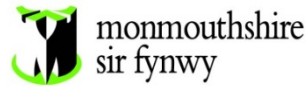


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 25 March 2019

Notice of meeting:

Planning Committee

Tuesday, 2nd April, 2019 at 2.00 pm
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the following minutes:	
3.1.	Planning Committee dated 5th March 2019.	1 - 20
3.2.	Special Meeting - Planning Committee dated 19th March 2019.	21 - 30
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
4.1.	Application DM/2018/01741 - Proposed development of 15 dwellings and associated works - Land Off Well Lane For Development Of 15 Houses Cwm-fagor Road, Devauden.	31 - 54
4.2.	Application DM/2018/01777 - Erection of detached dwelling house. Proposed New Dwelling Adjacent To 6 Caestory Avenue, Raglan.	55 - 66
4.3.	Application DM/2018/01784 - Erection of two, two-bedroom semi-detached houses - 72, The Close, Portskewett, NP26 5SN.	67 - 74
4.4.	Application DC/2018/01801 - Erection of one Dwelling - 12 Elm Avenue, Undy.	75 - 84
4.5.	Application DM/2018/01909 - Open sided, roofed pavilion with new hard surfacing. Abergavenny Museum & Castle, Castle Street, Abergavenny, NP7 5EE.	85 - 102

4.6.	Application DM/2018/02040 - Demolition of M block, green building and selected tree removal, to accommodate extension of existing car park, to provide additional parking spaces of 178. NB row 168-178 formed within existing parking spaces allocation. County Hall, The Rhadyr, Llanbadoc, Usk.	103 - 110
4.7.	Application DM/2019/00003 - Conversion and extension of the former school building to create two residential units, new vehicular access on land to the east and the development of two, four bedroom detached dwelling on the land to the north with associated garages and parking. Former Llanfoist Primary School, Llanellen Road, Llanfoist.	111 - 122
4.8.	Application DM/2019/00030 - Change of use - upgrades to a residential property and relevant works to provide a house of multiple occupancy - works to include electrics, roof, kitchen and bathroom, internal upgrades to comply with relevant regulations. 30 Somerset Way, Bulwark, Chepstow, NP16 5NP.	123 - 128
4.9.	Application DM/2019/00168 - Change of use from agricultural land to car park and agricultural. 4 Brook Farm Holdings, Chepstow Road, Raglan, Usk.	129 - 132
5.	Monmouthshire Local Development Plan Revised Draft Affordable Housing Supplementary Planning Guidance.	133 - 180
6.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
6.1.	Appeal Decision - Ravensnest Fishery, Ravensnest Wood Road, Tintern.	181 - 184
6.2.	Appeal Decision - Wentwood Inn Site.	185 - 188
6.3.	Cost Decision - Wentwood Inn Site.	189 - 190
6.4.	New appeals received - 20th February 2019 to 22nd March 2019.	191 - 192

**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
<https://democracy.monmouthshire.gov.uk/documents/s5949/AMENDMENTSTOTHEPROTOCOLONPUBLICSPEAKINGATPLANNINGCOMMITTEE.pdf>

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) 10 2018
- 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 3a

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th
March, 2019 at 2.00 pm**

PRESENT: County Councillor P. Clarke (Vice Chairman)

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

County Councillors A. Easson and J. Watkins attended the meeting by invitation of the Vice-Chair.

County Councillor J. Becker left the meeting during consideration of application DM/2018/00880 and before its determination.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Craig O'Connor	Development Management Area Team Manager
Andrew Jones	Development Management Area Team Manager
John Rogers	Legal Officer
Shirley Wiggam	Senior Strategy & Policy Officer
Louise Corbett	Senior Strategy & Policy Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors: R. Edwards, D. Blakebrough and G. Howard

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 which is directly affected by the proposal. He left the meeting taking no part in the discussion or voting thereon.

County Councillor D. Evans declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01635 as he is a member of Monmouthshire Housing Association Committee. He left the meeting taking no part in the discussion or voting thereon.

County Councillor A Webb declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01635 as she is a Board Member of Monmouthshire Housing Association. She left the meeting taking no part in the discussion or voting thereon.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 5th
March, 2019 at 2.00 pm**

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 5th February 2019 were confirmed and signed by the Vice-Chair subject to the following amendment.

Application DM/2018/01606 – Final sentence of the final paragraph to read as follows:

However, before issuing the decision, ensure design details of house types (including overhanging eaves, cills and headers) are reviewed and agreed via the Delegation Panel.

3. Application DM/2018/00880: Outline application for up to 130 dwellings, provision of new open space including a new community park and other amenity space - Land to east of Church Road, Caldicot

We considered the report of the application which was recommended for approval subject to a Section 106 agreement and planning conditions as set out in the previous report to Planning Committee of 6th November 2018.

The application is re-presented to Planning Committee for consideration due to the data error on housing completions against Local Development Plan (LDP) targets, included in the 20th September 2019 Council report and duplicated in the 6th November 2018 Planning Committee report for this item. The Committee was invited to consider the application afresh. In addition, the application has been reviewed against Planning Policy Wales 10 (PPW10), which is an updated national planning policy which has been published since the Committee considered the application in November 2019. The impact on Scheduled Ancient Monuments has been considered by Cadw and no objection is offered.

The proposed development would make a significant and timely contribution to the Authority's housing land supply shortfall and the 35% affordable housing would help to address the significant affordability challenge facing Monmouthshire's communities. The proposal is considered to comply with the 11 ground rules agreed by Council on 21st February 2019, and it is considered to accord with the policies set out in PPW10.

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

- The local Member stated that she was in attendance to represent the views of local residents in respect of this application which included many objectors and a small number of supporters for the application.
- Concerns were expressed regarding the infrastructure within Caldicot. The local GP surgery has long waiting times and there are difficulties for residents to obtain a NHS dentist.
- Local schools are at capacity.

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- Aneurin Bevan University Health Board has had difficulties with regard to recruitment.
- Schools are covered by the Section 106 arrangement. Schools are already full and it was considered that the Authority cannot wait for the houses to become occupied, obtain the Section 106 Funding before building the extra school places that are required.
- Concerns have been raised regarding the archaeological remains found in the Neddern Rise and whether more artefacts might be found on this site.
- Concerns have been raised regard the increased traffic flows and the impact on air quality which might cause damage to the Roman ruins in Caerwent.
- The site contains a public right of way. Although the site will retain the right of way, it will no longer be an attractive country walk as it will traverse a housing estate. There are concerns that this will force the walkers into the Site of Special Scientific Interest (SSSI) which could create a negative effect on the wildlife.
- Natural Resources Wales (NRW) has stated that it wishes to deter walkers from the SSSI while the birds are wintering at this location.
- Concerns have been expressed that people will chose to walk in the countryside rather that use the right of way.
- The local Member expressed her grave concerns regarding road safety on Church Road, especially at school drop off and pick up times. An increase in traffic on Church Road would exacerbate an already dangerous situation.
- Another road safety concern is having the main entrance to the site being through Heol Sirhowy and Heol Trothy. These are very small estate roads with children playing in the streets.
- There is a high pressure gas main through the site and there are concerns with regard to how this site will be developed. Recent incidents on the site have caused considerable stress and concern to residents.
- Concern was expressed regarding the increased strain on the roads surrounding Caldicot and the nearby areas, potentially leading to increased strain on all of these commuting routes.
- Noise pollution from the M48 will potentially become an increasing problem if the tree barrier is reduced.
- Several people have expressed concerns regarding increased flooding risks in the Castle grounds.

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- The primary area of concern has been the proximity of the proposed development to the ecology of the SSSI. The site is valuable to over wintering birds, bats and insects. Insect habitats are threatened.
- In permitting a development so close to the SSSI, there are concerns that this might set a precedent.
- The local Member would prefer that this site is considered as a candidate site as part of the review of the Local Development Plan (LDP).

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

- There was a major error in the supporting evidence concerning the availability of affordable housing which was a County Council error. The error had been identified by a member of the public.
- The evidence relied upon to justify the original decision to approve the application in November 2018 had changed significantly. The decision had been made based on incorrect data that indicated a shortfall in housing availability, particularly affordable housing. The shortfall is now significantly less. According to the Authority's targets, it is now 38.
- Concern was expressed that this incorrect information went unnoticed and had been used to justify a departure from the LDP.
- The Church Road Development is outside of the LDP.
- To ensure that there are no other errors, objectors consider that this site should go forward into the next LDP and go through proper considered and validated processes in scrutiny to ensure that all facts are known.
- It has been stated in previous meetings and supporting documents that the 45 affordable homes, included this development are non-negotiable.
- A question was raised regarding how many developments inside of the LDP have achieved the target on affordable homes.
- Similar questions regarding five key sites were asked by a County Councillor at the February 2019 Council meeting which have not been answered.
- The Sudbrook development will only achieve 9% affordable housing and not 25%. Sudbrook was in the LDP and was a brownfield site. If the 25% affordable housing had been achieved on this development, the target would have been met based on the corrected data.
- Penalties should be incurred by developers for not meeting the 25% / 35% affordable housing provision.

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- The consequences have resulted in approval of further developments in order to achieve the affordable housing targets, resulting in environmental and financial costs being associated with this course of action.
- The County Council's justification for this development is based on affordable housing without due regard for the local overstretched infrastructure or the SSSI.
- Safety has become a major concern. Wales and West Utilities was not given advanced notice of work being undertaken at the site which contains a high pressure gas line. This is critical to public safety.
- Previous Church Road developments have not delivered in what had been agreed at this stage of the process.
- The Planning Committee's decision must be made on facts linked to the revised evidence.
- This development should be rejected and put forward to the next LDP for full and considered appraisal on all facts.
- The principle reasons for allowing the departure from the LDP have been shown to be flawed and therefore invalid and that the original decision should be reversed as there is no justification for allowing this development.
- An overwhelming number of residents, Caldicot Town Council and Caerwent Community Council are against this development.

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

- All the points raised over the previous 10 months since the planning application was submitted have been thoroughly assessed by the Planning Department and it had been concluded that, on balance, the application should be recommended for approval.
- The Planning Committee, in November 2018, had resolved to approve the application. The case in favour of the application is now even stronger than it was in November 2018.
- We now have the new PPW10 which sets out strong guidance on how sites for development should be selected and how they should be planned and developed. This scheme is in accordance with that advice.
- With regard to housing numbers, there is still a serious deficiency in terms of the five year supply.
- The economic and social needs of the County, which are impacted by that deficiency remain unchanged.

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- There still remains the serious prospect of a shortfall in delivery by the end of the current Local Development Plan period.
- The need for affordable housing remains a high priority.
- There is no improvement in terms of the housing supply and delivery position. In fact, it remains even more acute than in November 2018.
- This is a well considered and sustainable scheme expected to create a distinctive place fostering social cohesion and the wellbeing of its residents.
- The scheme adheres to the Council's 11 ground rules.
- The scheme has been to Welsh Government who has indicated that it is content with it.
- There is an overwhelming planning logic for this land to be developed.
- If permission is granted to develop the site, work will commence quickly with the planning benefits also arriving quickly.

The Head of Planning, Housing and Place Shaping informed the Planning Committee that he had received some correspondence from Caldicot Town Council, details as follows:

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 doctor's 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.

Further information from Councillor Rachel Garrick of Caldicot Town Council was also provided, as follows:

'I am one of the town councillors for Caldicot Castle ward. As you are aware, the application for the Church Road housing development is due at the Planning Committee today. There appears to have been an oversight in that Caldicot Town

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Council did not receive any formal notification from Monmouthshire County Council on this application going back to Planning. As a result, the Town Council has missed the opportunity to formally nominate a councillor to address the planning meeting on behalf of the council and residents. The Town Council has previously objected to this development.

As a town council ward councillor for the area, residents have raised concerns with me on the development. Many concerns focus on the transport issues in and around Church Road at peak times. I am particularly concerned about this in light of the recent upheaval in Chepstow where additional planning is desperately needed to alleviate congestion. At the moment, Church Road is heavily congested during peak time and has similar geographic features to Chepstow in that the surrounding hill creates a basin which is, in effect, a sink for pollution.

Much of the congestion focuses around school pick-ups and drop offs and the congestion will affect young children who are particularly susceptible to air pollution. The concern has also been expressed about the safety of children who currently play and cycle in the local housing estate which will become a through route for the new development. This concern is particularly high as there does not seem to be a fully formed plan for an alternative access route to the development.

Further concerns have been raised by the residents on environmental factors with genuine worry that the building work will affect the species present in the adjacent site of special scientific interest. There is concern the tree screen that is proposed may be far from adequate and will take many years to reach maturity to actually provide the break needed between the development and the SSSI to protect its habitat (by which time it will be too late).

There are additional concerns running along pollution potential for the Neddern brook which has previously been affected by local housing developments. Whilst I appreciate that there will be no direct discharge into this body of water from the proposed houses, there is concern that a development will affect the area's ability to drain and that washings from activities such as car washing and window washing will ultimately pollute the Neddern. I am also concerned about the potential for construction discharges under any construction water discharge permits being able to affect this local body of water.

Concerns have been raised by local residents who use the public right of way for recreational purposes and feel that this will be changed and devalued as part of the development.

Significant concern has been raised by residents over the presence of the high pressure gas line running through the development. Having worked in the construction, electricity and utilities industries for around 20 years I am very familiar with the realities of utility strikes in construction work. Striking a high pressure gas line would be potentially devastating to the local community in terms of danger to life. Whilst safe systems of work will exist, a busy building site will inevitably suffer some utility strikes and this is a very real safety risk.

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The Town Council objected to this development based on a lack of planning for schools. The Town Council is aware of the County Council's plan to raise around £1.6 million for education contributions from local development across the Severnside area. However, no plans exist for an additional primary school and proposals are that the places will be created in already space compromised local schools. A proposal to extend the capacity of the local faith school as a principle solution to general requirements is not acceptable to many families who wish the children to either pursue other religions or enjoy a largely secular education and should not be the main solution to a dearth of educational places.

It should also be noted that some of the schools in Caldicot have now slipped to amber ratings, including the school located in the ward, and that an approach of cramming more children into the oversubscribed schools is not the way to improve education.'

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

- Members expressed sympathy for the objectors to the application. However, affordable housing is required at this location, in particular for local young people.
- There is not a requirement to wait for the funding to be provided in order to make improvements to schools. The Authority can borrow against this. Therefore, any improvements to school buildings or extra capacity required can be built in preparation for the demands on the system.
- In response to a question raised regarding the viability of sites impacting on the numbers of affordable housing, it was noted that the Sudbrook site was a brownfield site with significant viability issues. This site has a clear corridor to allow the gas main to go through.
- The error in the calculations has reduced the amount of the shortfall. However, there is still a substantial shortfall on the houses being built, despite planning permission having been given for many of them.
- Waiting for the new LDP will not help in this situation but only delay development at the site.
- More houses, in particular affordable houses, are required in the area and development at this site will achieve this.
- Concern was expressed regarding the infrastructure of the site. There is a need to look at surrounding roads and the corridor between Lydney in Gloucestershire and Caldicot, as it impacts Chepstow in relation to the traffic that travels towards the motorway commute to Bristol.
- There is difficulty for local people in the area obtaining appointments to see their GP. Concern had been previously expressed regarding this matter when the application had been considered in November 2018 and it was considered that this matter had not been addressed. Development of the site should be

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considered against the new LDP so that infrastructure of the roads could be addressed across the area and address the cumulative impact.

- In response, the Head of Planning, Housing and Place Shaping informed the Committee that with regard to the road infrastructure, comments had been made at the November 2018 Planning Committee in respect of this matter and it had been noted that roads were looked at across the wider network and not to the nearest T junction. A seminar regarding this matter was being arranged for Members in the near future. The cumulative impact is looked at for other consented or LDP schemes that are coming forward.
- In terms of primary healthcare facilities, the Head of Planning, Housing and Place Shaping informed the Committee that there is no further change to that reported at the November 2018 Planning Committee meeting. The Health Board has outlined in the report that there is a capacity concern but the solution to that is by expanding the local GP surgery with an extra GP. That does not require the building or the car park to be extended so there is no requirement for a Section 106 contribution. The Health Board recognises a capacity issue in this locality and can address it by providing an additional GP at the local surgery.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DM/2018/00880 be approved subject to a Section 106 agreement and planning conditions as set out in the previous report to Planning Committee of 6th November 2018.

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

For approval	-	7
Against approval	-	1
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2018/00880 be approved subject to a Section 106 agreement and planning conditions as set out in the previous report to Planning Committee of 6th November 2018. The application will be referred to Welsh Government under the 2012 Notification Direction.

4. Application DM/2018/00894: Conversion of existing outbuilding into two new 3-bedroom dwelling houses, Hatcham Barn, Cwrt William Jones, Monmouth

We considered the report of the application which was recommended for approval subject to the 12 conditions, as outlined in the report and subject to a Section 106 Legal Agreement.

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

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- The report is predicated on the principle of how it compares with the application as it stood prior to some minor amendments by the applicant. That is a comparison that does not take into account the existing site, neither does it take into account the existing planning permission.
- The permission identified was part of the overall redevelopment of the Haberdashers boarding houses, one of which is now occupied by the objector.
- The existing planning permission is for a four bed barn conversion but it did have an additional new building at the rear which was discarded prior to consideration by the Planning Committee.
- With the present application, by raising the roof and increasing the usable floor area on a first floor level and by inserting an additional extension of the rear, the application returns to the permission that the Committee did not consider but would have refused.
- The rise of the building has been achieved by a set of louvre wooden framework below the gutter line and as a consequence raising the ridge height.
- Behind the louvres there are a series of windows which, contrary to information received by officers regarding overlooking, is not properly considered by the report.
- The report indicates that there are no windows on the gable end to the rear of number 11. However, what is not taken into account is that there are a series of windows which will be reopened on the flank of the building which is partially adjacent to the objector's rear garden. Above that, there will be a series of additional windows behind the louvre which cannot be seen and create an impression of a secret overlooking. This will have a detrimental effect on the whole of the rear garden of St. James' House.
- The report of the application refers to the shortfall in parking on the site. The existing permission allowed sufficient parking for a four bedroomed property. This was important to the Planning Committee when it considered the total redevelopment of the area of the Haberdashers properties and all of the properties as they were being considered had to meet the minimum parking standard. However, this has been abandoned.
- The objector asked the Committee to consider refusing the application as it currently stands.

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

- The scheme cannot be viewed in isolation. This development has come forward to the Committee as a part of the scheme previously that was refused and then accepted.

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- This barn came forward as a conversion of a building to a four bedroomed dwelling and permitted development rights were removed at that time.
- There have been a number of issues around this development previously regarding the road, access and the setting.
- The background history has to be read in conjunction with the current application.
- The application should be considered as a new development with an affordable housing contribution being provided.
- The application refers to a much higher building with a conversion that is twice the footprint. The application is not the same development but is twice the development that had been previously presented to Committee.
- In the design and access statement it was proposed that this development would be brought forward as a self-build and would look to sidestep the policy of providing provision for affordable housing commuted sum.
- The design is subjective. The transport statement has been considered as well as the issue of parking. However, there lies an issue around affordable housing provision and deferral of the application should be considered on the basis that affordable housing provision should be considered for two affordable housing contributions.
- In response, it was noted that this application should be considered as a new application. However, in terms of the affordable housing contribution, there is extant planning consent which could be implemented for a four bedroomed house to go onto the site which would not be subject to any affordable housing contribution. The net increase is for one dwelling over and above what has been previously approved. In terms of self build, there is an exemption to provide an affordable housing contribution.

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

- The parking provision does not meet the parking policy. There are double yellow lines throughout the area reducing on street parking provision. In response, it was noted that the four bedroomed property had three parking spaces in the same location.

It was proposed by County Councillor M. Feakins and seconded by County Councillor A. Webb that we be minded to defer consideration of application DM/2018/00894 to explore the affordable housing contribution and that the application be re-presented to a future Planning Committee meeting for consideration.

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

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For deferral	-	11
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to defer consideration of application DM/2018/00894 to explore the affordable housing contribution and that the application be re-presented to a future Planning Committee meeting for consideration.

5. Application DM/2018/01339: The implementation of consent DC/2014/00161 after storm damage, all details are to be reconstructed as original approved design - Old Manor Cwrt B4233, Trothy Bridge to Pen-y-Parc, Llantilio Crossenny

We considered the report of the application which was presented for refusal for two reasons, as outlined in the report.

The applicant's agent, Mr. D. Smith, attended the meeting by invitation of the Vice-Chair and outlined the following points:

- Planning approval was granted in 2014 for this conversion. In December 2016 work commenced.
- Inclement weather had destabilised the building.
- The applicant had arranged for a health and safety specialist to visit the site resulting in a range of measures being taken to try and ensure that the building was saved.
- The report describes the building as being demolished. However, this was not the case. The building had been dismantled for health and safety reasons due to 'an act of God'.
- There was no intent for the applicant to remove the building.
- Appeals in case law exist for situations like this. There are material considerations that can be considered with regard to this case.
- The intent of the applicant and the outcome of development can be considered. The intent of the applicant has been to implement the consent.
- The applicant had purchased internal frames in the sum of £10,500 which can only be used in this building. If planning permission is not granted these will become redundant.

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- The applicant had met the unexpected costs to retain the building. However, for health and safety reasons the building could not be saved and had to be taken down.
- Financial reasons can also be taken into account. This has cost the applicant £160,000 to date.
- These special circumstances can be a mitigating factor in terms of determining the application.
- In terms of the flooding issue, pre-application advice had been sought and flooding issues at the site had not been raised. Officers had indicated that circumstances had not changed since 2016.
- Although the policy issues exist, the Planning Committee was asked by the applicant's agent to consider the material considerations put forward in advance of this and say that they do not apply in this situation due to the circumstances faced by the applicant.
- The Planning Committee was asked to approve the application on the basis of considering the application against the material considerations which can be applied to this application.

Having considered the report of the application and the views expressed by the applicant's agent, the following points were noted:

- It was considered that the issue of the building being located on the flood plain could be circumvented by raising the ground level above the flood plain.
- The foundations is the only part of the building that is left. Therefore, this application would be regarded as a new build in the countryside, would be located in a flood zone C2 and would be close to a brook. The footprint would be the same as the original building. The building would be located in an open location, exposed to the elements and would not be the most appropriate location for a tourist / residential accommodation.
- Planning Policy is clear in not allowing highly vulnerable developments in flood zone C2. Whilst consent had been granted in 2014, the stance being taken by Welsh Government in respect of TAN 15 and flooding policy has been clarified to the Planning Department.
- In terms of case law, there is no building on this site and therefore, no building to convert.

It was proposed by County Councillor J. Higginson and seconded by County Councillor A. Webb that application DM/2018/01339 be approved with appropriate conditions.

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

For approval	-	4
Against approval	-	5
Abstentions	-	2

The proposition was not carried.

We resolved that application DM/2018/01339 be refused for the two reasons, as outlined in the report.

6. Application DM/2018/01641: Erection of fuel storage building to replace existing open storage compound and relocation of 2 no. portacabin office buildings together with parking provision - Trostrey Court Farm Barns Clytha Road Trostrey Common Gwehelog

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

Application DM/2018/01641 was withdrawn from consideration to allow officers to clarify issues around air quality. The application will be presented to a future Planning Committee meeting when these issues have been addressed.

7. Application DM/2018/02068: Conversion of barn to holiday accommodation (2 dwellings) - Barn 1, Penterry Farm, Chapel Hill Road, Penterry, St Arvans

We considered the report of the application which was presented for refusal for two reasons, as outlined in the report.

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

- Penterry Farm has been compelled to explore farming diversification due to the current economic climate.
- The additional revenue from holiday letting will support not only the core farm business but will create positive outcomes for the rural economy also.
- The Farm is well placed located above Tintern Abbey in the Wye Valley and near to the Forest of Dean.
- Tourism is actively encouraged in Monmouthshire and additional accommodation will strengthen the area's appeal as a visitor destination.
- The barn is located between two dwellings and has not been used for agriculture for 10 years due to the impact on the amenities of the two dwellings. It is of modern construction but dates back to the 1970s. It is in sound condition.

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- Like any other barn conversion, the roof will need replacing and the walls will require cladding. However, it was considered that this does not amount to rebuilding or a new build property. It would be no different if the barn was upgraded to a grain store.
- The proposed holiday lets would be located on Penterry Farm, would be managed by the farm and used to support the farm.
- Officers had not previously indicated that a business case was required. However, if necessary, the applicant could provide one.
- The applicant is prepared to enter into a Section 106 agreement to ensure the accommodation remains a part of the farm business and satisfies the Planning Department's need for a stronger linkage.
- The Barn makes no contribution to the Wye Valley AONB in its current state, the farm has attempted to instil some character into the design. However, it was acknowledged that the windows could be revisited in an amendment to downplay any domestic pretensions.
- Parking could also be revisited in favour of a more discreet location.
- There is an opportunity to conserve and enhance the natural beauty in line with Policy LC4.
- The applicant is not looking to rebuild the barn. However, Policy T2 does allow for the substantial rebuild of the building within the curtilage of an existing and occupied farm property where it assists an agricultural diversification.
- Officers consider that the barn is on the holding and not within the curtilage of an occupied farm property. However, this was considered to be disingenuous, as the barn is located between two farm dwellings and is part of a long established ribbon of farm development along the farm drive, so it is considered to be within the curtilage of farm property.
- The barn has no future for agriculture but offers an opportunity for the farm to diversify sustainably without adding any new buildings or covering the fields with yurts, tepees and tree houses.
- The applicant would welcome the opportunity to work with the Planning Department to modify the scheme and provide the additional supporting evidence required.
- The applicant's agent asked the Planning Committee to defer consideration of the application to allow further negotiations to take place between the applicant and the Planning Department.

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The local Member for St. Arvans, who is also a Planning Committee Member, asked whether it would be appropriate to delay consideration of the application with a view to the applicant and the Planning Department looking at further diversification opportunities. In response, it was noted that the application was a new build development within the open countryside and did not comply with Planning Policy. Therefore, officers considered that the recommendation to refuse the application for the two reasons as outlined in the report was the correct recommendation for this application.

In noting the detail of the application, the views expressed by the applicant's agent and the local Member, it was proposed by County Councillor A. Davies and seconded by County Councillor P. Murphy that application DM/2018/02068 be refused for the two reasons, as outlined in the report.

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

For refusal	-	10
Against refusal	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2018/02068 be refused for the two reasons, as outlined in the report.

8. Application DM/2018/01635: Full planning application for the development of four affordable dwellings - Land At Llantillio Crossenny

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

The local Member for Llantillio Crossenny was unable to attend the meeting. However, the Chair allowed for a statement to be read out stating that the local Member was in favour of the proposed application.

In noting the detail of the application the following points were noted:

- The applicant had confirmed that facias and barges will have 150mm overhang.
- In response to a question raised, it was noted that the render will be smooth, as discussed at the site inspection.
- In response to a question raised by a Member regarding the visibility splay only being on one side of the road as indicated in the highways report, Planning officers would investigate the matter and report back to the Member.
- The application sits well on the site and provides affordable housing.

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It was proposed by County Councillor D. Dovey and seconded by County Councillor M. Feakins that application DM/2018/01635 be approved subject to the eight 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/2018/01635 be approved subject to the eight conditions, as outlined in the report.

9. Application DM/2018/01784: Erection of two, two bedroom semi-detached houses - 72 The Close, Portskewett, NP26 5SN

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

The local Member for Portskewett was unable to attend the meeting. However, the Chair allowed for a statement to be read out to the Committee outlining the local Member's views in respect of the application:

- The local Member had expressed serious concerns regarding the application.
- Concerns remain around the safety of pedestrians which would include many children and elderly people. Many of which use the recreation hall, play area and other community areas that are accessed via the adjacent lane which is next to the proposed site.
- These facilities are well used and the lane can be busy at regular times with vehicles and pedestrians.
- Concern was expressed regarding the additional property entrances and the additional vehicular movements that will enter and leave the highway at a bottleneck at the entrance of the close.
- The short stretch of busy road has seen several accidents over the years and is known locally as an area of great concern.
- The approval of additional dwellings and therefore additional vehicles will cause a serious worsening of the current problems that are occurring at this location.
- The position of the proposed dwellings will be inappropriate and will add nothing but danger to the community.

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

- The elevation of the proposed dwellings is not in keeping with surrounding properties.
- The proposed dwellings would be located up to the boundary.

It was proposed by County Councillor P. Clarke and seconded by County Councillor J. Higginson that we be minded to refuse application DM/2018/01784 on over-development of the site and that it creates a detrimental effect on the street scene due to incongruous design and that the application be re-presented to a future meeting of Planning Committee with appropriate reasons for refusal.

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

For refusal	-	11
Against refusal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to refuse application DM/2018/01784 on over-development of the site and that it creates a detrimental effect on the street scene due to incongruous design and that the application be re-presented to a future meeting of Planning Committee with appropriate reasons for refusal.

10. Application DM/2019/00142: Development of 1 no. shed and 2 no. polytunnels, a foot path and associated works to supplement services offered at the Resource Centre - Mardy Park Resource Centre, Hereford Road, Mardy, LlantilioPertholey

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

In noting the detail of the application, it was proposed by County Councillor J. Higginson and seconded by County Councillor M. Powell that application DM/2019/00142 be approved subject to the five conditions, as outlined in the report.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

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We resolved that application DM/2019/00142 be approved subject to the five conditions, as outlined in the report.

11. Appeal Decision: Caestory Avenue, Raglan

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 9th January 2019. Site address: 6 Caestory Avenue, Raglan, Usk.

We noted that the appeal was allowed and planning permission was granted for a detached dwelling house at 6 Caestory Avenue, Raglan, Usk, NP15 2EH in accordance with the terms of the application, ref: DC/2018/00096, dated 19th January 2018, subject to the conditions set out in the Schedule.

12. Costs decision: Caestory Avenue Raglan

We received the Planning Inspectorate report which related to a costs decision following a site visit that had been made on 9th January 2019. Site address: 6 Caestory Avenue, Raglan, Usk.

We noted that the application for an award of costs was allowed.

We resolved that the Head of Planning, Housing and Place Shaping writes to the Planning Inspectorate in response to the decision and the costs awarded in respect of this application following debate over paragraph 7 of the appeals decision and paragraph 7 of the costs decision.

13. Draft Infill Development Supplementary Planning Guidance (SPG)

We received a report regarding the Draft Infill Development Supplementary Planning Guidance (SPG), with a view to issuing for consultation.

The Planning Committee was informed that the options in relation to the Draft SPG were to:

- 1) Endorse the Draft SPG as attached to the report for consultation.
- 2) Endorse the Draft SPG for consultation with amendments.
- 3) Do nothing in relation to the Draft SPG.

It was noted that officer recommendation was for Option 1 to be the preferred option.

Having considered the report, the following points were noted:

- A Member supported option 2 with the following amendments:
 - There was a need to distinguish between infill and backland development within the guidance, for example with additional diagrams illustrating backland development.

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- Further definition of neighbouring properties needed to be identified to clarify if we mean adjacent in the streetscene, or in the immediately surrounding area.
- Consideration of a limit be placed on main villages in line with minor villages. SAH1 to also be appended.
- The majority of the Committee agreed with option 1 – to endorse the Draft SPG as attached to the report, for consultation.
- There is a need to ensure that either the 35% or 25% affordable housing provision is adhered to and that it not be subject to viability.
- The Head of Planning, Housing and Place Shaping informed the committee that the points raised would be picked up. Further investigation would be undertaken regarding diagrams, also further clarity regarding backland and the wording during the consultation period to clarify issues in respect of surrounding properties or immediately adjacent neighbouring properties. It was noted that there is separate SPG being undertaken in respect of commuted sums for small sites. In terms of limits on house numbers, the scope of the SPG has been deliberately kept to fewer than 10 dwellings. It is not appropriate to seek to limit the number of dwellings in infill developments in Main Villages. The limit for Minor Villages is taken from LDP policy.

We resolved to endorse the Draft Infill Development Supplementary Planning Guidance (SPG), with a view to issuing for consultation, and to recommend to the Cabinet Member for Innovation, Enterprise and Leisure accordingly.

