of the Ecology Officer.

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

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

5.5 Conclusion

5.5.1 In conclusion, it is considered that on balance the reasons for refusal under application DC/2014/01150 have been appropriately considered, and through the submission of further information and amendments to the proposal, have been addressed. The new access is considered to be justified, and subject to the imposition of conditions requiring the closure of the existing access and implementation of the planting scheme, would not cause unacceptable harm to either highway safety or the wider rural landscape.

6.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 The existing access to the site as detailed on Drawing No BP2412/01 C shall be closed up in accordance with the approved plans within one month of the proposed access being substantially completed.

REASON: In the interest of Highway Safety.

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

REASON: To comply with the provisions of the Wildlife & Countryside Act 1981 (as amended).

INFORMATIVES

1 The applicant is advised that there are public rights of way in the vicinity of the development. The grant of planning permission does not give permission to close, divert or obstruct a public right of way. Obstructing a public right of way is a criminal offence for which you may be prosecuted. You should contact the Public Rights of Way Officer, Monmouthshire County Council (Tel 01633 644860/644862) for advice on procedure should you need to close or divert a public right of way.

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Application Number: DM/2018/00466

Proposal: Provision of a new Public Lift to provide wheelchair access to the Library Hub on the first floor and Theatre on the second and third floor and staff access to the basement. Refurbish existing lift. Internal remodelling of existing ground floor office space to form Theatre foyer & office. Internal remodelling of existing first floor office space to form a new Library Hub & Mayor's Parlour offices. Provision of a new Library Extension. Provision of Stair lift access to provide wheelchair access to the Bar & WC in the Theatre on the second floor. Provision of a new rooftop plant deck

Address: Abergavenny Town Hall, Abergavenny Town And Market Hall, Cross Street Abergavenny

Applicant: Monmouthshire County Council

Plans: Other 0000 - 14, Location Plan 0001 - 02, Site Plan 0002 - 02, Other 0003 - 04, Floor Plans - Existing 0004 - 05, Floor Plans - Existing 0005 - 03, Floor Plans - Existing 0006 - 03, Floor Plans - Existing 0007 - 03, Floor Plans - Existing 0008 - 03, Existing Roof Plan 0009 - 03, Elevations - Existing 0010 - 03, Elevations - Existing 0011 - 04, Site Sections 0012 - 04, Other 0013 - 07, Other 0014 - 09, Other 0015 - 09, Other 0016 - 07, Other 0017 - 07, Other 0018 - 05, Other 0019 - 05, Other 0020 - 05, Other 0021 - 07, Floor Plans - Proposed 0022 - 10, Floor Plans - Proposed 0023 - 08, Floor Plans - Proposed 0024 - 05, Floor Plans - Proposed 0025 - 06, Proposed Roof Plan 0026 - 05, Elevations - Proposed 0027 - 04, Elevations - Proposed 0028 - 07, Site Sections 0029 - 06, Other 0030 - 03, Other 0031 - 04, Other 0031 - 04, Other 100-0000 - 06, Other 100-0004 - 02, Other 100-0005 - 02, Other 100-0006 - 02, Other 100-0007 - 02, Other 100-0008 - 02, Other 100-0009 - 02, Other 100-0010 - 02, Other 100-0011 - 02, Other 100-0012 - 02, Other 100-0013 - 02, Other 100-0014 - 02, Other 100-0015 - 02, Other 100-0016 - 02, Other 100-0017 - 02, Other 100-0018 - 01, Other 40-0000 - 04, Other 40-0001 - 03, Floor Plans - Proposed 40-0002 - 03, Floor Plans - Proposed 40-0003 - 03, Floor Plans - Proposed 40-0004 - 03, Floor Plans - Proposed 40-0005 - 03, Other 24-0000 - 08, Other 24-0001 - 05, Other 24-0002 - 05, Other 24-0003 - 05, Other 24-0004 - 05, Other 24-0005 - 03, Elevations - Proposed 24-0006 - 03, Elevations - Proposed 24-0007 - 03, Other 24-0008 - 04, Other 24-0009 - 04,

RECOMMENDATION: APPROVE

Case Officer: Mr Andrew Jones
Date Valid: 09.04.2018

1.0 APPLICATION DETAILS

1.1 This application relates to Abergavenny Town Hall which is located within the centre of Abergavenny along Cross Street. The building is Grade II listed and is within the Abergavenny Conservation Area (CA). Planning permission is sought for the following works:

- a. Internal remodelling to form new space and improvements to existing Grade II Listed building.
- b. Form new internal Library extension to first floor.
- c. Install new public lift to provide wheelchair access to the first floor Library/Hub and Theatre on the second and third floor. Lift to also provide staff access to the basement.
- d. Relocate existing plant from Indoor Market area to rooftop.

1.2 The concurrent Listed Building Consent (LBC) for the works has been referred to Cadw and was approved on 07/11/2018.

1.3 The application is presented to Planning Committee as the application is made by Monmouthshire County Council.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00467	Provision of a new library hub on the first floor. Internal alterations and new rooftop plant deck.	Approved	07.11.2018

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
HE1 LDP Development in Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultation Replies

Abergavenny Town Council - Have not responded to date.

MCC Environmental Health - No objection to this application.

MCC Ecology - There are no records of protected or priority species using the town hall. The photographs of the roof area to be impacted by the plant deck show tight fitting tiles and sound flashing. Therefore we do not require any further information with regards to ecology. However, given the presence of materials suitable for use by bats and features suitable for use by nesting birds, I recommend you include the information notes in respect of bats and nesting birds on any permission granted.

Natural Resources Wales (NRW) - We recommend you seek the advice of your in-house Ecologist to determine if there is a reasonable likelihood of European protected species being present within the application site.

4.2 Neighbour Notification

No responses have been received following the consultation exercise undertaken.

5.0 EVALUATION

5.1 Principle of Development

5.1.1 The proposal would introduce a library use (D1) at first floor level to the Town Hall, but it is considered that such a use is entirely appropriate given the town centre location and wider community/municipal use of the building. There are no planning policies that would restrict the conversion of upper floor buildings to such a use. Owing to the nature of the use, it is not

considered that the effective mixed use of the building would not create additional parking pressures or be unacceptable in any other material considerations. Internal works, not subject to this planning application, would help to provide a more inclusive access to users of this community facility.

5.2 Design / Visual Impact

5.2.1 The scale of the external works to the building are limited, this includes the relocation of the existing plant to the roof. The plant deck would be set well back from the edge of the roof and discreetly positioned within a roof valley. The plant itself is of modest scale, and was considered acceptable by Cadw in granting Listed Building Consent. Therefore the proposed external works would not cause harm to the character/setting of the Grade II listed building and would preserve the character and appearance of the wider Abergavenny Conservation Area.

5.3 Residential Amenity

5.3.1 Whilst the aforementioned plant deck would now be sited external to the building, it is not considered that this would cause unacceptable harm to the amenity of any upper floor flats in the vicinity. Owing to its position within the roofscape of the town hall and its distance from the flats along Market Street and Cross Street, it is considered that the requirements of Policy EP1 would be met. The Council's Environmental Health Officer has been consulted in respect of the proposal and has raised no objection.

5.4 Ecology

5.4.1 Both the Council's Ecologist as well as NRW have been consulted on the application in respect of the reasonable likelihood of European protected species being present within the application site. It has been confirmed that there are no records of protected or priority species using the town hall. The photographs of the roof area to be impacted by the plant deck show tight fitting roof tiles and sound flashing. Therefore, no further information concerning ecology is required to inform the planning decision. However, given the presence of materials suitable for use by bats and features suitable for use by nesting birds, information notes in respect of bats and nesting birds are to be attached.

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

5.6 Conclusion

5.6.1 It is considered that the proposed library use to be created at first floor level is appropriate and complimentary to the existing uses of the building that would be retained at ground and third floor levels. The relocation of the existing internal plant to the roof area, would be of limited visibility within the context of the Abergavenny CA and would not cause harm to the amenity of nearby upper floor residential flats. Therefore, the recommendation and conditions are set out below.

6.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

INFORMATIVES

1 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).

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

Application Number: DM/2018/00908

Proposal: Extend opening hours only on Friday and Saturday nights from 00:00 to 2:00am.

Address: 35 Frogmore Street Abergavenny Monmouthshire NP7 5AN

Applicant: Mr Hasan Saritag

Plans: Location Plan O/S Extract -

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham

Date Valid: 04.07.2018

1.0 APPLICATION DETAILS

1.1 This application seeks to extend the opening hours of an existing kebab shop in the centre of Abergavenny on Friday and Saturday nights from midnight to 2.00am.

1.2 An application to extend the opening hours to 2am was refused in 2017 as it was considered that there had been no material changes since a dismissed appeal in 2006. However, since this time the kebab shop has been granted a license by MCC Environmental Health to open until 2am. This application seeks to amend the condition on the original planning approval for the A3 use to match this licence.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2017/01195	Variation of condition (extend opening hours) from previous consent A26791.	Refused	26.01.2018
DC/1991/00151	Alteration To Shopfront (Including Internal Lobby).	Refused	24.04.1991
DC/1987/01106	Amendment Of Time Limiting Condition From 10.00 P.M. To 11.30 P.M.	Refused	11.01.1988

DC/1986/00868	Amendment Of Time Limiting Condition From 10.00 P.M. To 12 Midnight.	Refused	07.11.1986
DC/1992/00323	Alteration To Shopfront, Including Internal Lobby.	Refused	05.08.1992
DC/1986/00989	Non-illuminated Fascia Sign And Externally Illuminated Projecting Sign.	Approved	04.12.1986
DC/2006/01336	Extension of opening hours Fridays and Saturdays from midnight to 2.30 am	Refused	04.04.2007
DC/1990/01294	Retention Of Fascia Sign Box, Projecting Sign Box (Illuminated).	Approved	03.04.1991
DC/1987/01003	Single Storey Flat Roof Rear Extension Restaurant Kitchen/Store/Toilets	Approved	03.03.1988
M08987	Vary Of Condition 2 Of A21327 Open Hours 8AM - 12 Midnight.	Pending Consideration	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S6 LDP Retail Hierarchy

Development Management Policies

EP1 LDP Amenity and Environmental Protection

4.0 REPRESENTATIONS

4.1 Consultation Replies

Abergavenny Town Council - Recommend approval.

MCC Environmental Health - I am not in a position to substantiate a level of noise impact from activities on the premises itself, if extended opening is permitted, on which I could base an objection. I therefore confirm that I do not object to this application.

4.2 Neighbour Notification

Two representations received. Object on the following grounds:

Commercial Street - Object to this on noise and disturbance grounds. We are regularly kept up at night, particularly on weekends with noise and rowdy behaviour. We feel that 2am would be far too late for a premises such as this to be open in a residential area, and we already regularly see drunk people shouting up and down our street.

33A Frogmore Street - We would strongly object to this application, particularly for opening hours after midnight as we have always noticed a large increase in anti-social behaviour around our premises due to a lot of clients of the kebab shop having over indulged in alcohol in an evening. We have had several shop windows vandalised due to fighting and have noticed an increased amount of litter, vomiting & urinating in our shop doorway leaving us with a particularly unpleasant start to our mornings - this is noticeably more prevalent following a weekend. We are aware that several applications for this have been made (and refused) in the past and we have always been consistent in our objection.

5.0 EVALUATION

5.1 Principle of the proposed development and residential amenity

5.1.1 There is legitimate concern that the later night opening will give rise to the potential for noise disturbance to nearby residents from rowdy behaviour of 'customers' in the street over which the applicant can be expected to have very limited control. The Council's Environmental Health section will not be in a position to resolve any complaints of noise arising from this source having regard to the legislative powers within its remit. However, in granting the licence for the 2am opening, the Council's Licensing Team consulted neighbouring properties and also Gwent Police. No objections were received and the Police also offered no objections on the condition that CCTV is installed. Two other conditions of the licence are that the shop has a closed door policy and also that a notice is displayed within the premises reminding customers to leave quietly. Further conditions of the licence are litter receptacles to be placed inside and immediately outside the premises for customer use and at closing time, staff are to clean the immediate area around the outside of the shop including pavements outside neighbouring properties. The applicant has agreed to all of these conditions.

5.1.2 It is also understood that the Police currently patrol the area around the shop up to 2am as this is the closing time of the nearby Auberge nightclub. Noise and disturbance attributed to the kebab shop would in any case happen as a result of customers of the Auberge making their way home so provided that the shop does not open beyond 2am and adheres to the conditions of the licence then the increase in people acting in an anti-social manner is unlikely to be significant enough to justify refusal of this proposal to have the same opening hours as the licence already allows. Should the licence be revoked in the future then this would override the planning consent and the shop would have to comply with the licence.

5.2 Highway Safety

5.2.1 The majority of customers frequenting the kebab shop between the hours of midnight and 2am will be on foot. It is the responsibility of individual pedestrians to ensure that they do not encroach onto the main road and put themselves in danger.

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

5.3.1 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 The use hereby approved shall be restricted to the ground floor only.

REASON: To define the area to which the consent relates.

2 The premises shall not be used for the approved purposes outside the following times:
08:00 to midnight Sunday to Thursday and 08:00 to 02:00 Friday and Saturday.

REASON: In the interests of amenity.

DC/2018/01143

OUTLINE PERMISSION FOR ONE BUILDING PLOT IN GARDEN OF BROOKSIDE

BROOKSIDE, WELL LANE, LLANVAIR DISCOED

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 19/07/18

1.0 APPLICATION DETAILS

1.1 This is an outline application, with all matters reserved for the erection of a detached dwelling in the grounds of Brookside in Llanvair Discoed. The indicative layout shows the new dwelling to be sited on the southern part of the site utilising the existing vehicular access, with a new access being created further up Well Lane for the existing dwelling. The footprint of the dwelling would be a maximum of 12 metres by 12 metres. There are several mature trees on the site, some of which would have to be felled to accommodate the new dwelling. Following negotiations with officers the scheme has been amended from two dwellings to one. There was full re-consultation on the amendment. A table has been submitted showing the maximum height for the building to be 12 metres with a maximum footprint of 14 x 14 metres. The minimum parameters are 8 metres to the ridge and a footprint of 8 x 8 Metres.

1.2 Llanvair Discoed is identified as a Minor Village in the LDP and the site is located within a Minerals Safeguarding Area and a Sources Protection Zone 1 (SPZ1).

2.0 RELEVANT PLANNING HISTORY

DC/2013/00305 Second storey extension - Approved 17.06.2013

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S15 LDP Minerals
S17 LDP Place Making and Design

Development Management Policies

H3 LDP Residential Development in Minor Villages
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP2 LDP Protection of Water Sources and the Water Environment
EP5 LDP Foul Sewage Disposal
M2 LDP Minerals Safeguarding Areas

4.0 REPRESENTATIONS

4.1 Consultations Replies

Caerwent Community Council - Refuse

Our previous objections dated 15th August still stand in regard to this application. We have received further concerns regarding precedent and overdevelopment, ecological impact, drainage, safety and vehicular/pedestrian access, effect on privacy, light and enjoyment of property. In addition, real concerns regarding damage to air quality during necessary heavy vehicles emptying the required cess pits and increased blocking of Well Lane through building works and additional cess pit emptying preventing emergency ambulance access to the care home at the top of Well Lane. Very strongly, therefore, the consensus is still to reject this amended planning application.

Caerwent Community Council – Initial response sent 15/08/18

The Welsh Office rejected an appeal for a dwelling in the grounds of a property in Llanvair Discoed on the grounds that the village is characterised by sizeable properties on large plots and that to allow an application on this site would set a precedent leading to multiple applications.

Damage to the character and nature of this mature residential area.