The meeting ended at 5.00 pm.

Public Document Pack Agenda Item 3b

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, Rhadyr, Usk, NP15 1GA on Tuesday, 19th March,
2019 at 10.00 am**

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

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

County Councillor P. Jones attended the meeting by invitation of the
Chair.

County Councillor J. Higginson left the meeting during consideration of application
DM/2018/01050 and did not return.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Andrew Jones	Development Management Area Team Manager
Craig O'Connor	Development Management Area Team Manager
Matthew Phillips	Head of Law/ Monitoring Officer
Louise Corbett	Strategy and Policy Officer – Affordable Housing
Mark Davies	Highway Development Manager
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors J. Becker, D. Blakebrough and D. Dovey

1. Mark of Respect

Before commencing the meeting the Planning Committee stood in silence as a mark of
respect for the victims of the terror attack that occurred in Christchurch, New Zealand.

2. Declarations of Interest

There were no declarations of interest made by Members.

3. 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 which was recommended for approval
subject to the conditions outlined in the report and subject to the Unilateral Undertaking
with heads of terms as previously agreed by Planning Committee in November 2019.

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The application has been called-in by Welsh Government and is therefore no longer before the Council to determine. However, the application is re-presented to the Planning Committee to consider due to the data error on housing completions against Local Development Plan (LDP) targets, included in the 20th September 2018 Council report and duplicated in the 6th November 2018 Planning Committee report for this item. The Committee was invited to consider the application afresh. In addition, the application has been reviewed against Planning Policy Wales 10 (PPW10), with particular regard to the sustainable transport hierarchy which is updated in national planning policy published since the Committee considered the application in November 2018.

The proposed development would make a contribution to the Authority's housing land availability shortfall and housing delivery shortfall. The 35% affordable housing would help address the significant affordability challenge facing communities, including the high level of affordable housing need throughout the County, including the local need in Raglan. The proposal is considered to comply with the 11 ground rules agreed by Council on 21st February 2019 and it is considered to accord with the policies set out in PPW10. It is recommended that Planning Committee confirms its in-principle support for the proposed development to inform the Council's position at the call-in appeal, and similarly that it notes and endorses the position regarding the sustainable transport hierarchy.

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

- The local Member supports the LDP plan led process and supports the provision of affordable housing.
- However, the proposed application for 111 houses in Raglan is contrary to the LDP in its timing, scale and location. There are better options available to provide affordable housing such as smaller, more sustainable developments.
- Regarding affordable housing, ground rule 7 deals with the location of new developments.
- The issue regarding the lack of housing land in Monmouthshire is due to strategic housing allocations and are being developed far slower than predicted.
- The Council has owned sites that have not yet been developed, e.g. the site in Raglan for 45 houses, which does have a 35% affordable housing ratio.
- Due to viability issues, the affordable housing contributions are sometimes reduced from 35% or 25% reducing the numbers of affordable housing properties per development.
- Ground rule 8 requires that the size and mix of the proposed dwelling is both suitable for the location and seeks to address the demographic challenges. The Council report of the 21st February 2019 stated that the ground rule was

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complied with. However, the local Member disagrees, as the issue will not be addressed until the reserved matters stage. The Council report had also stated that the housing would not be reserved for any particular age group and there is no legitimate or appropriate way to enforce such a control. Ground rule 8 cannot be complied with at this stage.

- Ground rule 5 requires a development to be acceptable in other planning terms including the sustainable transport hierarchy. The report of the application refers to more bus timetables to show that this matter had been complied with. However, the site will be reliant on cars commuting out of the village. Buses will remain a vastly less attractive option as a means of transport for commuting. The sustainable element of ground rule 5 will not be met.
- More traffic will be forced onto the dangerous A40 junction. Further accidents have occurred there since the November 2018 Planning Committee meeting. This accident location needs to be addressed and acknowledged.
- The high street will also be put under considerable pressure, as would the whole local infrastructure.
- This site is wrong for development as it is considered not to meet at least three of the ground rules. The local Member asked that the committee opposes the development at the upcoming inquiry.

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

- The Raglan public have noted that the County Council has been slow in bringing its own land forward for development and for affordable housing in particular.
- More should be done to hasten the development of the sites allocated already in the LDP. There would then be no need to allocate this site, which is outside of the LDP settlement boundary in Raglan.
- The next LDP could look more comprehensively at allocations in the context of the reducing population forecasts.
- Ground rule 6 deals with the scale of residential development. When the proposed 111 houses, as outlined in the application, are added to the 45 houses already approved for Chepstow Road, the resulting increase for Raglan cannot accord with the LDP Spatial Strategy Policy S1.
- At the Planning Committee meeting held on 6th November 2018, the level of growth for Raglan was described as subjective. Raglan Community Council re-states its view that a 28.4% level of growth cannot be described as a small amount of new housing development. Ground rule 6 is not complied with.

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- The consequences of such rapid growth would be damaging to village infrastructure.
- At the November 2018 Planning Committee meeting, it had been noted that new pupils living near to the school would eventually have priority access to the school. If the school couldn't be expanded then other pupils would have to be educated elsewhere. If those other pupils are from the Raglan community hinterland then their forced transport to other schools will result in more unsustainable journeys and damage to the social cohesion of the community. Ground rule 5 states that if infrastructure, such as the school, cannot be satisfactorily improved, permission should be refused.
- Raglan Community Council accepts the need for more homes, especially affordable homes, but not on the scale of this development.
- The Community Council asked the Planning Committee to adhere to the LDP and to refuse the application.

Ms. H. Ronchetti, representing Raglan Village Action Group, attended the meeting by invitation of the Chair and outlined the following points:

- Raglan Village Action Group welcomes that the LDP target figures have been corrected. However, an earlier response to concerns raised regarding the accuracy of the figures could have enabled the Planning Committee to consider the application afresh at the Planning Committee meeting on 4th December 2018 before the Welsh Government call in.
- The corrected target figures are now lower than first reported and there is an option to hasten the delivery of many readily available housing plots in the County which are preferential in planning terms and are within the LDP.
- The new site does not meet several of the ground rules.
- Raglan's heritage and sense of place needs to be taken into account.
- Ground rule 5 states that development must be acceptable in planning terms which, as stated in PPW10, includes the historic environment, the importance of conservation areas and their setting to the character of place and their value to cultural identity, economic vitality and local distinctiveness.
- The proposed housing development will destroy Raglan's last remaining link with the open countryside. Only in the southeast of the village does the open countryside join the historic conservation area. It is in this area where the village has its recreation sports area, its school and nursery and its fitness footpath. The fitness walk is enjoyed by residents of all ages.
- Putting 111 houses into this landscape will destroy the last and most important area of countryside available to the village.

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- Local residents are not against local housing but want to work with the Planning Department to ensure that the development is right for the village.
- Monmouthshire County Council has received over 150 letters and a petition signed by 520 local residents expressing their opposition to the proposed development.
- The Planning Committee was asked to consider refusal of the application.

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

- The issues that have been raised do not change the need for the proposed development.
- There remains a significant housing shortfall.
- There remains a need for affordable housing in Monmouthshire and specifically in Raglan.
- The County Council had agreed to reaffirm the ground rules against which applications such as this application should be considered in February 2019. The report of the application concludes that the scheme accords with the ground rules and is acceptable in all other planning terms.
- Many people in Monmouthshire struggle to access the housing market, which has been acknowledged by the County Council and is trying to rectify.
- The decision made in November 2018 and re-affirmed at Council in February 2019 was pragmatic, positive and forward thinking.
- If new housing is delayed until the completion of the LDP review, there is unlikely to be additional affordable housing provision in settlements such as Raglan until at least 2023. This means that those in need would be penalised for at least a further four years.
- The housing register indicates that a significant number of people are waiting for a home in the Raglan area. Approval of the proposed scheme will help alleviate this matter.
- Monmouthshire faces the challenge of rising market housing costs. Raglan has also experienced significant rising house prices.
- The focus of the proposed development has been to create a high quality design led scheme guided by the characteristics of the site and its surroundings. A significant amount of green space has been given over and its sustainable location near to the village centre.

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- The proposed development accords with new national policy. The applicant has embraced new sustainable transport policies including permitting to providing opportunities of electric charging across the site.
- The development will also provide for £800,000 of planning contributions which will benefit existing and new residents.
- Whilst the final decision is to be made by Welsh Government, the Planning Committee was asked to re-affirm its support for the application.

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

- The area of land in question will, at some point, come to Planning Committee for consideration for housing development. However, it might not come forward, at a future date, with 35% affordable housing provision.
- Concern was expressed that approval of this development might set a precedent for other larger developments to come forward that are not within the LDP.
- The scale of the proposed development is an issue and was considered to be too big, as it currently stands. If a scheme were to come forward on the site that was for a much smaller development, this might be favourable to the local community. This would result in fewer affordable houses coming forward but there is already a site for 45 homes approved by the Planning Committee within Raglan, yet to be developed, which will provide affordable housing units.
- In response to a suggestion made that the application be deferred pending the Welsh Government's review allowing the applicant to consider a more appropriate development for the site, the Head of Planning, Housing and Place Shaping informed the Committee that the application has been called in by Welsh Government and the process was ongoing. The Committee was asked to come to a decision in respect of the application, rather than defer it as the Authority would be required to present its stance at the call in appeal.
- In response to a question raised regarding whether the site could become an exception site, the Head of Planning Housing and Place Shaping informed the Committee that that policy still exists and there could be an exception site that would be 100% affordable housing provision. However, these tend to be for smaller scale developments. The reality regarding whether exception sites come forward is subject to viability and commercial aspects. The Authority would not receive a Section 106 contribution for such a site meaning other infrastructure demand would not be addressed.
- Some Members considered that it would be more appropriate if the developer came forward with an application for 30 to 40 dwellings at this site.
- The value of the land was questioned and its status as grade 3 land.

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- It was noted that a number of letters of support for the application had been received stating that it would provide affordable housing for future generations, the location was good for commuting and business in general, it would allow young people to move back into the village helping to re-balance the age of the village. Additional housing was required to support the demand and it was considered that the village could sustain the volume increase. There is currently a poor choice of housing in Raglan and the surrounding area and the 35% affordable housing provision was required.
- Concern was expressed regarding the location. In particular, the road safety concerns regarding the junction with the A40.
- Concern was expressed regarding the transport policy as, for example, it was suggesting that a resident using public transport from Raglan would need to take a 50 minute bus journey to Newport in order to take the next stage of their journey. If a resident was commuting from Raglan, Newport is about 20 miles away, Cardiff is 32 miles away and Bristol is 31 miles away. These are the main areas of employment as there are no major employers in the locality of Raglan. Traffic congestion occurs along St. Lawrence Road heading towards Chepstow at peak times.
- Since the removal of the Severn Bridges tolls, traffic flows have increased by 10% and it was predicted that in the next five years traffic flows would increase by 25%. There are issues relating to the infrastructure and accessibility of traffic in the South of the County.
- Monmouthshire is a commuting County.
- The infrastructure requirements have not been met.
- Concern was expressed regarding the wording in the report in respect of the electric motor vehicles. The charging points should be provided by the developer.
- A question had been asked at the Council meeting dated 21st February 2019 requesting clarification whether the 504 houses excluded the Caldicot and the Raglan Developments. The response received had indicated that these were excluded. However, the report of the application still refers to the 504 houses.
- At the Planning Committee meeting held on 6th November 2018 regarding this application, reference had been made that the land was grade 3a and two thirds of the land was that type. The new Planning Policy Wales edition 10 states that prime agricultural land should not be used for development unless there is an overriding need for development. It was considered that for infrastructure reasons, this application should not be supported.

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- The site is located outside of the development boundary and would add a significant amount of development to a village community changing the character and nature of the community.
- In response to some issues raised, the Head of Planning Housing and Place Shaping informed the Committee that there are two figures outlined in the report of the application, there is a 3.9 year land supply and the 504 projected housing shortfall against the LDP 4500 target with 38 of those being affordable homes against the 960 target. All of these figures are based on the April 2018 joint local housing availability study and they project forward what is happening in the next five years. The 504 figure looks at a period up to the end of 2021. Therefore, the figure of 504 does not include the Church Road application neither does it include this application.
- LDP policy S2 identified that Raglan will take 45 houses over the plan period. Compared with the LDP allocation and the size of Raglan. The scale of development proposed is disproportionate and would be more appropriate for a large town.
- The scale of the residential development is nearly three times the size of the LDP allocation. Concern was expressed that the ground rules were being interpreted to make the proposed scheme fit.
- Raglan is not a sustainable location with public transport being limited to sporadic bus services.
- Employment sites and secondary school provision are some distance away which would generate commuting by private car and be contrary to policy S16.
- The shortfall in housing is not as great as previously indicated and where there is a shortfall this has largely arisen as a result of development not happening in the south of the County and on the Council's own sites.
- With a 3.9 year land supply, this allows developers to come forward with proposed developments outside of the LDP. The proposed development at Raglan will provide 35% affordable housing provision.
- There is demand for housing in the area and the proposed development will be located close to facilities.

The local Member for Raglan summed up as follows:

- 111 houses built in one development in a rural, historical village is not suitable for this location.
- Raglan should not be the answer to address the County's housing problems.

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- A development to provide 45 houses in Raglan has been approved with potentially more development to come forward.
- Residents are in favour of smaller, sustainable developments within the village.

It was proposed by County Councillor M. Feakins and seconded by County Councillor G. Howard that we be minded to refuse application DM/2018/01050 as the application is contrary to Planning Policies S1, S2, S16 and H4.

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

For refusal	-	5
Against refusal	-	6
Abstentions	-	0

The proposition was not carried.

We resolved that application DM/2018/01050 be approved subject to conditions, including the additional conditions outlined in the report, and subject to the Unilateral Undertaking with heads of terms, as previously agreed in November 2018.

The meeting ended at 11.37 am.

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Application Number: DM/2018/01741

Proposal: Proposed development of 15 dwellings and associated works

Address: Land Off Well Lane For Development Of 15 Houses Cwm-fagor Road, Devauden

Applicant: c/o Agent

Plans: Site Levels CD Gray 9512 Dwg 101 P2 - P2, Site Sections (04) 200 - , Drainage Strategy - August 2018, Other Pre-application Consultation Report - October 2018, Transport Statement Transport Statement - October 2018, Location Plan LOC 01 - A, Other Planting Schedule - , Ecology Report Revised Ecology Report - Pure Ecology - February 2019, Other Hedgerow Planting Details 2019/16 - , Other Trees and Planting Beds 2019/17 - , Tree Protection Plan Tree Protection Plan 2018/19 - Rev C, Other NATIVE BLOCK PLANTING DETAILS 2019/15 - REV A, Landscaping Plan PROPOSALS DETAIL OPPORTUNITIES - REV G, Elevations - Proposed 1810 (04) 15 Plots 1+2 - REV C, Elevations - Proposed 1810 (04) 16 Plots 4+5 Type A - REV C, Elevations - Proposed 1810 (04) 17 Plots 8+9 Type C - REV C, Elevations - Proposed 1810 (04) 18 Plots 6+7 Type C - REV C, Elevations - Proposed 1810 (04) 19 Plot 10 Type E - REV C, Elevations - Proposed 1810 (04) 20 Plot 11 Type E - REV C, Elevations - Proposed 1810 (04) 21 Plot 12 Type F1 - REV C, Elevations - Proposed 1810 (04) 22 Plot 13 Type F1 - REV C, Elevations - Proposed 1810 (04) 23 Plot 14 - REV E, Elevations - Proposed 1810 (04) 24 Plot 15 - REV E, Elevations - Proposed 1810 (04) 25 Plot 3 Type B - REV C, Garage Plans 1810 (04) 25 Plots 10-13 - REV B, Garage Plans 1810 (04) 27 Plot 14+15 garages - REV B, Proposed Roof Plan 1810 (04) 101 Roof Plan - REV N, Site Plan 1810 (04) 102 - REV M,

RECOMMENDATION: APPROVED SUBJECT TO S106 AGREEMENT

Case Officer: Mrs Jo White

Date Valid: 22.10.2018

This application is presented to Planning Committee due to the number of objections received.

1.0 APPLICATION DETAILS

1.1 The site is located on the south-westerly edge of the Main Village of Devauden and is adjacent to the Wye Valley Area of Outstanding Natural Beauty (AONB). The B4293 runs parallel to the eastern boundary, adjacent to the existing allotments, whilst Well Lane runs along the northern boundary. Residential dwellings along the north of Well Lane form the existing urban edge of Devauden and are set back within their respective plots, many of which benefit from high vegetation to their front boundaries. To the south and west is open countryside. The topography is such that the site slopes from south-east to north-west.

1.2 Planning Permission is sought for the construction of 15 dwellings together with a new vehicular access road and a community orchard. The existing allotments to the east of the site are to be retained. The development has been advertised as a 'major application'.

1.3 The application site forms part of an allocated 60/40 housing allocation for a maximum of 15 dwellings under Local Development Plan (LDP) Policy SAH11(ii). Whilst the allocation site lies within the development boundary for Devauden, the proposed new access, open amenity space

(community orchard and wildflower meadow) and a 5m wide garden curtilage strip to plots 14 and 15 fall outside of the original development boundary. This change to the extent of the site was the subject of discussion at pre-application stage.

1.4 The proposed dwellings will consist of five social rented units (4 x 2-bed, 1 x 3-bed), four low cost home ownership units (3 x 2-bed, 1 x 3-bed) and six dwellings for the open market (4 x 4-bed, 2 x 5/6 bed). A combination of semi-detached and detached dwellings are proposed. Single and double detached garages are proposed to plots 10-15 whilst private driveways/off-street parking is provided for plots 1-9.

1.5 The proposed new access involves closing the existing access off the B4293 into Well Lane to vehicular traffic (for an approximate length of 30m) and introducing a new link road and junction some 45m to the south (to the opposite side of the allotments). The existing access into the allotments will also be relocated to the south with informal parking provided therein.

1.6 The plans originally made provision for a footpath link at the top of Well Lane (north east of the site) running parallel to the boundary of Glebe House in order to link to the village green. There is currently no footpath along Well Lane nor adjacent to Glebe House for the existing residents of Well Lane or connecting the existing allotments to the village. However, following protracted negotiation between the Highway Authority and the developer's transport representatives, together with an assessment of the existing on-site constraints and the scale of the development, the section of footpath adjacent to Glebe House has since been omitted along with the proposed road narrowing. The applicant would however have to enter into a Section 278 agreement with the Highway Authority to ensure appropriate highway engineering such as change of materials and surface colour within this part of the B4293 to emphasise to drivers the potential for pedestrians to be using the road.

1.7 A community orchard is proposed to run along the perimeter of the southern and western boundary with a 'Green link' providing pedestrian access into the orchard/wildflower meadow. Access for maintenance vehicles will be off the new access road to the east.

1.8 This application has been subject to considerable discussions regarding layout and design both at pre-application stage and as part of the application process. As a result, revised plans have been submitted, to which this report relates. With the exception of plots 5 and 6, external facing materials of the dwellings will be cream render. Plots 5 and 6 will be red-brown multi brick. Roof materials are proposed as artificial slate in in 'Welsh blue'. Windows will be uPVC in ivory. Garages will be render with the exception of plot 14, which is proposed as red/brown brick. The semi-detached units are simply designed to reflect a workman's cottage whilst plots 3 and 10-13 have been designed with proportions and detailing to reflect a traditional farmhouse. Plots 14 and 15 are of an 'L' shape with projecting front gables. Detailing has been added throughout the scheme with chimneys (false to plots 1-9) with brick and reconstructed stone headers and cills and overhanging roofs. The dwellings have been designed to represents large rural farmhouses and associated workers' cottages.

1.9 Boundary treatments to the development comprise of 1.2m high two-rail timber fencing to the south (between properties and the orchard), with clay facing brick screen walls of varying heights (some of which will be retaining walls) and elements of 1.8m high close-boarded timber fences proposed to rear gardens. A mature field boundary of mixed native species is to be retained along the southern boundary (to the periphery of the community orchard and adjacent to the open fields) which is proposed to be enhanced together with new tree planting, orchard and wildflower area.

1.10 The proposal involves repositioning the junction with Well Lane and the B4293, with the eastern end of Well Lane to be closed to vehicular traffic, it is noted that the footpath has been extended down Well Lane to give access to all the new dwellings.

1.11 The application pre-dates the newly introduced SAB approval regime and is therefore not subject to such requirements. However, a full drainage strategy has been submitted with the application which follows the hierarchical order recommended by standards for sustainable drainage (SuDs) in Wales - designing, constructing, operating and maintaining surface water systems

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
M07375	Proposed Residential Development Of Six Semi-detached Houses And Four Flats.	Refused	28.10.2002
M08560	Proposed Residential Development Of Two Flats, Five Bungalows, And Three Houses In Mixed Semi-detached Pairs.	Refused	25.03.2004

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S5 LDP Community and Recreation Facilities
SAH1 LDP Deri Farm, Abergavenny
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
DES1 LDP General Design Considerations
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development
LC5 LDP Protection and Enhancement of Landscape Character
LC1 LDP New Built Development in the Open Countryside
H2 LDP Residential Development in Main Villages
CRF2 LDP Outdoor Recreation/Public Open Space/Allotment Standards and Provision
SD4 LDP Sustainable Drainage

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and wellbeing, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

5.1.1 Cllr R J W Greenland: No response to date.

5.1.2 **Devauden Community Council:** Object on the following basis:

- a) Part of the planned site is outside the area designated in the LDP.
- b) the drainage strategy fails to address adequately the current significant surface water issue in Well Lane which would be further exacerbated by the additional development.
- c) Insufficient consideration for pedestrians with the current footpath inconceivable in the proposed location due to the width of the road.
- d) the capacity of the treatment plant and if the Welsh Water assessment is based on only by frequent emptying with large tankers.
- e) additional environmental issues including the lack of a lighting assessment with impact on neighbours.
- f) In addition to these points the Council wishes to be reassured that this application complies fully with the latest SUDS regulations.

5.1.3 **MCC Senior Ecology and Biodiversity Officer:** No objections to the proposals subject to suggested conditions.

The application for the proposal is informed by an updated ecological assessment: PURE ECOLOGY Land at Well Lane Devauden, Monmouthshire NP166PE Ecological Assessment dated February 2019. The scope of the survey undertaken is considered sufficient to inform the application process.

Protected Sites - Wye Valley and Forest of Dean Bat Sites SAC

The Well Lane site is within the supporting roost buffer* for the Lesser Horseshoe roost element of the bat SAC. Both species of horseshoe bats were recorded using the site. The nearest 'supporting roost' for the SAC had been recorded as 'lost' several years ago. The nearest SAC roost is 3.7km.

A Habitats Regulations Assessment for the Wye Valley and Forest of Dean Bat Sites SAC has been undertaken to support the application.

The interest features which could be affected are Lesser horseshoe bat and Greater horseshoe bat as both were recorded foraging at the site.

The following potential hazards were taken forward for the Test of Likely Significant Effect:

1. Habitat loss / Habitat/community simplification; and Habitat fragmentation.
2. Disturbance (lighting)

The possible effects may occur both during construction and during operation of the site as a residential area.

Physical damage; and Toxic contamination are screened out due to the scale of the proposed development and distance from the protected site:

The TOLSE concludes that it is possible that there could be a significant effect on Interest Features of the bat SAC. Matters relating to Habitat loss; Habitat/community simplification; and Habitat fragmentation were screened out of the assessment because of the design of the scheme including a landscape buffer as shown on plan which allows movement and foraging to continue.

However, significant effects relating to disturbance from lighting could not be screened out and an Appropriate Assessment was therefore necessary.

The Appropriate Assessment considered Conservation Objectives of both Interest Features and the potential impacts of lighting. Subject to the imposition of a planning condition to secure sensitive lighting to protect the quality of the compensatory foraging habitat during the operational phase, it is

concluded that the project will not adversely affect the integrity of the Wye Valley and Forest of Dean Bat Sites SAC alone or in combination with other relevant projects.

NRW have been consulted on the HRA as of today and I have made them aware that the committee is on the 2nd April 2019.

Habitats

Habitats on site are limited in ecological quality due to agricultural improvement and sub-optimum management. However, the hedgerows are considered to be Priority Habitat under Section 7 of the Environment Wales Act 2016 (Boundary and Linear Features: Hedgerows) and are as such covered by LDP policy NE1.

PPW 10 states (6.4.21) that the first priority for planning authorities is to avoid damage to biodiversity and ecosystem functioning. As stated at the pre-app it would be preferable to maintain and enhance the hedgerow along Well Lane however, it is acknowledged that the ecological functionality of this will be much reduced as it becomes surrounded by housing and fragmented to allow access at this site allocated in the LDP. Therefore, even if it were retained, it would be severely affected by the scheme. In order to achieve the most satisfactory outcome for this allocated site, where the principle for development has already been established by LDP inquiry, compensation for the loss of this hedgerow by translocating sections elsewhere on site and undertaking additional robust landscape planting will be required. This is recommended in section 5.3 of the updated ecological report and shown on the submitted plans. Long term management of habitats at the site will need to be secured via a planning condition for a GI Management Plan. Also note that NRW have asked for a condition for long term management and monitoring of the site.

Protected and Priority Species: Dormouse

A dormouse nest was recorded in 2018 confirming presence of this protected and priority species in habitat at the site. The conclusion that the habitat on this site provides peripheral habitat for the local dormouse population within Graig Wood and hedgerow network is accepted. Plan 2018./27 Rev G Devauden Proposals Detail Opportunities demonstrates how translocation and additional planting will improve habitat quality and connectivity for dormouse.

I tentatively agree with the conclusion relating to the probable low levels of additional cat predation from an additional 15 houses however, it is recommended that literature is prepared to advise the new home owners how to reduce the likelihood of cat predation. Whilst we cannot insist on this, I suggest this forms part of the GI Management plan. A NRW derogation licence will be needed to remove and translocate dormouse habitat at the site. The three European protected species tests will need to be undertaken and recorded in the officer's planning recommendation report (See NRW comment dated 20th December 2018). It is noted that NRW state that the timing for translocation of hedgerows currently proposed is likely to change at licensing stage. It will be important that we have this information for enforcement purposes too and therefore a separate condition relating to translocation details is recommended.

Bats

10 species of bat were recorded using the site for foraging/commuting including rare species such as Barbastelle, which is typical of similar sites in Monmouthshire. The conclusion of the site value seems low for this level of use. The site is small with limited quality habitats but the presence of so many species demonstrates its potential importance as a connection in the wider landscape. It is vital for this function to be maintained and enhanced through this development. The robust planting proposals together with the buffer between the houses and the new village boundary are considered to be sufficient to achieve this.

Lighting will be an important additional consideration for bats in particular as many species are light sensitive. It is understood that the road will need to be engineered up to adoptable standards however, detailed lighting proposals will need to consider the retention of dark corridors around the south of the extended village boundary. This will require careful positioning, low columns and cowling. A detailed lighting strategy will be required via planning condition to achieve this. Note that NRW have also asked for lighting details in their response dated 8th March.

Reptiles

A low population of slow worm was identified restricted to the northern site boundary. Acceptable measures have been included to protect the priority species during the development process and once the site is occupied through protection and enhancement of habitats.

Nesting birds

The consideration of nesting birds during the construction phase will need to form part of a construction method statement that pulls together the other key recommendations to reduce the ecological impact of the scheme as far as possible.

*As identified by the Monmouthshire County Council Review of Consents SAC Buffers

5.1.4 MCC Tree Officer: No objections subject to conditions

The hedges on the northern, eastern and western boundaries appear to be species rich and, in the absence of definitive information I would suggest they would be defined as Important in accordance with The Hedgerows Regulations 1997.

It is important that where possible these hedges are safeguarded. To that end the applicant is required to submit root protection details in accordance with British Standard 5837:2012 - Trees in relation to Design, Demolition and Construction Recommendations. The details shall include:

- The type of protection barriers to be used.
- A scaled drawing of the proposed site layout showing the positioning of the protection barriers.

Where sections of hedge requiring removal to facilitate visibility splays these sections must be translocated elsewhere on the site in order to mitigate any loss of habitat. We will therefore require an Arboricultural Method Statement to demonstrate how this will be carried out.

5.1.5 MCC Highways:

Concerns have been identified in relation to site plan 1810 (04) Rev M.

The site is a Local Development Plan allocated site. The highway authority were consulted during the plan development and the highway authority had reservations regarding the specific site allocation in respect of accessibility particularly when more appropriate and accessible sites were available. The highway authority also recognised that third party land would be required and was a particular constraint in developing local pedestrian improvements. However, the Inspector when determining the plan stated (extract from Inspector Report January 2014);

Housing Allocations in Villages

6.81 In Cross Ash the provision of about 15 new, mainly affordable dwellings would be a valuable addition to the village as a whole and, particularly, would give additional support to the school. Both sites would be located close to the junction to the south where they would consolidate the existing development at this entrance to the village.

6.82 The main issue for the Well Lane, Devauden allocation is whether improved access could be provided, particularly for pedestrians travelling to and from the village centre. Third party land will not be made available as it is owned by two objectors to the site. Various alternative schemes have been put forward for the provision of a footway. The layouts provided in EXAM029 have been criticised by representers as based on inaccurate measurements but a further letter explains the approach satisfactorily. The three options set out in EXAM062 are also plausible although one must be discounted as it relies on third party land which is unlikely to be available. Overall I am confident that the development of the allocated site is feasible in traffic and access terms.

6.83 The appeal decision dismissing a similar proposal on the site is nearly nine years old; in the intervening period policies and guidance have changed. Furthermore the proposal did not include what that inspector considered to be sufficient traffic calming measures. Such shortcomings could be addressed in any scheme for the Well Lane site.

Therefore in light of the Inspector's decision the highway authority recognised the lack of pedestrian provision and the need to improve pedestrian access from the proposed development to local amenities, as well as providing access from the village to the existing allotments. The highway authority acknowledge that the existing Well Lane / Devauden Road B4293 / Village Green junction is an impediment to pedestrian movement and promotes conflicting vehicle movements through the junction.

To this end the highway authority in consultation with the applicant and their agents have considered how best to provide the desirable accessibility improvements within the existing constraints. The applicant considered the highway authority's requirements and developed a number of schemes that, accepting the constraints, delivers upon the inspector's decision that the site is deliverable in traffic and access terms. The schemes were subjected to a Stage 1 Safety Audit, undertaken by Avon Traffic & Safety Service. The designer, ADL Traffic & Highways Engineering Ltd and the overseeing organisation, Monmouthshire County Council, the highway responded to the recommendations. In addition the highway authority recommended in an email dated 15/02/2019;

"It is therefore recommended that a carriageway width of 5.3 metre is maintained as a minimum over the length of the intended footway and closure of Well Lane where it ties into the existing 1.2 metre footway to the North with a carriageway width of 5.30 and to the South, North of the proposed new Well Lane junction"

The applicant in response to the Safety Audit and the highway authorities recommendation produced Drawing No. 1810 (04) 102 Rev. M Proposed Site Layout.

Unfortunately, following detailed review and having carried out a site measurement check of the B4293 it is clear that if a carriageway width of 5.30 metres is provided then over the affected narrow section of the B4293 abutting the boundary wall to Glebe House and opposite the Village Green junction a varying footway width of 0.770 m to 0.975 can only be achieved. It is also noted that the existing footway width on the B4293 is below current standards and there are no opportunities to increase its width.

A footway along the B4293 that satisfies minimum current design standards cannot be provided and the highway authority consider it inappropriate to provide a sub-standard footway and associated engineering works for only an additional 15 dwellings.

It is unfortunate that the site is unable to comply with the sustainable transport hierarchy as specified in Planning Policy Wales edition 10 nor can footways be provided in accordance with the Design Guidance Active Travel (Wales) Act 2013.

The highway authority acknowledge that the existing Well Lane / Devauden Road B4293 / Village Green staggered junction is an impediment to pedestrian movement and promotes conflicting vehicle movements through the junction. Therefore, the relocation of the Well Lane junction and closure of the existing junction is considered a positive highway improvement that;

- Removes vehicle and pedestrian conflict through the staggered and improves safety and capacity
- Closes the sub-standard Well Lane junction in terms of approach gradient, width and very poor junction visibility.
- Construction of new junction to current standards with appropriate junction visibility capable of accommodating all vehicles.
- Dedicated parking for the allotments
- Closure of Well Lane creates positive pedestrian links to and from the proposed development junction, the allotments and existing properties in well Lane.
- Provides the opportunity for pedestrians to cross the B4293
- Opportunities exist to provide further measures to improve facilities to cross the B4293 and link with existing footways.

The highway authority consider, as indicated previously, that is not appropriate to implement excessive and onerous measures on the B4293 to accommodate only 15 additional dwellings. The development can be accessed and minor improvements implemented that will improve the site's

connectivity albeit not in accordance with current standards but comply with the planning inspector's decision that the site is feasible in traffic and access terms.

Therefore, if the planning authority are minded to approve the application, the highway authority would require conditions in respect of a Construction Traffic Management Plan (CTMP), detailed design and safety audits for the relocation of Well Lane junction and the requirement to enter into a Section 278 Agreement.

5.1.6 MCC Senior Policy and Strategic Housing Officer: Provision for 60% of the total number of dwellings on the site to be affordable housing.

5.1.7 MCC Planning Policy made the following comments:

The site is located within the Devauden Village Development Boundary and is adjacent to the Wye Valley AONB. It is noted that the proposed new access and open amenity space are outside of the development boundary but are included within the boundary of the proposed site. This change to the extent of the site was the subject of discussion at pre-application stage.

The proposal involves repositioning the junction with Well Lane and the B4293, with the eastern end of Well Lane to be closed to vehicular traffic, it is noted that the footpath has been extended down Well Lane to give access to all the new dwellings. Vehicular access into the existing allotments is to be provided from the new road and we would be looking for a sustainable drainage solution with regard to both foul and surface water. A Transport Statement and Drainage Strategy have been submitted with the application, colleagues in the highways section will no doubt provide comment on these matters.

It is proposed to use the land to the south and west of the site as public open space, at the pre-application stage it was requested that there be two pedestrian access points into this land and a maintenance plan drawn up for its maintenance. With the site's location adjacent the AONB the treatment of the boundaries of the site will also be significant in terms of visual impact. Policy NE1 Nature Conservation and Development should be referred to and Policy GI1 must also be taken into consideration relating to Green Infrastructure (GI). It is noted that an Ecological Assessment and Landscape Proposals have been submitted with the application, colleagues in the countryside section will no doubt provide comment on these matters.

General policies DES1 and EP1 relating to General Design Considerations and Amenity and Environmental Protection respectively must also be taken into consideration.

5.1.8 MCC Urban Design and Landscape Officer:

In response to the recent and revised submissions by the applicant the landscape comments are as follows:

Recent information submitted by the applicant has met initial concerns and I therefore would not submit an objection but would like the following to be included within any subsequent approval as conditions should the application progress:-

1. Provision of a Green Infrastructure Management Plan as reserved matters to be informed by a final GI Masterplan and the current landscape plan and planting schedules inclusive of a hedge relocation strategy
2. Provision of more detailed planting methodology and aftercare plan for approval prior to planting.
3. Details and cross sections of new informal path construction including interfaces with Well lane for approval prior to construction

I am particularly keen to ensure that the hedged character of Well Lane is retained as much as possible through adoption of a hedge translocation strategy. Well Lane is part boundary to the Wye Valley AONB and the site is immediately adjacent to the Wye Valley AONB. Policy LC4 seeks to protect the Wye Valley AONB from inappropriate development in order to maintain its unique character, special landscape qualities and local distinctiveness. 6.3.39 states that "The Wye Valley AONB provides a range of benefits for Monmouthshire residents and visitors in terms of its visual

amenity, cultural heritage and important habitats. Proposals for development within, or affecting the setting of, the AONB should have regard to the strategic objectives and policy proposals set out in the Wye Valley AONB Management Plan and seek to conserve and enhance the unique character and special qualities of the landscape". The policy further states that "Development proposals that are outside the AONB but would detract unacceptably from its setting will not be permitted"

PPW10 6.3.5 states that LPA's have a statutory duty to have regard to national parks and AONB purposes. This duty applies in relation to all activities affecting national parks and AONB's, whether those activities lie within, or in the setting of, the designated area.

Due to the proximity of existing residences bounding Well Lane and within the AONB boundary at this location I do not perceive that the integrity of the AONB boundary and its setting at this particular specific location would be affected unacceptably providing adequate landscape treatments and mitigation are undertaken, inclusive of hedge translocation.

5.1.9 **NRW** – No formal objection to the proposals subject to the suggested. The following comments were made in relation to revised plans:

We maintain our significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below.

Requirement 1: Landscape - revised layout, a detailed landscape/green infrastructure plan and landscape and ecological management plan.

Condition 1: European protected species - lighting plan;

Condition 2: European protected species - long term habitat management and monitoring plan.

Condition 3: European Protected Species - hedgerow transplantation

Landscape

We have reviewed the additional submitted information and advise the amended plans do not indicate any major changes to the layout or design. Therefore, our previous comments remain relevant to your consideration of the proposal, as follows:

Landscape

The proposed development site is adjacent to the Wye Valley Area of Outstanding Natural Beauty (AONB). A Landscape and Visual Impact Assessment has not been provided, but several panoramic views and landscape/green infrastructure proposals are provided.

The proposed houses would be visible from parts of the AONB to the south, east and north - there is visibility in panoramic views 3, 4, 5 and 9. The proposed development would also be visible from Well Lane, a narrow lane on the edge of Devauden, with a rural character. Individual properties lie to the north of the lane, with the site, a field of pasture and established hedgerow, along the boundary with Well Lane. We consider the loss of the hedgerow, with several additional access points, and properties located to the north would change and reduce the rural character of this lane. We note that two pedestrian access points have been requested by your Authority during pre-application discussions.

The layout of the housing is in groups, largely without frontages to Well Lane or the surrounding open space. This is contrary to best practice in TAN12 and Manual for Streets. Rear and side garden boundaries facing the open space would not make this an attractive and well overlooked space with natural surveillance. We consider the layout is poorly integrated with the spaces and the character of the village. The new road access and elaborate raised pedestrian entrance to Well Lane would reduce the rural character of this part of the village to some extent. Low key access points, using stone walls and hedgerows would be more appropriate to the local character.

In consideration of the above, we are of the opinion the proposal would have some adverse effects on views from the AONB landscape and on the rural character of this location adjacent to the AONB. Therefore, a revised layout that retains the hedgerow along Well Lane and integrates with the open

spaces is required, along with a detailed landscape/green infrastructure plan and Landscape and Ecological Management Plan for the open spaces and boundary planting.

Conditions 1-3: European Protected Species (EPS)

We have reviewed the following documents:

- Land at Well Lane, Devauden, Monmouthshire NP16 6PE - Ecological Assessment by Pure Ecology (dated 1 February 2019);
- 2018/27 Rev G Devauden Proposals Detail Opportunities (dated 1 February 2019);
- 2019/15 Rev A Devauden Native Block Planting Details (dated 10 February 2019);
- 2019/16 Devauden Hedgerow Planting Details (dated 31 January 2019);
- 2019/17 Devauden Trees and Planting Beds (dated 31 January 2019);
- 2018./19 Rev C Devauden Existing Features Detail Constraints and Opportunities and Tree Protection Plan (dated 31 January 2019).

We welcome the submission of the revised Ecological Assessment indicating that hedgerows requiring removal will be transplanted within the site. We advise that implementation of section 5 of the report titled 'Land at Well Lane, Devauden, Monmouthshire NP16 6PE - Ecological Assessment' by Pure Ecology dated 1 February 2019 is secured through a condition on any planning permission your Authority may be minded to grant.

In addition, we refer you to our previous response of 20 December 2018, in which we advised that a lighting plan, as well as a long-term habitat management and monitoring plan, should be secured though conditions attached to any permission granted and that a EPS licence is required. Our advice and request for conditions remain relevant to this re-consultation.

Please note that we may wish to discuss the timings of translocation of hedgerows at the time of the EPS licence application once the final schedule of works is known. We advise that any licence method statement ensures impacts to hibernating animals are avoided and as identified in the Ecological Assessment report also considers the dormant growth period of material to be translocated.

5.1.10 Aneurin Bevan Health Board: No response received to date.

5.1.11 Dwr Cymru Welsh Water provided the following comments:

We have reviewed the development proposals when we were previously consulted under Schedule 1C Article 2D application, whereby we confirmed that we could accept foul water only flows from the development site.

The development site is crossed by a 150mm public foul water only sewer. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing operational development the location of this asset is determined. If operational development is likely to fall within 3 metres either side of the sewer please contact us.

From reviewing the submission package we note the applicant is proposing to discharge surface water into the public sewerage system and through the use of sustainable drainage systems (SuDS). As the sewerage system within Devauden is foul water only we would not accept any surface water into this sewerage system. We advise the applicant to exhaust the use of sustainable drainage systems (SuDS). There is a sustainable surface water removal hierarchy in "statutory guidance for sustainable drainage systems (SuDS) Wales".

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

We have noted from comments made on the application referring to this area's treatment works and specifically tankering to and from the works. Tankers remove sludge from the treatment works which is a by-product of the sewage treatment process, this is removed as needed. The addition of 15 dwellings worth of foul flows to the treatment will cause an increase in sludge but this will not result

in a substantial increase in the amount of tanker visits to this site, we currently send one of the smallest tankers available to us to minimise disruption to the residents of Devauden.

5.2 Neighbour Notification

Four Letters of support and eleven letters of objection have been received. The main points are outlined below:

Support Comments:

- support the Council's housing policy to increase housing stock including affordable housing
- We desperately need this housing to allow local people to find homes in the area where they were born and work.
- This development seems highly appropriate, balanced and considered. It has been through the proper procedures and should be approved.
- Limited housing opportunity is a major contemporary social problem and any sound project is welcomed.
- Good balance of affordable and market housing units
- It is demographically important that villages like Devauden have a good and varied socio-economic and age-generational mix.
- Appreciate the concerns raised in relation to Environmental and Safety aspects, but surely with adequate time and consideration such factors could be rectified.
- Affordable housing within the locality is a very positive and forward thinking approach.
- The village will surely benefit from this well considered and thoughtful development, offering additional affordable housing is to be commended. There would appear to be no practical concerns with this location that cannot be overcome and I hope that MCC will distinguish such concerns from mere prejudicial objection.

Against:

- Plans for development rejected by MCC in 2002 and 2004. The site was unsuitable on all previous applications and is still unsuitable.
- Planners ignored findings of reports at LDP stage that a pedestrian link was not possible and ignored an alternative suitable site.
- Impacts the view of more residents than the Churchfields site option
- The selection of site to be included in the LDP is at best flawed.
- When MCC planning originally indicated that the Churchfields site was the most suitable in the village for a number of reasons, why has Well Lane become the chosen site?
- Because the site area has changed the original inclusion within the LDP is no longer valid. The application must be removed from the LDP altogether and replaced by the alternative Churchfields site.
- No demand for affordable housing
- If more houses are required in the local area then this is not the place to build them.
- Devauden is a small rural village there is no trade or industry which would indicate the need for low cost housing.
- A housing needs assessment has not been undertaken to establish need for affordable housing.
- Monmouthshire Planning officers should look to their wider social responsibilities as paid officers serving the community and reject this application on the grounds of an increased threat to the safety and well-being of the residents of this community and not in the general long-term interest of the people of Monmouthshire.
- With no bridge tolls it will become a dormitory for Bristol commuters.
- This proposal would significantly extend the boundary of Devauden far beyond the present boundary.
- The development will ruin the rural aspect of what is a lovely village.
- This development represents the destruction of viable agricultural land.
- This development serves only to generate short term financial gain for the land owner and the developer at a long term cost to the community.
- Over 200 metres of hedgerow will be demolished which would affect the local wildlife

- Additional street lights will affect bat population.
- Contradictions between NRW report and the Pure Ecology report
- Clear statement in report by CD Gray that 'infiltration methods and direct disposal to a watercourse has been proven unviable'. Changing some areas to paving rather than tarmac and the installation of water butts unlikely to have significant effect to surface water run-off.
- The matter of storm water in the lane, the regular flooding in the field being proposed continue to erode the current road surface and verges making this lane increasingly hazardous to regular vehicular and pedestrian users. The proposed development and additional volume of traffic would only add to an existing fast deteriorating situation.
- Sewerage - It is difficult to see that something which was at capacity some years ago, has had no upgrades, is now able to accommodate 15 more households.
- Well Lane is used by farm vehicles. The new layout will have farm vehicles travelling through the new development causing particular dangers for any children in the new development.
- Access to the new Well Lane will be further outside the main village but there appears to be nothing in the plans to change the signage or speed on the approach along the B4293.
- There is no safe footpath access to the village
- The people who currently live on the lane would have restricted access to their own properties with the new layout
- The proposed traffic calming measures would cause more danger to life and cause more accidents where there is already dangerous traffic along B4293
- No viable public transport link with either Chepstow or Monmouth.
- Does not meet requirements of LDP Policy H7
- Is contrary to LDP Policy DES1 as the net density is not 30 dwellings per hectare
- The proposed development is heavily weighted to larger "exec" style housing and therefore is predicated purely on profit and does not meet the societal needs as prescribed by the government and Monmouthshire Housing policy.
- Ironic that one plot turned to give better views of the countryside whilst destroying the view of 7 existing Well Lane properties
- Poor layout and design - two separate developments with affordable and market housing physically separate.
- Both affordable and market houses are uniform in design as a bland 'box'.
- No separate visitor parking spaces provided which will cause on-road parking on new access road
- Grass verge at top of Well Lane belongs to Glebe House and should not be included in proposed development.

6.0 EVALUATION

6.1 Principle of the proposed development

6.1.1 The site is largely located within the development boundary of Devauden and is allocated in the LDP as a site for residential development under Policy SAH11 (ii) for a maximum of 15 houses. The 60:40 mix of 9 affordable dwellings and 6 private dwellings complies with the requirements of LDP Policy SAH11 (ii) and is therefore considered acceptable in principle. Para 4.2.25 of PPW10 confirms that a community's need for affordable housing is a material consideration which must be taken into account in formulating development plan policies as well as determining relevant planning applications. This reflects the importance of securing appropriate affordable housing provision in Wales. In September 2016, the Welsh Government announced the Programme 'Taking Wales Forward 2016-2021', which includes a commitment to work in partnership to deliver an extra 20,000

affordable homes to 2021. Whilst only a small development, this application seeks to assist in the provision of affordable housing by providing 60% affordable dwellings.

6.1.2 As a result of pre-application discussions an area of open space is included within the application site boundary to provide a community orchard and wildflower meadow to the southern and western boundary. A 5m wide strip of garden land serving plots 14 and 15 also falls outside the settlement boundary to allow for a wider, more accessible and more welcoming 'green link' from the development (and wider area) into the open space. With the exception of part of the access road, which also falls outside the development boundary, all built form lies within the development boundary and allocation site as indicated in the LDP. The elements that fall outside of the development boundary are for the purposes of providing an improved scheme that will benefit the wider local community and not for the purposes of providing additional built development. The scale of the application site also has wider benefits to provide green space and to form a more intensive green buffer area to soften the appearance of the development in the wider landscape.

6.1.3 Planning Policy Wales (PPW):10 (December 2018) places great emphasis on incorporating green infrastructure (GI) into development schemes stating that "Green infrastructure can be an effective means of enhancing health and wellbeing, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces" (para 3.23, p31, PPW10). It continues, "...opportunities to develop green infrastructure are taken, wherever possible" (p.122, PPW10). It is therefore considered that the principle of the larger application site boundary to incorporate GI is acceptable and accords with both national policy (PPW10) and continues to comply with LDP Policy SAH11 (ii).

6.2 Placemaking and Design

6.2.1 The layout of the development was subject to detailed pre-application discussions with the Highway Authority. Despite the separate accesses off Well Lane, the site is presented as a hierarchy of dwellings comprising individual units that reflect the character of a traditional rural dwelling, to that of a farmhouse which is then complimented by the more modest cottages. There are unifying features throughout the site in terms of simplicity of design, use of materials and boundary treatments that bring these dwellings together as a group.

6.2.2 The dwellings have been orientated as such to provide frontages to both the new access road and Well Lane. Plots 11 and 14 have been re-adjusted so that plot 11 overlooks the green pedestrian access link into the open space and plot 14 will be side facing. Whilst it could be argued that the orientation of plots 12 and 13, with their rear gardens facing the open space, is not best practice, it is noted that the main living space (kitchen, dining and family area) is located to the rear of these properties. This, in addition to a low level boundary treatment, is considered to provide a degree of natural surveillance to the open space behind.

6.2.3 It is recognised that the affordable housing is grouped at the eastern end of the site rather than being 'pepper-potted' around the development site, which would be normal best practice. However, adopted Supplementary Planning Guidance (SPG) for affordable housing clearly outlines that for 60/40 sites 'pepper-potting' is not required:

"Given the particular circumstances of these 60% affordable housing sites, the Council will not apply its normal policy of requiring 'pepper-potting' of affordable housing throughout a development. It is recognised that the best way of developing these sites and enabling the market housing to achieve its full potential for achieving financial subsidy for the affordable housing element is to allow the market dwellings to be grouped together." (para vi, C.1, p11 of the SPG).

As such, the development accords with the adopted SPG.

6.2.4 Negotiations were undertaken during the course of the application to improve the design of the dwellings so that they are more rural in appearance and appropriate for this edge of village setting. Finishes are predominantly render, which reflects the local area and details such as the inclusion of chimneys, arched entrances, horizontal window bars and stone cills have sought to incorporate rural features within the design. A condition will be imposed requiring specific details

and samples of proposed finishes, particularly in terms of window colours, roofing materials and brick colour to ensure heritage or muted shades are used to assist in delivering a rural appearance.

6.2.5 The proposed dwellings are considered to be of an appropriate design for the edge of village setting and would be sympathetic to the character and appearance of the rural landscape. The proposed development is in keeping with the scale and design of the local vernacular and respects its setting in accordance with LDP Policies S17 and DES1. The proposed development is considered to be of a good standard of design that would be an attractive and pleasant place to live.

6.3 Impact upon Amenity

6.3.1 The properties have been orientated as such to not give rise to any unacceptable overlooking or overbearing impact on the properties to the north of Well Lane. Properties along Well Lane are set back within their plots (at a slightly higher level to Well Lane) with the majority being partially screened by high hedgerows to the front boundaries.

6.3.2 It is noted that the pedestrianised entrance into Well Lane will have an impact upon the occupiers of Well Lane, particularly Cefn Coed, Whitecroft and Brambles, as they will have further to travel to reach the B4293 than currently experienced. However, it is not considered that is a reason for refusal and will assist in improving the current pedestrian situation. Moreover, as there will only be vehicular access into the above mentioned properties in this location, the level of traffic passing their properties will be significantly reduced.

6.3.3 The scale and massing of the development is not considered to have a detrimental impact upon the neighbouring amenity or privacy of the existing residential properties. Privacy distances between the proposed new dwellings are considered to be acceptable, thus preventing any undue overlooking or overbearing impact upon each other. The development is therefore in accordance with LDP Policy EP1.

6.4 Transport/ Access

6.4.1 It is acknowledged that the development is unable to prioritise walking and cycling in line with the sustainable transport hierarchy as specified in Planning Policy Wales edition 10, introduced in December 2018. However, as identified in para. 4.1.16 of PPW, different approaches to sustainable transport will be required in different parts of Wales, particularly in rural areas. It is therefore recognised that new development will need to reflect local circumstances.

6.4.2 The existing Well Lane / Devauden Road B4293 / Village Green staggered junction is an impediment to pedestrian movement and promotes conflicting vehicle movements through the junction. The proposed relocation of the Well Lane junction and closure of the existing junction is considered a positive improvement to both the highway arrangement and pedestrian movements in that;

- It removes vehicle and pedestrian conflict through the staggered junction, improving safety and capacity;
- The closure of Well Lane creates positive pedestrian links to and from the proposed development junction, the allotments and existing properties in Well Lane;
- Provides the opportunity for pedestrians to cross the B4293;
- Opportunities exist to provide further measures to improve facilities to cross the B4293 and link with existing footways
- Closes the sub-standard Well Lane junction in terms of approach gradient, width and very poor junction visibility;
- The construction of new junction to current standards with appropriate junction visibility is capable of accommodating all vehicles;
- Introduces dedicated parking for the allotments;

6.4.3 The highway authority have advised that is not appropriate to implement excessive and onerous measures on the B4293 to accommodate an additional 15 dwellings. The development can be safely accessed via the new proposed access onto the B4293 and it improves pedestrian links

along Well Lane and provides access for people to access the open space and community orchard within this development. The closing of Well Lane would improve highway safety, as this junction is not to current standards.

6.4.4 When this site was allocated within the LDP as a 60/40 housing site it was envisaged that a pedestrian link could be created to connect the site to the village's facilities. Owing to on site constraints, however, an appropriate narrowing of the road and acceptable pedestrian link cannot be achieved to an acceptable standard. The narrowing of the road to a single carriageway is not considered appropriate for the scale of development (15 houses) and the Highways Officer has expressed that the proposed scheme is the most appropriate way to proceed. It is highly regrettable that the proposed development is unable to provide a clear pedestrian link and is unable to actively promote pedestrian links to the village as encouraged within PPW10. However, as outlined in section 6.4.1 of PPW10 it is recognised that sustainable forms of transport need to reflect local circumstances particularly in rural areas. The applicant would enter into a Section 278 agreement with the Highways Authority to ensure appropriate highway engineering such as change of materials and surface colour within this part of the B4293 to emphasise to drivers the potential for pedestrians (at their own risk) to be using the road. On balance, it is considered that this approach is acceptable given the existing arrangement of people traveling in this manner to the allotments, the proposed improvements to access to the B4293, the improved pedestrian links along Well Lane and the closing of the junction on Well Lane. Overall, highway safety would be improved as a result of this development. The proposed scheme would provide much needed affordable housing and on balance, the lack of this direct pedestrian link would not warrant refusing the proposed development.

6.5 Visual Impact

6.5.1 It is acknowledged that the proposed houses would be visible from parts of the AONB and from Well Lane. However, as an allocated site for housing development, any residential development in this location would have some visual impact. That said, the views will be softened with the provision of the community orchard and tree planting to the south and west together with the existing allotment which separates the dwellings from the main B4293. Furthermore, the layout is such that it will allow for direct views through the site at the points of the access.

6.5.2 The Urban Landscape Officer has further confirmed that due to the proximity of existing housing bounding Well Lane and within the AONB boundary, the integrity of the AONB boundary and its setting at this particular specific location would not be adversely affected subject to adequate landscape treatments and mitigation being undertaken, which can be secured through conditions.

6.5.3 Landscape engineering will be used to pedestrianize the existing Well Lane access, reducing the need for hard landscaping and thus minimising any detrimental visual impact. It will also physically prevent vehicles from pulling in to use the existing allotment access.

6.5.4 Native hedgerow planting will be used to the boundaries fronting Well Lane, with the existing hedge to the north of plots 10-15 being translocated to the community orchard boundaries to the west of the site. It is noted from the plans that the existing hedge to the north of plots 1,2 and 5 will be removed and replaced with native hedgerow and 1.8m high closed boarded timber fencing (rear gardens of plots 1 and 2 and the rear side boundary of plot 5), all fronting Well Lane. The site plan indicates that the proposed fence runs through the proposed hedgerow. The agent has been previously advised that 1.8m high timber fencing will not be visually acceptable fronting Well Lane and as such, a condition will be imposed requiring boundary treatments to this part of the site. If a solid boundary treatment is considered absolutely necessary, the developer would be required to plant a more mature hedgerow than would usually be expected from the outset in order to provide a higher level of screening from Well Lane.

6.5.5 Subject to conditions, it is considered that the visual impact upon the rural character of the area, the AONB and wider landscape is not so adverse to warrant refusal and accords with LDP Policies DES1 and LC4.

6.6 Green Infrastructure

6.6.1 The development includes provision for green infrastructure through the incorporation of a community and wildflower orchard (which includes a pond to the south-west corner) and a 'green link' pedestrian footpath providing access into the orchard. The existing allotments will be retained and enhanced with on-site parking (materials of which will be reinforced grass and will include additional boundary hedge planting). Soft landscaping features to the new pedestrianised area (existing Well Lane junction) together with new hedgerow planting along the northern boundary as well as to individual plot frontages. It is therefore considered that the development meets the requirements of LDP Policy GI1 and CRF1 and CRF2.

6.6.2 Furthermore, as confirmed in PPW:10 "Allotments and community growing spaces have many social, environmental, economic and health benefits. They can contribute to a place's identity and its sense of community, and can help to regenerate open spaces. Local authorities should retain and protect existing allotment sites..." (para 4.4.3, P.70, PPW10).

6.7 Biodiversity

6.7.1 The Council's Ecologist has carried out a Habitats Regulations Assessment and concludes that the scheme will not have a significant effect on the Interest Features of the SAC.

Paragraph 6.4.21 of PPW 10 states that the first priority for planning authorities is to avoid damage to biodiversity and ecosystem functioning. Whilst it would be preferable to maintain and enhance the hedgerow along Well Lane it is acknowledged that the ecological functionality of this will be much reduced as it becomes surrounded by housing and fragmented to allow access on this allocated site where the principle of development has already been established. However, in order to compensate for the loss of this hedgerow the Council's Ecologist has confirmed that translocating sections elsewhere on the site, together with additional robust landscaping would be considered acceptable as indicated on the revised plans. However, a detailed scheme for the translocation of the hedgerow will be secured by condition together with a GI Management Plan which includes the long term management of habitats. Subject to such conditions, the scheme is considered to accord with LDP Policy NE1.

6.7.2 European Protected Species - Three Tests

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. 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 have been considered in consultation with NRW / the Council's Biodiversity and Ecology Officers as follows:

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

Development Management Comment: The primary reason for the development is provide much needed housing within Monmouthshire on what is an allocated site within the Local Development Plan. The development would add to the economic value of the land. This would give rise, albeit indirectly, to some local social and economic benefit by further enhancing the fabric of the surrounding area.

(ii) There is no satisfactory alternative

Development Management Comment: The 'do nothing' scenario has been considered and rejected as it leaves the application with a vacant allocated site and a shortage of affordable housing within the area.

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

Development Management Comment: There are no outstanding objections relating to dormice from NRW subject to conditions.

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

- conditions for a lighting plan and GI management plan together with the implementation of mitigation as outlined in the revised ecology report.

The proposed development would not have an acceptable impact on wildlife interests and the development would be in accordance with Policy NE1 of the LDP.

6.9 Drainage

6.9.1 A comprehensive Drainage Strategy has been submitted in support of the application. The report confirms that separate foul and surface water systems are to be provided and that the proposed drainage systems will be designed in accordance with recommended non-statutory standards for sustainable drainage (SuDs) in Wales - designing, constructing, operating and maintaining surface water systems published by the Welsh Assembly Government in January 2016, Building Regulations Document H 2002, Sewers for Adoption 7th Edition, BRE Digest 365 and CIRIA's SUDs Manual. As part of this, above ground attenuation in the form of a pond is proposed within the community orchard. The drainage strategy identifies that the pond can provide the storage volumes required for the surface water. In addition, soakaways will be provided (subject to percolation tests) together with water butts to individual houses. Dwr Cymru-Welsh Water have confirmed that they are satisfied with the proposed disposal of foul water and thus this element is considered acceptable.

6.10 Response to the Representations of Third Parties and Community Council

6.10.1 The site was subject to examination at the LDP stage and was subsequently included as an allocated site for residential development in the adopted LDP in 2011. The principle of development on this site has therefore already been established and any comments in relation to this are thus academic. As explained in section 6.1 earlier in this report, the additional land included in the red line boundary is primarily for green infrastructure, the inclusion of which is encouraged in the newly adopted PPW:10 (December 2018). This additional land (approximately 20.5m at its widest point) is not for development and thus it is not considered to undermine the original LDP allocation nor does it require the site to be removed from the LDP. In the event that this development is not approved, the site would still remain an allocated site for residential development, albeit a future application may not provide for the same level of open space to enhance the development. Furthermore, as an allocated site, the development is assessed against Policy SAH11 (ii) and is not a 'rural exception site' under Policy H7. With regards to density, as an allocated site, Policy SAH11 (ii) specifies that the development is for a maximum of 15 dwellings. This is to ensure that the development retains a low density that is characteristic of a village setting. Thus the 30 dwellings per hectare under Policy DES1 would not be applicable to this site.

6.10.2 As mentioned in para 6.1.3 above, there is shortage of affordable homes within Wales. Furthermore, the Strategy and Policy Officer has confirmed that there are currently 214 households in housing need waiting for accommodation in the Devauden area. This demonstrates there is a clear local need and shortage of affordable housing within this area. This application seeks to contribute to reducing this deficit.

6.10.3 It is acknowledged that the removal of the bridge toll could encourage commuters to purchase properties this side of the border. However, this is not a reason to refuse this development and the work location of any prospective purchasers cannot be controlled by the Local Planning Authority.

6.10.4 As explained in paragraph 6.2.3 above, the SPG outlines that 60:40 sites allow for the grouping of market houses in order to financially facilitate the high number of affordable units on the site. The development is considered to be compliant with the SPG. Similarly, the orientation of the plots and design of dwellings has been discussed in section 6.2 above and have been the subject of negotiation throughout the application.

6.10.5 It is suggested that the site is prone to flooding. However, it is not recorded as being within any flood zone (as defined by Natural Resource Wales maps) and as such is not considered as being a 'high risk' site where residential development should be avoided. As discussed in section 6.9 above, a drainage strategy has been proposed to deal with drainage, in line with Welsh Government guidance and Building Regulations. The regulation of this falls under the remit of Building Regulations and is not a reason for refusal. As highlighted at the beginning of this report, the application was submitted prior to the 7th January 2019 and is therefore not subject to SAB (Sustainable Drainage Approval Body).

6.10.6 In response to concerns regarding the number to tankers to and from the development to service the treatment works, Dwr Cymru-Welsh Water have confirmed that the addition of 15 dwellings' worth of foul flows to the treatment will cause an increase in sludge. This will not result in a substantial increase in the amount of tanker visits to this site, however, and they currently send one of the smallest tankers available to minimise disruption to the residents of Devauden.

6.10.7 Highway and ecology issues have been discussed in sections 6.4 and 6.6 - 6.7 above. In terms of the erection of road signs, this does not fall within the remit of the Local Planning Authority, but is a matter for consideration by the Highway Authority.

6.11 S106 Contributions

6.111 The agent has agreed to enter a Section 106 in relation to the affordable housing element. Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. Nine of the fifteen dwellings will be offered up as affordable housing and therefore the development complies with both policies S4 and SAH11 of the LDP. The plots identified as being affordable are Plots 1-9.

6.12 Conclusion

In conclusion, it is considered that the development is acceptable in terms of form, scale and design and will not have an adverse impact upon the residential amenity of existing neighbouring properties or the wider rural landscape, in accordance with LDP Policies DES 1 and EP1. Indeed, the development would make efficient use of the land whilst making a contribution to improve the housing shortage and providing a community orchard for the village to enjoy. Despite the omission of a pedestrian footpath along the B4293, the highway proposals are considered to be a positive improvement to the existing arrangements for residents of Well Lane. The proposed new access onto the B4293 would improve highway safety given it would be constructed to meet current standards there would be improved pedestrian links for residents on Well Lane and other residents in the village to the allotments. Translocation of parts of the existing hedgerow will be secured by condition, together with a GI Management Plan and drainage proposals for the site. On balance, it is considered that the proposed development complies with LDP Policies SAH11 (ii), NE1, GI1, DES 1, EP1, S4, CRF2, MV1 and is recommended for approval subject to conditions.

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

6.13.1 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.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

9 dwellings as affordable units - Plots 1-9.