Neighbours will submit similar applications

Contrary to MCC policies as this is a minor village

Damaging to the stream and its banks

Detrimental to residents

Detrimental to ecology

Loss of trees

Poor visibility from the new access

Safety issues for walkers

Road not suitable for large vehicles

Encroach on neighbouring properties when turning into new driveway

Installation of three sealed cesspits and heavy tankers will be required weekly to empty the tanks

The tankers will damage the lane, the banks of the stream and trees

Increase in traffic

Construction traffic will cause damage

Inconvenience to local residents

No mains sewers in Llanvair Discoed

Existing cesspit is in neighbour's garden

Supply of fresh water is already a problem

Disposal of grey and black water is a problem

Water course could be compromised

Negative impact on drainage and water flows

The village already floods in winter

Intrusive impact on 9 Court House Road

Loss of privacy light and enjoyment for neighbouring properties

There may be restrictive covenants limiting development to single dwellings

The applicant has been a major objector to similar developments

The site plan is inaccurate, misnaming neighbouring properties

Natural Resources Wales - We do not object to the application as submitted.

We note that the application is for outline planning permission for one dwelling. The application is within a sensitive location as it overlies a Sources Protection Zone 1 (SPZ1). Source Protection Zones are designated by Natural Resources Wales to identify those areas close to drinking water sources where the risk associated with contamination is greatest. No information had been provided regarding the disposal of foul waters from the proposed development. We understand that the development is not served by the public foul sewer. In these circumstances WG Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private drainage facilities. In this instance, no information has been submitted.

We therefore refer the applicant to the Environment Agency's approach to groundwater protection, which Natural Resources Wales has adopted. Section G concerns discharge of liquid effluents into the ground. Position statements G2 and G6 state the following.

G2 – Sewage effluent discharges inside SPZ1

Inside SPZ1 all sewage effluent discharges to ground must have an environmental permit. All permit applications will be considered on the basis of risk assessment and the appropriateness of the discharge with respect to the local environmental setting. For new discharges you should contact Environment Agency (NRW) to discuss whether or not it is likely to grant a permit.

If an unpermitted discharge is discovered in a SPZ1 and there is evidence of pollution or a significant risk of pollution, the Environment Agency (NRW) will work with the operator to address the issue on a site specific basis. Where necessary, the Environment Agency (NRW) may use a notice to deal with any unacceptable discharge.

G6 – Cesspools and cesspits

The Environment Agency (NRW) does not encourage the use of cesspools or cesspits, other than in exceptional circumstances. A cesspool or cesspit is a sealed unit that is used for the storage of untreated sewage. There must be no discharge to the environment. Poorly managed cesspools and cesspits present a considerable risk of causing pollution, which can be difficult to monitor and correct.

We understand from correspondence from your authority that foul drainage proposals will be to a new cesspit. We advise the applicant must therefore fully justify the use of a cesspool over preferred alternative means of foul disposal in accordance with the hierarchy set out in the Circular and Building Regulations Approved Document H. The Local Planning Authority will need to be satisfied that the sewerage arrangements are suitable.

Flood Risk

We note that the site lies within Zone A of the Development Advice Maps (DAM) contained within Technical Advice Note 15 Development and Flood Risk (July 2004). In addition, we are not aware of any localised flooding in this area. We advise that the Authority's Land Drainage Department may hold records and can advise further on surface water requirements.

MCC Flood Risk Manager- We note that new crossings of the watercourse would likely be required for the building plots.

I take this opportunity to draw your attention to the likely requirement for an Ordinary Watercourse Consent to be obtained prior to construction of any such crossing. Details are available on our website. Please note that Ordinary Watercourse Consenting sits outside the planning regime. Receipt of planning consent does not in itself imply a right to undertake works within the watercourse.

Glamorgan Gwent Archaeological Trust (GGAT) - No objection.

We identified a possible historic environment issue regarding this application; consequently, we have consulted the further information on your website and in the Historic Environment Record.

The Historic Environment Record notes that the area of the current house and garden and proposed houses falls within the northern part of an area of orchard to the Court House, as shown on the Tithe Map of 1846. The core focus of the historic settlement is to the south west, where the castle is a Scheduled Monument Cadw reference MM047, and is beside the church of St Mary; both are thought to date from the 13th/14th centuries. Llanfair is also c2.5km from the Scheduled Monuments of the Roman town of Caerwent, and within 1km of the Scheduled Monuments of Five Lanes Roman Villas, and finds of Roman date are noted in the vicinity.

However, it is our opinion, given the current information, that the proposals will not encounter any buried archaeological remains. Given the current information, therefore, 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. The Record is not definitive, however, and should any archaeological remains or features be encountered please contact us, as these may be a need for archaeological mitigation in order that information is not lost without record.

MCC Housing - 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 £27,685

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.

MCC Highways comments received 25/09/18

The Application is for the sub-division of the existing residential dwelling plot into 2 separate units. The southern part is intended for use as a building plot.

The southern plot will utilise the existing vehicular access to/from the public highway (Well Lane).

The existing residential property, known as "Brookside", will require a new vehicular access to/from Well Lane. This is included in the submitted proposal.

Insufficient information is provided by the Applicant to allow consideration of the proposal.

No details of the construction make-up of the proposed access road has been provided. The Applicant should note that, where feasible, permeable paving or other forms of sustainable drainage systems should be specified.

No details of the visibility available from the proposed access road onto the public highway has been included. Visibility to current design standards should be provided. The presence of extensive tall vegetation along the property boundary at the location of the proposed access is noted.

There is an existing surface water drainage ditch is located directly alongside Well Lane. The Applicant has not provided details as to how the integrity of this drainage feature will be maintained where the proposed vehicular access crosses the ditch. It should be noted that any culverting works will require separate land drainage consent from the Highway Authority therefore the applicant should contact the Land Drainage Department on 01633 644644.

Consideration should be given to the conversion of the existing access and driveway, serving Brookside, into a shared use driveway serving Brookside and the proposed development, thus removing the need for a new access onto the public highway and works to the existing drainage ditch infrastructure.

In light of the above we would object to the application in the absence of information and request that the applicant consider our comments with a view to submitting additional information to our satisfaction.

MCC Highways comments received on 18/10/18 – No Objection.

The application is for outline planning permission with all matters reserved including highways matters. We would therefore comment that we as Highway Authority have no grounds to sustain an objection to outline planning approval subject to the applicant addressing all of our concerns at the reserved matters stage. We would recommend that our initial comments be conditioned as part of any outline consent.

MCC Highways comments received 16/11/18

With reference to earlier comments in respect of this application I can advise that the highway authority have had cause to review the comments provided, these comments have been informed following a site inspection of the proposed development on the 1st November 2018 and with particular regard to Well Lane and the locality.

The Highway Authority note that the application is an outline application with all matters reserved. The Highway Authority would not object to the construction of a further dwelling served off Well Lane; the development of a further dwelling would not lead to a real deterioration in highway safety or capacity. However, we would offer the following comments to either accompany this application or for further consideration at reserved matters or full application stage:

- It should be noted that the proposed dwelling located within the grounds of Brookside will utilise the existing shared access and not a shared drive.
- The Highway Authority as indicated on 18/10/2018 would offer no objections and have no grounds to sustain an objection to the proposal on highway grounds, the creation of an additional dwelling off Well Lane would not represent a shortfall in highway standards that would lead to a real deterioration in highway safety or capacity.

The Highway Authority recognise the environmental and physical constraints associated with Well Lane therefore if the planning authority are minded to approve the outline application the highway authority recommend appropriate conditions.

MCC Tree Officer - I have not carried out a site visit, however, there is sufficient evidence on aerial photography to demonstrate that there is a significant constraint in terms of trees. Accordingly the applicant is required to submit a tree survey in accordance with BS5837:2012 – Trees in relation to Design, Demolition and Construction Recommendations.

The report will include the following information:

- A scaled plan of the layout showing retained trees and their root protection areas.
- Arboricultural Method Statement.
- Arboricultural Impact Assessment.

4.2 Neighbour Notification

Initial consultation, letters of objection received from 14 addresses

Close to adjoining properties

Development is too high

Inadequate Access

Increase in traffic

Over development

Strain on existing community facilities

Adverse impact on the fabric and character of the village

Covenants on Court House Road restricting new buildings

There will be an increase in traffic as a result of the need to empty the cess pits

Impact on the road surface, verges and stream from tankers used to empty the cess pits

No mains drains in the area
Further pressure on water levels
All utility suppliers should be given full details of the proposal
Applicant has objected to similar proposals
This will set a precedent leading to the loss of village community
MCC has a responsibility to uphold the environment, health and safety of residents and the financial implications needed to deal with the aftermath of a decision in regard to maintenance and upkeep
Too close to common boundaries
Overlooking /loss of privacy
Problems with cess pits
No other permanent building can be erected on the plot
Original planning permission only allowed for one dwelling per plot
Loss of trees and impact on biodiversity
Increase in traffic to empty cess pits
Impact on the drainage field of adjoining properties
A previous application was turned down by Welsh Office because it would set a precedent which would lead to multiple applications
Impact on pedestrians
Vehicles would drive into Bryn Adam
Damage to the stream and the banks
Supply of fresh water and disposal of grey and black water is already a problem
Obstruction of lane by tankers emptying cess pits
May compromise underground water courses/ springs
Inadequate infrastructure
Disruption during construction
Detrimental to adjoining properties
It would be better to build on the edge of the village
Adverse impact on village form
Poor access no footpaths
Loss of mature trees
Negative impact on drainage and water flows
Village floods in winter
Economic advantage for the applicant
Poor visibility from proposed access
Traffic has increase over the past 28 years, now more properties on Well lane
No highway regulations were imposed resulting in disputes over turning on private drives
Increase in accidents as a result of the previous development
NRW needs to be informed because of increased risk of flooding from the stream
Respecting the environment should be on MCC agenda
Contrary to MCC clean air strategy as the lorries emptying the cess pits issue dirty emissions while emptying the tanks that can take up to 40 minutes so increase pollutants into the air.
Poor access from the main A48
Road will have to be closed while the cess pits are being installed, this could be life threatening; restricting the access to an existing residential nursing home
Cess pits will exacerbate flooding in the area
A previous development company was fined by HSE for illegal and dangerous excavations (MCC chose to ignore this)
Impact on archaeology
Bat survey is required
Need to consider how the properties will be heated, will they need fuel tanks
MCC made many mistakes on adjacent plot
Part of the stream may be made into a culvert
Cess pits and foundations could impact on drainage patterns

We do not believe that staff within MCC planning department are sufficiently robust to legally and safely ensure that any development is done correctly except using Lego bricks and then only under supervision

Construction would cause noise and disturbance to the village

MCC is incompetent based on previous experience something that the current applicant believed in at the time

There are no pavements on Well Lane

Further comments received from 8 addresses after re-consultation on the amendment to reduce the scheme from two to one dwellings.

WG set a precedent in the village

Damage to the stream and trees

Cesspit issues

Damage to the environment

The amendment does not address any of our objections

The village is the gateway to one of the oldest woods in Wales and should be protected

The new access will affect a Copper Beech Tree

The Tree Officer should visit the site

Well Lane cannot support an additional dwelling without a significant adverse impact on the natural environment

Site Notice was not visible enough as it was put on a no through road

Object to the amendments on the same grounds as the original

Will destroy a major length of stream and its banks

Lorries will use neighbouring properties in which to turn

Reduction to one plot makes no difference to the issues

Serious sustainability issues with the sealed cess pit to the residents from pollution and the occupiers due to the cost of emptying

The amendments do not address our concerns

The gardens of these properties are an important part of the character of the village; they create a rich habitat for wildlife

Set a further precedent of turning gardens into building plots solely for financial gain damaging the village community.

Refusal to allow another dwelling to utilise our shared access. My property shares an access with Brookside protected by a covenant stating use by one dwelling only. Therefore I strongly object to another property using this access along with the associated heavy traffic that would be required to construct the property and the subsequent and ongoing heavy lorry movements to empty cesspits etc., and as such I would advise the council that in no way will I allow, under any circumstances, extra traffic access across my shared area of the driveway.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 Llanvair Discoed has been identified in Policy S1 of the LDP as a 'Minor Village' where small scale residential development will be allowed in accordance with the circumstances set out in LDP Policy H3. Policy H3 states that in Minor Villages planning permission will be granted for minor infill of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings subject to detailed planning considerations. These would include there being no unacceptable adverse impact on the village form and character and surrounding landscape and other policies in the LDP that seek to protect existing retail, employment and community uses. In this case the garden area of Brookside is of sufficient size to conformably accommodate an additional dwelling of the scale set out in this outline application and its associated amenity space, parking and

services. The proposal constitutes “infill” development as the plot is surrounded on all sides by existing residential development. The residential plots in this part of the village are especially large and characterised by open spaciousness. However, the plot at Brookside is over 70 metres long and averages 35 metres wide so even when subdivided would provide two spacious plots which were not out of keeping with the character of the area. Three new dwellings have recently been completed at Rose Court on the opposite side of the road. The proposal certainly consists of minor infill of a small gap between existing residential dwellings and therefore the principle of residential development is acceptable in this location and is compatible with the objectives of Policy H3 of the LDP.

5.2 Previous Appeal Decisions

5.2.1 In 1996 a planning appeal was dismissed for a separate residential dwelling to be built in the grounds of 3 Court House Road in Llanfair Discoed. The new dwelling was to be attached to the east elevation of the existing bungalow, which occupied the central part of the plot. In his report dismissing the appeal the inspector referred to paragraph 84 of PPW which says that in established areas insensitive infilling or the cumulative effect of development or redevelopment should not be allowed to damage an area’s character or amenity. The inspector said that in his opinion, the essential character and appearance of the locality was one of spaciousness and privacy contributing to an exclusive and highly desirable residential environment. He sympathised with the councils desire to protect the character and appearance of the locality which he felt was consistent with the emerging Local Plan Policy H4. Since that time PPW has undergone many amendments but the current version still refers to infilling in Chapter 9.3. The current version of PPW states “Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area’s character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing. In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area’s character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas”.

5.2.2 While the sentiments of preserving an areas character and amenity remain the same from the original PPW written in the 1990s, the two proposed developments are quite different. It is still important to preserve an area’s character from insensitive infill. The properties on Court House Road are large and situated in the centre of spacious plots while the existing property at Brookside is located in the northern part of the plot and therefore, if a new dwelling were to be constructed in the grounds there would be significant amenity space around both the existing and the proposed dwellings. Another significant difference is that while the plots in Court House Road are exceptionally large, the plots on Well Lane are generally smaller. One new dwelling in the grounds of Brookside would not significantly change the character of the area. When dismissing the previous appeal, the Inspector referred to the relationship between the proposed new dwelling and the existing one as they would have shared amenity space, being attached, and result in the front door or one being close to the bedroom window of the other and that this would lead to mutual disturbance and possible dispute. This is not the case with the application which is currently under consideration.

5.2.3 When dismissing the previous appeal the Inspector stated that he was concerned “as to the likely deleterious impact of sub-division of other plots in the cul-de-sac which would inevitably ensue. The cumulative impact would be likely to cause serious harm to the character of this pleasant locality.” There the Inspector was considering the change in

character of the area if all the dwellings on Court House Road were to subdivide their plots. As planners we should consider each application on its own merits. If we receive applications from other properties in Llanvair Discoed to subdivide their plots then each should be considered on its own merits. This is not a reason for refusing the current application.

5.2.4 There have been several changes in circumstance since the dismissal of the appeal at 3, Court House Road: PPW has been amended and the Monmouth Borough Local Plan was superseded by the Monmouthshire Unitary Development plan and then in 2014 by the current Local Development Plan. Planning policy has evolved over the past 20 years since the appeal decision at 3 Court House Road. While the “Impact of a development on the character of an area” still applies the current proposal of one new dwelling in the grounds of Brookside would not have an adverse impact on the character of the area. The spaciousness and amenity around buildings in the area would be retained. The fact that an appeal was dismissed on a different plot in the area 20 years ago is not sufficient reason for refusing this current application, circumstances have changed and each application should be determined on its merits.