Plots 1, 2, 4 and 5 as 2-bed DQR

Plot 3 as 3-bed DQR

Plot 6 as 3-bed Low Cost Home Ownership (LCHO)

Plots 7, 8 and 9 as 2-bed Low Cost Home Ownership

S106 Heads of Terms

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

Conditions:

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
- 3 Before the approved development is first occupied the footpaths and the closing of Well Lane shall be fully constructed in accordance with the approved plan.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping including the community orchard and details approved as part of the Green Infrastructure Management Plan 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 and to ensure compliance with LDP Policy G11.
- 5 No operations of any description (including all forms of development, tree felling, tree pruning) shall commence on site until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full compliance with the Arboricultural Method Statement.

REASON: To protect important landscape features within the site and to ensure compliance with LDP Policy G11.
- 6 Prior to commencement of development root protection details, in accordance with British Standard 5837:2012 - Trees in relation to Design, Demolition and Construction Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) The type of protection barriers to be used.
- b) A scaled drawing of the proposed site layout showing the positioning of the protection barriers.

REASON: To protect important landscape features within the site and to ensure compliance with LDP Policy G11.

- 7 Prior to construction of the first dwelling hereby approved, samples of the proposed external finishes shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

- 8 Notwithstanding the details on the approved plans, prior to occupation of the first dwelling hereby approved, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected to plots 1-5 inclusive shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed as approved prior to occupation of any of the plots 1-5 and retained in perpetuity, unless otherwise agreed with the Local Planning Authority.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

- 9 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly authorised by this permission) shall be erected or constructed without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1.

- 10 All screen walls and/or fences relating to the dwelling(s) shall be erected before the dwelling(s) is/are occupied or completed whichever is the sooner and retained in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

- 11 Before any of the dwellings are first occupied provision shall be made within each curtilage for the parking and/or garaging for cars as outlined in the approved plans. Garages shall be used for the parking of motor vehicles and domestic storage only.

REASON: To ensure provision is made for the parking of vehicles and to ensure compliance with LDP Policy MV1.

- 12 Prior to the occupation of the first dwelling, details of the proposed 'green link' access path (between plots 11 and 12) and the informal path shall be submitted to and approved in writing by the Local Planning Authority. The details shall include proposed materials, access points, waymarking and aftercare management plans. The link shall then be constructed in accordance with the approved details prior to the occupation of the first dwelling.

REASON: To ensure the proposed pathway is accessible for all and to accord with LDP Policy G11.

- 13 The development shall be carried out in strict accordance with section 5 of the report titled 'Land at Well Lane, Devauden, Monmouthshire NP16 6PE - Ecological Assessment' by Pure Ecology dated 1 February 2019.

REASON: To safeguard habitat of Protected Species in accordance with the conservation of Habitats and Species Regulations 2017 and Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policy NE1.

- 14 Prior to the installation of external lighting a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for bats and dormice that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, lux levels and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

- 15 A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall include the following;
- a) Description and evaluation of Green Infrastructure assets to be managed together with desired condition of GI assets.
 - b) Trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To safeguard all Green Infrastructure Assets at the site and to continue to provide habitat for dormice in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4.

- 16 No vegetation removal shall take place until a scheme for the translocation of hedgerows is submitted to the LPA for approval. The approved scheme shall be implemented in full.

REASON: To safeguard priority habitat and foraging/commuting/nesting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

- 17 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP.

REASON: To protect the neighbouring amenity in compliance with LDP Policy EP1.

- 18 No development shall commence until detailed design, safety audits and technical approval for the re-location of the Well Lane junction and associated works on the B4293 have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance the approved details.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

- 19 No development shall commence until the applicant has entered into a Section 278 agreement, Highways Act 1980 with the Council for the works associated with the re-location of the Well Lane junction and associated works on the B4293 & Well Lane as, but not limited to the details as indicated on Drawing No.1810 (04) Rev N - Proposed Site Layout.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

- 20 No dwelling shall be occupied until the proposed re-location of the Well Lane Junction and associated works on the B4293 and Well Lane have been constructed in accordance with approved details.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

- 21 No building shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy EP5.

INFORMATIVES

- 1 The proposed development site is crossed by public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The positions shall be accurately located, marked out on site before works commence and no operational development shall be carried out within a specified easement zone either side of the centreline of the public sewers. The applicant is advised to contact Welsh Water to discuss.

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

Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 2 This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>.

We may wish to discuss aspects of the proposed dormouse mitigation with the applicant in more detail at the EPS licence application stage. Please note, any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.

- 3 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September
- 4 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.
- 5 It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

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Application Number: DM/2018/01777

Proposal: Erection of detached dwelling house.

Address: Proposed New Dwelling Adjacent To 6 Caestory Avenue, Raglan

Applicant: Mrs Clare O'Keeffe

Plans: Floor Plans - Proposed P586A_A_100 - , Elevations - Proposed P586A_A_110 - , Elevations - Proposed P586A_L_210 - , Elevations - Proposed P586A_L_211 - , Site Plan P586A_L_002 - , Site Plan P586A_L_003 - , Other P586A_L_200 - , Other P586A_L_201 - , Other P586A_L_212 - , Location Plan P586A_L_001 - ,

RECOMMENDATION: APPROVED SUBJECT TO S106 AGREEMENT

Case Officer: Ms Kate Bingham
Date Valid: 25.10.2018

This application is presented to Planning Committee due to the amount of objections, including the Community Council

1.0 APPLICATION DETAILS

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

1.2 The application follows a refusal for a larger dwelling on the same site. However, that decision was successfully appealed and the development therefore now has consent.

1.3 This application proposes a smaller two-storey dwelling. The living accommodation proposed in the roof of the previously approved dwelling has been removed meaning that the ridge height of the main part of the building has been reduced to 7.6m from 8.3m. The only other major change is the proposed use of brick instead of painted render for the walls.

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

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2018/00096	Erection of new detached dwelling house	Refused	05.09.2018
			Allowed on appeal 07.02.19

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

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

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Raglan Community Council - Objects.

Again, following the last observation made relating to Planning Application No: DC/2018/00096, consideration should be given to Policy H3, development in minor village settlements including back land and infill development.

Again, this proposed Planning Application has been submitted without a Design & Access Statement.

It must be expressed that this development would have an unacceptable and adverse impact on the form and character of the surrounding location and landscape. It is noted that the proposed dwelling will have no living accommodation over the garage area apart from bedroom space. The bedroom space that was proposed in Planning Application DC/2018/00096 will no longer be in the roof space, but the proposed development would still have a detrimental effect on neighbouring properties due to its design, bulk, size, layout and scale that doesn't respect the character of the surroundings of any neighbouring properties. This proposed Planning Application is to construct the proposed dwelling from red brickwork, again from a street prospective the proposal is not in character with the existing dwellings on Caestory Avenue.

It is noted from this proposed application, the living accommodation over the garage area is now a bedroom and the Juliette balcony window has been replaced with a standard casement window. The proposed application has not and cannot address the loss of privacy and amenity of occupiers of neighbouring properties due to windows overlooking neighbouring properties (Drawing P586a A_100).

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

The Planning Authority as a duty under the above Act to consider if Well-Being of Future Generations (Wales) Act 2015 can improve the economic, social, environmental and cultural well-being in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. It is felt that this proposed Planning Application is in

conflict with this Act, has it will have a detrimental effect on the neighbouring properties and people's lives.

Tree report:

The Arboricultural Impact Assessment has provided very little new information apart from the land owner has started to remove trees and other green foliage, before the planning application was submitted. The removal of the mature birch trees which are currently visible from neighbouring properties, will be a loss of a visual amenity as well as habitat. Therefore, this proposed development is in conflict with policy NE1, the development proposals that would have a significant adverse effect on neighbouring properties and a locality.

Surface Water:

Consideration should be given to the ground water and surface water from this proposed development. Welsh Water in their consultation has identified that surface water and ground water from this development should not be discharged into the existing drainage systems. It would appear the plans have not shown any secondary drainage indicating how the water will be discharged from the proposed soakaway catchment pit. This could have an adverse effect on neighbouring properties due to the existing ground conditions (Drawing P586). The same drawing doesn't show how the surface water is going to be managed from the other elevation of the proposed dwelling. Therefore, this proposed development does not follow policy and is in conflict with policy SD4 to reduce surface water run-off and minimise its contribution to flood risk elsewhere.

This location is subject and prone to water logging and the current land becomes water logged.

This water logging will only increase due to the amount of hard landscaping around this proposed development. There will be an increase in surface water and ground water from this development which will affect neighbouring properties which is in conflict with Policy EP5.

Foul Sewage Disposal:

Consideration should be given to this proposed development and policy EP5 - Foul Sewage Disposal. Welsh Water in their consultation have identified that a main sewerage line runs through the proposed site. The current Policy EP5 6.3.74 has identified some rural parts of the County and a number of rural villages in the county where the existing connections and sewage treatment plants are inadequate. There is a history of foul sewage with blockages and flooding in local gardens in both Caestory and Ethley Drive. Adding additional drains to the system will put more strain on the system. The Welsh Water (drawing 341109,207411) is indicating the existing line of the drainage system. It can only be assumed that any drainage connection will be into one of the inspection chambers on the south or south east side of the proposed development. Therefore, any connection required is outside the red line development, therefore substantial disruption may be required to connect to the existing systems. The site layout drawing indicates that the foul sewage connection will be outside the development. Therefore, there doesn't appear to have been any application to Welsh Water or Monmouthshire County Council to make this connection. Local knowledge has identified that there is a current issue with foul sewage disposal in this location. The proposed development does not follow policy EP5 and consideration must be given to the connection into the existing drainage system.

Access:

Concern must be expressed that access has been constructed following the refusal of Planning Application No: DC/2018/00096 without any agreement that is published on the Planning Authorities Planning portal. Again, consideration should be given to this proposed development policy MV1 the adopted highway design guide, where a vehicle should be able to drive into a parking space and leave the property in a forward motion. It has been identified that the increase in traffic movement has become an issue with pedestrians and vehicle safety crossing the footway and vehicles leaving this property and from the proposed back land development. The existing site location plan indicates that the existing garage was to be demolished to provide access. This has been done following the refusal notice on the land that was subject to Planning Application DC/2018/00096.

Whilst infill and back land developments may plug into existing infrastructure, they should be accessible in their own right. This should include consideration of all approach routes, parking

areas and entrances to buildings both from an occupant's and visitor perspective. It would appear from drawing P586 L_003 there is insufficient room to park 6 vehicles and be able to drive in a forward direction, turn within the boundaries of the proposed dwelling and drive out in a forward gear. Therefore, this proposed development does not follow the Highway Authorities guidance for off street parking. Concern must also be expressed regarding parking outside 6 Caestory Avenue, and vehicles able to drive in a forward direction and turn within the boundaries of the existing dwelling and drive out in a forward gear. If the Planning Authority is minded to permit development the traffic movement in this location will increase and the potential of accidents occurring will increase.

Building Line:

This proposed development can be classed as back land development. Any Planning Application of this nature should integrate into the existing landscape features, where trees or landscape features form part of a back-land plot, the design should seek to retain these and integrate them into the new development. Any development proposals should be expected to follow the established building line where this is a strong characteristic of an area. In this case the proposed development is set back from the building line and will disrupt the quality of the street scene. This proposed development is in conflict with MCC LDP policy DES1 (criteria b, c, d, h, k, and l along with other policies.

The development should be of a form and scale which respects the local area. It is important to ensure that new development respects the scale and density of existing properties. In general the scale and massing of new housing in back land areas should not exceed that of the existing dwellings fronting the surrounding streets.

It would be expected in general the height, form and massing of the proposed development should be similar to that of those in the existing street frontage and surrounding dwellings. This proposal is more of a new type of a town house which can be found on new development sites. This proposed development does not help or ensure the proposed development meets the expectations of MCC LDP, and does not integrate into the existing environment nor does it take account of the character of the area.

Robust concern must be expressed with the increase in traffic movement since the dwelling known as 6 Caestory Avenue has been occupied, and since Planning Application DC/2018/00096 has been refused it is visible there is more on street parking. The community council has concerns over the increase in traffic movement in this location and the proposed access to the development. The access to this development is situated on an existing bend, increasing the danger to existing road users. The applicant should contact the Highway Authority relating to Section 184 of the Highways Act 1980 which must be acknowledged and satisfied, and permission pursuant to Section 184 of the Highways Act 1980 granted by MCC Highways, prior to the Planning Authority granting any consent or before commencement of access works.

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

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

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

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

1. Before the development commences, a scheme shall be submitted and agreed in writing by the Local Planning Authority in respect of the control of noise/dust emanating from the construction phases of the development. Such a mitigation scheme shall be implemented and maintained and shall not be altered without the written approval of the Local Planning Authority.
2. The applicant should contact the Highway Authority relating to Section 184 of the Highways Act 1980 which must be acknowledged and satisfied, and permission pursuant to Section 184 of the Highways Act 1980 granted by MCC Highways, prior to the Planning Authority granting any consent or before commencement of access works.
3. Dwr-Cymru / Welsh Water, consent should be sought in relation to any new connection to existing sewer, and confirmation the current system can cope with any increase in discharge.
4. It is recommended that the applicant obtains consent from Dwr-Cymru / Welsh Water for any connection to the public sewer under s106 of the Water industry Act 1991 before consent is granted by the Planning Authority.
5. All works and ancillary operations during the construction phases of the development shall be carried out only between the following hours:
0800 - 1800 hrs
Monday to Friday
0800 - 1300 hrs
Saturday
At no time on Sundays and Bank Holidays.
Deliveries to site and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.
Reason: to protect the amenity of the locality especially people living nearby.

Local Member - No comments received.

Dwr Cymru Welsh Water - No objection subject to conditions.

The proposed development site is crossed by a 100mm public combined sewer, a 225mmn public surface water sewer as well as a public 150mm foul water only sewer close to South Eastern boundary of the site, please see the attached indicative public sewer record. No operational development is to take place within 3 metres either side of the centreline of the public combined sewer, foul water only sewer and surface water sewer. We request that prior to commencing any operational development the locations of these assets is determined, if it is likely that operational development will fall within the 3 metre protection zone either side of the centreline of the sewer please contact us before progressing any further operational works. The applicant may be able to progress with a public sewer diversion under Section 185 of the Water industry Act 1991 to ensure that development can progress without causing detriment to surrounding sewer assets.

From completing recent sewer surveys surrounding this development site we are aware that some of the sewers close to this development site are at a shallow depth and may require protection prior to commencing any operational development, we request the applicant contacts us prior to commencing operational development to discuss this.

From reviewing the applicant's submission package they have indicated that surface water will be disposed of to an on-site soakaway, we are satisfied with the proposed use of a sustainable drainage system (SuDS). Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition: 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 existing residents and ensure no pollution of or detriment to the environment

MCC Highways - Concerns identified.

As stated previously, it is noted that pre-application advice was given by MCC on 22/08/2017 (MCC/2017/ENQ/00728) in respect of this proposal to provide vehicle tracking/swept path details to demonstrate how vehicles would manoeuvre within the development and exit onto the public highway in a forward gear. The applicant is yet to provide such detail to allow consideration. No objection in principle on highways grounds, but recommend a deferral until the applicant has submitted vehicle tracking details as requested in the pre-application advice and subsequent MCC Highways comments.

MCC Biodiversity Officer - No objections subject to informatives.

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

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

SEWBREC Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Fifteen representations received. Object on the following grounds:

- * The height, scale and massing is still out of character and overbearing.
- * The house is two and a half times the size of the largest and over four times the size of the smallest.
- * The design is not in keeping with surrounding houses and is constructed using different materials.
- * Although smaller than the first proposal, this house stands out even more due to moving it from a light coloured render to brash red/orange bricks.
- * The windows are unbalanced in their placement and are lacking aesthetically with surrounding houses.
- * None of the local houses have anthracite grey uPVC windows and doors. They are all white. The majority have white drain pipes or guttering. Again the proposed design does not flow with the other houses that are local to it. They put a grey front door on number 6 when they renovated it.
- * The proposed property will overlook other homes and gardens and the privacy of those properties will be lost. They will now be overlooked from all angles.
- * No. 5 Ethley Drive will be faced by approximately 90 square metres of red brick with minimal windows (windows also in odd places so it look out of place to the uniform windows of the neighbouring houses)
- * This proposed dwelling is infill in the garden behind No 6 Caestory Avenue, it is not in line with any other property and has shared access with the house at the front. This may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front.
- * No 6 Caestory Avenue is situated on a bend and we feel the existing property at no 6 has not been left adequate parking, if vehicles are forced to park on the road/pavement this will cause a serious hazard.
- * Since no. 6 has been occupied, I have noticed more vehicles parking on the pavement on this bend, and children/mothers with pushchairs walking to and from school, have to walk into the middle of the road to get past, which is very dangerous indeed. In the snow and ice, this bend (which is on a slight decline) has running water which freezes over, and I have known cars have lost control on the ice, with one 4x4 actually destroying the wall of No 6 Caestory Ave.
- * The new design still doesn't have public frontage, the front door is hidden. The character and safety of a community is traditional design with secure frontages onto public spaces.
- * The major impact on the street is a high fence and a vast hard surface area of parking.
- * Drainage problems in that area (historic).
- * Loss of green space within the village and associated wildlife.
- * The garden area is prone to flooding.

- * There are more new houses being built in the village in a far better position. This site is not needed.
- * Need to know that doing a loft conversion would not be allowed or possible as this would impact privacy if they were to put in windows if allowed.
- * The parking space for two houses off one entrance is going to be limited leading to more vehicles being parked on the road.
- * Vehicle movements on the site during construction would be detrimental to the mature trees on the site. Their roots would be severely compromised.
- * Loss of mature trees in the garden goes against the MCC Tree officer judgement and will be a loss of habitat and amenity. Concerned whether the remaining trees will be adequately protected during the build and after the sale of the property.
- * The Biodiversity and Ecology Officer has advised to remove any rubble, stone etc., currently on site by hand and clear vegetation by hand. Please be aware, sections of hedge have been removed, the garage has been demolished and a large area of the garden has been cleared using a machine.
- * Nothing fundamentally has changed from the original proposals that were rightly rejected by the planning committee.

5.3 Other Representations

None received.

5.4 Local Member Representations

None received.

6.0 **EVALUATION**

6.1 **Strategic & Spatial Choices**

Principle of Development

6.1.1 The site lies within the development boundary of Raglan as defined by Policy H1 of the Local Development Plan, within which new residential development is acceptable in principle. The size of the plot is considered to be large enough to comfortably accommodate a single detached dwelling with associated parking/turning area and private garden area. In allowing the appeal for the larger dwelling (application no. DC/2018/00096), the Planning Inspector noted that 'the proposed four-bedroomed dwelling would be sited in grounds that would be more spacious than is characteristic of the surroundings'.

6.1.2 Although located to the rear of an existing dwelling, being a corner plot access is achievable without significant disturbance to the host or neighbouring dwelling. Only the application site and the neighbouring two plots that are also on the corner, are large enough to accommodate a detached dwelling within the garden with access within the vicinity of the site and therefore an unwelcome precedent is unlikely to be set should the application be approved.

Good Design/Place making

6.1.2 The proposed dwelling is traditional in design having a pitched roof and an attached one and a half storey element containing a double garage. The other existing dwellings in the area are mainly former Local Authority houses which are generally in pairs of semi-detached blocks, although there are some more modern detached two-storey dwellings to the side/rear at The Willows and Ethley Drive. The proposed new dwelling would be finished with a slate grey roof, red/orange brick walls, timber doors and grey uPVC windows. The houses closest to the site on Caestory Avenue have painted render walls. However, other dwellings along the street vary in terms of size, layout and materials. The variety of styles is also a feature of the dwellings to the rear of the site where there is a mix of single and two storey brick-faced dwellings. Given the mix of house types, styles and materials, it would not be reasonable to refuse this application for a brick building.

Impact on Amenity

6.1.3 The proposed dwelling has been designed to avoid overlooking of neighbouring gardens and dwellings from habitable rooms as much as possible. There is a distance of at least 11m between all elevations of the new dwelling and the boundaries with neighbouring properties. There will be approximately 30m between the first floor bedroom windows on the northeast elevation of the proposed new dwelling and the existing dwellings on Caestory Avenue. The distances between the proposed new dwelling, habitable windows and neighbouring gardens and dwellings is considered to be sufficient so as not to lead to a significant loss of privacy for any occupiers. This was confirmed by the Appeal Inspector in his decision to allow the larger dwelling on the same site. The Inspector stated that 'the openings on the upper storeys of the dwelling would give rise to a degree of overlooking of neighbouring rear gardens, notably the adjoining properties at Caestory Avenue and Ethley Drive. However, the siting of the dwelling and the orientation of the main windows...ensure that the windows are sufficiently distant from these properties such that the overlooking would not unacceptably affect neighbours' privacy, nor would the building create an overbearing or overshadowing effect.'

6.2 Active and Social Places

Access/Highway Safety

6.2.1 The existing plot will be separated into two individual residential properties, with a shared vehicle/pedestrian access serving both dwellings off Caestory Avenue as in the current arrangement for No. 6 - i.e. no change is proposed to the access off the public highway to the properties. The shared use driveway is proposed to be 3.6m wide and will be approximately 30m in length. At this point, it will become the private drive for the new dwelling and accessed via an automated gate. The existing property will be served by three dedicated parking spaces. The proposed dwelling will include a double garage and additional parking to cater for three vehicles. No vehicle tracking information has been submitted by the applicant as requested by Highways. However, the proposal includes a turning head, approximately 5m x 5.5m, adjacent to the shared use driveway, for use by the existing house. A turning area of similar dimensions is also included adjacent to the double garage at the proposed dwelling. For a dwelling of the size proposed in this application the parking and turning arrangements are considered to be acceptable and it is also considered that increased use of the access for one additional dwelling will not significantly affect highway safety. This was also the opinion of the Appeal Inspector when allowing the appeal.

Affordable Housing

6.2.2 It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. In this case, the amount required has been calculated as £27,385. The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken. It should be noted that the Council does not wish to hinder the supply of dwellings from self-builders who could be building to meet their own needs. Therefore, such self-builders will not be required to make a financial contribution.

6.3 Productive and Enterprising Places

6.3.1 Not relevant to this application.

6.4 Distinctive & Natural Places

Landscape Impact

6.4.1 The proposed dwelling would be significantly set back from Caestory Avenue and would not be viewed as part of the street scene. Rather it would be seen in gaps between the street's

houses, in a similar way to dwellings on other streets are viewed. As a result, the proposed new dwelling will have a limited impact on the wider landscape.

Green Infrastructure

6.4.3 The site is not large enough to provide any new green infrastructure opportunities. However, the site does contain some assets as existing, notably trees and an historic public right of way. Six of a group of eight existing Birch trees which have been identified as of moderate value are to be retained. The root areas of the retained trees will be in the line of the proposed access and therefore it is advised that the construction of the driveway and parking area affecting these trees use a no dig technique as detailed in Arboricultural Method Statement 1 to minimise the impact on these trees. This can be conditioned. Two new trees are also proposed to be planted to compensate for the loss of two existing trees, although it is acknowledged that their compensatory affect will take time to be realised. In the meantime however, it is considered that whilst the visual contribution of this group trees will be somewhat diminished by the loss of two trees, it is considered that they will continue to make a positive contribution to the character of the wider area.

Biodiversity

6.4.5 A neighbour reported observing bats in the area and suggests that they could be living in the birch trees referred to above. As such, the trees that are to be removed should be checked for bats prior to any clearance works on site. Should bats be found then the developer will have a duty under European Legislation not to disturb or harm the bats or their resting or roosting places. A section of hedgerow across the site that has been removed and replaced with a timber fence was beech and has previously been assessed as offering little in the way of habitat for wildlife. All of the other existing boundary hedges are to be retained.

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

Water (including foul drainage/ SuDS)

6.4.7 Foul water drainage is proposed to go to the local mains sewer. Surface water will be disposed of to an on-site soakaway and Dwr Cymru Welsh Water have advised that they are satisfied with the proposed use of a sustainable drainage system (SuDS).

6.5 Response to the Representations of Third Parties and/or Community/Town Council

6.5.1 Access - Local residents express concerns over the proposed access, which is located on the outside of a sharp bend on a relatively narrow, residential estate road. In reaching his decision to allow the recent appeal, the Inspector stated that whilst he appreciated the difficulties that on street parking causes at particular times, he was satisfied that one additional dwelling would not materially alter conditions. Motorists can be expected to travel along this road with particular caution when forward visibility is restricted by parked cars. The Council's Highways Officer also advises that the scheme is acceptable in this respect and that there is adequate space within the site to accommodate the parking and turning of cars associated with the proposed and existing dwellings.

6.5.2 Design - Local residents have also questioned the materials proposed. In terms of windows, the choice of colour is subjective and whilst most of the houses within the vicinity of the site currently have white uPVC windows, there is no way to control this going forward and residents may choose to replace their current windows with grey (or any other colour) uPVC or aluminium units in the future without the need for planning consent. Furthermore, given the mix of house types, styles and materials in the local area and the fact that the proposed new dwelling will not be viewed as part of the existing street scene, it would not be reasonable to refuse the use of brick rather than render.

6.5.3 Drainage - Foul water drainage is proposed to go to the local mains sewer. Surface water will be disposed of to an on-site soakaway and Dwr Cymru Welsh Water have advised that they are satisfied with the proposed use of a sustainable drainage system (SuDS). Taking into account this specialist consultation response it is considered that there are no grounds on which to withhold planning permission based on drainage.

6.5.4 Trees - There are several birch trees within the site that have been assessed as of moderate quality. In recognition of their positive contribution to their surroundings, the proposed driveway has been aligned to reduce the trees lost to just one. The scheme also shows that one of the birch trees located on the boundary with the open play area would be lost to the proposed dwelling. The birch trees that are identified as remaining would suffer some root severance but the harm could be mitigated through careful construction work. It is also proposed to replace the lost trees with two new trees. Both the protection of the existing trees and the planting of the new trees has been conditioned. There is no change in relation to tree loss since the previous application that was allowed at appeal.

6.5.5 Other Issues - A local resident has sought reassurance that the loft area of the proposed dwelling could not be converted to living accommodation at a later date that could impact upon neighbour amenity. In this regard, it is considered that it would be necessary and reasonable to remove Permitted Development Rights for alterations and extensions. This will ensure that parking and turning areas are not eroded by extensions, the trees will not be affected by development that would otherwise not require planning consent and also that windows that could harm the privacy of neighbouring occupiers cannot be added at a later date; this would include those serving any potential future loft conversion.

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

6.6.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the 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. It is also worth noting that the Planning Inspector also referred to this Act in his decision and found the previous larger scheme to also meet the requirements of the Act.

6.7 Conclusion

6.7.1 On balance, it is considered that the proposed development would not harm the area's character or appearance. The scheme aligns with Policy S17 of the Monmouthshire Local Development Plan (LDP) in that it respects the character of the site and surroundings, and with the general design considerations set out in Policy DES1, including that the development is compatible with existing uses, respects its setting and does not lead to insensitive or inappropriate infilling. It does not conflict with Policy S13 that includes the aim of maintaining the character and quality of the landscape. Furthermore, there are no reasons to refuse the application on highway grounds under Policy MV1 given the advice from the Highway Authority and the conclusions reached by the Planning Inspector in the recent appeal, which considered identical access and parking details.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following: Financial contribution towards the provision of affordable housing in the local area.

S106 Heads of Terms

£27,385 towards the provision of affordable housing in the local area to be paid upon occupation of the dwelling.

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

Conditions:

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

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

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

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

3 Prior to commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the approved (CTMP).

REASON: In the interests of residential amenity and highway safety to comply with LDP Policies EP1 and MV1.

4 No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development and retained in perpetuity.

REASON: To ensure a satisfactory means of surface water disposal in accordance with LDP Policy SD4.

5 No development shall take place until details of the supply size and position of 2 birch trees to replace those to be removed have been submitted to and approved in writing by the local planning authority. The approved planting shall be carried out during the first planting season immediately following occupation of the development. Any tree 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 and to ensure compliance with LDP Policy G11.

6 The retained Birch trees shall be protected during construction in accordance with the recommendations in BS5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' by Cardiff Treescapes dated 19th March 2018 (Revised 8th May 2018).

REASON: To protect valuable tree or other landscape features on the site in the interest of preserving the character and appearance of the visual amenities of the area in accordance with LDP Policy G11.

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

REASON: In the interests of local amenity in accordance with LDP Policy EP1.

INFORMATIVES

- Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.
- It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.
- Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 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).
- 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. You are advised to remove any rubble stone etc. currently on site by hand and clear vegetation by hand (further advice available in MCC Reptile Information Note). If reptiles are found at any time during clearance or construction, all works should cease until the reptiles have safely dispersed from the working area.
- Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). 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 bird species is between March and September.

Application Number: DM/2018/01784

Proposal: Erection of two, two-bedroom semi-detached houses

Address: 72, The Close, Portskewett, NP26 5SN

Applicant: Ms. Emma Reid

Plans: All Proposed Plans

RECOMMENDATION: REFUSE

Case Officer: Helen Hinton

Date Valid: 23.11.2018

1.0 APPLICATION DETAILS

- 1.1 This application was originally reported to the Council's Planning Application Delegation Panel on 13th February 2019. Following a site visit and consideration of the report, Members resolved to refer the matter to the Planning Committee for further consideration.
- 1.2 The application was presented to Planning Committee on 5th March 2019 (a copy of the original report is reproduced below).
- 1.3 At that meeting Members resolved that they were of a mind to refuse planning permission for the development on the basis of design and overdevelopment of the plot.
- 1.4 On the 19th March 2019, the Authority received notification from the Planning Inspectorate that an appeal, on the grounds of non-determination, had been submitted and made valid. Under the dual jurisdiction allowances granted by the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015, the Authority has until the 10th April to determine the application.
- 1.5 Whilst during the planning application procedure, the Applicant indicated that they were willing to make a commuted sum provision towards the development of affordable housing in the area, following the instigation of the appeal it is necessary to introduce a further reason for refusal on the grounds that the applicant has failed to provide a draft Unilateral Undertaking to secure the commuted sum provision.
- 1.6. On the basis of the above, the following three reasons are considered representative of the views expressed by Members:
 1. The dwellings proposed, as a result of their external appearance, mass and scale, would fail to be in keeping with the existing form and scale of the dwellings adjacent to the site. As a result the development would be out keeping with the character and appearance of the area and would have an unacceptable impact on local amenity, contrary to the requirements of policies EP1 and DES1 of the Monmouthshire County Council Local Development Plan (LDP).
 2. Owing to their scale and layout, the proposed dwellings would represent an overdevelopment of the plot, in that insufficient amenity space would be retained around the dwellings in comparison to the general pattern of development in the locality. The dwellings would therefore fail to respect the existing form, massing and layout of the area, contrary to the requirements of policies EP1 and DES1 of the Monmouthshire LDP.
 3. The applicant has failed to provide a Unilateral Undertaking to secure a commuted sum to be used for the provision of affordable housing within the County, contrary to the requirements of LDP Policy S4 – Affordable Housing Provision and the associated Affordable Housing Supplementary Planning Guidance March 2016.

PREVIOUS REPORT to meeting of Committee held on 5 March 2019

1.0 APPLICATION DETAILS

1.1.1 Full planning permission is sought for the development of two dwellings on land forming part of the residential curtilage of 71 and 72 The Close, Portskewett.

1.1.2 The plans submitted in support of the application, detail the development of a pair of semi-detached, two and half storey dwellings, each measuring 4.75m wide, 10m deep at ground floor level and 7.1m deep at first floor level with a maximum height of 8.1m falling to 4.6m at eaves level. The dwellings would be positioned 1m to the south-east of 72 The Close and would be positioned 4m behind the established building line of 70-72 The Close. An area of off street parking for four vehicles, accessed from The Close would be provided to the front (north-east) of the properties. Internally the accommodation would comprise a kitchen-diner; living room and WC at ground floor level with a bedroom an ensuite bathroom at first floor and within the loft space. Externally the dwelling would be finished with rendered elevations, uPVC windows and doors and composite slate tiled roofs.

1.2 Site Appraisal

1.2.1 The application site comprises a wedge shaped parcel of land with a road frontage of 14.4m and a maximum depth of 30m. As specified above, the land forms part of the residential curtilage of 71 and 72 The Close.