5.2.5 In 2006 an appeal was dismissed for the erection of a detached dwelling and garage in the grounds of 14 Court House Road. At that time the Inspector evaluated the proposal against the policies of the Gwent Structure Plan and the Monmouth Borough Local Plan. He considered that in line with Policy H4 of the Local Plan the landscape, village form and character should be considered and noted that Policy D1 of the Local Plan sought to secure high standards of design and appearance and respect the existing scale, pattern and character of its setting. He also referred to the policies of the emerging Monmouthshire County Council Unitary Development Plan which at the time was emerging and not adopted, but did have similar policies to the Gwent Structure Plan and the Monmouthshire Borough Local Plan. When dismissing the appeal the inspector said that he found the spaciousness around the dwellings to be a particular characteristic of this part of the village. He noted that national and local planning policies were supportive of new housing developments within settlements but reminded us that PPW advises that such development should not damage an area’s character and amenity. He stated that he accepted that the large garden could accommodate an additional dwelling but he thought that it would not be in keeping with the existing pattern of the settlement and would be detrimental to the character of the surrounding area. He thought that the proposed dwelling at no 14 Court House Road would be detrimental to the appearance of the surrounding area and would result in inappropriate and insensitive infilling. The proposal was to subdivide the garden of no 14 and to build a new dwelling in the southern part of the site because no 14 is set in the centre of the plot and the proposed dwelling would occupy a much smaller plot to those of the surrounding properties. In addition no 14 Court House Road is seen in visual terms to be part of Court House Road, an estate of similar dwellings all built at the same time and of similar design. Brookside is seen in visual terms to be part of Well Lane where there is a more varied mix of house types. The configuration of the plot is also very different with Brookside occupying the northern part of the curtilage. Thus, no direct comparison can be made between the two cases, and each application should be considered on its merits. Since the appeal at 14 Court House Road was dismissed, there has been a material change in circumstances with the adoption of the Monmouthshire LDP in 2014.

5.3 Highway Considerations

5.3.1 When the initial comments were received from MCC Highway Engineers in September, they were unaware that this was an outline application and that access was a reserved matter. Subsequently they had requested details of the access. Once it was ascertained that this was an outline application they withdrew their objection. There is sufficient capacity within the surrounding road network to accommodate one additional

dwelling. On the indicative layout plan it shows that the new property would use the existing vehicular access and that there would be no alterations to this access. There is an existing bridge over the stream that is shared by Brookside and the adjoining property Over The Stream. It is understood that this is subject to various covenants between the two parties. It is not proposed to make any alterations to this access or to the two driveways. It is proposed that a new access be made for the existing property at Brookside. This is only an indication at this stage and would be the subject of detailed consideration as part of the reserved matters. In their initial comments Highways suggested that consideration should be given to the conversion of the existing access and driveway, serving Brookside, into a shared use driveway serving Brookside and the proposed development, thus removing the need for a new access onto the public highway and works to the existing drainage ditch infrastructure. The benefits of this could be considered as part of the reserved matters but this may not be possible in legal terms if it contravenes private covenant and the adjoining neighbour does not agree. This however is a matter to be addressed with the details of the access which will be submitted with the reserved matters. With regards to the current outline application, Highways have no objection to the principle of a new dwelling being provided in this location.

5.4 Mineral Safeguarding Area

5.4.1 The Regional Technical Statement (RTS) of the South Wales Aggregates Working Party (October 2008) requires MCC to investigate and safeguard limestone for possible future use. This requirement is achieved through LDP Minerals Policy S15 which states that the council will seek to contribute to regional and local demand for a continuous supply of mineral's by safeguarding known and potential resources and maintaining a 10 year land bank of permitted aggregate resources through the plan period. To this end Minerals Safeguarding Areas have been identified on the LDP proposals map. The whole of this site is the Limestone Safeguarding Area. Policy M2 of the LDP states that development proposals which may impact on the MSA will be considered against the following requirements:

a) Proposals for permanent development uses within identified MSA will not be approved unless:

- i. "The potential of the area for mineral extraction has been investigated and it has been shown that such extraction would not be commercially viable now or in the future or that it would cause unacceptable harm to ecological or other interests; or
- ii. The mineral can be extracted satisfactorily prior to the development taking place; or
- iii. There is an overriding need for the development; or
- iv. The development comprises infill development within a built-up area or householder development or an extension to an existing building."

In this case, the proposal comprises of infill development within a built up area. This land is not considered suitable for quarrying as it is located within the centre of the village surrounded by established residential properties. The proposal therefore does not contradict the objectives of Policy M2 of the LDP.

5.5 Residential amenity

5.5.1 To the south of the site is the property known as Over the Stream, which is a dormer bungalow that faces the proposed plot. It is set at an angle so its distance from the common boundary varies from 8 metres at the east and 15 metres at the west. At present, there is a hedge along part of this common boundary but closer to the road there is a low-level wall with railing above. Over the Stream would be facing at an oblique angle, towards the side elevation of the proposed dwelling at a distance of approximately 19 metres. This distance is considered acceptable and despite the two-storey nature of the proposed dwelling would not result in an overbearing impact. At the reserved matters stage it can be ensured that there

would be no first floor windows on the side elevation of the proposed dwelling. There would be a 1.8 metre high close boarded fence along the common boundary which would also help to maintain privacy.

5.5.2 To the east of the proposed plot is no.9 Court House Road. This modern two storey dwelling has its side elevation facing into the plot. This side elevation contains a first floor bathroom window. The side elevation of no 9 is approximately 13 metres from the common boundary and approximately 23 metres from the rear elevation of the proposed dwelling. This is also an acceptable distance and will not result in an overbearing impact. Detailed design at the reserved matters stage can ensure that there is no direct overlooking or loss of privacy. To the north of the proposed dwelling is the existing property of Brookside. This has a ground floor conservatory and first floor windows facing into the site. The existing property is set at a higher level than the proposed dwelling. Due to the difference in levels, the large size of the plot and the close boarded fence along the common boundary there will not be a significant adverse impact on the occupiers of the existing dwelling.

5.5.3 To the west of the site is Well Lane and beyond this Well Cottage; this property faces towards the site, but is on the opposite side of the road and the existing mature hedge along the western boundary of the site will be retained. There would be adequate space between the proposed dwelling and Well Cottage to ensure amenity is unharmed. The proposal does comply with the objectives of Policy DES1 and EP1 of the LDP. A new dwelling in this location would respect the existing form, scale, siting and massing of neighbouring properties and would protect the spaciousness and privacy of the neighbouring residential area.

5.6 Drainage

5.6.1 Surface water will go to a soakaway and there is sufficient land available in the curtilage of the proposed plot to accommodate this. Details of the location of the soakaway will form part of the reserved matters. The effectiveness of the soakaway will be controlled by a Building Regulations submission and porosity tests will be required to ensure its operational requirements.

5.6.2 There are no mains drains in the village and that means the foul drainage for the new dwelling will need to be disposed of by either by a private treatment plant or by a sealed cesspit. As this is an outline application there is no requirement on behalf of the applicant to give details of foul drainage as this will be considered as part of the reserved matters. However, given the history of foul drainage along Well Lane and the fact that the site lies in the Source Protection Zone 1 (SPZ1), NRW and MCC Building Control have agreed to give comments at this stage. In areas not served by public foul sewers, WG Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private drainage facilities and that an Environmental Permit from NRW will be required. The applicant would be required to fully justify the use of a cesspool over preferred alternative means of foul disposal in accordance with the hierarchy set out in the Circular 008/2018 and Building Regulations Approved Document H. NRW would prefer the use of a package treatment plant over the use of a sealed cesspit. Cesspits will only be allowed in exceptional circumstances. Although the means of foul drainage is not being considered here, experience from recent nearby development would suggest that package treatment plants may not be acceptable as the flow in the stream into which such plants would discharge is not continuous during the summer months. It may be that foul drainage would have to discharge into a sealed cess pit, as do most other dwellings in this part of Llanvair Discoed. If this was the case the applicants would have to justify the use of a cess pit in accordance with the guidance of the Circular. This would be submitted as part of the reserved matters. The applicants would also need to apply for an Environmental Permit.

5.6.3 When drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage discharging into a public sewer. There are, however, no mains sewers in Llanvair Discoed so alternative means for dealing with foul waste must be sought. Paragraph 2.5 of Circular 008/2018 says that only if it can be clearly demonstrated by the developer that mains sewers and package treatment plants are not feasible, taking into account cost and/or practicability, should a system incorporating septic tank(s) be considered. Applications for planning permission should be supported by a full assessment of the proposed use of septic tanks, to confirm the adverse effects by reference to the factors in paragraph 2.6 will not arise. This assessment should focus on the likely effects on the environment, amenity and public health and, in particular, it should include a thorough examination of the impact of disposal of the final effluent by soakage into the ground. It should be noted that discharge of septic tank effluent into surface waters is not permitted.

5.6.4 Paragraph 2.6 then lists the following nine factors to be taken into account.

- a) Contravention of recognised practices: Any evidence which shows the proposed arrangements are likely to prejudice, contravene or breach any statute, Regulation, Directive, Code of Practice, Byelaw, water quality objective or any other authoritative standard (such as British Standards, Groundwater protection position statements research papers/reports with proven conclusions).
- b) Adverse effect on water sources/resources: Any information produced by the British Geological Survey, Natural Resources Wales (including its predecessor bodies) or any other authoritative sources, which shows the area has geological formations which could allow the transmission by percolation or by surface run-off of sewage effluent from the proposed foul drainage system, directly or indirectly, so as to adversely affect any existing or potential surface or groundwater sources.
- c) Health hazard or nuisance: Any evidence which indicates the proposed arrangements and the associated effluent disposal system is likely to lead to a risk to public health or cause a nuisance.
- d) Damage to controlled waters: Any evidence, including reference to information on site hydrology and geology and to the Environmental Permitting Regulations, which indicates the proposed arrangements may result in the entry of any poisonous, noxious or polluting matter or any solid waste matter into any controlled waters, including ground waters.
- e) Damage to the environment and amenity: Any evidence the proposed arrangements are likely to lead to raw or partially treated sewage entering into receiving waters or onto land, to such an extent as to damage or undermine the environment and amenity value of the locality or any other area, particularly if it is of special significance such as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) or public open space.
- f) Overloading the existing capacity of the area: Any authoritative assessment or available records, which indicate
 - i) the addition of new discharges from a proposed development to those which already exist in the area, or
 - ii) the quality or quantity of new discharges by themselvesare likely to overload the local subsoil soakage capacity or receiving water to the extent it may lead to the problems of ponding, sewage flooding, pollution or nuisance.
- g) Absence of suitable outlets: Any evidence to show there is no suitable facility such as satisfactory water courses (for a package treatment plant) or adequate land for soakage in the locality to accommodate the disposal of effluent from the proposed treatment plant(s) or septic tank(s) serving the new development.
- h) Unsuitable soakage characteristics: Any results derived from percolation tests which have been carried out in accordance with BS 6297 or a subsequent superseding standard, (preferably carried out in winter conditions when the soils are saturated), which show the

local soil conditions would preclude effective disposal of any sewage effluent from the proposed sewage treatment plant(s) or septic tank(s) serving the new development.

i) High water table: Any evidence drawn from records of 'rest water levels' observed in trial holes which show the water table in the locality is so high, at any time of the year it could inhibit or impede or adversely affect the proposed foul drainage/effluent disposal arrangements.

j) Rising ground water levels: Any evidence, such as water table records of the locality, which show the levels have been rising consistently and are likely to interfere with the proposed foul drainage/effluent disposal system, or may cause damage to other land or property in the area e.g. by its contribution to landsliding or subsidence.

k) Flooding: Any evidence, such as records of frequencies and levels of previous flood incidents, which show the locality is subject to flooding to the extent the proposed private sewerage would lead or contribute to environmental or amenity problems.

l) Maintenance plan: Environmental Permitting Regulations permits and exemptions require records of maintenance and de-sludging of the treatment system to be kept for 5 years. Keeping a service log, contractor invoices or entering into a service agreement with a servicing contractor should meet this requirement.

5.6.5 The Council is not aware of any statutes, regulation, Directive, code of Practice or Byelaws stating that septic tanks should not be installed in this area. In fact, most of the existing properties in this area have used sealed cesspits to deal with foul drainage. NRW have not objected to the proposal and they are aware of the applicant's intention to use a sealed cesspit. With regard to the effect on water sources/resources, the plot is located within a Source Protection Zone 1. Source Protection Zones are designated by NRW to identify those areas close to drinking water sources where the risk associated with contamination is greatest. NRW reminds us that inside SPZ1 all sewage effluent discharges to ground must have an environmental permit and that all permit applications will be considered on the basis of risk assessment and appropriateness. NRW does not encourage the use of cesspools or cesspits, other than in exceptional circumstances because poorly managed cesspools and cesspits present considerable risk of causing pollution, which can be difficult to monitor and correct. Although not encouraged, the guidance from NRW does not say that cesspits will not be allowed and in this case NRW offers no objection to the proposal - rather they request that the applicant fully justifies the use of a cesspool over preferred alternative means of foul disposal in accordance with the hierarchy set out in the Circular and Building Regulations Approved Document H. As this is an outline application with drainage being considered as a reserved matter, the applicant can submit the drainage details and justifications as part of the reserved matters where they will be fully evaluated.

5.6.6 There is no substantive evidence which indicates the use of a cesspit and the associated effluent disposal system is likely to lead to a risk to public health or cause a nuisance in this location. It is the responsibility of the occupier of the new dwelling that the cesspit is correctly maintained and emptied as it is for the occupiers of the surrounding properties who also have cesspits. There should be no damage to controlled waters as the cesspit will be sealed, water tight with no discharge. There is no evidence to suggest that the proposed arrangements may result in the entry of any poisonous, noxious or polluting matter, solid waste matter, raw or partially treated sewerage into any controlled waters or land as the cesspit will be sealed and result in no discharge. The cesspit will be emptied by truck and the process will comply with the relevant legislation. The proposal will not impact upon the environment and there are no special designations nearby such as public open spaces, Site of Special Scientific Interest (SSSI) or Special Area of Conservation (SAC). There will no new discharges that could overload the existing capacity of the area or result in flooding or ponding.

5.6.7 There are no other suitable facilities that could be used. In this instance, a package treatment plant cannot be used, as there is no suitable watercourse into which it could

discharge. There is no need to consider percolation tests for the foul drainage, as there would be no discharge from the sealed unit. Percolation tests will be required for the surface water discharge that will be via soakaway but there is sufficient land available within the site to accommodate the scale of soakaway needed. There is no evidence of unusually high water table or rising water levels in this area. The site is not in a C1 or C2 Flood zone and NRW has said that they are not aware of any local flooding issues on the site. A Maintenance Plan will be required as part of any Environmental Permit from NRW. Regulations permits and exemptions require records of maintenance and de-sludging of the treatment system to be kept for 5 years. Keeping a service log, contractor invoices or entering into a service agreement with a servicing contractor should meet this requirement. It will be the responsibility of the occupiers of the property to obtain an Environmental Permit and also maintain the cesspit in a satisfactory condition.

5.6.8 It has been suggested by local residents that the plot is not of sufficient size to accommodate a sealed cesspit. According to Part H of Building Regulations, a 4 bed house would require a cesspit large enough to provide for 8 people, that would mean it needs to be 59 cubic metres (18m³ for two persons and then 6.8m³ extra per person). The cesspit has to be sited at least 7metres from any habitable parts of the building and preferably downslope from it. It should preferably be lower than any other existing building in the immediate area. It should be within 30 metres of a vehicle access point for it to be emptied and be able to be emptied without any hazards i.e. going through the house. There are also stipulations on its construction, namely a ventilated, waterproof inspection chamber just before it on the inlet. It can be built in situ, either brickwork or concrete or can be a factory made unit and brought to the site. There is nothing in the Building Regulations Part H about distance from a watercourse. The actual regulation states that it must not contaminate any water course, but it also states the cess pit must be watertight. As long as it is constructed correctly and well maintained then it should not leak or contaminate the watercourse. It would be the home owner's responsibility to ensure that the cess pit was properly maintained. Although no details of foul water disposal are being considered at this outline stage, it can be seen that a sealed cess pit could be accommodated in physical terms on the site. NRW to do not object to the application as submitted

5.7 Flooding

5.7.1 The site is not in a C1 or C2 Flood Zone as identified in the DAM maps. Local residents have indicated that the site is prone to flooding so NRW has been consulted. They responded offering no objection. They noted that the site lies within Zone A of the Development Advice Maps (DAM) contained within Technical Advice Note 15 Development and Flood Risk (July 2004) and therefore is outside of any defined flood zone. In addition, they are not aware of any localised flooding in this area. There is no justification for refusing this application on grounds of flooding.

5.8 Ecology and Trees

5.8.1 The applicant has undertaken a survey of trees on the site. These include a mature copper beech, sycamore, maple and magnolia. Some of the smaller trees on the site will need to be felled to accommodate a house on the site. Several of the older trees are in a poor condition and reaching the end of their life. MCC's Tree Officer has requested a full tree survey in accordance with BS5837:2012 – Trees in relation to Design, Demolition and Construction Recommendations. This can be secured by condition to be submitted as part of the reserved matters submission.

5.9 Affordable Housing

5.9.1 It is a basic principle of LDP 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 £27,685. This will be secured through a 106 Legal agreement and the applicants have agreed to this.

5.10 Impact on the adjoining stream

5.10.1 There is a small stream running down between the plot and Well Lane. This is outside of the site boundary. The footprint of the proposed dwelling will be approximately 15 metres from site boundary with the stream. It is possible that the cesspit will be located closer to the stream but its position will be determined with as part of the drainage details for the reserved matters and will be subject to Building Regulations. There may also be the need for a new culvert for a new access into Brookside but again this will form part of the reserved matters. There is no evidence that the proposed development will have any adverse impact on the stream.

5.11 Archaeology

5.11.1 Glamorgan Gwent Archaeological Trust (GGAT) looked at this application due to its proximity to several Scheduled Ancient Monuments but considered because of its position the proposals would not encounter any buried archaeological remains and therefore they had no objection to the proposal and did not require any archaeological conditions to be imposed

5.12 Response to the Representations of the Community/ Town Council and other issues raised

5.12.1 Caerwent Community Council are concerned that this proposal would result in over development of the site. The site is of adequate size to accommodate an additional dwelling with the associated parking and amenity provision. The dwelling would be at least 10 metres from the common boundaries. The proposal does not result in over development of the plot. Well Lane is a no through road that serves approximately 20 dwellings. While it is narrow and has no footway, the impact of one additional dwelling will not have a significant impact on the capacity of the lane and will not in itself compromise the safety of pedestrians. Many of the existing properties on Well Lane have sealed cesspits that need emptying as there are no mains drains in the village. One additional cesspit will not result in a significant increase in pollution from the lorries emptying it. The lorries will not have to block Well Lane during emptying because they will have access via the existing access. Turning provision can be made within the site for vehicles. Disturbance to existing residents during construction would be temporary and would not be grounds to refuse permission for this proposed development, but a condition could be imposed requesting a construction management plan including hours of operation for construction. If neighbours were to submit similar applications then they would be determined on their merits and that is no reason for refusing this current application. The principle of infill development in this village is acceptable on policy grounds so other applications for new dwellings within the village may also receive planning permission subject to detailed planning considerations. The restrictive covenants are not a material planning consideration but rather a private legal matter. The site notice was clearly displayed at the entrance to the site. A bat survey was not requested at this stage as there is no demolition of existing structures but if there is potential for bat roosts in any trees to be felled this would come to light in the tree survey and appropriate conditions could be applied at that stage.

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

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

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

- A financial contribution of £27,685 towards Affordable Housing in the local area.
- If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Conditions/Reasons

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.

REASON: The application is in outline only.

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

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

3. Prior to work commencing on site a construction management plan shall be submitted to and agreed in writing with the Local Planning Authority. All of the works shall be carried out in accordance with the approved construction management plan

REASON: In the interests of residential amenity.

4. A tree survey shall be submitted as part of the reserved matters this should be in accordance with BS5837:2012 – Trees in relation to Design, Demolition and Construction Recommendations.

The report will include the following information:

- A scaled plan of the layout showing retained trees and their root protection areas.
- Arboricultural Method Statement.
- Arboricultural Impact Assessment.

Reason To inform the footprint of the proposed dwelling and to ensure that the most valuable trees on the site are protected

5. Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of Well Lane and the

adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP.

NOTE – it is recommended that the size and weight of all delivery vehicles shall be considered so as to minimise damage, congestion and disruption to Well Lane and the adjoining highway network.

Reason In the interests of highway safety

6. Prior to any building construction works including groundworks, site clearance, the means of access, as approved, shall be constructed in accordance with the approved plans and turning provision shall be provided to enable all delivery, construction and contractors vehicles turn within the curtilage of the site as well as providing for suitable levels of on-site parking.

Reason In the interests if highway safety.

Informatives:

1. A turning facility and on-site parking provision in accordance with supplementary planning guidance, Monmouthshire Parking Standards 2012, shall be provided within the site, details of which should be submitted as part of the reserved matters submission, and retained thereafter.

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Application Number: DM/2018/01283

Proposal: Development of 2no. residential dwellings and associated works.

Address: Infill Plot 1 And 2 At Garden Of Hillcrest Lansdown Road Abergavenny Monmouthshire

Applicant: Jan Milsom

Plans: Location Plan PL01 - , Tree Survey - Rev. C, Site Plan PL02 - Rev. A, Landscaping Plan 18/649/03 - Rev. C, Landscaping Plan 18/649/04 - , Landscaping Plan 18/649/05 - , Other Materials Schedule - , Floor Plans - Proposed PL05 - Rev. A, Elevations - Proposed PL06 - Rev. A, Floor Plans - Proposed PL03 - Rev. A, Elevations - Proposed PL04 - Rev. 4,

RECOMMENDATION:

Case Officer: Ms Lowri Hughson-Smith
Date Valid: 21.08.2018

1.0 APPLICATION DETAILS

1.1 This application relates to a parcel of land adjacent to no.14 Lansdown Road and seeks full planning permission for 2no. detached dwellings, new access point and associated works.

Background

1.2 The site was previously part of the garden of no. 14 Lansdown Road and was subject to an outline planning application submitted in January 2017 for the development of 2no. detached dwellings with all matters reserved except access (application reference number: DC/2016/01050). The principle of an access was supported by the Highways Authority at the time of the application subject to additional information in terms of turning within the site. The outline application was approved 28th June 2017 subject to 6no. conditions including a condition relating to reserved matters including access to enable full details to be secured.

1.3 The site layout plan submitted at outline stage was indicative but demonstrated a potential layout including Plot A fronting Lansdown Road, to the north east of the site, and Plot B to the rear of the plot, side on with the principal elevation facing south west.

1.4 The scope of the outline permission permitted the following minimum and maximum parameters relating to each plot:

Plot A

- Width: 12m to 12.5m
- Length: 21m to 22m
- Height 8.5m to 9m

Plot B

- Width: 12.5m to 13m
- Length: 15 to 15.5m
- Height: 8.5m to 9m

1.5 The outline application received no objections from local residents or statutory consultees. The Civic Society supported one unit but objected to two units on the basis that it was overdevelopment.

1.6 The application was approved via delegated powers in June 2018.

1.7 A reserved matters application pursuant to the outline was submitted in August 2018. The dimensions of the proposed dwellings, however, were not in accordance with the outline parameters and it was not procedurally possible to consider the application as a reserved matter to the outline permission. The application was therefore revised to a full application and this report relates to the full application.

Proposed Development

1.8 The proposal subject to this application is for 2no. plots laid out in a similar manner to the indicative layout relating to the outline permission. Plot A is located to the front of the site, closer to Lansdown Road, albeit set back from the public highway by just over 14m and remaining in line with the established building line of the street. Plot B is side-on to Plot A, set approximately to 13.3m south of Plot A with the principal elevation facing south east.

1.9 The proposed plots have the following dimensions:

Plot A

- Width: 6m
- Length: 18m
- Height: 7.9m

Plot B

- Width: 15.4m
- Length: 6.6m
- Height: 7.92m

1.10 Each proposed dwelling has a generous plot: Plot A has a 230m² private rear garden and Plot B has a garden in excess of 308m². Three parking spaces are provided per plot and turning areas for cars are shown to be possible in relation to each plot.

1.11 The recycling/bin store is located immediately south of the access point.

1.12 The proposed dwellings are simply designed and have the following material palettes:

- Ridge roof tile (black);
 - Natural Slate roof tile;
 - Chimney Pots (roll tops 300mm, terracotta);
 - Rainwater goods (marley, half round, basalt grey);
 - Fascias (painted timber, grey)
- Walls include a mix of:
- lbstock, red, textured;
 - lbstock, red, smooth;
 - Pointing, cement, light grey;
 - Render, k-rend, scraped texture, buttermilk;
- Joinery include:
- Windows, hardwood, grey olive
 - Doors, hardwood, grey olive
 - Garage doors, hardwood, reed olive

1.13 Access is proposed via a shared driveway off Lansdown Road to the east of the boundary at this location. A loss of a section of wall along Lansdown Road will be required in order to facilitate the access point and required vision splay of 2.4m by 43m.

1.14 The application also includes a comprehensive planting plan indicating retained trees and additional planting proposed.

Negotiations with Applicant to Arrive at Final Proposals

1.15 There have been lengthy negotiations with the applicant with regards to the proposal and a brief commentary of the changes secured through the application process are discussed below.

1.16 Initially, the proposal included two much larger dwellings and it was considered they were out of keeping with the area in terms of height. Other aspects of the originally submitted proposal were also considered to have a harmful impact in planning terms and in need of improvements to ensure a higher quality scheme is delivered. These concerns were identified to the applicant as follows:

- The height of the properties;
- Level of tree loss;
- Parking provision for Plot A was 1 space short of the requirements;
- Positioning of the Plots; and
- Extent of additional planning proposed.

1.17 Negotiations were undertaken with the applicant and the scheme as originally submitted was amended addressing the comments made by the officer including:

- Reduction in height of buildings by 1.8m;
- Retention of highest quality trees and higher quality replacement planting;
- Additional parking space to Plot A; and
- Repositioning of both plots to achieve acceptable separation distances from the existing dwellings.

1.18 The scheme as amended is the subject of this report and upon which the recommendation has been based.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2016/01050	2 no. residential infill building plots (outline)	Approved	28.06.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

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

4.0 REPRESENTATIONS

4.1 Consultation Replies

Local Member - The ward member requested the application be presented to full committee. He also raised the following objections:

- Insufficient advertisement was carried out with the application;
- The size and scale of the proposals are unacceptable;
- The proposals will have an adverse impact on the character and townscape of the area;
- The proposal will result in an adverse impact on the amenity of other properties along Lansdown Road and Highfield Crescent;
- Removal of the trees would be harmful to the character of Lansdown Road; and
- The proposals will have an adverse impact on the ecological features on site.

Abergavenny Town Council - recommends refusal on the grounds that the development as proposed is out of proportion with the existing properties in this area and is therefore contrary to LDP policy DES1 b). c) d) and g). The development will also have an adverse impact on the mature trees leading to loss of frontage trees that currently contribute to the character of the road.

MCC Highways - No objection in principle. The principle of a joint point of access is supported. The parking numbers and turning within the site is supported.

MCC Biodiversity - No objections subject to a condition that was imposed within the outline permission being applied to any new permission.

MCC Housing Officer - Financial contribution of £57,134 towards affordable housing in the area required. To be secured via a Section 106 Agreement.

MCC Tree Officer - The Tree Officer confirms the tree removal and replacement planting proposals are satisfactory. The existing trees are predominantly deciduous tree species with some well-maintained evergreen hedges e.g. Leyland Cypress and Cherry Laurel. The current landscaping at the site is considered to detract from the visual appeal of the street scene rather than complementing it.

The proposal is to replace the low quality trees and shrubs with a mixture of laurel hedging, a Birch tree and a Red Spire. The proposals are considered to improve the visual appearance of the area.

MCC Environmental Health - No objection.

Abergavenny and District Civic Society - The Abergavenny and District Civic Society object to the application on the basis that 2no. dwellings fail to fit onto the site in an acceptable manner. Concerns were also raised in respect of the loss of trees and the safeguarding to be put in place for retained trees. The design of the houses (as originally submitted) was considered 'somewhat strange' but not unacceptable having regards for the mixed character of the area.

4.2 Neighbour Notification

A total of 6 no. neighbour objections were received raising objections to the proposals. The objections can be summarised as follows:

- Neighbour consultations was not carried out correctly;
- Inaccuracies contained in application form relating to discussions with neighbours;
- Application form not filled in correctly;
- Detrimental impact on the streetscene;
- Impact of the two new dwellings on the character of the area which is suitable for Conservation Area status;
- One dwelling is more appropriate than two;
- Removal of the trees on site is unacceptable/result in a negative impact on the streetscene;
- Detrimental impact on the townscape/negative visual impact of the development;
- The development has an adverse impact on the historic nature of the streetscene;
- The development is overdevelopment/results in town cramming;

- The development will result in loss of light/overshadowing;
- The development will result in loss of privacy of neighbouring properties including rear gardens along Lansdown Road and Highfield Crescent;
- Adverse impact on ecology features;
- Insufficient parking/increased pressure for on-street parking;
- Increased in traffic would impact highway safety;
- The access point is insufficient width;
- The plans encroach on adjacent property;
- Development against national and local planning policy;
- Adverse impact in terms of water supply, sewerage and drainage;
- There is development elsewhere in Abergavenny and therefore this development is not required;
- Branches from trees on site falling onto adjacent property;
- Increased noise, odour and pollution as result of the development;
- The site is not wholly within the applicant's ownership and therefore the plans proposed are inaccurate;
- Loss of view;
- To approve the application would be inconsistent with planning precedent and case law;
- Landowners rely on law to provide them with security when purchasing property; and
- If the proposals went ahead, construction should be controlled.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site is located in Abergavenny and, in accordance with Policy H1 of the Local Development Plan (hereafter LDP) wherein new residential development is acceptable in principle.

5.1.2 Notwithstanding this, the site benefits from an extant outline planning permission for 2no. dwellings and the applicant could, if he so wished, submit reserved matters in accordance with the outline permission. This application is made in full since it is not possible to consider it under the outline permission since the dimensions of the proposed dwellings are smaller than approved at outline stage.