1.2.2 The application site and area as a whole are positioned on a slope falling gently from north-west to south-east and north-east to south-west. As a result the plot is set below the level of 1 The Close to the north, is slightly below the internal floor level of 72 to the north-west and is raised in relation to 21 Manor Way to the south-east and Portskewett and Sudbook Recreation Centre to the south. The boundaries of the application site are currently defined by close boarded fences. Access to the Recreation Centre is gained via a lane immediately adjacent to the south-eastern boundary of the site.

1.2.3 The dwellings surrounding the site are of a mix of architectural styles, design and external finishes. A variety of plot sizes are also evident.

1.2.4 The site is unallocated and located within the settlement development boundary of Portskewett as defined by the proposals map of the Monmouthshire Local Development Plan (LDP). The site is outside of but immediately adjacent to the C1 Flood zone as defined by the Development Advice Maps (DAM) of Technical Advice Note (TAN) 15: Development and Flood Risk (2004).

1.2.5 The application is before Members having been referred to Committee by the Council's Delegation Panel, which considered the application on 13th February 2019.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision Date
DM/2018/00958	Building two new four bed semi-detached houses in the garden of 72, The Close, Portskewett.	03.08.2018 Withdrawn
DC/2002/00517	uPVC Conservatory to Side Elevation	19.06.2002 Approved

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

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

4.0 REPRESENTATIONS

4.1 Consultation Replies

Portskewett Community Council - Recommends refusal on the grounds of highway safety

MCC Highways - No objections but additional information requested with regards to the relation of the telegraph pole and street lamp and the constructional make up of the parking area.

MCC Affordable Housing - A commuted sum of £19,964 toward the provision of affordable housing within the County is requested.

Glamorgan Gwent Archaeological Trust - The proposal will require archaeological mitigation

Natural Resources Wales - As no development is going to take place within the recognised flood plain area, we have no objection to the application as submitted.

Dwr Cymru - Welsh Water - Advice provided regarding the position of apparatus in the area.

4.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. One letter of representation has been received and is summarised as follows:

The site is positioned on a corner, on a gradient.

The parking in the area is out of control i.e. parking on pavement, no free movement for mothers with small children and pushchairs able to pass in safety, having to use the road. This would be exacerbated by more vehicles accessing this corner, where in the past there has been a number of accidents causing injuries and property damage.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The application seeks full planning permission for the development of a pair of semi-detached dwellings to the side of 72 The Close, Portskewett. The application site forms part of the garden of two existing dwellings (71 and 72) within an established residential area. It is unallocated and within the settlement boundary of Portskewett as identified by the Local Development Plan (LDP). Policies S1 and H1 presume in favour of new residential developments in such locations. As a result the principle of developing the site for residential purposes is considered appropriate relative to the context and subject to the application satisfying a number of material considerations. The key considerations with regards to the proposal are: design; highway safety; residential amenity; affordable housing and archaeology.

5.2 Design

5.2.1 The proposed properties would comprise two, two-bedroom, two and half storey dwellings. Although the plot is smaller than some in the area, it is considered large enough to accommodate the properties with adequate off street parking and a modest amount of amenity space. The dwellings have been designed to have a width, depth and ridge height comparable to number 72. Although the positioning of the dwellings, 4m back into the site does break the building line established by 70-72, such a position is necessary to accommodate the required number of off street parking spaces.

5.2.2 It is considered that proposal would not result in over development of the plot. Being mindful of the mix of architectural styles and external finishes in the immediate vicinity, it is considered that the development would not be significantly detrimental to the overall character, appearance or pattern of development in the area. The siting of two new dwellings on this site is considered to be an efficient use of land in this predominantly residential area and as a result, the proposal accords with the objectives of Policy DES1 of the LDP.

5.3 Highway Safety

5.3.1 The MCC adopted parking standards requires two off street parking spaces to be provided for each dwelling. These can be accommodated on the area to the front of the dwellings with access gained from The Close.

5.3.2 As part of the consultation process a resident and the local Community Council have raised an objection to the development on the grounds of highway safety. The resident advises that parking in the area is already a significant issue with high levels of on street parking evident. They also allege that the junction to the north-east of the site has also been the subject to a number of traffic collisions. The Community Council have provided the following response:

"The access to the properties would be located near a corner where poor visibility is already an issue. Parking on Manor Way and The Close in the vicinity of the development is an ongoing issue which has already led to vehicular accidents and personal injury. The proximity of the development to the junction of Manor Way and Portskewett and Sudbrook Recreation Hall access road is of concern as visibility is poor on this junction and is further exacerbated by parked cars."

5.3.3 In response the Council's Highways Team have provided the following information:

"The current submission demonstrates that the proposed development has been scaled down to address highway concerns made in respect of car parking provision. Each dwelling now consists of 2 bedrooms and in accordance with the Monmouthshire Parking Standards each dwelling has the provision for 2 off-street car parking spaces with sufficient depth (5.5m) to prevent any vehicle overhang on the adjacent footway. Based on these revisions, the access and parking provision is acceptable.

The Highway Authority is aware that concerns have been raised over the principle of creating vehicular access at this location. It should be noted that there are no highway grounds to sustain an objection to the creation of a vehicular access at this location. The Close is a typical 'no through' residential estate road with vehicular access points throughout the estate serving existing residential dwellings. As such the design criteria for a vehicular access and off-street car parking provision at this location can be achieved in the same vein as existing residential dwellings."

5.3.4 Notwithstanding the above, the Highway Officer has identified that insufficient detail has been submitted with regards to the relocation of a telegraph pole which has a street lighting bracket arm and lantern attached to it and the construction make-up of the proposed parking area. It is considered, however, that these details could be adequately secured by condition.

5.3.5 Whilst concerns regarding highway safety as a result of the proximity of the proposed parking area to the junction is acknowledged, in this instance it is considered that the provision of an open boundary adjacent to The Close in order to allow vehicular access to the site, would discourage on-street parking across the width of the plot, which in turn could improve visibility for vehicles exiting the recreational ground junction and those climbing the hill past the site towards the bend. Being mindful that The Close and Manor Way are no-through cul-de-sacs, it is considered that the highway has sufficient capacity to accommodate the vehicle movements generated by the proposal and relative to the existing arrangement, the proposal would not be so detrimental to the highway safety and flow of traffic in the area to warrant refusal of the application on such grounds. Subject to conditions requiring the parking spaces to be provided prior to

beneficial occupation; details of the relocation of the telegraph pole and lamp; and the construction of the parking area being submitted, it is considered that the development proposed is compliant with requirements of Policy MV1 of the LDP.

5.4 Residential Amenity

5.4.1 Concerns were initially raised with regards to the impact of the development on the residential amenity of 72 the Close as a result of increased overshadowing and loss of light. Such concerns have been alleviated by reducing the depth of the dwellings at first floor level and above. Although the development would cross the 25 and 45 degree light angles for the windows in number 72 closest to the site, being mindful of the south facing orientation of the existing rear elevation, it is considered that the increased level of overshadowing and loss of light experienced would not so significant or detrimental to warrant refusal of the application on such grounds.

5.4.2 The windows provided in the front elevation of the dwellings would overlook the gable elevation of number 1 The Close to the north, which is set at a slightly higher internal ground floor level relative to the application site. Although there are ground floor windows provided in that southern elevation of 1 The Close, these serve an integral garage. With regards to the impact on 21 Manor Way, it is considered that the position of the proposed rear elevation relative to the front elevation of the 21 Manor Chase would be of an obscure enough angle to prevent a level of direct overlooking or loss of privacy, detrimental to amenity

5.4.3 Following direct neighbour notification, no objections or representations have been received with regards to design or impacts on amenity. On the basis of the above, the application is considered compliant with the requirements of policies DES1 and EP1 of the LDP.

5.5 Affordable Housing

5.5.1 Policy S4 of the LDP identifies that in the Severnside area development sites with a capacity for 5 or more dwellings will make provision for at least 25% of the total number of dwellings on the site to be affordable. In this instance it is considered that the site is only capable of providing two additional dwellings. As the site has a capacity below the thresholds set out, the developer will be required to make a financial contribution towards the provision of affordable housing in the local planning authority area. Following consultation the Affordable Housing Officer has requested a commuted sum contribution of £19,964. The applicant has confirmed that they are willing to enter into a Section 106 legal agreement to make such a contribution. The application is therefore considered compliant with the requirements of policies S4 of the LDP.

5.6 Archaeology

5.6.1 The application site falls within an Archaeologically Sensitive Area (ASA). Following consultation, Glamorgan Gwent Archaeological Trust has provided the following response:

"The site is located within the Archaeologically Sensitive area of the Gwent Levels and is less than 50m from the Scheduled Monument of Harold's House (Site of) Cadw reference MM029. The scheduling description notes the likely 11th century foundation of the site as a hunting lodge and later manorial complex. The description also notes likely survival of related features outside the Scheduled Monument boundary, as well as the Medieval church to the immediate east there would have been other elements to the focus of the settlement. Access to the area may also partly have been via a tidal inlet. Archaeological work outside the boundary has identified remains of structures and finds of post medieval and medieval date; the proposed development has the potential to encounter archaeological remains.

Having considered the nature of the proposed development, we note that the area has undergone some disturbance associated with the existing extension and by services. Therefore we do not consider an evaluation to be appropriate and in order to mitigate the impact of the development on the archaeological remains we recommend that a condition, for a programme of archaeological work, taking the form of an archaeological watching brief during the ground works required for the development, including below ground works association with the demolition of the extension, should be attached to any consent granted."

5.6.2 Based on the above information a condition requiring such a watching brief to be undertaken is considered necessary and compliant with the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017).

5.7 Response to the Representations of Third Parties and the local Community Council

5.7.1 A member of the public and the Community Council have both raised objections to the development on the ground of highway safety. In this instance, being mindful that The Close is a no through road with numerous vehicular access points throughout the estate, it is considered that there are no highway grounds to sustain an objection to the proposal. Furthermore it is considered that opening the northern boundary of the site adjacent to the highway may inhibit on street parking outside the site which in turn would enhance visibility for those leaving the recreation road junction and those approaching the bend further up the hill to the north-west of the site.

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.

5.9 Conclusion

5.9.1 In light of the above, it is considered that the principle of residential development of this site is acceptable and that its development for residential purposes would be compatible with surrounding land uses. It is also considered that the proposed dwellings, relative to the context, would not be significantly detrimental to the character, appearance and pattern of development of the area or the residential amenity of those living closest to the site. Furthermore, subject to conditions it is considered that the proposal would not be so detrimental to the highway safety and free flow of traffic in the area, to warrant refusal of the application.

5.9.2 On the basis of the above the application is considered compliant with the relevant policies of the LDP and is recommended for approval subject to conditions and the applicant entering into a Section 106 Legal Agreement.

6.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

1. A commuted sum of £19,964 towards affordable housing provision within the County.

S106 Heads of Terms

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

Conditions:

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

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

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

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

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

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy EP5.

4 Prior to the commencement of development, details of the constructional make-up of the proposed parking area to include surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be retained as such thereafter in perpetuity.

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

5 Prior to the commencement of development, details of the relocation of the existing telegraph pole and lamp, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the relocation of the telegraph pole and lamp has been carried out in accordance with the approved plans and the revised position shall be maintained as such thereafter.

Reason: In the interests of visibility, highway safety and free flow of traffic using The Close in accordance with the requirements of Policy MV1 of the LDP.

6 No occupation of the proposed dwellings shall take place until the car parking areas have been 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 adequate provision is made for the parking of vehicles and to ensure compliance with LDP Policy MV1.

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

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

8 Notwithstanding the details of the approved plans, no development shall commence until details of the design, height and materials of all boundary treatments have been submitted to and approved in writing by, the Local Planning Authority. The approved means of boundary treatment shall be implemented before the respective dwelling is completed or occupied whichever is the earlier, and retained in perpetuity.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

9 No development shall take place until the developer has secured agreement for a written scheme of historic environmental mitigation which has been submitted to and approved in writing by the Local Planning Authority, Thereafter the programme of works shall be fully carried out in accordance with the requirements and standards of the written scheme.

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 the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017)

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DC/2018/01801

ERECTION OF ONE DWELLING

12 ELM AVENUE, UNDY

RECOMMENDATION: APPROVE SUBJECT TO S106 AGREEMENT

Case Officer: Kate Young
Date Registered: 30/10/18

1.0 APPLICATION DETAILS

- 1.1 This full application for a detached two storey dwelling in the rear garden of 12 The Elms was presented to Members of Planning Committee at the meeting on the 8th January 2019 with a recommendation for approval. Members deferred consideration of the application to a future meeting to allow officers to liaise with the applicant with a view to reducing the proposed dwelling's scale and height and to address issues of the overlooking of Carreg Goch and dwellings at numbers 11 and 12 Elm Avenue, and any overbearing impact on those properties.
- 1.2 Following negotiations with officers, the applicant has submitted amended plans and all interested parties have been re-consulted. The application is now represented to Committee with a recommendation for approval subject to conditions and a 106 legal agreement for the provision of affordable housing in the local area. The previous committee report is attached below.
- 1.3 The alterations to the scheme are as follows:
- A) The scale of the proposed dwelling has been reduced and now the property would measure 6.6 metres by 9.2 metres and 7.2 metres in height to the ridge. The previous scheme measured 9 by 9 metres and 8 metres in height to the ridge. In addition the proposed floor level of the proposed dwelling is now 200mm lower than the previous scheme, and this combined with the lower ridge height, gives an overall reduction in height of 1.4m
 - B) The double garage has been removed and off street parking spaces are being provided; three for the proposed dwelling and three for the existing
 - C) The property has been moved further back into the plot, further from the road
 - D) With regards to the first floor bedroom window on the front elevation, the glazing to the lower section will now be of obscured glass. An addition window to that bedroom is now proposed on the side elevation facing towards no 12 Elm Avenue.
 - E) The proposal is now for a three-bedroom dwelling while the original proposal was for a four-bedroom one.
- 1.4 Officers have re-consulted the statutory consultees and the neighbouring parties on the amended scheme.

2.0 Representations Received after the January Committee and relating to the amended plans

2.1 Consultations Replies

MCC Highways - No Objection. The Applicant has provided an amended drawing – Drg. No. 2273/2C, in which the extents of the proposed drop kerbs and footway strengthening works have been detailed and the proposed parking bay sizes amended to conform to the requirements of MCC Parking Guidelines standard SPG as requested.

Welsh Water- We request that our previous comments dated 19th December are upheld.

MCC Housing - The new calculation for affordable housing is slightly more. £13,636. This is due to house prices in relation to ACGs.

MCC Biodiversity - Our previous comments are still applicable.

2.2 Neighbour Notification

Objection letters received from three addresses following re-consultation on the amended plans.

Close to adjoining properties
Development too high
General dislike of proposal
Inadequate access
Inadequate parking provision
Increase in traffic
Loss of light
Loss of privacy
More open space needed on development
Noise nuisance
Out of keeping with character of area
Over development
Strain on existing community facilities
Loss of Sunlight to neighbouring properties
Loss of views over the Severn Estuary
Will see the side elevation of the proposed dwelling
Overbearing impact on neighbouring dwelling due to elevated position
Loss of privacy
Out of keeping with the character of surrounding properties
Exacerbates the problems with the water pressure
Undy, as a village, is being over-developed
This plot is unnecessary as hundreds of new homes are being built at Rockfield Farm
Amendments mean that the proposal will now be closer to no 11 Elm Avenue
Overlooking neighbour's garden
Out of keeping with the character of Elm Avenue
Adverse impact on the parking provision on Elm Avenue
Loss of garden to host property
Carreg Goch is incorrectly shown on the site plan
Incorrect measurements.

3.0 **Evaluation of amended scheme**

3.1 This evaluation relates only to the issues raised by the amendments to the scheme; all other issues raised in the previous report (attached below) remain relevant.

3.2 Reduction in Scale

The proposed property has been significantly reduced in scale and height in line with Members' request. The main reduction has been to the depth of the property, from front to back. Initially this was proposed to be 9 metres, the amended plan indicates this to be 6.6 metres. The width of the property has increased slightly from 9 metres to 9.2 metres. The attached double garage has been removed from the scheme and this reduces the footprint of the building significantly. The main difference has been the reduction in the ridge height. By altering the design and lowering the floor level by 200mm, the total reduction on the ridge height is 1.4 metres. The number of bedrooms has been reduced from four to three. The proposed design of the dwelling is appropriate for the site and the resultant dwelling would not harm the character and appearance of the area. The development would be in accordance with Policy DES1 of the LDP.

3.3 Position in the plot

The footprint of the dwelling has been moved back within the plot in a westerly direction. The original submission showed the main front elevation (excluding the porch) to be 2.9 metres from the edge of the carriageway the amended plan shows this to be 6.2 metres from the edge of the carriageway. The amended layout therefore shows the footprint of the proposed dwelling to be further away from Carreg Goch but this has resulted in it being closer to the rear garden to 11 Elm Avenue. At its closest point the rear elevation of the proposed dwelling would be approximately 11 metres from the rear boundary of the garden to no. 11 Elm Avenue. At its nearest point, the front elevation of the proposed dwelling would be approximately 17 metres from the side elevation of Carreg Goch.

3.4 Alterations to the windows

There is concern about the first floor window to the bedroom in the north-east corner of the proposed dwelling which would look over the close-boarded fence on the boundary of Carreg Goch toward the ground floor living room. To overcome this concern it is proposed that this window would be entirely obscure glazed. This would have to be conditioned to ensure that it remained so in perpetuity. To remove the window completely would have an adverse impact on the design of the new dwelling giving it an asymmetrical appearance. In order to compensate for the loss of light and outlook a small additional window has been added to the side elevation.

3.5 Parking Provision

The attached double garage has been removed from the scheme. The proposed scheme provides three off street parking spaces for the new dwelling. In addition three off-street parking spaces have been provided for the existing dwelling at 12 Elm Avenue. This represents a net benefit for the existing house which currently has off-street parking provision by way of the undersized single garage. The parking provision for the proposed development accords with the adopted Monmouthshire Parking Standards.

3.6 Accuracy of the plans

The neighbours have questioned the accuracy of the submitted plans especially with regard to the distance of the proposed dwelling to the side elevation of Carreg Goch. The agents have submitted a topographical Survey prepared by an independent specialist surveying company. Officers believe this to be correct. Members were able to see the relevant distances when they attended the site visit prior to the January meeting. If there are any inaccuracies these are likely to be minimal - in the terms of a few millimetres - and not so significant as to alter the outcome of the planning application. The submitted plan indicated that there is approximately 17.9 metres between the centre of the first floor bedroom window of the proposed dwelling and the side elevation of Carreg Goch

3.7 Affordable housing contribution.

Policy S4 of the LDP requires that all new housing developments contribute 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. The original scheme required a financial contribution of £13,230 to be secured through a section 106 Legal Agreement. The amended scheme, because of how the contribution is calculated in relation to house prices and ACG's would require a contribution of £13,636.

3.8 Response to neighbour objections.

The property that objected to the loss of sunlight making its rooms darker is located approximately 21 metres to the north east of the proposed dwelling and is situated in a more elevated position than the proposed dwelling so will not suffer from a significant loss of sunlight to its habitable rooms. Concerns over the loss of a view is not a material planning consideration. The privacy issue towards Carreg Goch has been addressed within the amended proposals: the obscure glazing and distance between the proposed and existing

dwelling means that there will be no significant loss of privacy for the occupiers of Carreg Goch, The amended scheme does result in the proposed dwelling being closer to the rear garden of 11 Elm Avenue. The proposed dwelling will be a minimum of 11 metres from that garden and set at a higher level. Despite this change in levels, the proposal will not have an overbearing impact given its distance from the end of the garden and the dwelling itself. The proposed dwelling will be to the north-east of the garden of no. 11 so will not result in loss of sunlight to that garden. The host property still maintains a reasonable amount of garden space. The garden remaining for no. 12 Elm Avenue will be at least 10 metres by 13 metres. Adequate parking is being provided for the new dwelling and the existing dwelling will benefit from three new parking spaces, improving the parking situation along Elm Avenue. All other issues raised by the neighbours have been addressed in this report and the previous report which is attached.

3.10 Conclusion

The principle of erecting a new dwelling in this location is acceptable. The site is within the Magor with Undy Development Boundary and is of sufficient size to accommodate the dwelling. The amendments that have been made to the scheme, at the request of Members, means that the design of the proposal accords with the objectives of policies DES1 and EP1 of the LDP in that it will deliver a high quality dwelling in a sustainable location which contributes to the sense of place. The dwelling reflects the mixed character of house styles in this residential area. The amendments ensure that the proposal will maintain reasonable levels of privacy and amenity to the occupiers of existing dwellings. Officers re-present this application with the amended plans and one additional condition requiring that the obscure glazing on the first floor window remain as per the plan in perpetuity.

Proposed additional condition:

The bedroom window on the front elevation as shown on plan 2273/3c dated 18/02/19 shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

Previous report to Planning Committee on 8th January 2019

1.0 APPLICATION DETAILS

1.1 This is a full application for the erection of a two-storey detached dwelling in the rear garden of 12 The Elms. The proposal seeks the demolition of the existing garage and the provision of six new parking spaces from Elm Avenue as well as a double attached garage for the new property. A one metre high close-boarded fence would be erected between the existing and proposed dwelling. The site area measures 391 square metres. The footprint of the new dwelling (minus the garage) would be 9 metres by 9 metres and 8 metres in height to the ridge.

1.2 The site is located within the Magor and Undy Development Boundary.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S4 LDP Affordable Housing Provision

S1 LDP The Spatial Distribution of New Housing Provision

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S16 LDP Transport

S17 LDP Place Making and Design

Development Management Policies

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

EP1 LDP Amenity and Environmental Protection

MV1 LDP Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Magor and Undy Community Council: response not yet received.

MCC Highways have no objection in principle to the development proposal; however, the Applicant should note the following:

Application drawings submitted for consideration should clearly define the extent of drop kerbs required for the proposed access arrangement off Elm Avenue. The Applicant should note that any such drop kerbs required are to be to MCC standards;

Application drawings submitted for consideration should clearly define the extent of the footway crossover strengthening works required for the proposed access arrangement off Elm Avenue. The Applicant should note that any such footway crossover strengthening works required are to be to MCC standards;

The proposed parking bays depicted on Drg. No. 2273/2 are too narrow. MCC Parking Guidelines standards require parking spaces to be 4.8m x 2.6m [N.B. This has since been addressed in an amended plan].

Welsh Water - No Objection.

Having reviewed the submission, we note that the applicant is proposing to discharge surface water to soakaway and SuDS. We are satisfied with this proposal as the sewers surrounding the site are for foul water only. DC-WW outlines conditions it wishes to be imposed if consent is granted.

MCC Ecology:

I have reviewed the photographs, part A and surrounding landscape via aerials and the SEWBReC data, subject to this I can confirm that we do not require any further bat assessment of the garage. I take it the tree identified in the existing plans has been removed, (stump in photo?). If not, some photographs to illustrate if there is any bat roosting potential would be required prior to felling.

In terms of other ecological impacts, the photographs show that there may be potential for common reptile species and nesting birds, given the garden status and stored materials present. I would recommend the following informative notes.

NESTING BIRDS - Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). 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 bird species is between March and September.

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.

4.2 Neighbour Notification

Objection letters received from five addresses

Loss of privacy to living room and garden

Over-development of site

Exacerbate problems with low water

pressure in the mains Poor drainage in the area

Removal of metal bollard at the end of Elm Avenue will increase traffic on Tump Lane

Concerned over family's safety as vehicles could travel at 30mph through our fence

The proposed dwelling will occupy an elevated position

Loss of views of the apple tree

Loss of privacy to home and garden

Visually dominant

General over development of this area

Takes away the open appearance of neighbouring property

Problems in the area with sewerage and drainage

Strain on resources, services and roads

Will block out the sky

Would be better as a single storey dormer bungalow

Out of keeping with the character of the area; too large

The barrier at the end of Elm Avenue was previously knocked down by construction traffic. Need confirmation that Elm Avenue will remain as a cu-de-ac, as through-traffic would be dangerous

It will dominate the host property

The proposed dwelling will be in an elevated position, the front door and windows will overlook the neighbour's property

Block light to neighbouring property Dumpsie Dingle.

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 policies S1 and H1 presume in favour of new residential development subject 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 a new residential dwelling with associated parking provision and amenity space. The principle of new residential development in this location is therefore acceptable. The proposed dwelling would be seen more in the context of Tump Lane than that of Elm Avenue. Elm Avenue is characterised by large, semi-detached ex-council houses but the proposed new dwelling will not impact on the character of the street scene of Elm Avenue. The properties along this part of Tump Lane are made up of various styles, some having been constructed relatively recently.

5.2 Affordable Housing

5.2.1 Policy S4 of the LDP requires that all new housing developments contribute 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 the financial contribution required for a four-bedroom dwelling of the size indicated would be £13,230 that would be secured through a section 106 Legal Agreement.

5.3 Highway Safety

5.3.1 The site would have vehicular access from Elm Avenue. At present, the existing property has vehicular access into a single garage off Elm Avenue. This would be removed and parking provision for both the existing and proposed dwellings would be provided between the dwellings adjacent to the highway. There is no indication or intention that the metal barrier between Tump Lane and Elm Avenue will be altered or removed as part of this proposal. The proposal will result in one additional dwelling being provided. Elm Avenue, a wide cul-de-sac, has sufficient capacity

to accommodate the traffic resulting from one additional dwelling.

5.3.2 The adopted Monmouthshire Parking Guidelines recommend one off-street parking space per bedroom up to a maximum of three. The site plan submitted as part of the application indicates that three off road parking spaces will be provided for the existing dwelling which is an improvement over the existing situation and that three parking spaces plus a double garage would be provided for the new dwelling. This would be in accordance with the guidelines. The proposal would actually improve the parking provision in the area. 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.

5.4 Design

5.4.1 It is proposed to erect a four-bedroom detached dwelling, facing onto Elm Avenue, with a porch to the front and a detached garage to the side. The dwelling would be finished in red-brown brickwork with artificial slates on the roof and there would be cills and headers to all windows on the front and rear elevations. The new dwelling would be set at the front of the plot very close to the road. This is acceptable as the proposed dwelling would be at the end of a no-through road and thus, there will not be disturbance from passing traffic. The private rear garden of the new dwelling would be a maximum of 12 metres in length and 15 metres in width. The existing dwelling would retain a private rear garden with an average depth of 10 metres. The land slopes upwards in a northerly direction so that the new dwelling would have a higher floor level than the existing dwelling but given the distance between the two this is acceptable. The new dwelling will not be over dominant as the existing dwellings to the north-west are also set at a higher level. There is no discernible, clearly-defined streetscene in this part of Elm Avenue into which the proposed new property should assimilate. Therefore the design is acceptable and complies with the objectives of Policy DES1 of the LDP. The new dwelling will be seen more in the context of the properties along Tump Lane and these comprise a mix of house types with no collective character.

5.5 Drainage

5.5.1 It is proposed that surface water will be disposed of by means of a sustainable drainage system. There is sufficient land available within the site to accommodate soakaways. Foul sewerage will go to the mains sewer. Welsh Water are satisfied with this arrangement and offer no objection.

5.6 Water Pressure

5.6.1 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.

5.7 Residential Amenity

5.7.1 This is a residential area and the plot is surrounded on all sides by residential properties. Immediately to the south of the site is the host property, 12 Elm Avenue, its rear elevation faces into the plot. The rear elevation of the host property faces towards the side elevation of the proposed single story garage. The orientation of the proposed dwelling and the shape of the plot mean that the rear of the existing dwelling does not look directly towards the proposed dwelling. There would be one small ground floor window, serving a habitable room on the southern elevation and this would be looking towards the parking area and not towards the host property itself. Both properties would have sufficient private amenity space in the form of rear gardens.

5.7.2 To the south west of the plot is the rear garden of no.11 Elm Avenue. This garden is set at a lower level than the proposed dwelling. There is a mature hedge along the common boundary. The proposed dwelling is at least 12 metres from the common boundary. It will be set at an oblique angle and will only overlook the very end of the neighbouring garden. To the northern side of the plot is Tump Lane and beyond that is a bungalow that forms part of a plot that is currently subject to an outline application for two new dwellings (granted planning permission subject to a S106 agreement at Committee held in December 2018). One of those proposed dwellings would look straight towards this plot. There would be no first floor windows on the northern (side) elevation on

the dwelling that is the subject of this current application and in addition there is Tump Lane between the two dwellings in question. Therefore, there would be no adverse overlooking of the new dwellings in the grounds of either 12 Elm Avenue or the Slades.

5.7.3 To the east of the proposed plot is the end of Elm Avenue which has a metal barrier across it (allowing only pedestrian access). Beyond the road is a two storey brick-built dwelling, Carreg Goch. This property has one ground floor window facing into the plot. Between this window and the road is a 1.8 metre high close-boarded fence. There are no other windows on the side elevation facing towards the plot. The proposed dwelling will be set at a higher floor level than Carreg Goch and have its principal windows facing towards Carreg Goch. There is approximately 15 metres between the proposed dwelling and the existing property at Carreg Goch. Given this distance, the intervening road and the fact that the principal elevation of Carreg Goch faces towards Tump Lane there will be no unacceptable loss of outlook or loss of privacy. The first floor window on the side elevation of Carreg Goch is partly obscured by the existing close-boarded fence.

5.7.4 The proposed new dwellings would not have an adverse impact on the residential amenity of the occupiers 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 It is proposed that the mature hedge along the northern and western boundary of the plot be retained. Part of the hedgerow along the eastern boundary of the plot would be lost to accommodate the car parking. The existing garage on the site is to be demolished. MCC's ecologist does not consider that there is much potential for this garage to be used as a bat roost and no further survey work is required. There was an apple tree in the garden but this has recently been felled. The apple tree was not the subject of a Tree Preservation Order. The garden has been cultivated over many years, although there may be potential for common reptile species and nesting birds, given the garden status and stored materials present. An informative can be placed on the decision notice reminding the applicants of the requirements of the Wildlife and Countryside Act.

5.9 Response to other representations

5.9.1 Local residents are concerned that the proposal represents an over development of the plot. The application relates to a large plot. This area of Undy is characterised by similar sized dwellings on similar sized plots. The proposal will be in keeping with the prevailing character of the area. There has been some recent residential development along Tump Lane but each application has been determined on its own merits. The plot size is adequate to provide for a new dwelling. This proposal does not involve the removal of the metal bollard at the end of Elm Avenue. The bollard is outside the application site and the application makes no reference to the bollard. It has been suggested that a dormer bungalow may be more appropriate in this location, but there is no precedent for this and the area is characterised by two-storey dwellings. One additional dwelling will not in itself, put a strain on resources so as to warrant refusal of this application.

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:
- a financial contribution for affordable housing.

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

Conditions:

1 This development shall be begun within 5 years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

3 Prior to 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 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 to the environment.

INFORMATIVES

1 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

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/2018/01909

Proposal: Open sided, roofed pavilion with new hard surfacing.

Address: Abergavenny Museum & Castle, Castle Street, Abergavenny, NP7 5EE

Applicant: Joint Applicants Monmouthshire CC And Nevill Estate Ltd

Plans: Location Plan - , Other S05 - , Other S04 - , Other S02 - , Other S01 - , Cross Section P1814 - C, Elevations - Proposed P1813 - B, Elevations - Proposed P1812 - B, Elevations - Proposed P1811 - B, Elevations - Proposed P1810 - B, Elevations - Proposed P1809 - B, Elevations - Proposed P1808 - B, Elevations - Proposed P1807 - B, Elevations - Proposed P1806 - B, Site Sections P1805 - B, Site Sections P1804 - B, Floor Plans - Proposed P1803 - B, Site Layout P1802 - B,

RECOMMENDATION: APPROVE

Case Officer: Mr Andrew Jones
Date Valid: 26.11.2018

The application is presented to Planning Committee as there are at least five objections to the proposal, and in addition the application is jointly made by Monmouthshire County Council's Museums Service

1.1 APPLICATION DETAILS

1.1.1 This applications relates to the grounds of Abergavenny Castle, the Castle is owned by the Nevill Estate Company Ltd. The site has been leased to the town since 1881 as 'a place of recreation' and has been leased to Monmouthshire County Council (MCC) or its predecessors since 1971.