5.1.3 Given the location of the site within a defined settlement defined in the LDP and the existence of an extant consent, the principle of residential development is acceptable subject to material planning considerations. The material planning considerations in relation to this application are considered to be as follows and are discussed in detail below:

- o Impact on Character of the Area:
- o Visual Impact;
- o Residential Amenity;
- o Landscaping;
- o Highway Considerations;
- o Biodiversity Considerations; and
- o Affordable Housing

5.1.4 Prior to concluding the report, objections raised by the Local Councillor and local residents will be addressed.

5.2 Impact on Character of the Area

5.2.1 The character of Lansdown Road varies along its length with denser development to the north at the roundabout junction with Hillcrest Road and south in the vicinity of Lansdown Drive. The central section of Lansdown Road, where the site is located, is less dense with large dwellings set in generous plots aside from Saxonbury House, which is adjacent to no. 14 Lansdown, and has

been enlarged extensively to the rear of the property. The building line in the locale is varied, however, and all properties are set back from the public highway and the street benefits from extensive landscaping along its length. It is acknowledged that the pattern of development together with the landscaping is an important characteristic of the area which should be protected in accordance with Policy DES1 of the LDP.

5.2.2 In terms of protecting the character of the area the proposed density and layout are critical. The application site measures 0.17ha and the proposal for 2no. dwellings equates to a density of 11 dwellings per hectare. The density falls well below the requirement of Policy DES1 criterion j), which requires 30 dwelling per hectare in order to ensure the efficient use of land. Whilst there are examples of denser development in the vicinity, for example Saxonbury House, it is considered reasonable to allow a reduced density given the spaciousness of the urban grain of the area surrounding the site. Furthermore, the principle of two dwellings has been established through the grant of outline permission DC/2016/01050. The development, is considered to accord with criterion l) of Policy DES1 and the density proposed ensures the character of the area is maintained.

5.2.3 In addition, to protect local character, the proposed layout offsets the dwellings from the public highway by approximately 14m in line with no. 14 and no. 10 Lansdown Road, thus respecting the pattern of development in the locality. Additionally, the existing stone wall to the front of the site will be retained save for a section of approximately 3.2m to be removed to facilitate an access point (as discussed further below). Set behind the existing wall will be an area of landscaping to ensure the 'leafy and green' character of Lansdown Road is maintained, and further details relating to the landscaping are included below.

5.2.4 The proposed development is considered to balance successfully the need to promote an efficient use of land whilst also protecting the character of the area. It is concluded that the proposals fully accord with Policy DES1 of the LDP and maintain the distinctive character of Lansdown Road.

5.3 Visual Impact

5.3.1 Whilst Lansdown Road has a distinct character in terms of the pattern of development and landscaping, there is no prevailing dwelling type or style. Given the variation of design in the vicinity, there is capacity in the streetscene for a degree of flexibility in terms of scale, form, massing and design of the proposed dwellings.

5.3.2 The proposed dwellings are large, wide fronted, two storey dwellings. The scale, form, and massing of the proposed dwellings are in keeping with the adjacent dwellings and will not appear incongruous in the streetscene. This conclusion is further consolidated by the careful positioning of Plot A along the building line of the adjacent dwellings, as discussed above, which successfully integrates the proposed dwelling into the streetscene.

5.3.3 Plot B is located to the rear of Plot A and located side-on and, therefore, will not form part of any streetscene or be widely visible from Lansdown Road. The development at Saxonbury House is an existing example that demonstrates that development to the rear of plots along Lansdown Road are not perceivable from the principal streetscene. The visual impact of Plot B will be minimal and will not result in an unacceptable form of development.

5.3.4 In terms of appearance, the proposed dwellings are traditionally designed including features such as chimneys and projecting front gables. The finishing materials include high specification products including traditional slate roof tiles and timber windows which ensure a quality final development and complements the wider character of the area. The materials palette proposed will be conditioned to secure the high quality finish proposed.

5.3.5 The proposed layout, which as discussed above is considered to respect the character of the area, together with the detailed house types, has been assessed and it is concluded the proposed dwellings will sit comfortably in the streetscene and not appear out of keeping or harm the overall visual appeal of Lansdown Road. There is not considered to be a harmful visual impact as a result of the development and the proposals are deemed acceptable in accordance with Policy DES1 of the LDP.

5.4 Residential Amenity

5.4.1 Policy EP1 requires new development to ensure the amenity of existing properties are protected. Given the location of the application site, bounded by existing properties on all sides, the protection of neighbouring amenity is an important consideration to the acceptability of the development. The existing properties which are likely to be most affected are:

- No. 14 Lansdown
- No. 10 Lansdown Road;
- No. 11 Lansdown Road; and
- 49-53 Highfield Crescent

No. 14 Lansdown

5.4.2 No. 14 Lansdown Road is a detached property to the north west of the application site.

5.4.3 Plot A will have a side-on relationship with No. 14 Lansdown Road, offset from the property by approximately 10m. The separation distance is considered sufficient in the context of a side-to-side relationship to ensure the development will not have an overbearing or dominating impact. Furthermore, the side elevations of Plot A do not include windows and therefore potential overlooking is minimal and the privacy of the adjacent property will be maintained.

5.4.4 Plot B is located in the vicinity of the garden area of no. 14. A separation distance of 11.7m from the common boundary is proposed and over 27m from the rear of the property. The separation distance achieved together with the boundary enclosures are considered acceptable and not uncommon in an urban area or indeed along Lansdown Road. The proposals are deemed acceptable in terms of the impact on no. 14 Lansdown Road.

No. 10 Lansdown Road

5.4.5 No. 10 Lansdown Road is a detached property to the south east of the application site.

5.4.6 Plot A will have a side on relationship with No. 10 Lansdown Road, offset from the common boundary by approximately 8m, separated by the proposed access road into the site. The separation distance is considered acceptable in terms of a side-to-side relationship and will not result in an overbearing or dominating impact. Furthermore, as mentioned above, the side elevations of Plot A are blank so therefore, potential overlooking is minimised and the privacy of the adjacent property will be maintained.

5.4.7 Plot B is located in the vicinity of the garden area of no. 10 and a separation distance of 12.3m from the common boundary is proposed and approximately 22m from the rear of the property. The separation distance achieved together with the existing boundary enclosures are considered acceptable to protect the amenity of no. 10 and the associated rear garden, similarly to the conclusion made in respect of no. 14 Lansdown Road above.

No. 11 Lansdown Road

5.4.8 No. 11 Lansdown Road is located on the opposite side of the road from the proposed development over 45m away from the front elevation of Plot A. The separation distance is ample and it can be concluded the proposal will not adversely impact no. 11 Lansdown Road.

No. 49-53 Highfield Crescent

5.4.9 Plot B is the most closely related to no. 49-53 Highfield Crescent and is positioned side-on approximately 11m from the rear boundary of these properties and 18m from the rear elevations. Given the side elevation of Plot B is blank and the ample separation distances proposed, the amenity of the dwellings along Highfield Crescent will not be adversely affected.

5.4.10 Relevant to the amenity of all surrounding properties is the comprehensive landscaping scheme which has been submitted which includes the retention of existing hedgerows and some trees. The scheme also provides for the planting of additional hedgerows and trees along all

boundaries to provide further screening enhancing privacy for surrounding properties and future occupiers.

Amenity of Future Occupiers

5.4.11 The proposal has also been assessed to ensure the amenity of future occupiers is acceptable. As discussed above, the relationship of the proposed dwellings and existing properties promotes a high level of residential amenity. Internally, the layout ensures there is acceptable amenity standards between Plot A and B. Plot A has a substantial garden which is offset from the side elevation of Plot B by over 13m. The separation distance achieved is sufficient and it is concluded the amenity of the proposed plots is acceptable.

5.4.12 The impact on existing neighbours and future occupiers has been assessed in detail and deemed acceptable and in accordance with Policy EP1 of the LDP.

5.5 Landscaping

5.5.1 As discussed briefly above, the proposed scheme is accompanied by a comprehensive landscaping scheme which proposes to remove some trees and hedgerows and provide additional planting.

5.5.2 The tree loss will include 5no. category B, 6no. category C trees and approximately 9no. category U trees. Category U and C trees do not represent a constraint to development and the loss of these trees is deemed acceptable. The loss of the Category B trees is unfortunate; however, the layout as proposed could not be achieved without the tree loss proposed. On balance, securing a layout that respects the character of the area and protects neighbour amenity was a weighted consideration, which determined that the tree loss was unavoidable. The proposed layout does, however, secure the category A tree in the south eastern corner of the site.

5.5.3 To mitigate for the tree loss proposed, the applicant has submitted a landscaping plan which proposes to plant 10no. trees and proposes to plant new hedgerows along all boundaries and internally to separate Plot A and B.

5.5.4 Since the landscaping is considered integral to the character of Lansdown Road, the application was discussed with the Council's Landscape Officer (despite this being below the threshold for consultation). The Landscape Officer requested the double staggered hedgerows with an increased height along H1 and H2 and also requested the proposed trees are semi-mature. The applicant agreed to the proposed changes and these are reflected in the latest landscaping plan that will be secured via a condition.

5.5.5 The proposed landscaping scheme ensures the character of the site is maintained, the most important trees are retained and provides sufficient mitigation planting. The proposal in this regard is deemed acceptable and in accordance with Policy G11.

5.6 Highway Considerations

5.6.1 The proposed development will provide two additional dwellings to be accessed via a new, shared driveway located to the south east of the site frontage via Lansdown Road. The proposed traffic generation will be minimal and have a negligible impact on the existing road network, and is therefore considered acceptable.

5.6.2 The proposed access achieves the required visibility splay of 2.4m by 43m in accordance with Manual for Streets to ensure a safe access point. The access road alignment provides a distinctive shared access lane providing access into clearly defined plots. Each plot has sufficient turning space within its limits ensuring occupiers can access/exit each in a forward gear without any reliance on shared space for turning. This layout ensures minimal conflict between occupiers accessing and existing the site and is deemed acceptable from a highway perspective.

5.6.3 In terms of parking, each dwelling has 3no. spaces which are the required amount for the house sizes proposed and accords with the Parking Standards Supplementary Planning Guidance.

5.6.4 The proposed access arrangement is acceptable and the resultant impact on the highway network is considered to be negligible. The proposals accord with LDP Policy MV1.

5.7 Biodiversity Considerations

5.7.1 The previous outline application was supported by an ecology report which found potential for reptiles within areas of the garden due for development. Recommendations contained within the ecology report were conditioned to the outline permission. The Council's Ecologist has reviewed the current full application and has advised the original ecology survey and its findings are still relevant. She concludes the proposal is acceptable providing the conditions secured on the outline permission are attached to any new permission. The relevant conditions are proposed as detailed later in this report.

5.7.2 The development is not considered to result in negative impacts on biodiversity as such the proposals accord with LDP policy NE1 and deemed acceptable.

5.8 Affordable Housing

5/8/1 Local Development Plan Policy S4 requires 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 £57,134. This has been agreed by the applicant and will be subject to a legal agreement.

5.9 Response to the Representations of the Local Councillor/Local Residents

5.9.1 For completeness, the objections raised by neighbours have been dealt with below in turn.

Neighbour consultations were not carried out correctly;

5.9.2 The consultation and any re-consultation were carried out in accordance with the legislative requirements.

Inaccuracies contained in application form relating to discussions with neighbours;

5.9.3 In the initially submitted application form, the applicant indicated there had been pre-application discussions on the application form which neighbours disputed as incorrect. This is not relevant to the determination of the application and pre-application discussions are not mandatory for a minor application.

Application form not filled in correctly

5.9.4 The application form as submitted is correct.

Detrimental impact on the street scene;

Impact of the two new dwellings on the character of the area which is suitable for Conservation Area status;

***Detrimental impact on the townscape/negative visual impact of the development; and
The development has an adverse impact on the historic nature of the street scene;***

5.9.5 This has been dealt with above under the sub-heading 'Impact on Character of Area'. The site is not located within a Conservation Area and there are no intentions to adjust the conservation area at this stage to include Lansdown Road.

One dwelling is more appropriate than two; and

The development overdevelopment/results in town cramming.

5.9.6 The density of the proposal is in accordance with Policy DES1, as discussed above. The layout as proposed demonstrates that acceptable separation distances can be achieved between the two proposed dwellings and existing dwellings adjacent indicating the site is capable of accommodating two properties.

Removal of the trees on site is unacceptable/result in a negative impact on the streetscene

5.9.10 The trees to be removed are low quality and will be replaced by a high quality landscaping scheme which complements the existing streetscene.

***The development will result in loss of light/overshadowing; and
The development will result in loss of privacy of neighbouring properties including rear gardens along Lansdown Road and Highfield Crescent.***

5.9.11 The proposed development will not have an adverse impact on existing neighbours as discussed in detail under sub-heading 'Residential Amenity'.

Adverse impact on ecology features;

5.9.12 The proposals has been assessed by the County Ecologist following the completion of an ecological appraisal. They have concluded the proposal is acceptable subject to appropriate planning conditions.

Insufficient parking/increased pressure for on-street parking;

5.9.13 The proposed parking provision accords with the Council's adopted Parking Standards Supplementary Planning Guidance.

Increased in traffic would impact highway safety;

5.9.14 The development of 2no. dwellings would have a minimal impact on traffic generation as confirmed by the Highway Authority.

The access point is insufficient width;

5.9.15 The access point has been assessed by the Highway Authority and deemed acceptable.

Adverse impact in terms of water supply, sewerage and drainage;

5.9.16 There is no evidence to suggest the development would adversely impact water supply, sewerage and drainage. Given the small scale of development, an adverse impact is not considered likely in this respect.

There is development elsewhere in Abergavenny and therefore this development is not required;

5.9.17 The application site is an infill proposal within a sustainable settlement and therefore its development for residential use is acceptable in principle subject to detailed planning considerations. Following the detailed considerations contained this report, it is concluded the application is acceptable subject to conditions. Given the scale and location of the proposed development, development elsewhere in the town is not considered a relevant consideration to this application.

Increased noise, odour and pollution as result of the development;

5.9.18 Residential development is not a hazardous or a noise-generating use in planning terms and, therefore, would not be unacceptable in this regard.

The site is not wholly within the applicant's ownership and therefore the plans proposed are inaccurate;

The plans encroach on adjacent property;

Branches from trees on site falling onto adjacent property; and

Loss of view;

5.9.19 The above are not material planning considerations.

***To approve the application would be inconsistent with planning precedent and case law;
Development against national and local planning policy;***

5.9.20 For the reasons detailed in this report, the proposal is considered to accord with the relevant planning policies. It is not considered to conflict with case law or local planning policy.

Landowners rely on law to provide them with security when purchasing property;

5.9.21 Planning determinations are required in law to be determined in accordance with the relevant Planning policies. As mentioned above, the proposal is considered to accord with relevant planning policies. Notwithstanding this, the site has had outline permission for 2no. dwellings since June 2017. Therefore, new property purchasers after this time would have been made aware of the fact that there was potential for two dwellings to be developed on the site.

If the proposals went ahead, construction should be controlled.

5.9.22 Given the scale of the proposals, it is not considered necessary or reasonable to request a Construction Management Plan to control the construction phase.

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

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

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

The financial contribution towards affordable housing provision in the locality that will be required is £57,134

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 Works shall be carried out in strict accordance with the mitigation measures described in Section 5 Recommendations of the submitted report "14 Lansdown Road, Abergavenny, Monmouthshire - Ecological Assessment" dated January 2017 produced by Pure Ecology.

REASON: To ensure the protection of ecological features at the site in accordance with Policy NE1

- 4 The new buildings shall include bat enhancements as described in Section 5.2.1 of the submitted report "14 Lansdown Road, Abergavenny, Monmouthshire - Ecological Assessment" dated January 2017 produced by Pure Ecology.

REASON: To ensure the protection of ecological features at the site in accordance with Policy NE1

- 5 All landscaping proposals as approved in Proposed Planting Plan, drawing number: 18/649/03, Rev. C, Tree Pit Details, drawing number: 18/649/04 and Hedge Planting Details, drawing number: 18/649/05 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.

- 6 The development shall be carried out in full compliance with the Tree Survey, Arboricultural Impact Assessment and Method Statement, Rev. C submitted on 11th October 2018.