1.1.2 Planning permission is sought to erect an events pavilion within the grounds of the Castle to provide a permanent weather proof venue solution. The structure would be sited on the lawn north of the outer bailey defensive bank - which is sited next to the boundary wall. The building would measure 5.4m in height to the ridge, 14m in length and 8m in width. With regard to external finishes it would be a timber framed structure with a combination of traditional jointing and steel connecting detailing; partial timber cladding and high level clear glass rain screening. It was also feature moveable sliding perimeter screens with steel frames and timber louvre infills. The roof would be constructed of natural slate with lead flashings, whilst hard landscaping would be provided by natural Welsh Pennant flagstones.

1.1.3 With regard to Heritage designations, the application is located within the Abergavenny Conservation Area and the site contains the following:

- Grade I listed ruined remains of Abergavenny Castle (CADW ID: 2376)
- Abergavenny Museum Building (CADW ID 86811)
- The Grade II listed Lodge of Abergavenny Castle (CADW ID 86897) - privately owned by the Angel Hotel.
- Grade II listed wall, gate piers and gates at the entrance of the site (CADW ID 86805).
- One area within the Registered Park and Garden that does not form part of the Ancient Monument. This area is beyond the base of the outer bailey bank of the castle.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2003/01252	Rebuilding Of North-east Tower	Approved	19.01.2004
DC/2007/00389	Refurbishment of existing exhibition room, refer to enclosed drawings consent required for installation of roller shutters & de-humidifier	Withdrawn	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S11 LDP Visitor Economy

S16 LDP Transport

S17 LDP Place Making and Design

S5 LDP Community and Recreation Facilities

Development Management Policies

NE1 LDP Nature Conservation and Development

EP1 LDP Amenity and Environmental Protection

EP3 LDP Lighting

MV1 LDP Proposed Developments and Highway Considerations

DES1 LDP General Design Considerations

HE1 LDP Development in Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultation Replies (Original Scheme)

Abergavenny Town Council - Recommend the application is approved.

MCC Heritage - The application proposes a pavilion to the edge of the registered garden outside the scheduled area. In principle the erection of a building on this corner of the site is not considered to be unacceptable in relation to the setting of the listed building and the conservation area. This part of the conservation area is characterised by the immediate environs around the castle grounds, with a clearly marked boundary, the current stone walls. Beyond this there are views into the town and a visual connection from within the site to the tower of the town hall and the wider landscape beyond.

The proposed building is a modern structure which can be clearly read as such allowing visitors to the castle to continue to understand and appreciate the significance of the designated asset, the castle. The erection of a building in this corner of the site is not considered to fail to preserve the character of the conservation area. The proposed structure does obscure some views towards the town beyond, in particular views to the north are affected, however this is only to a small scale and only when adjacent to the proposed building. From key vantage points, the castle is still very much

connected to its surroundings, there is no impact on the important views to the south and west as identified in the conservation area appraisal.

The proposed design uses materials that are modern but sympathetic to its setting. However the scale of the building is substantial and that this will have an impact on the setting of the listed buildings and the conservation area by virtue of its scale. The proposed building has been reduced through negotiations to a size which is necessary for it to be a useable building, whilst this is still considered to be quite large there are benefits to the structure in providing a space in which the public can utilise and enjoy the castle and its environment. It is considered that the design of the building could have taken a stronger contemporary approach, however the budget constraints are recognised.

On balance, it is considered that despite moderate visual and aesthetic harm to the setting of the listed buildings and the conservation area, there are benefits to the sustainable management of the wider designated assets that outweigh this which should enhance the experience and opportunity to access and understand the assets.

MCC Highways - The development proposal does not require any change to the existing public highway access arrangement to/ from the castle grounds. No highways grounds for objection.

MCC Environmental Health (Original Comments) - I can advise that I have carefully considered this application with particular regard to the potential for noise disturbance to the occupiers of the nearby dwellings, noting that a number are within 30m of the proposed Pavilion with the perimeter of gardens as close as 10m.

While a number of events do currently take place within the Castle grounds with limited complaints of noise in recent years, the Pavilion could clearly be a focal point for future events.

I have appraised the Noise Impact Assessment by Acoustic Consultants Ltd, dated November 2018, Reference: 6929/BL. In this regard I make the following points:

- I note it is provided that the typical daytime background noise level up until 11pm is 43 dB LA90 (15 minutes).

There is scope in my view for the levels to be significantly lower in the rear gardens of Lower Castle Street during late evening hours particularly during dry / still weather conditions. In Chart 1 for example on the 30th October 2017 the background level, LA90, drops below 40 dB after approximately 8.30pm.

- The assessment considers the impact from speech and predicts a noise level of 52 dB LAeq (1hr) at the dwellings in Lower Castle Street from 25 persons talking. It compares the predicted 52 dB LAeq (1hr) with the measured 49 dB LAeq (15 mins).

However comparison with the measured background of 43 dB LA90 (15 mins) shows a much greater difference and in my view indicates the potential for disturbance to be caused particularly from events during evening hours in summer months when nearby residents may want to use their gardens.

However, while referencing these issues if the use of the Pavilion was restricted to 'speech only' events I would not anticipate a level of disturbance to merit this section objecting to this application.

The assessment does not consider the impact from the playing of music whether amplified or not. It is reasonable to assume that music sound levels would have the potential to be significantly higher than the 52 dB LAeq predicted for speech.

The extent of disturbance to nearby residents will be inter-dependent on a number of factors including the nature, frequency, duration, loudness, finish times of the events and the management in place to control noise levels. There is the potential for cumulative impact on residents from a number of events held over consecutive weekends particularly over the summer months.

As a Noise Impact Assessment has not been provided to evaluate this impact there is a clear need in my view for the application to provide the maximum number of events involving music which may be held at the Pavilion annually, their nature, finish times and management controls for consideration, and if viewed as acceptable incorporating into conditions on any grant of planning permission. The use of conditions in this case is of particular importance as this section, if

complaints are received, will not be able to apply the enforcement provisions of the statutory noise nuisance legislation provided in the Environmental Protection Act 1990 given that this is a Monmouthshire County Council site.

I note that the applicant in the Design and Access Statement has proposed music finish times of
Music

Sunday - Thursday: Amplified music events finish by 9.30pm.

Acoustic music events finish by 10pm

Friday - Saturday: Amplified music events finish by 10.30pm

Acoustic music events finish by 11pm.

Plus a maximum of six events per year to be exempt from the above restrictions and to finish by midnight.

The Pavilion will provide no significant noise attenuation and in my view music during late evening hours will have the potential to cause significant disturbance especially after 9pm when background sound levels are likely to drop and residents want the quiet enjoyment of their homes. Further information as provided above is needed to enable this to be considered fully. If a significant number of music events are proposed during late evening hours I recommend that the proposals are supported by a Noise Impact Assessment to fully consider the implications. Such an assessment to be prepared by a person with appropriate acoustic qualifications and should have regard to appropriate guidance.

MCC Environmental Health (Additional Comments) - Provided the following comments:

Speech Only Events

While these may be audible on occasions at the nearest dwellings and therefore have the potential to cause some disturbance, I do not anticipate this to be at a level that would merit this section objecting to the application.

I recommend that to minimise the potential for noise impact any grant of permission is subject to the following condition:

- Speech Only Events, not including music, within the application area are to be in accord with the summary provided in the Further Details Report dated 17th January 2019:
- daytime events to finish by 5pm.
- 16 events permitted annually to finish by 9.30 pm.
- 4 events permitted annually to finish by 10pm, Sundays to Thursdays; or 11pm Fridays / Saturdays.

Music Events

The previous proposals for events involving music included:

- Sunday - Thursday: Amplified music to finish by 9.30pm / Acoustic music by 10pm
- Friday - Saturday: Amplified music to finish by 10.30pm / Acoustic music by 11pm.
- Plus a maximum of six events per year to finish by midnight.

I note that the proposed event finish times have now reduced significantly and further clarity has been provided regarding their frequency and their management. In particular I note the undertaking that 'A member of staff, or a responsible person appointed by an appropriate officer, will be on site at all events, and in the event area at large or private events'.

While the music is likely to be audible at the nearest dwellings and therefore have the potential to cause some disturbance particularly during evening hours, having regard to the proposed frequency of events, finish times and management I do not anticipate the impact to be at a level that would merit this section objecting to the application.

I recommend that to minimise the potential for noise impact any grant of permission is subject to the following condition:

- Events including music within the application area are to be in accord with the summary provided in the Further Details Report dated 17th January 2019:

- 5 daytime events permitted annually to finish by 6pm.
- 8 events permitted annually to finish by 9pm, limited to accompaniment/background music.
- 4 events permitted annually to finish by 9pm, Sundays to Thursdays; or 10pm Fridays / Saturdays.

MCC Ecology - Just to confirm, we will not be asking for a preliminary ecological appraisal or bat survey for an application for a covered events area at Abergavenny Castle. With careful design of the scheme including lighting, the risk to protected species is considered to be low. A small bat roost in the lodge has previously been confirmed and we have details of the species identified. The only considerations would be lighting spill on to the trees along the drive and the top of the existing wall which could be used as a foraging/commuting route by bats. Positioning of internal and external lighting and consideration for use of cowls to prevent spill will be important.

We are aware of Great Crested Newt records close by but consider that the current management of the habitat and the presence of the wall and tarmac road reduce the risk to negligible levels.

Cadw - Provided the following comments:

Scheduled Monuments

The application area is inside 500m of scheduled monuments Area of Conventual Buildings, St Mary's Priory (MM193) but will have no impact on the monuments or their setting.

The application area is located immediately adjacent to scheduled monument Abergavenny Castle (MM056). The monument consists of the remains of a medieval castle. It originated as a motte and bailey, probably built by the Norman Lord Hamelin de Ballon in 1087, located in a strategically important position above the valley of the River Usk, in a position to prevent Welsh incursions into the lowlands. It was the seat of Norman Lord of Abergavenny and played host to a number of Kings when they visited the area.

Originally the motte would have been surmounted by a wooden tower with a bailey containing a timber-built hall and other wooden buildings to the northeast. The wooden tower was quickly replaced by a stone tower, the remains of which are probably below the Victorian building that now houses the Museum. Stone curtain walls were added in the late 12th century which survive to nearly full height to the southwest of the gatehouse. In the 13th and 14th centuries the castle was extensively rebuilt by the Hastings family. They were responsible for the construction of the towers in the west corner of the castle, one round and one octagonal. Only the outer walls survive, but they stand four storeys high in places. The octagonal tower has large window openings and the remains of a spiral staircase. On the south side is a small garderobe tower with an arched outlet at the bottom. At the eastern end of the towers is a cross wall which divided the castle ward into two. Its northern end formed one wall of the hall block and has a doorway which led into the rooms below the hall. Further along is a fine lancet window and the base of a spiral staircase. To the southwest of the cross wall is a stretch of walling that belonged to a freestanding building. The hall was located immediately inside the curtain wall, between it and the modern car park, where the ground is sunken. It was a large rectangular room at first floor level, and traces of the floor level can be seen on the inside of the curtain wall. The hall was entered through stairs at the northeastern end, where steps and a door are visible. In the middle of the ward are the remains of some walls and steps leading to the cellars. The current gatehouse was built in the 15th century.

The keep and most of the other castle buildings were destroyed in the Civil War. The modern castle building, now the museum, was built in 1818 as a hunting lodge for the Marquess of Abergavenny. The castle ward was extensively landscaped during the Victorian period as gardens for the lodge including the terracing of the bailey bank to form a promenade facing back towards the town, this layout being retained through its present use as a public park.

When the castle was constructed the significant views were to the west overlooking the valley of the River Usk in an arc from northwest to south and to the northeast along the River Gavenny. The castle was also built to protect, and dominate, the town of Abergavenny so views north across the town and from the town centre were important. In more recent times the picturesque movement made views to the castle important along with the views of the River Usk. Later views of the tower of the town hall across the rooftops of the town with the hills of Sugarloaf, Blorenge and Skirrid behind it have become cherished views from the castle featured on postcards and in the works of local artists.

Registered Historic Parks and Gardens

The application area is inside 500m of the registered historic parks and gardens of Abergavenny: Bailey Park and Abergavenny: Linda Vista Gardens, but will have no impact on them or their settings.

The proposed development is located inside the boundaries of the registered Abergavenny Castle historic park and garden. The castle ward was extensively landscaped during the Victorian period as gardens for the hunting lodge constructed by the Marquess of Abergavenny on the top of the castle motte (now Abergavenny Museum). This work included the terracing of the bailey bank to form a promenade facing back towards the town and a regular network of paths.

Late 19th century plans of the application area show it had a clear formal layout of paths with a cruciform path layout across the centre of the site directly linked to the gardens in the rest of the castle, with a small number of trees. No traces of this design remain, however, it is clear that the area did not contain buildings and was open allowing views from the promenade along the terraced bailey bank over the town, with the tower of the town hall as a central landmark with the hills of Sugarloaf, Blorenge and Skirrid behind it. This was probably a planned view and became an important view from the garden depicted by local artists and photographers.

Impact

The proposed development is an open sided, roofed pavilion with new hard surfacing. The building will be of wooden construction with a pitched slate roof. It will be constructed in the former open garden area which is now lawn and located in the northern view from the northern defences of the castle (which at this point survive as an earthen bank modified and terraced as a garden feature in the 19th century). The development will have a direct impact on the historic garden and will change the way it is understood and experienced. It will also be located in the view from the promenade along the top of the terraced bailey bank over the town with the tower of the town hall a central landmark with the hills of Sugarloaf, Blorenge and Skirrid behind it. As noted above this view has been identified as a significant one, as historically, and currently, it looks over the town and in more recent years includes the tower of the town hall with the hills behind it.

The application is accompanied by a Heritage Impact Assessment which identifies that the proposed building will have an adverse impact on the registered historic park and garden and the setting of the scheduled monument. However, the assessment fails to assess the actual scale of the impact. This is a crucial part of the assessment process and without such analysis it is impossible to determine (i) the impact of the development on the setting and significance of the registered historic park and garden nor the scheduled monument, (ii) consider any mitigation measures that could be introduced to lower the scale of the impact and (iii) consider if compensatory measures could be proposed to benefit the monument or park and garden elsewhere.

Conclusion

We note that it is predicted that the proposed development will have an adverse impact on Abergavenny Castle registered historic park and garden and its setting and the setting of Abergavenny Castle scheduled monument. We have significant concerns that the applicant has not determined the actual scale of this impact nor considered measures to mitigate or compensate for it. We therefore recommend that the local planning authority requests that the applicant

provides this information and that we are re-consulted once it is available. Our initial assessment of the information that is available to us suggests that the impact on both historic assets is of a scale which is likely to be significant and, depending on the content of the additional information, is likely to give us cause to object.

Glamorgan Gwent Archaeological Trust - can confirm that the proposal has an archaeological restraint. It is our opinion that the construction of the proposed pavilion and hard surfacing, any associated services, landscaping and ground investigation works, will have an impact on the potential buried archaeological resource, and any remains encountered will need to be investigated and recorded. However, we do not consider archaeological evaluation trenching to be a practical means by which to identify any archaeological remains in this circumstance. Therefore, it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that this programme of work would take the form of a watching brief during the groundworks and ground investigation works required for the development, with detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

4.1.1 Consultation Replies (Revised Scheme)

Abergavenny Town Council – Recommend the application is approved.

MCC Environmental Health - I have noted the proposed amended plans. My comments remain as those dated 21st January 2019.

MCC Biodiversity - The Biodiversity and Ecology team provided informal pre-application comments on the ecology requirements for the application. These comments were informed by the design proposals, a background data search for local species records, review of adjacent planning applications and a site visit in the Summer of 2017.

The potential for impacts on protected species were considered as part of the pre application advice, given the scale and location of the proposals, ecological survey was not deemed necessary.

The development will not result in the loss of any significant foraging habitat (amenity grassland only), and we have the opportunity through the development proposals to enhance the site in terms of additional planting for pollinators which will provide foraging resource for bats.

The development is at the northern limit of high quality habitat for bats, it is likely that any bats roosting in this area, on the edge of urban development, will fly south to forage, records we have for bats using the Castle meadows site supports this. We do not consider that the development will result in the severance of bat commuting routes to the wider area as there are higher quality connections to the south via the more vegetated eastern boundaries of the castle.

The key ecological consideration for this scheme is lighting, it is felt that this can be adequately mitigated for by controlling lighting levels/spill to ensure that the adjacent wall and tree lines which could form commuting routes for bats are not illuminated, although the location of the development as mentioned above and the reduced height of the structure decreases the potential impact.

Glamorgan Gwent Archaeological Trust - The proposal has an archaeological restraint. Whilst we note the amendments, it remains the case that the construction of the proposed pavilion and hard surfacing, any associated services, landscaping and ground investigation works, may have an impact on potential buried remains.

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

Cadw - An amended design for the proposed development has been submitted. The proposed building is similar in style to the one originally proposed, an open sided, roofed pavilion of wooden construction with a pitched slate roof. However it has been reduced in length from 18.2m to 14m and narrowed in width from 9m to 8m and the height of the roof has also been lowered by some 1.28m. The proposed building is also on the same footprint as the original design with the eastern wall in the same position but with the western one 4.2m further to the east.

Having carefully reviewed the information provided, we consider that the amended design would have a moderate adverse impact on the Abergavenny Castle registered historic park and garden and its setting and the setting of Abergavenny Castle scheduled monument, but this will not be significant.

Abergavenny Castle (MM056)

The proposed building is still in the identified significant view from the top of the bailey bank across the town looking towards the hills. However, where the previous design blocked the views of the houses along Castle Street and Lower Castle Street, with their differing sizes and the irregular ridgelines of their roofs, the lower ridge line of the new design allows much more of these buildings to be seen. The proposed building will also be located slightly further away from the bailey bank and therefore, given that it will also be a smaller structure, it will be less dominant in the view.

The proposed building will still have an adverse impact on the setting of Abergavenny Castle. It will be a modern structure located in close proximity to the defences and will block views of some of the houses along Lower Castle Street. However, the views of the irregular ridgelines of the roofs of the houses in Castle Street and Lower Castle Street will be visible, as will the whole of the Town Hall tower and the views of the hills of Sugarloaf, Blorenge and Skirrid behind it. The proposed building will also be smaller and further away from the defences making it less dominating. As such, we consider that the amended proposal will have a moderate adverse impact on the setting of scheduled monument MM056 but this will not be significant.

The registered Abergavenny Castle historic park and garden

The amended design goes some way to address our concerns about the impact of the proposed development on the registered park and garden. The revised plans and photomontages show that the reduced footprint and lower height of the proposed building makes it slightly less dominant. However, its construction would still result in a reduction in the amount of open green space available at the castle and we continue to be concerned about the ability of the registered park and garden to absorb a modern structure of this size. As advised previously, in terms of the registered garden and public park, the site has always been a fairly open area, devoid of large built structures, and the addition of this building will therefore alter the character of this part of the registered park and garden.

The photomontages also demonstrate the appearance of the proposed building in the foreground of views out from the registered park and garden across the town and towards the surrounding hills and countryside. Although the revised plans reduce the height of the building and the overall size of the structure, allowing views of the Abergavenny roofscape including that of the adjacent buildings at Lower Castle Street and the town hall clock tower, the current open views in this direction will still inevitably be interrupted by the proposed building.

The revised plans also show less external paving, retaining an area of lawn between the entrance paving and the shrub border and including a slightly curved design to the entrance path. These changes are an improvement to the design, softening the hard landscaping and reducing the previous overly extensive and blocky form of the paving. If this application is given planning consent, planting to reflect the period could be chosen for the borders as a means of interpretation, along with additional offsetting measures to aid interpretation of the registered park and garden.

Overall, whilst the revised plans do reduce the impact on the registered park and garden, any structure of this size and in this location is likely to have an adverse impact on the registered park and garden and the views across and from it. Therefore, we consider that the amended proposal will have a moderate adverse impact on the registered park and garden.

Mitigation

Monmouthshire County Council's archaeological advisors, The Glamorgan-Gwent Archaeological Trust, have identified that archaeological features may be revealed during the development and have recommended that, should planning consent be granted, a condition should be attached requiring a written scheme of historic environment mitigation to be instigated in order to ensure that any features of archaeological interest discovered during the works are fully investigated and recorded.

We concur that there is a need for such a condition to be attached to any consent that is granted, however we disagree that a watching brief will be a suitable method for locating such features. The most likely archaeological features that are present in the proposed development area will be connected to the historic garden. These features are likely to be ephemeral, as they are the remains of flower beds and footpaths and are unlikely to be identified by a watching brief conducted during building operations being carried out by machinery. Instead we would strongly recommend that the written scheme of historic environment mitigation should consist of the footprint of the proposed development being de-turfed and cleaned by hand in order to identify any archaeological features followed by their excavation. This work should be carried out prior to any building works commencing.

4.2 Neighbour Notification (Original Scheme)

13 Letters of objection have been received raising the following areas of concern:

- A full acoustic report should be undertaken.
- Request that frequency and duration of events be reduced from the original application.
- Ruins views from houses and from the castle.
- Will not have right to complain regarding noise nuisance as proposed development is managed by MCC.
- Would be more open and transparent if matter was decided by Welsh Government.
- Has been significant disruption from previous events at the Castle (e.g. AM Festival).
- Loss of sleep when events are taking place.
- Harmful to the grade II listed lodge in close proximity.
- Increased traffic and litter.
- Site is not equipped with adequate toilet facilities.
- Will attract anti-social behaviour.
- Design not in keeping with the surrounding environment.
- HIA places greater emphasis on commercial viability than on the potential nuisance this additional facility will cause to the neighbouring properties.
- Concern that lighting will disturb bats.
- Regionally significant views of the town and nationally significant views of the Sugarloaf will be obscured by the new structure.
- In respect of archaeology it is claimed that there was no requirement for evaluation by trenching as the detailed location and design for the new pavilion had not been decided. This is clearly incorrect.
- Roman remains may have extended into the site.
- Noise assessment has not taken account of the planned music events.
- Will result in maintenance issues for the Council.
- Will not preserve or enhance the Conservation Area.
- Alternatives have not been explored.
- It is obviously important that the Planning Authority is seen to handle this Application impartially.
- The Museum Curator made it clear that the options for siting the building anywhere within the Scheduled Ancient Monument had been ruled out.
- One ends up with a space beneath it that will tend to always feel gloomy for a large part of the year, demanding artificial light. This is not the language of an outdoor pavilion or an outdoor events stage/ audience shelter.
- Whatever pavilion is located in the grounds of the castle and the museum, there will need to be land-owner covenanted limits as well as planning conditions set that regulate on noise frequency levels, and frequency of sizes and types of event.
- The one time a wedding was held in exactly the same position as the proposed pavilion the noise level was intolerable.
- Proposal is superfluous in a time of local government austerity.
- Insufficient parking on site.

9 Letters of support have been received stating the following in support of the application:

- Would be beneficial for the running of adult classes, school group interventions and wider astronomical events.
- Although anti-social behaviour will always be a problem at some point in any open access public building, this behaviour could be offset and better governed by involving Young People from the start.
- Will enhance school children's learning and engagement with the castle.
- Would be a site for a class performance/ assembly to demonstrate pupils learning to parents and guardians and staging it on site would give a real context to pupils learning.
- Will provide ideal surface for various dance festivals.

- It will extend the variety of events that can be held in the castle grounds.
- Would help to reduce delivery vehicles during preparation of the Abergavenny Food Festival.
- We trust that planning permission, if granted, could be subject to conditions to manage the number, timing and type of events held.
- The proposed pavilion would not detract from the castle as a historical monument.
- The design blends well with the story of the Castle which, in its heyday, would have had many wooden buildings within and around the walls.

1 Letter received making general observations, including the following:

- An independent assessment of the possible impact on the vista needs to be completed.
- Confident residents want to see a revenue stream to keep the museum open, however this may not be the answer.

4.2.1 Neighbour Notification (Revised Scheme)

14 Letters of objection have been received raising the following areas of concern:

- Affect local ecology
- Close to adjoining properties
- General dislike of proposal
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Noise nuisance
- Out of keeping with character of area
- Will affect quality of life and value of property
- No independent noise assessment (including music) has been carried out
- Loss of view
- Increase in anti-social behaviour/graffiti/fire
- Re that the size of the building has been reduced however the impact on the historic monument, registered park and garden and their setting remains high
- Would be better sited within original castle walls
- Should be called in by Welsh Government
- Re-consultation period extremely short
- Lack of clarity about background music, would this be acoustic or amplified
- Challenge extent of consultation
- Do not consider that the Council's EHO can make a fair and balanced view without relevant noise assessments
- Disappointed that a reasonable request for application to be deferred for one month to enable an acoustic survey to be submitted and then scrutinised by case officers and elected Members.

1 Letter of support have been received stating the following in support of the application:

- Would blend in well with castle grounds
- Does not impinge upon views
- Do not agree with concerns about increase in noise.

4.3_ Other Representations

David Davies MP – Provided the following comments:

- A local constituent has expressed concern that the local authority are the applicant and the determining authority.
- May be difficult for constituents to feel assured that the application will be determined in a fair and impartial way.
- I would be grateful if you could respectfully consider referring the matter to the Welsh Government Planning Inspectorate to ensure that constituents have full confidence in the outcome of the application.

Abergavenny Civic Society (Original) - Support the application making the following observations:

- Would be a welcome new type of facility in Abergavenny.
- Location and design of the structure adequately satisfy the requirement of LDP Policy HE1.
- Would not unduly infringe the setting of the Ancient Monument or the Historic Garden.
- The introduction of a substantial new building to the castle precinct where none appears to have previously existed may be regarded as unfortunate but the function of the property has evolved considerably over the centuries.
- Considerable care has been taken with the siting with a nod to medieval simplicity and scale.

- The modest impact of the slate roof on the townscape viewed from the castle seems to be main sacrifice, but an acceptable one.
- Nearby residents concern with the noise survey and the proposed impact is understood.
- Some restriction on the number of late events in the new building would seem to be necessary.
- There is little Pennant sandstone in the town and paving in ORS would be preferable outside the building if a suitable source can be found.
- We have met with the applicant and our questions about the larch screens and their storage, security, lighting and toilets have been adequately dealt with.

Abergavenny Civic Society (Revised) - Support the application making the following observations:

- The views contained in our letter of 12 December last year remain unaltered.

4.4 Local Member Representations

Councillor Sheila Woodhouse - Has not responded to date.

5.0 EVALUATION

5.1 **Strategic & Spatial Choices**

5.1.1 Planning Policy Wales (PPW) - Edition 10, December 2018, sets out that its primary objective is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

5.1.1 Principle of Development

For the purposes of the Local Development Plan (LDP) the site is located within the development boundary for the town and therefore not considered to be within open countryside. Accordingly the requirements of Policy LC1 *New Built Development in the Open Countryside* would not be applicable and the principle of a new built structure accepted.

Strategic Policy S5 *Community and Recreational Facilities* sets out support in principle for development proposals that provide and/or enhance community facilities will be permitted within or adjoining town and village development boundaries subject to detailed planning considerations.

The grounds of the castle are free to the public and are currently used informally as a play space as well as an important historical/cultural destination for local people and visitors. Local groups (including schools) currently use the grounds on an ad-hoc basis, however the need for a covered space within grounds has previously been provided through the erection of temporary marquees.

Strategic Policy S5 asserts that whilst there is a general presumption in favour of community facilities, they should not erode the character and appearance of the natural and built environment, nor the design qualities of their location. New facilities need to have good access to public transport, as well as be a walkable distance to as many homes as possible.

It is accepted that the events pavilion would also be hired for private functions/events however it is not considered that when used for private events it would be prejudicial to wider public's use of the castle grounds.

The site is sustainably located within the town, and for the reasons to be considered in the ensuing sections of this report would meet the aspirations of Policy S5 and therefore acceptable in principle.

5.1.2 Good Design / Place Making

The pavilion structure itself has been designed as a modern interpretation of a simple timber framed outbuilding. It has been designed to allow for flexibility given the variety of events that are to be held there.

It is recognised that the proposed building is of good size; it has been reduced through the pre-application process. It is considered on balance that the structure is of a scale that is necessary to fulfill its intended purpose, but is not harmful to either residential amenity or the historic assets

(these issues are discussed separately elsewhere in this report).

The use of frameless glazing in the gables will provide a simple means to protect against inclement weather whilst also allowing the building to benefit from natural light.

In addition, the use of sliding timber screens also assists the multi-purpose function of the pavilion. It is not considered that when all screens are employed it would result in the structure appearing of unacceptable bulk and mass.

Owing to the sensitive siting of the building it is considered appropriate to condition that a sample of all external materials, including hard surfaces, are managed through appropriate planning condition.

PPW10 recognises that Design is not just about the architecture of a building but the "relationship between all elements of the natural and built environment and between people and places". It is also an inclusive process and in this instance it is acknowledged that because of the nature of the wider site and its buildings, the site is not fully accessible to all users. The proposed pavilion would be sited on a level parcel of land at the site entrance and would be served by a level paved approach. As such, its use could be enjoyed by those unable to reach and experience all parts of the castle and its grounds.

While it is accepted that the introduction of a large building in this location would have an impact on the various heritage assets (including listed buildings and conservation area) there are benefits to the sustainable management of the wider designated assets that outweigh this. This proposal should enhance the experience and opportunity to access and understand the assets. The development therefore is considered to be of an acceptable design and meets the relevant criteria of Policy DES1 *General Design Considerations* of the adopted LDP.

5.1.3 Impact on Amenity / Promoting Healthier Places

A number of concerns have been raised from local residents with regard to potential noise disturbance generated by events at the pavilion, in particular those with music during the evening/night. Policy EP1 of the LDP sets out clearly that development "should have regard to the privacy, amenity and health of occupiers of neighbouring properties". In this instance, the proposed pavilion would be sited within 30m of some dwellings to the north with the perimeter with the edge of gardens as close as 10m. Whilst the castle and its grounds already act as host to a number of events throughout the year it is accepted that the permanent pavilion proposed could be a clear focus for events.

A Noise Impact Assessment has been undertaken in support of the application, but this only covered speech only events. Consultation has been undertaken with the Council's Environmental Health Officer (EHO), who originally expressed concerns that the extent of disturbance to nearby residents will be inter-dependent on a number of factors including the nature, frequency, duration, loudness, finish times of the events and the management in place to control noise levels. Based on the initial proposal the EHO noted that there was potential for cumulative impact on residents from a number of residents held over consecutive weekends - in particular during the summer when people would have windows open and reasonably expect to enjoy the amenity of their garden.

Accordingly there was a clear need identified for the applicant to provide the maximum number of events involving music which may be held at the Pavilion annually, their nature, finish times and management controls for consideration and if viewed as acceptable incorporating these criteria into conditions attached to any grant of planning permission. This information has now been provided which divides events to be held at the application site into two distinct categories of "Speech Only" and "Music" events.

Speech Only Events

These events would be audible from residents at the nearest dwellings, however the Council's EHO has advised that owing to their nature the noise levels would not be of such a level as for them to formally object. However, to manage their potential impact conditions are to be attached which are set out in Section 6 below in this report.

Music Events

The proposed finish times of events that feature music have been reduced significantly and in addition, greater clarity has been provided in respect of the number of events and their management. The revised schedule of music events is summarised below for clarity:

- 5 daytime events permitted annually to finish by 6pm.
- 8 events permitted annually to finish by 9pm, limited to accompaniment/background music.

- 4 events permitted annually to finish by 9pm, Sundays to Thursdays; or 10pm Fridays / Saturdays.

While it is accepted that there would be an impact on local residential amenity with regard to noise, primarily during evening hours, but it is considered, on balance, that subject to appropriate planning conditions the impact would not be of such harm so as to warrant refusal.

With regard to the scale of the building, as stated previously in this report the building would be located approximately 10m from the rear gardens of some properties. However, owing to the intervening distances and the height of the proposal (6.9m to the ridge), it is not considered that the proposed pavilion would be unacceptably overbearing to the properties along Castle Street. Furthermore, owing to the lighting set within the internal roofspace and the small number of external bollard lights, these would not cause unacceptable harm to the amenity of neighbours. The site would continue to be bound along the northern boundary by the existing stone wall; its retention in its entirety would preserve existing levels of residential privacy.

It is therefore considered that in balancing all of the issues discussed above that the proposal would not fail to satisfy the criteria of Policy EP1 of the adopted LDP.

5.2 Active and Social Places

5.2.1 Access / Highway Safety

The existing access into the Castle grounds, both pedestrian and vehicular, is provided to the north of the site through a gated driveway directly off Castle Street. In addition, it benefits from an existing gravelled parking area within the castle grounds that provides unmarked spaces for up to 16 motor vehicles. Additional spaces exist, although not formal, for parking of bicycles.

Adopted Supplementary Planning Guidance (SPG) in respect of Monmouthshire Parking Standards (2013) sets out parking space guidelines depending on the nature of the development. Owing to the multi-purpose nature of the proposed pavilion it does not sit neatly into one set category as set out in Section 9 of the SPG. The building would measure approximately 182 square metres in size and would include weddings, music events, school visits and outdoor theatre. The wedding reception use would potentially result in up to 120 visitors. Taking the adopted standard for a restaurant, 1 space per 3 non-resident staff and 1 space per 7m², this would require a total of 29 parking spaces. Whilst the site falls short of this target, and would do so for other land uses set out in Section 9 of the SPG it is considered there are a number of reasons to accept the lower provision of 16 spaces.

The site is sustainably located close to the town centre and is within 50m of the Castle Street public car park (208 spaces/16 disabled) which also has a wheelchair-accessible route to the castle grounds. The town of Abergavenny is also served by a train station, and the main bus station, as well as the Bus Station Car Park (66 spaces/4 disabled), which is approximately 250m from the application site. It is therefore considered that because of the central location, the site is not dependent on private motor vehicles and in particular for a number of the local community groups that would utilise the pavilion it would be within walking distance. This is in line with PPW 10 which seeks that the "planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport".

With regard to larger events, including visitors from outside of the town, prior notification is to be given (as it currently is for ongoing events) that parking is not provided on site and to point visitors towards the close public car parks and means of public transport which are within walking distance.

No objection has been received from the Council's Highways Team, which has also confirmed that the existing access arrangements are acceptable. Policy MV1 of the LDP seeks that developments should have a strategy that details "measures proposed to improve access by public transport, walking and cycling and reduce the number and impacts of car journeys associated with the proposal". It is considered therefore that the proposed pavilion would meet the aspirations of Policy MV1 of the adopted LDP.

5.2.2 Community Facilities

Section 4.4.1 of PPW10 recognises that "community facilities perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors". It also acknowledges that they can contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element

in creating viable and sustainable places". The proposed pavilion would offer such benefits to local community groups and schools in line within these aspirations. These however, are balanced against the need to safeguard local residential amenity in addition to the significant heritage asset that is the castle and its surrounding grounds.

5.2.3 Recreational Spaces

The importance of recreational space to our health, well-being, amenity is vital to contributing towards an area's green infrastructure. PPW10 notes that "formal and informal open green spaces should be protected from development, particularly in urban areas where they fulfil multiple purposes". In this instance the castle, and its substantial grounds, are free to enter to the public and provides a valuable, multi-functional space to a broad demographic. The provision of the events pavilion, which could be easily temporarily cordoned off during private events, and would not prejudice access to the remains of the castle, museum and the remainder of the grounds.

5.3 Productive and Enterprising Places

5.3.1 Tourism

Tourism plays a significant role in the Monmouthshire economy particularly in assisting the diversification of the rural economy and in sustaining the County's historic town centres. Monmouthshire benefits from extensive natural and cultural assets that offer considerable potential for residents and visitors to enjoy.

It is recognised that the County's historic market towns and cultural/heritage assets are key attractions, therefore any new development must be sensitively integrated so as to not cause unacceptable harm to these assets. For the reasons detailed in Section 5.1.2 above and 5.4.1 below it is not considered, on balance, that the proposed events pavilion would cause unacceptable demonstrable harm to the significant cultural/ heritage asset that is Abergavenny Castle and its grounds.

5.4 Distinctive & Natural Places

5.4.1 Historic Environment

The site is located within a significant historic environment. The various designations are set out within section 1.1.3 at the outset of this report. The application has been submitted with a Historic Impact Assessment (HIA) which has been considered by both Cadw as well as the Council's Heritage Team. Cadw have advised in their representations that the proposal will have a direct impact on the registered historic garden and will change the way it is understood and experienced. They have also predicted that it would have an adverse impact on the setting of the Abergavenny scheduled monument. Cadw therefore have advised that further information be provided to consider the scale of this impact and consideration to the measures to mitigate or compensate for it.

Whilst the area of hard surfacing in front of the proposed pavilion has been rationalised as a result, the Local Planning Authority (LPA) is satisfied that the HIA submitted provides sufficient information to inform a recommendation to Members of Planning Committee.

Views from the site, in particular towards the north looking out to the Sugarloaf, Bloreng and Skirrid have been highlighted as being affected by the introduction of the pavilion to the castle grounds. However, in consultation with the Council's Heritage team it is considered that some views would be obscured towards the town beyond, in particular views to the north are affected, but this is only to a small scale and only when adjacent to the proposed building. From key vantage points, the castle is still very much connected to its surroundings, with no impact on the important views to the south and west as identified in the adopted Abergavenny Conservation Area Appraisal.

Section 6.1.5 of PPW10 notes that "the planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations".

Therefore, whilst there would be an impact on the setting of the historic environment (including historic garden and scheduled monument) this must be balanced with the benefits of providing an accessible and inclusive space that would help to sustainably manage the asset that is Abergavenny Castle. The identified harm is not of such extent so as to warrant refusal, and it is therefore considered that the development would meet the requirements of LDP Policy HE1 as well as national policy in respect of the historic environment detailed in PPW10.

5.4.2 Archaeology

The application has been submitted with an Archaeological Desk Based Assessment that has been subject to consultation with the Council's professional advisors on such matters, Glamorgan Gwent Archaeological Trust (GGAT). The Trust has confirmed that the proposal has an archaeological restraint as the site has the potential to contain remains of Roman, Medieval and Modern date. While the proposal would have an impact on the potential buried archaeological resource, GGAT have advised that evaluation trenching would not be a practical means to identify any findings. As such they have requested that should planning permission be granted a condition be attached requiring a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource. The condition is set out in Section 6 below of this report and is in line with model condition 24 in Welsh Government Circular 016/2014. For these reasons it is considered that the proposal would follow advice set out in Section 6.1.27 of PPW10 and is therefore acceptable.

5.4.3 Biodiversity

Policy NE1 *Nature Conservation and Development* seeks to safeguard the County's rich biological diversity, which includes a range of designated sites. The castle buildings and surrounding vegetation have high potential for biodiversity, a small bat roost in the lodge has previously been confirmed and the Council has details of the species identified. In addition, it is known that Great Crested Newt records are close by but it is considered that the current management of the habitat and the presence of the wall and tarmac road reduce the risk to negligible levels.

The primary consideration in respect of biodiversity is lighting spilling onto the trees along the drive and the top of the existing wall which could be used as a foraging/commuting route by bats. In this instance the building would be primarily lit within the roof space by fittings set within the roof trusses. In addition to this two small down-directional bollard lights would be provided on the paved area in front of the south west gable. Thus, owing to the amount of lighting proposed it has been confirmed that formal survey work is not required in respect of protected species by the Council's Biodiversity Officer. However, it is considered appropriate to attach a planning condition that would remove normal permitted development rights in respect of lighting. It is for these reasons it is considered that the proposed development would satisfy Policy NE1 of the adopted LDP.

5.5 Response to the Representations of Third Parties

A number of the issues raised, summarised in Section 4.2 of this report, have already been addressed in the preceding sections of this report. A number of other points, however, have been made.

Whilst an acoustic report with respect of music has not been provided, the Council's EHO that this would only have been a requirement had a significant number of music events were to be proposed during late evening hours. Given the changes to the operating hours and confirmation of the number of events, as detailed in Section 5.1.3 the impact is considered to be such that it could be satisfactorily mitigated through planning condition.

The loss of private views from a domestic dwelling is not a material planning consideration.

With regard to the transparency of the Council determining an application that is in part made by itself, this is common practice and the Council's scheme of delegation would mean that even without third party objection the decision would need to be made as a matter of course through Planning Committee. As such, the correct democratic procedure has been followed.

Ongoing maintenance costs of the pavilion is not a material planning consideration and would be a matter for the Council's Museum Team to monitor and manage.

With regard to the potential for litter and anti-social behaviour, the pavilion could be locked when it is not in use and is not considered therefore to provide a destination for anti-social behaviour. The castle grounds are open to the public, incidents of such behaviour would continue as it is now to be managed by the Museum Team and if necessary referred to the Police.

It is accepted that the pavilion would not provide WC facilities, the feasibility of bringing such a former facility back into use is being explored by the Council's Museum Service however would be considered outside of this application.

In respect of noise complaints made by residents in respect of previous events held within the castle grounds (weddings, AM Festival, Food Festival) these are all of a larger scale than proposed as part of this application. As detailed previously, owing to the size, frequency and hours of the events proposed it is not considered that this harm to residential amenity is unacceptable.

Third parties correctly point out the issue of the Council effectively enforcing against itself; this is recognised with regard to not only enforcing planning conditions but also investigating statutory noise nuisance legislation (Environmental Protection Act 1990). Because of this the details of the conditions to be attached to any planning consent are of particular importance; in this instance the conditions set out in Section 6 are considered to be clear and meet the tests set out in planning guidance.

Finally, with regard to the issues of site selection for the pavilion, whilst it is noted that the applicant has confirmed that the location chosen was linked to it being outside of the Scheduled Monument the application must be considered on its merits as proposed. The officer recommendation in this instance to Members of Planning Committee is based on the location as proposed and for the reasons detailed previously within this report is considered acceptable on its own merit.

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

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

5.7 Conclusion

The proposed events pavilion has required a particularly careful balance of all of the relevant material planning considerations, as detailed in the preceding sections of this report. Of notable significance is the impact of potential noise/disturbance to local residents as well as safeguarding the historic environment. It has been acknowledged within this report that whilst there would be an impact to both of these material considerations, the impact can be acceptably mitigated through planning conditions.

Having regard to relevant policies within the adopted LDP as well as national planning policy PPW10 and all material planning considerations, the development in conclusion is considered to be acceptable.

6.1 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of this permission. REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

3 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation 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.

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.

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

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

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

REASON: To ensure the long term maintenance of the landscape amenities of the area and to ensure compliance with LDP Policy GI1 and HE1.

6 The site shall only be used for Speech Only (no music) Events within the application area (as shown edged in red on Drawing Reference: Location Plan) for the frequency detailed below and all events shall finish and the use cease by the times specified below:

- daytime events to finish by 5pm.
- 16 events permitted annually to finish by 9.30 pm.
- 4 events permitted annually to finish by 10pm, Sundays to Thursdays; or 11pm Fridays / Saturdays.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

7 The site shall only be used for Music Events within the application area (as shown edged in red on Drawing Reference: Location Plan) for the frequency detailed below and all events shall finish and the use cease by the times specified below:

- 5 daytime events permitted annually to finish by 6pm.
- 8 events permitted annually to finish by 9pm, limited to accompaniment/background music.
- 4 events permitted annually to finish by 9pm, Sundays to Thursdays; or 10pm Fridays / Saturdays.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

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 internally or externally on the building, or within the curtilage until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:

- a) Lighting type, positioning and specification
 - b) Measures to minimise light spill from open sided areas and glazed gable ends of the structure
 - c) Drawings setting out light spillage in key areas for bats based on technical specifications
- The strategy must demonstrate that key flight lines are not illuminated, the strategy shall follow the guidance set out within the Bat Conservation Trust's Guidance Note 08/18- Bats and artificial lighting in the UK. The scheme shall be agreed in writing with the LPA and implemented in full.

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

9 No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. These details should be informed by the Green Infrastructure Action Plan for Pollinators in South East Wales prepared by TACP dated December 2015. Details shall include:

- Soft landscape details shall include: planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities, and maintenance schedules.

REASON: To ensure the provision afforded by appropriate landscape design and provides benefits for pollinators, in line with LDP Policy S13.

INFORMATIVES

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

2 All archaeological work must meet the Standard and follow the Guidance of the Chartered Institute for Archaeologists (CIfA) and it is our policy to recommend that it is undertaken by a Registered Organisation or a MCIfA level Member within CIfA (www.archaeologists.net/ro and www.archaeologists.net/codes/ifa).

Application Number: DM/2018/02040

Proposal: Demolition of M block, green building and selected tree removal, to accommodate extension of existing car park, to provide additional parking spaces of 178. NB row 168-178 formed within existing parking spaces allocation.

Address: County Hall, The Rhadyr, Llanbadoc, Usk

Applicant: Monmouthshire County Council

Plans: Location Plan - , Site Layout 721 - T3, Drainage 500 - T1, Drainage 723 - T3, Site Layout 700 - T1, General 550 - T1, All Proposed Plans Grounds Access Plan -

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham
Date Valid: 04.01.2019

This application is presented to Planning Committee due to Monmouthshire County Council being the applicant

1.0 APPLICATION DETAILS

1.1 It is proposed to extend the existing car park serving the MCC headquarters at County Hall. The existing car park provides 135 spaces. This was designed for the staff and Members using County Hall only. Subsequently, more staff have been relocated to the site. Furthermore, Block J of Coleg Gwent is to be utilised by additional MCC staff. As such it is proposed to provide an additional 173 spaces.

1.2 It is proposed to extend the car park by demolishing two existing sheds on the site and also utilising the existing bus parking area which it is understood will be moved to Raglan.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01959	The proposed works will involve the following; 1 - Internal alterations to both floors to accommodate staff relocated from Innovation House. 2 - Link access facility from J Block and County Hall 3 - Inclusion of a lift 4 - Inclusion of external escape stairs 5 - Thermal upgrade to walls and ceiling void 6 - Replacement of windows and doors.	Approved	05.02.2019
DM/2019/00215	Discharge of condition 3 (bat mitigation) from previous application DM/2018/01959 - Internal alterations to both floors to accommodate staff.	Pending Consideration	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage

4.0 REPRESENTATIONS

4.1 Consultation Replies

Llanbadoc Community Council - No comments received to date.

NRW - Holding objection pending a revised FCA utilising the most up to date Usk River hydraulic model. Note that an EPS licence will be required in respect of bats in M block.

MCC Highways - No objection to the extension to the car park in principle. The increase in car parking spaces acknowledges the reliance on the private car and no measures or improvements have been proposed to encourage and promote sustainable transport provision to and from the office nor to the local amenities situated in Usk.

Therefore the highway Authority do not object to the increase in parking provision but would request that the applicant consider the following and review their proposals and re-submit for further consideration:

1. The layouts of the existing and proposed car parks should be reviewed.
2. Funding for additional bus frequency and/or routes - following a detailed review of all employee home locations;
3. Operation of a work mini bus for a minimum period of time;
4. Details of how visitor parking will be managed and if there will be specific space allocation for visitors.
5. How will current indiscriminate parking, particularly along the access road between the car and main building as well as on the access road to the car park, be managed and controlled to ensure emergency vehicles have ease of access.
6. The access / egress arrangements at the barrier to accommodate the increase in demand in a more conventional manner should be considered.
7. Provision of 22 cycle stands and 18 motorcycles in accordance with Monmouthshire County Council Parking Standards;
8. Active provision of Electrical Vehicle Charging Points at 10% of all spaces and passive provision at a further 10%;
9. Funding for some or all of the proposed active travel routes MCC-INM-U1 / MCC-INM-U9; and
10. Provision of sufficient shower and locker facilities for staff for changing and storing their weather gear, to encourage cycling. Numbers to be linked to the 22 stands specified by MCC Parking Standards.

Condition: Construction Traffic Management Plan (CTMP).

MCC Landscape and Urban Design Officer - No objection subject to condition requiring landscaping plan to be agreed to include:

- a . planting of additional trees within the car park, avoiding proposed services using tried and tested planting techniques in car park environments. For guidance on tree planting within hard landscaped areas ref: Trees in Hard Landscape: A Guide for Delivery (TDAG) and the new SUDS Manual (C753)
- b. a reduction in amenity planting species to be replaced with higher pollinator value species such as lavender, rosemary, marjoram, herbaceous geranium varieties including that specified, Salvia and wildflower grass areas at easily accessible areas to maintain. Subject to location and agreement with the MCC grounds maintenance teams and MCC Ecology team. To improve and seek to maintain pollinator capacity and habitat variety within the car park environs

MCC Biodiversity Officer - Consideration of the application is given with regard to:

- o The Conservation of Habitats and Species Regulations 2017
- o Sections 6 & 7 Environment Wales Act 2016
- o Wellbeing of Future Generations Act 2015
- o PPW 10 & TAN5
- o LDP Policies S13, NE1, GI1, EP3

Appropriate Assessment

An Appropriate Assessment has been prepared which considers the Conservation Objectives of the protected site for the interest features identified above. Additional mitigation measures are proposed during the construction phase including a construction method statement (to include ecological method statement). With this measure in place, controlled by a planning condition, it is considered that there will not be an adverse impact on the integrity of the site.

Landscaping scheme

As raised in my interim comments the details that were submitted were not appropriate but I understand that we are now due to develop a landscape scheme following the determination of the application. I refer to my colleague Andrew Nevill's comments on this however, please use a planning condition to secure the submission and implementation of the final scheme.

Protected & Priority Species - Bats

Lighting will be an important additional consideration for bats in particular as many species are light sensitive. It is understood that the car park will need to be illuminated for health and safety reasons however, detailed lighting proposals will need to consider the retention of dark corridors. This will require careful positioning, low columns and cowling. A detailed lighting strategy will be required via planning condition to achieve this.

MCC Flood Risk Team (Drainage) - It would appear that there is unlikely to be a significant increase in runoff, however this should be clearly demonstrated in a detailed drainage strategy document relevant to the proposed car park extension. NRW comments regarding the requirements for an updated FCA should also be noted.

4.2 Neighbour Notification

General observation received: Could MCC / Coleg Gwent commit to s106 agreement to secure improvements to the footpath along the river into Usk town to ensure that there is a wider and safer footpath that could be walked and cycled along. Increasing car parking should be offset by sustainable transport improvements to link with the local community and this will be in line with your local plan, leisure, highways, sustainability and inclusion policies. This will also help rectify the failure of MCC to carry out local access improvements to link with Usk town when the County Hall was originally built.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 The principle of extending the existing car park is acceptable and there is clearly a need given the lack of public transport serving the site.

5.2 Design

5.2.1 A balance needs to be found between maximising the amount of parking spaces but also retaining green areas that help the setting of the buildings within wider site. It is noted that some areas of landscaping are proposed at either end of banks of parking spaces, however, on top of this it is suggested that the hedge along the south east boundary is infilled/extended along the new part of the car park and also that two trees (Copper Beach and are retained. This can be achieved by redesigning the configuration of the car park and may not have to result in a net loss of car parking spaces.

5.2.2 Existing smaller trees that were planted on within the car park as part of the first phase of development should be carefully removed and replanted elsewhere.

5.3 Highway Safety

5.3.1 The development proposal will utilise the existing vehicular access to/from A472, an assessment of the existing traffic flows and predicted traffic flows generated by the additional development indicates that the existing simple junction will operate within design capacity and would not be detrimental to highway safety or capacity.

5.3.2 The highway authority offer no objections in principle to the proposed development, the extension of the existing car park to accommodate additional staff and visitors following the renovation and occupation of existing building on the site of the council Offices. Comments made in relation to the functioning of the existing car park whilst useful, are not relevant to the determination of this application. It is understood that work will be undertaken outside of this application process to improve the way that the current car park works.

5.3.3 County Hall currently has a floor space of 2,580 sq.m accommodating 307 employees, 177 workstations and ancillary facilities including a canteen and convenience shop. There is an existing capacity of 200 parking spaces, of which 12 are for the disabled and 10 are for pool vehicles. The observed 24 hour average weekday parking profile, indicates capacity issues between 10:00 and 12:00 hours with accumulation figures of 10am = 198 vehicles, 11am = 201 vehicles and 12pm = 194 vehicles. A review of the automatic traffic count sited between 26/9/18 and 2/10/18 highlights overcapacity on Tuesdays, Wednesdays and Thursday in particular.

5.3.4 An additional 1,041sqm floorspace area is proposed for 102 workstations with a net increase of 164 parking spaces, of which four would have electrical vehicle charging points (EVCPs). This equate to an 82% increase in parking provision, resulting in 364 spaces. The proposed provision is significantly in excess of the previous provision.

5.3.5 Based on a proposed floorspace of 3,621m², then in accordance with the parking standards for offices in excess of 1000m², 1 space per 40m² is required. This results in provision of 91 spaces, of which 26 would be associated with the proposed increase size. The total provision would be four times greater than the maximum provision identified within the Monmouthshire County Council Parking Standards. The existing parking disabled person provision of 12 spaces for the disabled also meets Monmouthshire County Council Parking Standards.

5.3.6 A Framework Travel Plan which seeks to reduce the amount of car borne traffic to County Hall has been submitted and is being considered by consultees. It offers practical ways of providing sustainable travel to reduce car usage by a single person e.g. agile working including use of Skype, car sharing and identifying improvements to encourage cycling and walking. Late correspondence will consider the appropriateness of securing the actions in the Travel Plan via a condition.

5.4 Residential Amenity

5.4.1 There are no private residential dwellings within close proximity of the site of the proposed new part of the car park.

5.5 Flooding

5.5.1 The planning application proposes less vulnerable development (car park). The Flood Risk Map, which is updated on a quarterly basis, confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 0.1% (1 in 1000 year) annual probability fluvial flood outlines.

5.5.2 Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. In this respect it is necessary to consider criteria (i) to (iii) of TAN15 which requires that development, will only be justified if it can be demonstrated that:

(ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region.

(iii) It concurs with the aims of PPW and meets the definition of previously developed land.

In these respects, the car park is required to support an existing employment site and the site uses land previously developed as the bus park and an existing building (M block).

5.5.3 The final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level. In this case NRW have reviewed the FCA undertaken by Atkins, dated 2010 submitted in support of the application and their advice to is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level. This is because the data used to inform the submitted FCA is based on historic flood information from the Environment Agency and previous hydraulic modelling studies. Therefore, the information used to inform the previous FCA is out of date. In addition, it is noted by NRW that the submitted FCA is for a previous planning application (development of a County Hall for Monmouth County Council) and is therefore not site specific enough for NRW to determine the flood risk to the new car park extension.

5.5.3 Although it is considered unlikely that the risks of flooding in the area of the proposed car park will have increased based on more up to date modelling, this work is being undertaken at the time of preparing this report.

5.6 Ecology

5.6.1 The site is less than 100m from the Berthin Brook which is a SINC quality watercourse and tributary of the River Usk SSSI and SAC. A Habitats Regulations Assessment is being prepared but I am waiting for confirmation of some details relating to drainage. As such a Test of Likely Significant Effect (TOLSE) has been undertaken and it is considered possible that there could be a significant effect on Interest Features of the River Usk SAC in the absence of mitigation. Matters relating to changes in water chemistry (during operation), habitat fragmentation, competition from non-native species, disturbance (lighting), disturbance (physical activity, noise), surface water flooding have been screened out of the assessment as unlikely to cause a significant effect on the interest features of the SAC.

5.6.2 An Appropriate Assessment has been prepared which considers the Conservation Objectives of the protected site for the interest features identified above. Additional mitigation measures are proposed during the construction phase including a construction method statement (to include ecological method statement). With this measure in place, controlled by a planning condition, it is considered that there will not be an adverse impact on the integrity of the site.

5.6.3 An area of grassland in front of the M block has established since the site was developed and includes native seed imported from local meadow sites. The area could now be identified as priority habitat under Section 7 the Environment Wales Act 2016. This area will be lost as the result of the development. This was raised during the pre-application stage of the scheme. To seek to compensate for this loss, a larger area of grassland which is currently poorly managed to

the rear of the car park will be restored. A scheme for the management and implementation of the management shall be secured via planning condition.

5.6.4 A small roost of common species has been identified using the M block. Please see NRW Comment in relation to the requirements relating to bats and bat licensing. Lighting will be an important additional consideration for bats in particular as many species are light sensitive. It is understood that the car park will need to be illuminated for health and safety reasons however, detailed lighting proposals will need to consider the retention of dark corridors. This will require careful positioning, low columns and cowling. A detailed lighting strategy will be required via planning condition to achieve this.

5.6.5 The large trees on site to be removed and the small area of scrub to the south of M block could be habitat for nesting birds. The methods for removal of these will need to be covered by the construction method statement (see condition recommendation below).

5.6.6 Grass snake have been recorded at the site and habitats that are used by reptiles will be lost including a 'rockery' area at the end of M block. This will need to be cleared under ecological method statement and compensatory habitat (relocated rockery) to be established elsewhere in the non-developed area. Detail of this shall be included in the ecological compensation plan.

5.7 Landscaping and Trees

5.7.1 The site is within grounds shared between MCC and Coleg Gwent and will also have public access. The site is outside Usk urban boundary but sits within the River Usk C2 floodplain designation and is also close to the River Usk (Lower Usk) SSSI. LANDMAP places the hamlet of Rhadyr, Usk and its associated landscape within the Visual and Sensory aspect area of the Upper Usk Valley. LANDMAP evaluates the visual and sensory landscape as High: (An attractive flat open landscape focused on the rivers with an attractive backcloth of hills and scarp slopes... The area is generally in good condition with consistent character throughout, unspoilt generally on the valley floor by intrusive development... The area has a distinct and strong sense of place as an extensive valley floor focused on the sinuous River Usk... Extensive flat valley floor is very rare in Monmouthshire).

5.7.2 It is considered that the proposal is likely to have a limited impact on the wider landscape and visual setting as the expansion of the car park will be confined within the context of the existing car park setting, areas already partially used for transport activity and within the Coleg Gwent / MCC land holding which is partially screened by existing boundary mature trees to the north, east and western boundaries and buildings and trees from the south.

5.7.3 The proposal will remove an area existing grassland, two low buildings outbuilding and associated vegetation. Adjacent to the site is the existing car park facility, a landscaped garden managed by local groups for pollinator benefits and bee keeping, pedestrian access linking to Coleg Gwent and council offices. To the east of the site are agricultural fields. There are opportunities to improve the car park design to provide additional pollinator value through more appropriate landscaping and to improve pedestrian permeability to existing links.

5.7.4 Going forward, it is the intention of the applicant to work in partnership with MCC's Grounds Maintenance team and also Landscape and Biodiversity Officers to agree suitable planting for the proposed extension to the car park as well as to improve the existing car park in this regard. As such a landscaping scheme is to be agreed via condition as the scheme submitted did not meet with the Council's aspirations in terms of biodiversity and green infrastructure.

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

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

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

5.9 Response to Community Council/Third Party Comments

Due to the scale of the proposed development, it is not considered that the provision of a Section 106 agreement to secure a financial contribution towards widening the footpath adjacent to the river between the site and Usk (which may in any case conflict with efforts to maintain and enhance local biodiversity) would be reasonable. A Framework Travel Plan to reduce car borne traffic to County Hall has been submitted which is being assessed and comments will be reported in late correspondence.

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 a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority

REASON: In the interest of highway safety in accordance with LDP Policy MV1.

4 Before any works commence on site, details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure LC5, DES 1 S13, and GI 1 and NE1

5 No development shall take place until a scheme of surface water drainage has been submitted to, and approved by, the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

REASON: To ensure satisfactory disposal of surface water and to ensure compliance with LDP Policies EP5 and SD4.

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

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

7 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 and to ensure compliance with LDP Policy G11.

8 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation this shall be integrated into a GI management Plan.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features in accordance with LDP Policies LC1, LC5 and G11.

9 (a) Underground services shall be routed clear of the trees to avoid root damage.

(b) Prior to building work commencing on site (including any demolition and refurbishment works), protective fencing shall be erected around each tree at a minimum radius from the trunk of the tree (or outer trees in the case of a group) equal to the canopy spread or half the tree's height, whichever is the greater.

(c) The fencing shall comprise a vertical and horizontal framework of scaffolding supporting a minimum of 20mm exterior ply or other robust man-made boards and shall be maintained for the duration of construction activity on the site. it shall be at least 2.4 metres high and constructed and erected in accordance with the recommendations published in British Standard 5837:1991.

(d) No storage of plant or materials, landfill, excavation, burning of materials cement mix shall be carried out within the protective fencing.

REASON: To protect valuable tree or other landscape features on the site in the interest of preserving the character and appearance of the visual amenities of the area in accordance with LDP Policy G11.

Application Number: DM/2019/00003

Proposal: Conversion and extension of the former school building to create two residential units, new vehicular access on land to the east and the development of two, four bedroom detached dwelling on the land to the north with associated garages and parking.

Address: Former Llanfoist Primary School, Llanellen Road, Llanfoist

Applicant: Mr Ben Thorpe

Plans: Location Plan 00/255/101 - , Site Plan 00/255/102 - Rev A, Site Plan 00/255/103 - Rev C, Landscaping Plan 11/250/104 - Rev B, Floor Plans - Proposed 11/250/105 - Rev A, Elevations - Proposed 11/250/106 - Rev A, Floor Plans - Proposed 11/250/107 - , Elevations - Proposed 11/250/108 - , Elevations - Proposed 11/250/109 - , Floor Plans - Proposed 11/250/010 - , Floor Plans - Proposed 11/250/011 - , Proposed Roof Plan 11/250/012 - , Elevations - Proposed 11/250/013 - , Elevations - Proposed 11/250/114 - , Other 00/255/115 - Visibility Splays, Ecology Report Survey for Great Crested Newts - , Ecology Report Ecological Survey Report - ,

RECOMMENDATION: APPROVE SUBJECT TO S106 AGREEMENT

Case Officer: Ms Kate Bingham
Date Valid: 07.01.2019

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

1.0 APPLICATION DETAILS

1.0 This is a full planning application to convert the former Llanfoist Primary School building into two semi-detached residential dwellings and develop two new detached properties at the rear of the site. The redundant building and adjoining site is owned and managed by Monmouthshire County Council who wish to secure planning approval for residential use.

1.1 The area of the site is approximately 2435m². This land has previously been developed by the former school and contained the school building, playgrounds, toilet building, store building and four prefabricated classroom buildings. To the rear of the site is land designated as Public Open Space.

1.2 The former school building faces Llanellen Road which runs along the south west boundary of the site. The building is now redundant and has been boarded up for security. The site slopes gently downward from its highest point along Llanellen Road and flattens out into the public open space to the north east. The open space is not accessible from Llanellen Road but can be accessed on foot and via vehicle from Woodland Crescent. There is potential to develop a larger access road/path that links the community space with Llanellen Road by utilising the strip of land that is currently inaccessible which runs between the school building and the semi-detached property.

1.3 The proposed site plan shows the conversion of the existing primary school building into two semi-detached dwellings and two new detached houses within the historic boundary of the school site. The former school playground has been contained by stone boundary walls. These walls are to be retained as existing with the exception of a new opening to provide access to a shared

garage and driveway for the semi-detached properties. All stone removed in these areas will be reused to build new or repair existing boundary walls where required.