REASON: To protect important landscape features within the site.

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

Application Number: DM/2018/01496

Proposal: Demolition of existing bungalow and erection of 2no. two-storey dwelling houses with associated works.

Address: The Slades, Tump Lane, Undy

Applicant: The Executors of Ms. D Payne

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young
Date Valid: 20.09.2018

1.0 APPLICATION DETAILS

1.1 This is an outline application with all matters reserved for the demolition of the existing bungalow and the erection of 2 no. two-storey detached dwellings in the grounds of The Slades. There is an existing vehicular access into the plot off Tump Lane. As an outline application there is an indicative site plan showing the footprint of the dwellings and car parking provision for each dwelling. The site area measures 0.08 hectare.

1.2 The site is located within the Magor and Undy Development Boundary and adjacent to an Area of Amenity Importance.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01496	Demolition of existing bungalow and erection of 2no. two storey dwelling houses with associated works.	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
S17 LDP Place Making and Design
S16 LDP Transport

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development

4.0 REPRESENTATIONS

4.1 Consultation Replies

Magor with Undy Community Council - response not yet received.

MCC Housing - 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 £13,230

MCC Ecology - Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision.

Ecological Considerations

The following ecological assessments have been undertaken to inform the proposals

Building Inspection in Respect of Bats: - The Slades, Tump Lane, Undy dated August 2018

Bats

A building inspection, (internal and external), was carried out by a suitably qualified bat ecologist to inform the application.

The assessment found the building to be of negligible - low potential with a limited number of potential access points. Further to discussion with the ecologist on the nature of these access points and their inspection of them it is accepted that the works can proceed under supervision by a suitably licenced and experienced ecologist.

Mitigation for the loss of potential access points for bats will need to be provided by the new development and appropriately worded conditions are provided below.

Given the site location and the likely importance for commuting/foraging bats, lighting will be a consideration in the new development and should be controlled by the below condition.

Site Clearance

It was noted from the submitted documents and first revision ecology report that there was potential for breeding birds and reptiles to be utilising the overgrown garden and boundary hedges. The hedge will be breached to provide access and the garden cleared as part of the demolition works, as such it was requested through consultation with the ecologist that a suitable method statement be put forward to ensure clearance works are undertaken in a sensitive manner. Outlines conditions.

MCC Environmental Health - I have no objections to the proposed development but given the proximity of nearby residential properties and the potential for noise disturbance from demolition and construction activities I would recommend that any granting of permission was subject to the follow condition:

1. Demolition and construction shall be limited to the following hours:
0800hrs to 1800hrs Monday to Friday
0800rs to 1300hrs Saturdays
No work on Sundays or bank holidays

Welsh Water - No objection

The application proposes that surface water drain to soak away we are satisfied by this proposal but recommend conditions relating to foul and surface water drainage

4.2 Neighbour Notification

Letters of objection received from 7 addresses.

No Passing places on Tump Lane

Construction traffic would block the lane

Danger to pedestrians walking to school

Poor access at the junction of Tump Lane with Vinegar Hill

Overlooking of neighbours' garden

Council refuse to manage or maintain Tump Lane

Noise and disturbance during construction

Out of keeping with the character of the area

Cramped form of development

Turning on the lane is difficult for construction traffic

Water pressure is low in the area

More traffic turning in neighbours driveways

Loss of existing bungalow that is needed for people to downsize

Six car parking spaces would cause chaos

The bungalow is not derelict, cosmetic work could bring it back to life.

Tump Lane is not a private road, public highway un-adopted and is poor condition, heavy haulage will only make this worse.

Will there be any weight limits accessing the site and where will they turn their vehicles?

This road is used by many pedestrians to access Undy Primary, more vehicles using this road could potentially cause greater risk.

Tump Lane adjoining Vinegar Hill - visibility is poor due to the wall built alongside last house on Tump Lane

What provisions are proposed for foul water drainage?

Will any hedgerow/ boundary fence line be place between proposed dwelling and 2 New Cottages?

The first proposed property will encroach on neighbours

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The site is located within the Magor with Undy Village Development Boundary within which both LDP policy S1 and H1 presume in favour of new residential development to detailed planning considerations. Magor with Undy is considered as one of the Severnside settlements for the purposes of policy S1. The plot is of adequate size to accommodate two residential dwellings with associated parking provision and amenity space. The existing bungalow at The Slades has no particular architectural merit and there is no justification for requiring its retention. The principle of new residential development in this location is therefore acceptable.

5.2 Highway Safety

5.2.1 The site would have vehicular access from Tump Lane which is an unadopted highway that serves 13 other dwellings and also serves as a footpath leading to and from Undy Primary school. The present bungalow has no on site parking provision. The proposal will result in one additional dwelling being provided with the associated increase in traffic movements. Tump Lane is unmade adjacent to the site and is very narrow in places but the increase in traffic movements resulting from a net increase in one dwelling is not significant over and above the traffic already using the lane.

5.2.2 The adopted Monmouthshire Parking guidelines recommend one off-street parking space per bedroom up to a maximum of three. The indicative site plan submitted as part of the application indicates that three parking spaces per dwelling could be accommodated within the

site. This would be in accordance with the guidelines. The proposal would actually improve the parking provision in the area because at present there is no off street parking for the existing dwelling at The Slades.

Access and parking provision for construction traffic during the construction phase is a temporary consideration. A condition could be imposed requiring that the access is provided before work on the dwelling commences and also a construction traffic management plan will be required that would be able to control the time and positioning of deliveries.

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 there is a net increase of one dwelling, as the bungalow is to be replaced. The financial contribution required for a four bedroom dwelling of the size indicated would be £13,230 which will be secured through a section 106 Legal Agreement.

5.4 Design

5.4.1 This is an outline application with all matters reserved, so there are no details of design at this stage. It can be assumed that that the proposal will result in 2no. two-storey dwellings on the footprint indicated on the indicative site plan. The maximum height of the dwellings would be 9.5 metres. The maximum footprint would be 14 metres by 8 metres. These only give an indication of the maximum size of the dwellings but are comparable with the size of other dwellings in the area. The land slopes down steeply from west to east so that the new houses of Dimpie Dingle and Harvham House are set at a higher level. The detailed design of the proposed new dwellings would be considered as part of the reserved matters

5.5 Water Pressure

5.5.1 Welsh Water have commented on the application with regards to foul and surface water. They have not indicated that there is an issue with the water supply in the area.

5.6 Impact on the adjacent Area of Amenity Importance

5.6.1 There is an Area of Amenity Importance immediately to the north and east of the site. It is an area of open green space used for recreational purposes. Policy DES2 of the LDP restricts development on such areas in order to maintain their use as a venue for formal and informal sport, recreation and community space. The proposed plots are currently residential curtilage and there will be no encroachment onto the designated Area of Amenity Importance. The size of the curtilage does not alter because of this proposal and the objectives of Policy DES2 are not compromised.

5.7 Residential Amenity

5.7.1 To the north of the plot is Dimpie Dingle, a recently constructed dwelling that is set at a higher level than the plot that is the subject of this application. There is a single storey shed on the common boundary and a lean to roof. There are no principal windows facing into the site. There is a low hedge along the common boundary. To the south of the site, on the opposite side of Tump Lane is Carreg Goch, a two-storey dwelling that faces into the lower part of the site. The principal front windows of Carreg Goch face towards the side garden to the proposed dwelling on the eastern part of the application site known as the 'Lower Slades' property. Given the proposed siting of this dwelling there would be no direct overlooking between the dwellings. There is a current outline application for a new dwelling to be erected in the rear garden of no 12 Elm Avenue. This, if approved, would have its side elevation facing towards the proposed dwelling on the western part of the current application site known as 'Upper Slades'. The two new dwellings would not have an adverse impact on the residential amenity of the occupier of the neighbouring properties, and there would be no overbearing impact and no unacceptable loss of privacy as a

result of this proposal. Therefore, the application accords with the objectives of policies DES1 and EP1 of the LDP.

5.8 Ecology

5.8.1 A report was submitted as part of the application in respect of bats, but this was not considered acceptable by MCC ecologists so an updated report was submitted. A building inspection was undertaken in July 2018 by Celtic Ecology and Conservation Ltd. The inspection did not identify any evidence of bats. A limited number of potential access points were observed which could allow bats to access the roof spaces. The report concluded that mitigation and a development licence would not be required but that mitigation for the loss of potential for bat roosting habitat could be included within the design of the development.

5.9 Response to the Representations of the Community Council

5.9.1 No response has been received at this stage.

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

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

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

A financial contribution of £13,230 towards Affordable Housing in the Area.

1 Approval of the details of the layout, scale and appearance of the building(s), the means of access and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.

REASON: The application is in outline only.

2 (a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

3 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.

4 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

5 Prior to construction work starting on either of the new dwellings hereby approved, the vehicular access into the site shall be constructed in accordance with an approved scheme.

REASON: To ensure the access is constructed and to acceptable standards and is available for construction traffic

6 Prior to work commencing on site a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. All of the works shall be carried out in accordance with the approved construction management plan

REASON: In the interests of residential amenity.

7 The removal of the roof including fascias and bargeboards be undertaken by hand and under the supervision of a licenced bat ecologist as detailed in the bat report "Building Inspection in Respect of Bats: - The Slades, Tump Lane, Undy dated August 2018 (revised 13th November 2018) by Celtic Ecology"

Reason: To comply with the provisions of the Conservation of Habitats and Species Regulations 2010

8 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the buildings or in the curtilage unless the lighting is low level, (<2.4m), downward facing, PIR lighting. Used to illuminate the domestic areas only and avoiding semi-natural habitats present such as boundary hedgerows

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

9 Mitigation shall be provided in strict accordance with the measures described in Section 8 Mitigation of the submitted report "Building Inspection in Respect of Bats: - The Slades, Tump Lane, Undy dated August 2018 (revised 13th November 2018) by Celtic Ecology" and illustrated in Proposed Site Layout - ecological amendments drawing (Appendix B).

Reason: To safeguard species protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

10 Works shall be undertaken in strict accordance with the Site Clearance Method Statement provided in Appendix B of the submitted report "Building Inspection in Respect of Bats: - The Slades, Tump Lane, Undy dated August 2018 (revised 13th November 2018) by Celtic Ecology".

Reason: Safeguarding of protected and priority species during construction works LDP policy NE1 and the Natural Environment and Rural Communities Act 2006.

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).

2 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

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

Application Number: DM/2018/01525

Proposal: Proposed Cattle Building & Removal of Former Cattle Shed

Address: Kemeys House Farm Church Lane Kemeys Commander Gwehelog Usk

Applicant: Mr Beverley Baker

Plans: Design and Access Statement - , All Proposed Plans 020918 - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Elizabeth Bennett
Date Valid: 19.09.2018

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. Two other similar free standing buildings are also proposed. These have been submitted under separate concurrent planning applications.

1.2 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 (if any)

Reference Number	Description	Decision	Decision Date
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
DM/2018/01279	Agricultural building housing farm animals.	Approved	04.10.2018
DC/2013/00722	Agricultural Building housing farm animals.	Approved	27.09.2013
DC/2013/00025	Agricultural building	Approved	19.06.2013

DC/2013/00026	Agricultural building	Approved	19.06.2013
DC/2012/00255	To build a new nutrient store of circular pre-cast concrete construction - 35m x 5m high, gross capacity of 1,045,000 gallons. Installation to be 3m below ground level, 3m above ground set on a 150mm base.	Approved	15.06.2012
DC/2016/00289	Agricultural building housing farm animals	Approved	12.05.2016
DC/2016/00464	Agricultural building for housing farm animals.	Approved	08.06.2016
DC/2013/00161	Retention of Nutrient Store in different location to previously approved under DC/2012/00255	Approved	05.07.2013
DM/2018/01526	Agricultural building housing farm animals.	Also on this agenda	N/A

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
S13 LDP Landscape, Green Infrastructure and the Natural Environment

Development Management Policies

RE4 LDP New Agricultural and Forestry Buildings
LC5 LDP Protection and Enhancement of Landscape Character
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection

4.0 CONSULTATIONS

4.1 Consultation Replies

Local Councillor - No Objection.

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 Policy S10 of the Local Development Plan supports the rural economy and, the principle of a new building within and adjoining the main farmyard is acceptable.

5.2 Design

5.2.1 The building will adjoin the existing cattle housing and will be a dual pitched steel framed building with a floor area of 446m². It will be steel framed with pre-cast concrete panels and steel clad gates at the North Elevation and Yorkshire boarding above the North and South elevations. The roof will be fibre cement cladding with inserted roof lights. It is considered that the building will be in keeping with those adjacent to it and the rest of the buildings on the farm and it has been sited in order to minimise its impact on the wider landscape. The development therefore complies with Policies RET4 and DES1 of the Local Development Plan.

5.3 Residential Amenity

5.3.1 The building will be located on an established beef cattle farm and would have little impact on residential amenity in the locality, replacing existing structure(s) that are no longer fit for purpose. The building will be adjacent to other farm buildings of a similar nature approximately 40m 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. This complies with Policy RE5 of the LDP. Owing to concerns about run-off expressed by a neighbour in relation to the application for a farm building immediately adjacent to the site of this proposal, a drainage condition has been applied to ensure run-off and effluent are safely dealt with.

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

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

6.0 RECOMMENDATION: APPROVE

Conditions:

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 any works commencing on site, details of the foul and surface water drainage for the building shall be submitted to and approved by the local planning authority. The drainage, as agreed, shall be carried out and operational before the building, hereby approved, is brought into use.
Reason: to avoid pollution to local water resources and in the interests of local amenity.

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Application Number: DM/2018/01526

Proposal: Agricultural building housing farm animals.

Address: Kemeys House Farm Church Lane Kemeys Commander Gwehelog Usk

Applicant: Mr Ben Baker

Plans: Design And Access Statement; All Drawings/Plans 010918;

RECOMMENDATION: APPROVE

Case Officer: Ms Elizabeth Bennett
Date Valid: 19.09.2018

1.0 APPLICATION DETAILS

1.1 This is an application for a new agricultural building to house cattle at an established farm in Kemys Commander. The farm has some 80 hectares of pasture land and has several existing farm buildings. Another similar freestanding building is also proposed (and is on this agenda). This have been submitted under a separate concurrent planning applications.

1.2 The application is presented to Planning Committee because the applicant's agent is related to an officer of the Development Management Team.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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
DM/2018/01279	Agricultural building housing farm animals.	Approved	04.10.2018
DC/2013/00722	Agricultural Building housing farm animals.	Approved	27.09.2013
DC/2013/00025	Agricultural building	Approved	19.06.2013

DC/2013/00026	Agricultural building	Approved	19.06.2013
DC/2012/00255	To build a new nutrient store of circular pre-cast concrete construction - 35m x 5m high, gross capacity of 1,045,000 gallons. Installation to be 3m below ground level, 3m above ground set on a 150mm base.	Approved	15.06.2012
DC/2016/00289	Agricultural building housing farm animals	Approved	12.05.2016
DC/2016/00464	Agricultural building for housing farm animals.	Approved	08.06.2016
DC/2013/00161	Retention of Nutrient Store in different location to previously approved under DC/2012/00255	Approved	05.07.2013
DM/2018/01525	Proposed Cattle Building & Removal of Former Cattle Shed	Also on this agenda	N/A

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
S13 LDP Landscape, Green Infrastructure and the Natural Environment

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
LC5 LDP Protection and Enhancement of Landscape Character
RE4 LDP New Agricultural and Forestry Buildings

4.0 CONSULTATIONS

4.1 Consultation Replies

Cllr. Val Smith (Local Member) - No Objections.

Gwehelog Fawr Community Council - No comments received to date.

4.2 Neighbour Notification

1 No. neighbour comment has been received regarding run-off from the site which waterlogs their garden and spoils the enjoyment of their property.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 Policy S10 of the Local Development Plan supports the rural economy and the principle of a new building within and adjoining the main farmyard is acceptable.

5.2 Design

5.2.1 The building will adjoin the existing cattle housing and will be a dual pitched steel framed building with a floor area of 446m². It will be steel framed with pre-cast concrete panels and steel clad gates at the North Elevation and Yorkshire boarding above the North and South elevations. The roof will be fibre cement cladding with inserted roof lights. It is considered that the building will be in keeping with those adjacent to it and the rest of the buildings on the farm and has been sited so as to minimise its impact on the wider landscape. The development therefore complies with Policies RE4 and DES1 of the Local Development Plan.

5.3 Residential Amenity

5.3.1 The building will be located on an established beef cattle farm and would have little impact on residential amenity in the locality. The building will be approx. 34m away from the nearest neighbouring property and adjoins several buildings of a similar nature. On this basis, it is considered that it has been sited so as not to cause unacceptable nuisance to these properties that complies with Policy LC5 of the LDP.

5.4 Neighbour Comment

5.4.1 The neighbour has noted that they are pleased to see the proposal to demolish two sheds and build a modern shed in their place. They have no objection to the application subject to one serious concern. Which relates to there being no plan or drawing showing the intended direction of the soakaway. They ask that the run-off from the new shed does not directly or indirectly end up on or under their land, and the mechanics and direction of the soakaway are controlled as part of the planning consent. This would be covered under condition 3 proposed below.

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

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

6.0 RECOMMENDATION: APPROVE

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 any works commencing on site, details of the foul and surface water drainage for the building shall be submitted to and approved by the local planning authority. The drainage, as agreed, shall be carried out and operational before the building, hereby approved, is brought into use.
Reason: to avoid pollution to local water resources and in the interests of local amenity.

Application Number: DM/2018/01575

Proposal: Construction of 2no. Residential Dwellings.

Address: Cap House Grosmont Road, Llangua, Grosmont, Abergavenny

Applicant: Mr and Mrs Stark

Plans: Location Plan A100 - , Other A101 - , Other A200 - , Other A300 - ,

RECOMMENDATION: Refuse

Case Officer: Ms Kate Bingham

Date Valid: 28.09.2018

1.0 APPLICATION DETAILS

1.1 This is a full planning application for the construction of 2 no. dwellings within the garden of an existing property at Cap House, Llangua. Llangua is located around 1.25 miles to the south of the village of Pontrilas, 1.5 miles to the northwest of the village of Grosmont, and equidistant from the two service centres of Hereford and Abergavenny (both around 12 miles from the site). The proposed development comprises the construction of 2 no. two-storey four-bedroomed detached houses within the existing side garden of Cap House. The proposal also includes the provision of 2 no. new vehicular accesses off Grosmont Road to serve the new dwellings.

1.2 The site, which measures 0.16 ha, comprises the majority of the existing lawn associated with Cap House and is situated to the side (southwest) of that property. It has a substantial road frontage along Grosmont Road (see Figures 1 and 2) and is currently laid to grass. The land slopes up gently from the road towards the middle of the site, from where it falls away gently towards the north-western boundary of the site.

1.3 The proposed development has been advertised as a Departure to the Local Development Plan (LDP) as it relates to new residential development in the open countryside which is contrary to Policy S1 of the LDP in principle.

The application is presented to Planning Committee at the request of the Local Member.

2.0 RELEVANT PLANNING HISTORY (if any)

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

LC1 LDP New Built Development in the Open Countryside

LC5 LDP Protection and Enhancement of Landscape Character
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Grosmont Community Council - Awaiting response.

Local Member - Requests that the application is considered by Planning Committee.

MCC Environmental Health - No objections.

MCC Highways - Awaiting response.

MCC Planning Policy - Awaiting response.

MCC Housing Officer - Awaiting response.

4.2 Neighbour Notification

One letter of objection received:

1. No justification for this departure is given in the online application document.
2. Two 4 bedroom houses on the application would not fall under this category of Policy H7 (affordable housing rural exception sites), as they would not be affordable.
3. There may be more acceptance of two affordable, carbon neutral, sustainable 2 bedroom houses if built in accordance with the constraints of Policy H7, albeit that the site is in open countryside.
4. From the plans it is unclear if the existing old boundary wall, a characteristic feature of the roadside along with a memorial bench, will be demolished and replaced by a wooden fence or retained, as much as possible, whilst enabling two driveways access to the properties. Although the Planning Statement 5.16 claims it will.
5. As four-bedroomed houses, they are likely to attract car owners and families with children; is it possible to include a condition that there is an extension of the existing lay-by to cater for increased traffic? Also could the planning or traffic department consider reducing the speed limit, currently the national speed limit, for traffic passing along on the Grosmont Road in Llangua to 30 mph..
6. Currently there is no working street lighting along the Grosmont Road in Llangua. Should the proposed development be approved would there be additional lighting installed to illuminate the driveway / road junctions?
7. Whilst the Planning Statement provides arguments in favour of the development it does not disclose that two plots, each a four-bedroom house, recently sold for development by the applicant within the settlement have already added 12.5% to the previous housing stock.
8. The claim made by the Planning Statement that the new site is previously developed land seems to be based on an analysis of a map dated 1888-1913. Closer examination suggests that these buildings are not part of the Cap House complex, but form the core of Four Winds, the old toll house - Rosemount, and White House. (See OS (1899) Monmouthshire Sheet 11...15) This would repudiate the claim to consider PDL status.
9. It is stated that the applicants intend to occupy the southernmost dwelling, but in a recent conversation with the applicants they stated their ultimate intention was to move to nearby Ewyas Harold (Herefordshire, England) close to its many amenities thus countering many of the arguments that the development will increase support for local services. Should they

wish to remain in the community, as stated in Plough 6.1 final bullet, then they could occupy Peak Cottage, part of the Cap House complex, which they own and is currently empty.

10. Whilst not opposed to the development per se, it is the proposed size and affordability of the buildings, the loss of a longstanding open space and the impact on the traffic flow which concerns us, along with a disregard for LDP Policies LC1, LC5 and H7.

Two letters of support received:

1. Family house close to bus routes should bring new blood into the village.
2. The proposal is clearly 'infill'.
3. Increased housing and population will benefit the village and may help to sustain the church.

5.0 EVALUATION

5.1 Principle of the Proposed Development

5.1.1 Policy S1 states that outside the defined development boundaries settlements, planning permission for new residential development will not be permitted. It then goes on to state that outside the settlements listed in the Policy, 'open countryside' policies will apply where planning permission will only be allowed for certain types of residential development listed in the Policy (i.e. conversions, sub-divisions and rural worker's dwellings). Llangula is not listed as a Minor Village under Policy S1 of the LDP, and as such, it is considered to be 'open countryside', where planning permission will only be allowed for certain types of residential development - i.e. conversions, subdivisions and rural worker's dwellings). The proposed development does not fall into any of the exempted categories of residential development within the open countryside and is therefore considered unacceptable in principle under the strategic policies

5.1.2 Planning Policy Wales (PPW) requires local planning authorities to ensure that sufficient land is genuinely available at all times to provide a 5-year supply of land for housing. The latest data available from Monmouthshire County Council however, indicates that the local planning authority is falling significantly short of that objective, being able to demonstrate only a 3.9 years supply of housing land on 1st April this year. In this respect, it is clear that the adopted strategy of the LDP is not delivering housing as it should be of the LDP. However, it is not considered that a shortfall in the supply of housing land alone should constitute a reason to permit development in a location that would otherwise be considered inappropriate.

5.1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications shall be determined in accordance with the adopted LDP unless material planning considerations indicate otherwise. One of those material considerations is the Council's housing land supply. As stated above, there is a shortfall in the five year land supply in Monmouthshire with the land supply currently at 3.9 years. Until July 2018, paragraph 6.2 of TAN1 required that, when considering planning applications for housing development on land not allocated in an adopted LDP, 'considerable weight' must be given to the lack of a five year housing land supply. This meant that otherwise acceptable housing development would be approved even if it were not allocated for development in the LDP. Appeal decisions in this regard were consistent and clear.

5.1.4 In July 2018, the Cabinet Secretary with responsibility for planning issued a consultation on a proposal to 'suspend' paragraph 6.2 of TAN1 for an undetermined time period, while a review of housing supply is undertaken. The Cabinet Secretary has since issued her decision, which is to disapply paragraph 6.2. The duration of this decision is unspecified. Her letter, however, goes on to state that it is now for the decision-maker (i.e.

Monmouthshire County Council as Local Planning Authority) to decide the weight to give its housing land supply shortfall.

5.15 On 20th September 2018, Council considered a report entitled "Addressing our lack of 5 year land supply: Monmouthshire's Approach to Unallocated Sites". This report set out the challenges and opportunities facing the County and our communities, including significant affordable housing need, the highest average house prices in Wales, our increasingly imbalanced demography and the resultant weak economic base, and the opportunities arising from Cardiff Capital Region City Deal and the economic growth in the Bristol area. Our housing land supply stands at 3.9 years, and our development trajectories show that by the end of the current LDP's plan period in December 2021, we'll have a shortfall of 961 homes (of which 337 are affordable homes) against the LDP housing targets. Council resolved that our housing land supply shortfall will be given 'appropriate weight' when considering planning applications for residential development on sites outside of the adopted LDP. Consideration would follow a hybrid spatial model based on a balance between evidence of delayed site delivery, which shows the greatest shortfall is within the Southern local housing market area which includes Chepstow and Severnside; and the LDP settlement hierarchy which seeks to focus growth on the three main towns of Abergavenny, Chepstow and Monmouth, then Severnside, then the rural secondary settlements of Llanfoist, Penperlleni, Raglan and Usk. The Council resolved that consideration of unallocated sites would be subject to the following ground rules:

1. Residential development is unacceptable in principle within undefended flood plain (zone C2) or on greenfield sites within defended flood plain (zone C1), as per national planning policy and TAN15;
2. Residential development is unacceptable in principle within allocated Green Wedges: the appropriate time to review Green Wedge designations is via the new LDP;
3. Residential development is unacceptable in principle on allocated employment sites. Such sites will not be released for housing development unless full compliance with LDP Policy E1 can be demonstrated and there is no realistically likely future demand for the site for employment purposes;
4. Unallocated sites are required to deliver 35% affordable housing and no negotiation will be entertained (60% where the development relates to a Main Village);
5. The development must be acceptable in other planning terms. If infrastructure is inadequate to support new development, and it cannot be satisfactorily improved via a S106 planning agreement, permission would normally be refused. This includes matters such as highway capacity, school capacity, primary health care and air quality;
6. The scale of additional residential development will be considered in the context of the LDP spatial strategy, both in its own right and cumulatively with other approved residential development.
7. Development should be restricted to the Main Towns, Severnside, and Rural Secondary Settlements (with the exception of Llanfoist where there shall be no additional development on unallocated sites outside of the new LDP); and small 60% affordable housing sites in those Main Villages without an allocated site (namely St Arvans and Llandogo).
8. The size and mix of the proposed dwellings is both suitable for the location and seeks to address our demographic challenges;
9. Any planning permissions will have a reduced lifespan: full planning permissions shall be commenced within 2 years, and outline planning permissions shall be followed by reserved matters within 1 year, with commencement within 1 year of approval of the reserved matters;
10. Applications recommended for approval shall be accompanied by a Unilateral Undertaking by the time they are presented to Planning Committee;
11. This decision ceases to have effect should we regain a five year land supply and/or meet the LDP housing shortfall identified in this report.

5.16 The Report agreed by Council in September of this year concluded that taking this approach would give the best chance of tackling the housing shortfall. It would mean that some areas that have effectively delivered on their LDP housing allocations potentially have some more development to help support the County as a whole. It is considered appropriate therefore to consider how the development proposal would meet the ground rules set out above. In this case the site is not within one of the Main Towns, Severnside or a Rural Secondary Settlements. Nor is it a proposal for affordable housing a Main Village without an allocated site. On this basis, the application does not meet the ground rules above and approval is not therefore justified on the basis of lack of housing land supply.

5.2 Design

5.2.1 Llangua is both linear and sporadic in form, with development fronting the roads supplemented by historic clusters more remote from the main linear focus of the settlement. This is evident from the historic map in which the linear development, focussed around the confluence of the two roads (the A465 and Grosmont Road). It is considered that the proposed development would be in keeping with the existing and historic form of the settlement. The proposed layout would maintain the form of the settlement, by locating the dwellings close to the road on its northern side, leaving the rear part of the site open, as was historically the case. In terms of visual impact, the proposed scheme includes retention of the garden wall to Cap House, which retains the character and importance of Cap House as one of the primary dwellings in the hamlet.

5.2.2 The design of the two houses is traditional in form and scale. Materials proposed are grey slate tile for the roof, uPVC windows, and smooth rendered walls with brick chimneys and headers and natural stone porches. Should the application be approved then a condition should be imposed requiring timber windows as this is considered to more in keeping with the rural character of the settlement.

5.2.3 It should be noted that the suitability of the design of the proposed dwellings does not outweigh the matter of the principle of development which is unacceptable.

5.3 Highway Safety

5.3.1 Two new accesses are proposed from Grosmont Road to serve each individual property which would require gaps to be punctuated into the existing stone boundary wall. Visibility in each direction is considered to be adequate given the actual speed of the road in this location, although the site is within a 60mph zone. The access to plot 1 is proposed to be immediately adjacent to the boundary with Four Winds which could present problems with visibility in the future should Four Winds wish to erect a boundary fence or planting (because the applicants have no control over this property). The proximity of the access to this dwelling may also have an adverse impact on the residential amenity of the occupiers.

5.4 Residential Amenity

5.4.1 By virtue of the location of the proposed dwellings within the plot and the fact that they have blank side elevations, except for bathroom windows with obscured glazing, overlooking of neighbouring dwellings will be kept to a minimum. However, there will be some overlooking from the existing dwelling Cap View over the garden of Plot 2 at a distance of 18m to the boundary. This is not considered to be close enough to seriously harm residential amenity.

5.5 Affordable Housing

5.5.1 The site is in the sole ownership of the applicants and is ready to bring forward immediately, subject to planning permission being granted. In this respect, whilst the site would contribute only a small amount to the Council's overall shortfall of housing, the applicant argues that it would do so in a location that would support the local rural community and has indicated that they would agree to deliver a financial contribution affordable housing in the County. As such, if minded to approve the application then consent would be subject to a Section 106 legal agreement to secure this.

5.6 Ecology

5.6.1 The site area is currently laid to lawn and thus of limited biodiversity value. 5.7 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' wellbeing objectives set out in section 8 of the WBFG Act.

6.0 RECOMMENDATION: REFUSE

Reasons for Refusal:

1. The proposed development does not fall into any of the exempted categories of residential development within the open countryside and is there considered unacceptable in principle under strategic Policy S1 of the adopted Monmouthshire Local Development Plan, forming sporadic development in an unsustainable location in the open countryside.

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 31/10/18

gan **Joanne Burston BSc MA MRTPI**
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 14.11.2018

Appeal Decision

Site visit made on 31/10/18

by **Joanne Burston BSc MA MRTPI**
an Inspector appointed by the Welsh Ministers
Date: 14.11.2018

Appeal Ref: APP/E6840/E/18/3208667

Site address: 10 - 14 St. Mary Street, Monmouth NP25 3DB

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

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Steve Gill against the decision of Monmouthshire County Council.
- The application Ref DC/2017/01380, dated 27 November 2017, was refused by notice dated 24 April 2018.
- The works proposed are the opening up of floor at rear of courtyard to investigate lower layers and doorway to cellar.

Decision

1. The appeal is allowed and listed building consent is granted for the opening up of floor at rear of courtyard to investigate lower layers and doorway to cellar at 10 - 14 St. Mary Street, Monmouth NP25 3DB in accordance with the terms of the application Ref DC/2017/01380, dated 27 November 2017 and the plans submitted with it subject to the conditions set out in the annex to this decision.

Application for costs

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

Preliminary Matters

3. In reaching my decisions, 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 these decisions are in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of enhancing the culture and heritage of Wales.

Main Issues

4. The main issues are whether the proposed works would preserve the special character and interest of this Grade II listed building and whether the proposal would preserve or enhance the character or appearance of the Monmouth Conservation Area.

Reasons

5. St Marys Street, on which the appeal site is located, is mainly residential, comprising mostly of a mix of older three-storey properties. The street lies within the historic heart of the town and within the Monmouth Conservation Area. The narrow streets and the extent to which the traditional features and external materials of the nearby properties have been retained are significant components of its special character.
6. The appeal site is a large three storey Grade II listed former Malt House, which is land locked on all sides with only a narrow frontage on to St Marys Street. It was originally constructed in the 1870's as a traditional Malt House, a long narrow building twice the length of its width. At some point in the 1950's the building was used as a furniture depository and then an antiques centre and coffee shop. In 2001 it was converted into a tapas bar and then into a Thai restaurant. The building then became vacant until purchased by the appellant in 2013. The appellant has already undertaken works to the front of the building to restore the shop frontage and to continue the use of this part of the building as a coffee shop.
7. The building was listed in March 2003. The listing description for the buildings states that it was included for its special interest as a multi-period industrial building of definite character. As I saw on my site visit the building has a distinct character and is unmistakable as a former Malt House. In my opinion, it is this overall industrial character that provides the special interest and significance of the listed building.

Effect on the listed building

8. Sections 16(2) and 66(1) of the Act¹ require the decision-maker, in considering whether to grant listed building consent, for any works, or development, affecting a listed building, or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; Planning Policy Wales Edition 9 (PPW) and Technical Advice Note 24: The Historic Environment (TAN 24), reiterate this stance.
9. The appellant proposes internal works only, to open up the floor at the rear of the courtyard to investigate the construction of the lower layers of the floor and doorway to the cellar. The works are part of a wider programme to restore the Malt House to its original condition and allow public access to the kiln chamber, steep and drying floor of the Malt House. It is intended to provide a set of wide shallow steps to facilitate safe access, but this would be the subject of a future application. The appellant states that his ambition is for the Malt House to become a historic attraction in the town.
10. Currently there is no secondary means of escape in case of fire, thus severely curtailing the number of visitors permissible. Indeed in 2009 a Fire Prohibition Notice was served due to the lack of secondary means of escape, the Thai business closed down and the condition of the Malt House rapidly deteriorated. Nevertheless, I note that recent discussions with the Fire Service have confirmed that the Fire Prohibition Notice is being lifted to allow the use of the front part of the building only until satisfactory means of escape have been provided. In this respect TAN 24 states at paragraph 5.14 "*Many listed buildings can sustain a degree of sensitive alteration and extension to accommodate continuing or new uses.*"

¹ The Planning (Listed Buildings and Conservation Areas) Act 1990

11. The appeal site at the rear of the courtyard has been assessed by Mr Clarke MBE of Monmouth Archaeology. He states that there is clear visual evidence that this section of the courtyard is modern infill, which is supported by lenses of concrete in the exposed section. He goes on to state that there are clear signs that the paving has been raised and otherwise disturbed. Investigations of the previous on-site works², pattern of the courtyard paving slabs and types of material used in laying the paving slabs, undertaken by the appellant have also confirmed this to be the case.
12. I acknowledge that the Council is rightly concerned that the works would harm the historic context of the building leading to an irreversible loss of a significant element of the buildings historic fabric in terms of levels appearance and finishes. Nevertheless, based on my internal inspection of the building which revealed evidence of previous works to modernise it, including raising the floor level, I consider that the internal investigations would have a very minimal effect on the building's special interest.
13. Furthermore, the works would be achieved in a manner that would limit the effect on the building's character and would, to some extent, aid the appreciation of the historic interest of the building. Cadw has also confirmed that it does not consider that the proposed works will be unacceptably detrimental to the special character of the building.
14. Whilst I agree with the Council that the proposed works would damage any underlying archaeology, a planning condition could be used to ensure that any remains are recorded. Such an approach is supported by the Glamorgan-Gwent Archaeological Trust who state "*given the nature of the application and the archaeological resource, our recommendation for the attachment of a condition for the submission of an archaeological written scheme of investigation for implementing and undertaking a programme of archaeological work would be appropriate.*" Cadw also suggest similar conditions stating that "*the implementation of such conditions has the potential to provide valuable information about the listed building, its development and use in the past, which may be of value in interpreting and understanding it.*"
15. Applicants for listed building consent are expected to justify their proposals and show why the works are desirable or necessary. The listed status of the building does not mean that any changes to it ought to be resisted; buildings need to evolve over time and it is necessary to consider the benefits of their continued use and maintenance. I note the period that the building has remained vacant, and have no reason to dispute the appellant's contention that there are limited alternative uses that are viable.
16. The scheme provides an opportunity to secure the building's future as an historic attraction and the present internal layout is clearly unsuitable for public access and safety. I acknowledge the Council's concern regarding the lack of a long term plan for the building and that because of this works to it are piecemeal. However, the appellant has made his intention for the building clear and has recently participated in the 'Monmouth Civic Society Open Doors' day where over 130 visitors came to the Malt House. Therefore I do not doubt the appellant's commitment to the building and its future. The piecemeal nature of the building works are indicative of the careful approach the appellant is taking to appropriately restore the building.
17. Overall I am satisfied that the building can sustain the degree of proposed change. Therefore, having regard to the statutory duty in relation to listed buildings, I find that the proposed works to the building would be acceptable.

² Some of which benefited from Listed Building Consent

Effect on the character or appearance of the conservation area

18. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty, in the exercise of functions with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
19. The special character and appearance of the Monmouth Conservation Area derives primarily from the distinctive architecture and layout details of the residential and commercial development which comprises much of the area.
20. Whilst the proposal would alter the internal detail of the building, the character of the appeal building within the overall street scene would not change. The proposal would not therefore undermine the character or appearance of the conservation area.
21. Taking these factors into account, I conclude that the proposal would preserve the character and the appearance of the conservation area. As such, the proposal would not conflict with the statutory duty with regard to conservation areas as set out above.

Conditions

22. The Council has not suggested any conditions but, in the light of Circular 16-2014: The Use of Planning Conditions in Development Management, I consider those I have imposed are necessary to make the proposals acceptable and otherwise meet the tests.
23. In addition to conditions concerning the time limit for commencement and identifying the development details approved a condition is also required concerning a written scheme of investigation in order to mitigate the impact of the works on the archaeological resource and to ensure that an appropriate record is made of the historic building fabric that may be affected by the development.

Conclusions

24. For the reasons given above, and taking account of all matters raised, the appeal succeeds and I grant listed building consent, subject to appropriate conditions.

Joanne Burston

INSPECTOR

Schedule of Conditions:

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents: 3182-03 rev A (site and location plan, dated 11/01/17); and 3290-02 (proposed ground floor plan, dated 23/11/17).
- 3) No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation, specifically to deploy recording in line with a level 3 Building Recording Survey, which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

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Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 31/10/18

gan Joanne Burston BSc MA MRTPI**Arolygydd a benodir gan Weinidogion Cymru****Dyddiad: 14.11.2018****Costs Decision**

Site visit made on 31/10/18

by Joanne Burston BSc MA MRTPI**an Inspector appointed by the Welsh Ministers****Date: 14.11.2018****Costs application in relation to Appeal Ref: APP/E6840/E/18/3208667****Site address: 10 - 14 St Mary Street, Monmouth NP25 3DB****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 Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3.
- The application is made by Mr Steve Gill for a full award of costs against Monmouthshire County Council.
- The appeal was against the refusal of listed building consent for the opening up of the cellar floor at the rear of the courtyard to investigate lower layers and doorway to cellar.

Decision

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

Reasons

2. The Annex at Section 12 of the Development Management Manual, Award of Costs (the guidance) advises at paragraph 1.2 that "*Parties are expected to meet their own costs. An appellant or applicant is not awarded costs simply because their appeal or application succeeds and similarly, a local planning authority is not awarded their costs because their position or decision is upheld. An award of costs may only be made where one party has behaved unreasonably and that unreasonable behaviour has led other parties to incur unnecessary or wasted expense.*"
3. The Guidance provides examples of circumstances which may lead to an award of costs against a Council. Awards may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. Awards cannot extend to compensation for indirect losses.
4. From the evidence before me the appellant's cost claim is made on procedural grounds. Such an award is made where a party has disrupted or delayed the process for determining an application, appeal or call-in during proceedings. In essence the appellant claims that the Council delayed validating the Listed Building Consent (LBC) application and that an administrative error made by the Council on a previous LBC permission resulted in this LBC application and subsequent appeal having to be made.
5. There was a period of some 48 days between the submission of the application and its validation. During this period the Council were upgrading their computer systems which caused some delay, however I also acknowledge that both the appellant and the Council attempted to progress the scheme within this period.

6. The evidence does not show that the Council caused deliberate delay. They required further information and further comments from the applicant. Therefore, I found the Council's approach to be entirely proportionate and directly related to the application before them.
7. Nevertheless, the Council did not validate the application within the appropriate timescale. Whilst not condoning the apparent inaction of the Council and its delay, which is most unfortunate, this would not seem to be a case where better communication with the appellant would have enabled the appeal to be avoided altogether.
8. Furthermore there has been no failure by the Council to produce timely, relevant and robust evidence to substantiate its stance against the development during the appeal process.
9. I acknowledge the concerns raised by the appellant with regard to the handling of a previous planning permission. However, it is not for me to determine whether or not there has been any administrative error in that case, as that would be a matter for the Council's own complaints procedures. Such matters are therefore beyond the scope of this decision.
10. Given the above, I am satisfied that the Council acted reasonably in all respects. As such, the appeal could not have been avoided and no unnecessary or wasted expense was consequently incurred. For this reason and having regard to all other matters raised, an award of costs is therefore not justified.

Joanne Burston

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 31/10/18

gan **Joanne Burston BSc MA MRTPI**
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 08.11.2018

Appeal Decision

Site visit made on 31/10/18

by **Joanne Burston BSc MA MRTPI**
an Inspector appointed by the Welsh Ministers
Date: 08.11.2018

Appeal Ref: APP/E6840/A/18/3207076

Site address: 1 Ramp Cottage, Undy, Caldicot, Monmouthshire NP26 3EY

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 Nigel Hughes against the decision of Monmouthshire County Council.
- The application Ref DM/2018/00326, dated 6 February 2018, was refused by notice dated 8 May 2018.
- The application sought planning permission for the variation of condition 2 (removal of archaeological watching brief) relating to application DC/2014/00423.
- The condition in dispute is No 2 which states that: "*No development shall take place until the applicant or his agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.*"
- The reason given for the condition is: "*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.*"

Decision

1. The appeal is dismissed.

Application for costs

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

Preliminary Matters

3. In reaching my decisions, 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 these decisions are in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of enhancing the culture and heritage of Wales.

Main Issue

4. The main issue is whether the condition is necessary and reasonable, having regard to the impact of the development on features of archaeological interest.

Reasons

5. The appeal seeks to vary planning permission, reference DC/2014/00423, to carry out the development without complying with the requirement for an archaeological programme of work as specified in Condition No 2 of that permission.
6. Planning Policy Wales, edition 9 (PPW) at paragraph 6.5.5 states that "*The conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not*". Furthermore, Technical Advice Note 24: The Historic Environment (TAN 24) states at paragraph 4.3 "*Where development might reveal, disturb or destroy archaeological remains, including palaeoenvironmental evidence, it is important that the opportunities to record archaeological evidence are taken and that archaeological remains are not needlessly destroyed.*"
7. Excavations in the local area surrounding the appeal site have indicated that there is a significant Roman presence in the locality, with a strong possibility that a villa may be nearby. The Glamorgan-Gwent Archaeological Trust (GGAT)¹ have confirmed that there has been no change to the understanding of the archaeological resource between the 2014 planning permission and this appeal. Accordingly, there is potential for archaeological features or finds to be within the appeal site and it is therefore important that the opportunities to record archaeological evidence are taken.
8. The appellant comments that recent developments nearby have not found archaeological remains, including at the nearby property '*Corbiere*', and works carried out by Network Rail within the appellant's garden. Nevertheless, the works at '*Corbiere*' were subject to a similar archaeological condition and the operations carried out by Network Rail did not require planning permission. In any event I am not persuaded that the ground has been too disturbed to warrant any monitoring.
9. The appellant has stated that if he were to build a single storey extension, using permitted development rights, archaeological recording would not be required. Whilst this may be the case, I have very strong doubts as to the likelihood of such a scheme being progressed given the functional requirements of the appellant. Accordingly I am not able to afford this consideration anything more than very limited weight.
10. For these reasons, the appeal scheme has the potential to harm archaeological remains. Consequently, deleting condition No 2 would be inconsistent with PPW and TAN:24 as set out above. There is no weight of material considerations before me sufficient to outweigh this conflict.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed and condition No 2 retained in its current form.

Joanne Burston

INSPECTOR

¹ Monmouthshire County Council's archaeological advisor

Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 31/10/18

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08.11.2018

Costs Decision

Site visit made on 31/10/18

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08.11.2018

Costs application in relation to Appeal Ref: APP/E6840/A/18/3207076

Site address: 1 Ramp Cottage, Undy, Caldicot, Monmouthshire NP26 3EY

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

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
- The application is made by Mr Nigel Hughes for a full award of costs against Monmouthshire County Council.
- The appeal was against the refusal of planning permission for the variation of condition 2 (removal of archaeological watching brief) relating to application DC/2014/00423.

Decision

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

Reasons

2. The Development Management Manual Section 12 Annex – Award of Costs advises at paragraph 1.2 that "*Parties are expected to meet their own costs.... An award of costs may only be made where one party has behaved unreasonably and that unreasonable behaviour has led other parties to incur unnecessary or wasted expense.*"
3. The Section 12 Annex provides examples of circumstances which may lead to an award of costs against a Council. Awards may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
4. From the evidence before me the appellant's cost claim is made on procedural grounds. Such an award is made where a party has disrupted or delayed the process for determining an application, appeal or call-in during proceedings.
5. There was a period of some 9 weeks between the validation and the determination of the application. The evidence does not show that the Council caused deliberate delay. Therefore, I found the Council's approach to be entirely proportionate and directly related to the application before them.
6. Nevertheless, the Council did not determine the application within the appropriate timescale, which is 8 weeks. Whilst not condoning the apparent inaction of the Council and its delay, which is most unfortunate, this would not seem to be a case

where better communication with the appellant would have enabled the appeal to be avoided altogether.

7. Turning to the appeal process. The appeal was validated on 28 August 2018, which marked the start of the timetable. Accordingly the ministerial target for this case was set at 11 December 2018. Given the date of the appeal decision there is no evidence of a delay in the appeal process. Furthermore there has been no failure by the Council to produce timely, relevant and robust evidence to substantiate its stance against the development during the appeal process.
8. I acknowledge the concerns raised by the appellant regarding the cost of the required archaeological programme of works. However, such matters are beyond the scope of this decision.
9. Given the above, I am satisfied that the Council and all parties involved in the application and appeal processes acted reasonably in all respects. The appeal could not have been avoided and no unnecessary or wasted expense was consequently incurred. For this reason and having regard to all other matters raised, an award of costs is therefore not justified.

Joanne Burston

INSPECTOR