1.4 The two new detached houses will be accessed by a new road and pavement which runs along the south-east edge of the school site. The road has been designed to include a turning area to enable vehicles to safely manoeuvre in and out in a forward gear. The new detached houses have been positioned so as wherever possible, to avoid impacting on trees and neighbouring properties. The arrangement has also been adjusted in response to pre-application advice which reduced the overall number of new build houses from three to two. The new detached properties will enjoy views over the area designated as Public Open Space and will also offer natural surveillance and supervision of this land to help discourage anti-social behaviour.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/1997/00422	Erection Of One Demountable Classroom.	Approved	18.07.1997
DC/2000/00112	Erection Of One Demountable Classroom.	Approved	02.03.2000
DC/2013/00656	Convert the redundant primary school building into a single residential dwelling and create two new detached properties to the rear of the site	Withdrawn	10.01.2019

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

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
 GI1 LDP Green Infrastructure
 SD2 LDP Sustainable Construction and Energy Efficiency
 SD4 LDP Sustainable Drainage
 MV1 LDP Proposed Developments and Highway Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llanfoist Fawr Community Council - Recommends approval.

Dwr Cymru-Welsh Water - No objections subject to condition to ensure that surface water does not drain into the public sewer.

MCC Highways - The development proposals submitted for review provide sufficient car parking spaces in line with the requirements of MCC Parking Guidelines SPG for the property types proposed and are acceptable. The proposed vehicular access road, at its junction with Llanellen Road provides a visibility splay of 2.4m x 43m in line with the requirements of Manual for Streets and is acceptable.

It is noted that 2 no. existing telegraph poles and associated overhead cables are located adjacent to the existing school boundary wall. The development proposal is to set back this boundary wall to facilitate the proposed footway across the development frontage. The Applicant should liaise with the relevant statutory undertaker and arrange to relocate these telegraph poles to the rear of the footway to allow clear passage for vehicles and/or pedestrians.

The proposed access road bell mouth, at its junction with Llanellen Road, will remove a length of existing on-street parking by 2 to 3 spaces. However, it is noted that the majority of residential properties, in close proximity to the development, have off-street parking via carports/ hardstandings, etc. The loss of a small number of parking spaces will not be detrimental to the highway network.

No highways grounds for objection, however the Applicant should note the comments above in respect of permeable paving and the existing utilities overhead apparatus.

Given the scale of the development, the close proximity of the numerous adjacent residential dwellings and the narrow nature of Llanellen Road, it is suggested that a Construction Traffic Management Plan is required via condition.

MCC Biodiversity Officer - No objection subject to conditions.

The main building has been identified as a roost of two species of bats (common pipistrelle and Natterer's bats). The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species. Please see our internal guidance note on consideration of the 'Three Tests' for licencing and report template. The LPA need to consider tests i and ii; test iii has been considered by NRW.under guidance from Natural Resources Wales (2015), this proposal has been identified as a lower risk case and as such test iii is considered to be met. The proposal is likely to impact on bats and their use of the building, therefore an application to Natural Resources Wales for a European Protected Species

Licence will be required. We are satisfied that with this amendment, provided the report recommendations are implemented, then there should be no negative impacts on bats or nesting birds as a result of the proposed development. If you are minded to grant planning permission for this development then suitable planning conditions are advised below.

Landscaping will also be important in this regard. Landscape plans show the inclusion of hedgerows on the northern boundary of the site to maintain bat foraging routes, however, as these sit within private ownership it is likely that these will become degraded. I have therefore recommended that the proposals include trees instead of hedgerows that we will be able to protect by means of a tree preservation order (amendment made).

MCC Housing Officer - Commuted sum for affordable housing provision required.

5.2 Neighbour Notification

Six representations supporting the conversion of the old school building but objecting to the proposed new dwellings on the following grounds:

- * Take away the privacy of the surrounding houses which has been maintained for a great number of years.
- * Overlook my garden (46 Woodland Crescent) and other properties. It is will invade privacy and the building will be close to my fence.
- * Feel there would be much more suitable and alternative sites for the houses to be built without compromising the privacy of current residents.
- * It has always been regrettable that the council did not honour early promises to sell the entire field to the village, which only owns the lower part; this would have been in keeping with policy concerning open space.
- * Historically, the entire field and adjoining strip were designated as an Amenity Open Space of about 3,000m² in the LDP.
- * The current LDP includes many provisions that should protect such areas, in particular Policy CRF3, which 'seeks to protect ... public open space' and 'safeguard' it. Policy DES2 states that its 'primary purpose ... is to protect and, where possible, improve the built environment by retaining the overall amenity value of the existing stock of green space.' Policy S5 also covers the need to protect such open spaces.
- * Section 5.10 in the current LDP states that Llanfoist has 'made a disproportionate contribution to recent housing development ... which the new housing allocations seek to avoid.'
- * Policy CRF3 seeks to safeguard facilities, and indicates that loss of open space will only be permitted if alternative provision is made available, or that there is an excess of such space. This seems to preclude new builds on the field until at least 2021 under a new policy, if this is created.
- * During demolition of the old 'temporary' buildings we observed that a large number of concrete slabs were buried. The rib of former industrial land retained by the boundary wall is made-up mainly from rubble, and this minor demolition work produced significant disturbance from vibration. Any building works should take this into account and minimise actions that will cause vibration or damage to our property or to the retaining wall.
- * The proposed road into the development is right opposite my kitchen window (Tywnglas).
- * If cars were coming out of that road their vision may be impaired by the school wall to the cars coming in the one-way street. If those cars then swerve they would end probably end up crashing my kitchen window.
- * Parking at present moment within this street is an issue and this development would only increase that issue.
- * Work trucks going into the development would struggle to get into the area due to the narrow streets and would create excessive noise for the surrounding houses.
- * The proposed location of the eastern dwelling would be directly overlooking my property and due to the much higher elevation this property would will block my evening sun and would be directly overlooking my garden and lounge and bedroom (2, Clos Hengaer Ysgol).
- * Suggested to alter the layout slightly so that the house and garage are switched positions, this would mirror the house on the other side of the site and there would be no loss of plot size for the new property. This small change would make a huge difference to our privacy and wellbeing and would allow me to support the development.

- * Envisage that the provision of a pedestrian route through the site leading to the public open space will subsequently increase the volume of pedestrian activity through Clos Hengaer Ysgol (private road but with right of way to the public open space) and would take the opportunity to remind the County Council that they are responsible for 50% of the maintenance costs of the road.
- * Believe the land that is being proposed as a roadway between Hebron and the school wall has a clause that it cannot be developed.
- * When Safeway (now Waitrose) was built there was a wildlife haven which had to be relocated onto this site. Now understand that it has already been moved without our knowledge.
- * The buildings proposed behind the current school building will be able to overlook Hebron.

Two comments of support:

- * Having lived in the area for around 8 years while walking up the canal I am glad to see a development on the site which should make the area look a lot more pleasant.
- * As a trainee Architectural Technologist the style and design seem great and with the canal and school nearby it's a great place to put housing.
- * Good to see eyesore of old school being developed.

5.3 Other Representations

Abergavenny and District Civic Society - We support in principle the thoughtful proposals for this site, particularly welcoming:

- The reuse of the existing building
- The use of stone for the extension and walling
- The provision of a frontage footway and a pedestrian link to the public open space
- The bargeboards on the new houses that echo the school building, and the chimney stacks

Clearly detailed consideration needs to be given to the concerns of local objectors.

As the Council owns the property, consideration should also be given to whether it should be entirely or partly devoted to meeting local needs for affordable housing.

5.4_ Local Member Representations

Cllr Howard - No objections to the development in principle and it will be great to see the old school buildings put to good use. However, I note that House A is close to the new semi-detached dwellings on Clos Hengaer and that the window in bedroom 3 in particular may have direct views into habitable rooms and garden of existing residences.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Principle of Development

The site is within the settlement of Llanfoist where new residential development is acceptable in principle under Local Development Plan (LDP) Strategic Policy S1.

The site also includes areas designated as an Area of Amenity Importance as designated under Policy DES2 of the LDP. The Policy states that:

Development proposals on areas of amenity importance will only be permitted if there is no unacceptable adverse effect on any of the following:

- a) the visual and environmental amenity of the area, including important strategic gaps, vistas, frontages and open spaces;
- b) the relationship of the area of amenity importance to adjacent or linked areas of green infrastructure in terms of its contribution to the character of the locality and / or its ability to relieve the monotony of the built form;

- c) the role of the area as a venue for formal and informal sport, general recreation and as community space, expressed in terms of actual usage and facilities available, as well as its relationship to general open space requirements as set out in policy CRF2;
- d) the cultural amenity of the area, including places and features of archaeological, historic, geological and landscape importance; and
- e) the nature conservation interest of the area, through damage to, or the loss of, important habitats or natural features (Policy NE1 applies)

In regard to criterion (a), it should be noted that there were pre-fabricated units installed to the rear of the school on the land now proposed for the two new houses as temporary accommodation for the school in the 1990's. These structures were utilised for longer than their intended life span and were a blight on the landscape until they were finally removed. The existence of the units defines the historic extent of the public open space which has remained the same following demolition on the buildings.

In relation to criterion (b) the proposed development will include a road and footpath that will link the community space with Llanellen Road by utilising the strip of land that is currently inaccessible which runs between the school building and the semi-detached property.

The space accessible to the public for recreation and sport will be retained as existing in accordance with criterion (c) and criterion (d) does not apply in this case.

The pond that was previously located in the strip of land between Hebron and the old school has already been relocated on the public open space. This will ensure that the pond is accessible to the public whereas previously it was on private land.

6.2 Affordable 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 £112,847. This will be secured via a Unilateral Undertaking/Section 106 legal agreement.

6.1.2 Good Design/ Place making

The proposed new extension to the original school is required to create two semi-detached homes. The relatively modest extension heavily references the materials, features and proportions of the existing building and is therefore in keeping with the character of the existing building. Some new additional windows have been included to provide light and ventilation to the first floor rooms and again, these have been designed to be in-keeping with the style of the existing building. Natural day lighting has also been supplemented by a series of conservation style roof lights to the spaces.

With regards to the proposed new residential properties, the surrounding properties in the village of Llanfoist are varied, and all are recognisable as typical examples of houses of the decade in which they were constructed. Rather than reference the more modern dwellings, the new detached houses have been designed in the style and materiality of the existing school building. This is seen in the arched entrance canopy, the stone base, the decorated barge boards and slate roofs.

6.1.3 Impact on Amenity

The proposed conversion and extension of the existing school building will have a limited impact on neighbouring residential amenity in terms of any loss of privacy, light or overbearing impact and has not received any objections. The neighbouring dwelling to the northwest (School Cottage) has a one and a half storey garage building adjacent to the application site and no notable window openings on the house facing it. To the southeast, the nearest property, Hebron, is separated from

the school building by the proposed new access road and footway and there are no window openings in the side elevation of this property.

In terms of the proposed new dwellings, the closest neighbouring properties are at Clos Hengaer Ysgol. To help minimise overlooking from House A, the window serving bedroom no.3 has been moved from the north east elevation (rear) to the south east (side). This reduces the angle of views between the houses and also into the gardens of these neighbours. No habitable windows are less than 22m of each other.

In terms of views into no. 36 Woodland Crescent, although the window in bedroom no. 3 of House A will be within 6m of the rear boundary of this property, the garden is approximately 31m deep and the house itself is some 37m away from the window. There is therefore plenty of garden area that will be further away from the proposed new house and also privacy distances between windows are acceptable.

There will be no windows on the side elevation of House B that could overlook the neighbouring properties located on Kiln Road.

Consequently, it is considered that the proposed development will not have a significant impact on local residential amenity and is in accordance with Policy EP1 of the LDP.

6.1.5 Sustainable Management of Natural Resources

With consideration to policy S12 of the LDP, the development proposes solar panels on the less prominent facades and garages.

6.2 Active and Social Places

The proposals will create a sustainable long-term use for a redundant building. The new detached houses will also offer a natural surveillance over the public open space which will help deter antisocial behaviour and improve safety of users of this parcel of public open space.

6.2.1 Transport

The village of Llanfoist is relatively well served by public transport and the railway station in nearby Abergavenny is also within walking or cycling distance. The site is accessed off a one-way adopted highway, Llanellen Road, which is connected to a larger distributor road (B4269). There is a bus stop (NE bound and SW bound) on the corner of Woodland Crescent and Llanellen Road, approximately 150m from the site. There is an established bus network that provides convenient access to the wider community.

6.2.2 Access / Highway Safety

Only one point of vehicular access is proposed to provide access, off-street parking and refuse collection to the four dwellings. The scheme utilises an existing strip of land between the existing school and the neighbouring property to the south-east (Hebron) to provide a 4.8m wide access road with a 1.5m pedestrian pavement.

Vehicular access has been detailed in the submission illustrating visibility splays and turning circle dimensions in line with LDP policies S16 and MV1. Visibility splays of 43m sightlines in both directions are essential in both directions onto Llanellen Road and have been accommodated by moving the existing boundary walls to the front boundary of the original school. These will be reconstructed on a like-for-like basis using the original stone. The scheme also proposes a new footpath along the front of the school, linking into the existing highway footway network and improving pedestrian access/safety. The new footpath has been designed to avoid reducing the width of the existing highway.

The layout and turning area has been designed to enable the safe access and egress of larger (service) and light vehicles in a forward gear.

A new footpath is proposed to be created to the front of the site and improved access has been designed to the Public Open Space to the rear.

6.2.3 Recreational Spaces

The LDP encourages the protection and enhancement of community and recreation facilities and community open space. The redundant playing fields associated with the school can be regenerated to provide a valuable amenity for the surrounding community and better access routes will be provided to make the area more inclusive.

6.3 **Productive and Enterprising Places**

This is not directly applicable to this application due to nature and scale of the development.

6.4 **Distinctive & Natural Places**

6.4.1 Landscape Impact and Green Infrastructure

The boundary with the Public Open Space to the rear of the site is proposed as railings with a hedge so that the space is not enclosed by suburban close-board timber fence (as has been used on another boundary). The stone wall to the front of the school has been relocated to improve visibility on the highway but will be reinstated using the original stone and features in the new location. Original stone walls within the site have been retained as far as practical and have heavily influenced the final arrangement.

The footpath link from the site to the Public Open Space is supported under Policy G11 of the adopted Local Development Plan. The new houses are provided with open front gardens and driveways which provide a buffer from the highway but allow clear visibility and overlooking; particularly at the entrance to the new footpath that leads to the Public Open Space.

In terms of soft landscaping, the proposals seek to increase the amount of tree cover along the perimeter and outer edges, particularly along the north-western boundary, which has been identified in the ecology report as being used by foraging bats. Construction work proposed near existing trees has been designed to reduce impact on the root protection areas and permeable paving will be adopted as part of the SuDS strategy. Back gardens are relatively well proportioned and are provided with patio (or patio terraces) giving plenty of room for outdoor amenities and the needs of future occupiers.

6.4.2 Historic Environment

A school has been located on the site predating 1880 although the map suggests that the building we see today was replaced or largely extended between 1880 and 1900. The 1960 map indicates that a large building existed at the rear of the school site but it is not known what the building was used for and there is no evidence of it today. The school building is of note within the village as an example of a good 19th Century building and therefore its retention and restoration is welcomed. The site is not within a designated Conservation Area or Archeologically Sensitive Area and given that the original school building is being retained it is therefore unlikely that the proposed development will have any impact on the historic environment.

6.4.3 Biodiversity

The main building has been identified as a roost of two species of bats (common pipistrelle and Natterer's bats). The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species.. The LPA need to consider tests i and ii; test iii will be considered by NRW when considering whether or not to grant a licence.

(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.

Comment: The former school building has been empty for some time now and as it is now boarded up, is not contributing towards a sense of the place in the area. If no alternative use is found for the building then it would eventually fall into a state of disrepair with the eventual loss of the bat roosting areas within it. The conversion of the building will provide housing and will increase the value of the land and therefore indirectly improve the wider economy.

(ii) There is no satisfactory alternative

Comment: The conversion of the old school building is necessarily site specific. The 'do nothing' scenario has been considered and rejected as it would leave a dilapidated building which could eventually lead to the loss of the bat roosts.

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

Comment: A bat survey was carried out in August 2011. Since then another survey was carried out in summer 2014, due to the original assessment being outdated. This process has now been repeated by Just Mammals, with another refresher bat survey in summer 2017, in order to review the site's ecological features, and consider whether there are any significant changes.

During the 2017 survey a single pipistrelle bat emerged from the edge of the roof structure, at the north-west gable end wall, and light commuting and foraging activity was noted over the site in general. Overall, a reduction in bat activity was recorded across the site.

The following mitigation features are proposed and are noted on the site plan and elevations:

For the new houses: each will have an enclosed bat box high up on the south-east gable wall of each of the houses. The enclosed boxes will benefit from solar gain on the elevation. The boxes are suitable for the crawling Pipistrelle species.

School building roof: it is proposed that the school roof is retained, however if repair works need to take place replaced or repaired, then gaps will be created beneath the ridge tiles to replicate the roost opportunities at the ridge currently exploited by bats.

School building porch area: retain existing roof covering or if repaired/modified this will be done on a like-for-like basis. A new access point will be created on the south-east end to avoid conflict with the entrance to the dwelling.

In general, bat friendly materials will be used throughout. In terms of lighting it is proposed that there is to be no external lighting features or light spill along the north-west boundary to maintain this as a dark corridor. All other lights will have no upward light spill and will be on timers that extinguish within 30 seconds of movement ceasing.

For birds, as mitigation for the loss of nest sites, the installation of three bird boxes at eaves level is proposed. The locations of these are noted on the site plan and elevations. They have been located to avoid doors and windows to reduce issues on noise and droppings.

Great Crested Newts have previously been recorded at and around the site. To provide appropriate access to the new dwellings, a new driveway is provided along the south-east boundary of the site where historically the school's wildlife garden was located. A scoping assessment was carried out at Llanfoist school site in late August 2013 to consider the presence or potential presence of Great Crested Newts or other protected species due to the existing small pond in the former school's wildlife garden. This was followed up with a presence/absence survey for great crested newt (GCN), carried out in spring 2014. Whilst the survey results confirmed a breeding population of palmate newt, no sign of great crested newt (GCN) was found and it is concluded that they are unlikely to be present. In line with best practice to replace like-for-like, a pond of similar dimensions was created in the public open space to the rear of the site in 2015. This is now managed by the Community Council and will continue to be so.

6.4.5 Flooding

The development site is not situated within a flood risk zone.

6.4.6 Water (including foul drainage / SuDS)

The application proposes to discharge generated surface water into sustainable drainage systems (SuDS), which is supported by LDP Policy SD4 and now a requirement. The use of sustainable drainage systems (SuDS) does not involve the discharge of surface water directly/indirectly to the public sewerage system.

6.5 Response to the Representations of Third Parties

6.5.1 The Civic Society suggest that all or some of the housing proposed should be affordable. In this case the amount of dwellings proposed (less than 5) means that Policy S4 of the LDP in relation to affordable housing provision does not require the provision of affordable housing on the site itself. However, a commuted sum of £112,847 has been agreed to be paid towards the provision of new affordable housing elsewhere in the local area.

It was suggested by a neighbour to alter the layout so that the house and garage are switched positions in order to reduce the impact of the development on the properties at Clos Hengaer Ysgol. This was considered by the applicant but it was felt that this would isolate the outside space as the garage would be blocking any direct access and views into the garden. It would mean the only route into the garden would be along the back of the property, behind the garage, and then around the side. It was considered that this arrangement would not therefore provide suitable amenity space, particularly as it is expected that house will be used by a family with, most likely, young children. Mirroring House B's layout was also considered but the large existing tree and root protection area restricts this. However, the windows to the living room have been amended; moving them further away from the neighbouring properties and the window of bedroom 3 has been moved to the side elevation.

Overlooking distances are over 22m that is above the standard distance for when windows are considered not to be intrusive. Furthermore, the angle means that views are obscured and not directly facing any windows. It is also worth noting, that semi-detached houses on Clos Hengaer Ysgol are only 16m away from the neighbouring properties on Woodland Crescent, which is typical for the density within this area.

Issues regarding the designation of the site as Amenity Open Space under Policy DES2 of the LDP have been addressed in paragraph 6.1.1 above.

It was noted by a local resident that Section 5.10 in the current LDP states that Llanfoist has '*made a disproportionate contribution to recent housing development ... which the new housing allocations seek to avoid*'. Small windfall sites such as this are not part of the formal allocation and therefore this section of the LDP is not relevant to this application.

Disturbance from construction traffic will be managed through a Construction Traffic Management Plan which has been suggested as a condition on any consent.

In relation to the proximity of the access to Tywnglas, Highway Officers did not raise any concerns in relation to visibility and therefore it is not anticipated that there will be any danger to this property.

Issues of legal restriction preventing the development of the land that is being proposed as a roadway between Hebron and the school is not a material planning consideration but is a private legal matter between the landowners.

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

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

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following: Financial contribution toward affordable housing.

S106 Heads of Terms

£55,713 + £57,134 (£112,847 total) to be paid upon occupation of each dwelling.

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

Conditions:

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

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

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

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

- 3 No development, demolition, earth moving shall take place or material or machinery brought onto the site until an Ecological Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall thereafter be implemented in full.

REASON: Safeguarding of protected and priority species during construction works LDP policy NE1 and the Section 7 of the Environment Act (Wales) 2016.

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

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

5 Prior to any works commencing on site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the LPA. This Plan shall include traffic management measures, hours of working, measures to control dust, noise and construction related nuisances and measures to protect adjoining users from the construction works. The development proposal shall be carried out in accordance with the approved CTMP.

REASON: In order to ensure that the development proposal is carried out in a safe and considerate manner in accordance with LDP Policy MV1.

6 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

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

7 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 and to ensure compliance with LDP Policy G11.

INFORMATIVES

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

- It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

- Warning: A European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at

<https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.

Application Number: DM/2019/00030

Proposal: Change of use - upgrades to a residential property and relevant works to provide a house of multiple occupancy - works to include electrics, roof, kitchen and bathroom, internal upgrades to comply with relevant regulations.

Address: 30 Somerset Way, Bulwark, Chepstow, NP16 5NP

Applicant: Miss Sarah Harrison

Plans: Location Plan - , Floor Plans - Existing 209(00) 02 - FF Plans, Floor Plans - Existing 209(00)01 - GF Plans,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young
Date Valid: 04.02.2019

This application is presented to Planning Committee as the applicant is directly associated with Monmouthshire County Council.

1.0 APPLICATION DETAILS

1.0 30 Somerset Way is a two storey, semi-detached property located within Bulwark. There is a footpath to the front and vehicular access to the rear. Adjacent to the site is a communal parking court. The application seeks a change of use to a house in multiple occupation for up to 6 residents. The residents of the property will share the communal living room and kitchen and have separate private bedrooms. The proposal included the replacement of the roof tiles with those of a similar colour and internal refurbishment. There will be no extensions to the property. The site is located within Chepstow's Development Boundary as designated in Policy S1 of the Local Development Plan (LDP).

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/1984/00818	Ext. Kitchen & Shower Room APP_TYP 01 = Full DEV_TYP 05 = Alteration MAP_REF = 353570192060	Approved	03.09.1984

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S17 LDP Place Making and Design
S16 LDP Transport
S1 LDP The Spatial Distribution of New Housing Provision

Development Management Policies

H9 LDP Flat Conversions
DES1 LDP General Design Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Chepstow Town Council - Approve

SEWBREC Search Results - No significant ecological record identified.

5.2 Neighbour Notification

There have been 12 letters of objections to the application. The objections have raised the following concerns: -

Close to adjoining properties

General dislike of proposal

Inadequate parking provision

Increase in traffic

Information missing from plans

Noise nuisance

Out of keeping with character of area

Negative impact on house values

Lack of existing parking, noise, litter in our streets

In addition, why has MAJOR work started on the property prior to the planning application having been approved?

I do not believe any of us are opposed to this or any property being used to house those who need a place to live, however, there should be more thought and consideration of the neighbours when changing the use of a property like this in such a drastic way.

No one in the square has received any information regarding this application, it has all gone ahead without any permission given there is no room for parking as it is already and this square has been family houses for ever it is not right to introduce 6 single units to this development.

Concerns about the nature of the people that might be moved into no.30

Do not want large turnover of temporary residents

I feel you have deliberately tried to get this passed hoping that the neighbouring residents do not notice the change

If sustainable development is truly a leading principle in the LDP, then strategic sites such as Fairfield Mabey in Chepstow should be utilised to provide a range of housing options

HMOs should not be allowed in residential cul-de-sacs

A HMO could cause a rift in the sense of community

There needs to be a policy or supplementary planning guidance on HMOs as there are serious implications of high concentrations of HMOs and the sandwiching of existing C3 dwellings.

We do not know who will occupy the building

Object on parking grounds
Noise
Inadequate parking
Antisocial behaviour
Overlooking and loss of privacy
Intimidation
Work has already started
Impact on waste storage and foul drainage
Over development of the space
Highway safety
Traffic Generation
Noise and disturbance
Unsuitable in this area.
We need to know the nature of the use
Hazardous materials
An elderly woman lives next door
The access to no 30 overlooks the living area of the adjoining property.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

This is an existing residential property within the Chepstow Development boundary. The principle of residential use is already established. There has recently been a change in legislation in Wales so that now a change of use to a House of Multiple Occupation (HMO) now requires planning permission. MCC has no specific policies relating to HMO's but Policy H9 Flat Conversion could be used as a guiding principle. Policy H9 of the LDP states that the conversion of properties into flats within town development boundaries will be permitted provided that the development does not adversely affect the particular qualities of the street. In this case there are no external physical alterations to the property and it will have no impact on the street scene. The works to replace the roof tiles and internal refurbishment would not require the benefit of planning permission. The site is not in a conservation area or any other special designation. The property has the benefit of a very large rear garden and sufficient amenity space. The proposal therefore accords with the objectives of Policy H9 of the LDP.

The occupancy will be a maximum of six single people. It was initially proposed that five individuals, all long-term residents, would be accommodated from an existing shared property in the vicinity. The accommodation may be used as temporary accommodation, but on the whole, will be long-term lets. The property will be used by the Council's Housing Options Team to help the Council meet its statutory duty under the Housing (Wales) Act 2014, to prevent homelessness. The property will be monitored by CCTV and will be managed directly by the Council's Housing Options Team accommodation staff, with weekly visits. Visits can be more often if required. Residents will be on license agreements, which will mean that if there are any issues they can be dealt with swiftly.

The principle of the property being used as a HMO is considered to be acceptable. The dwelling would remain to be used for residential purposes and this type of residential use is appropriate within this area and within towns like Chepstow.

6.1.2 Good Design/ Place making

The proposal will have no impact on the appearance of the area, there are no external physical alterations required other than replacing the roof tiles. The tiles will be of a similar colour to the original. The replacement of roof tiles does not constitute development that requires planning permission.

6.1.3 Impact on Amenity/ Promoting Healthier Places

The proposed change of use is intended to help prevent homelessness within the County. Thus, it can be seen to be conforming with the objective of promoting healthier places. The HMO will be used as a residential property, not unlike the surrounding residential properties. The use of the property by up to six individuals would not be dissimilar to it being used as a single household. The occupiers will be closely monitored and the change of use should not necessarily result in an increase in anti-social behaviour providing it is managed correctly. The change of use is unlikely to generate a significant increase in traffic in the local area to warrant refusing the application in relation to the impact on the existing highway infrastructure.

6.2 Active and Social Places

6.2.1 Transport / Housing - sustainable transport issues (Sustainable Transport Hierarchy)

The adopted Monmouthshire Parking Standards require that one off street parking space is required per bedroom up to a maximum of three spaces. There is provision to the rear of the property within the curtilage for the parking of at least three dwellings in accordance with Monmouthshire's Parking Standards. Access to these parking spaces is from the parking court to the rear so there is no need for the residents to park in Somerset Way. In reality, it is unlikely that the occupiers of the HMO will actually own cars. The proposal, however, accords with the provisions of Policy MV1 of the LDP in that adequate parking provision would be provided. No 30 Somerset Way is located in a sustainable location within an established residential area and in easy walking distance to shops and other facilities.

6.2.2 Access / Highway Safety

The property is currently a residential dwelling. The change of use is unlikely to generate a significant increase in traffic. In fact it is unlikely that the residents using the HMO will be the owners of private cars.

6.3 Productive and Enterprising Places

6.3.1 Economic Development

The proposal will not have an impact on economic development, tourism or the rural economy.

6.4 Distinctive & Natural Places

6.4.1 Landscape/ Visual Impact

This application relates to a change of use and there are no visual impacts as a result. The site is surrounded by existing residential properties and a parking court

6.4.2 Water (including foul drainage / SuDS), Air, Soundscape & Light

There is no need for a SuDS drainage application as there is no increase in the built form or hardstanding area.

6.5 Response to the Representations of Third Parties

6.5.1 The adjacent residents have raised concerns that they are unsure regarding the type of residents who will be allowed in the HMO. In this case, it is likely that the property would be used for residents who may potentially become homeless. Planning permission does not restrict the type of tenants who can use the property and in the same way the planning system should not seek to restrict who can occupy any other type of residential dwelling. The question of who will occupy a HMO is not a material planning consideration; the main planning concern is whether the proposed land use is acceptable and the impact of the development on the amenity of the neighbouring parties. The level of parking provision at the site is considered acceptable and the impact on the street scene is minimal. The proposed change of use would not result in any additional overlooking

and would not result in a loss of privacy for neighbouring parties. The fact that work had already started does not affect the planning merits of the case. The renovation work and replacement roof tiles did not require the benefit of planning permission and the change of use has not yet been implemented. Therefore, consent would not be required for any works at the site to date. The proposed development would have an acceptable impact on residential amenity and would be in accordance with Policy EP1 of the LDP.

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

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

7.0 Conclusion

7.1 The proposed change of use of the semidetached property into a HMO is considered to be acceptable. The HMO would result in the property remaining to be used for a residential purpose and this use is appropriate for the area. The development would not have an unacceptable impact on the residential amenity of any other party and the proposal would be in accordance with the relevant policies in the LDP.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

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Application Number: DM/2019/00168

Proposal: Change of use from agricultural land to car park and agricultural.

Address: 4 Brook Farm Holdings, Chepstow Road, Raglan, Usk

Applicant: Mr Brinley Williams

Plans: Location Plan - , Block Plan

RECOMMENDATION: APPROVE

Case Officer: Mrs. Alison Pankhurst
Date Valid: 05.03.2019

This application is presented to Planning Committee due to the applicant being related to one of the Members of Planning Committee.

1.0 APPLICATION DETAILS

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

1.2 The application relates to the retention of a car park to the south of Raglan Farm Park adjacent to the hedge line for additional overflow car parking area for visitors to the farm. The area of the car park measures approximately 0.26 hectares has been finished with a gravel type hardstanding laid for this purpose.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Date
DM/2018/00695	Erection of 8 signs advertising the farm park and farm shop.	Approved	23.07.2018

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
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
RE3 LDP Agricultural Diversification

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Raglan Community Council – Have not responded to date.

MCC Highways – No consultation response received to date.

SEWBREC Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Several neighbouring properties were consulted on the application and site notices were placed on site. No written representations have been received.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

6.1.1 Principle of Development

For the purposes of the Local Development Plan (LDP) the site is located outside the village development boundary and therefore considered to be within open countryside. Policy RE3 of the LDP states that Development proposals which make a positive contribution to agriculture or its diversification will be permitted where the new use meets the following criteria such as (a) the proposed non-agricultural development is run in conjunction with, and is complementary to, the agricultural activities of the enterprise; and (b) the proposal is supported by an appropriate business case which demonstrates the link to existing business activity and the benefits of the scheme in terms of sustaining employment / the rural economy.

The application relates to the change of use of part of an agricultural field so that it can be used for parking for visitors to the site in association with the farming business. The works have

already been carried out to create a hardstanding area so that it can be used as an overflow parking area. It is well sited, being screened by the existing hedgerow and the access to the site is via the existing entrance into the farm area. No new entrances have been created.

Although the development has already been carried out it is considered that the development is acceptable and complies with policies DES1, EP1 and RE3 of the Monmouthshire LDP.

6.1.2 Impact on Amenity

The area that is subject to this application is sited to the south of the site along the existing mature hedgerow that runs along Chepstow Road. The car park was created so that it could be used as extra car parking off the busy Raglan Farm Park to allow visitors to park their vehicles within the site. It is an established business as a farm activity centre for young children and school educational visits. The development is considered to have no visual impact or noise disturbance implications to any nearby neighbouring properties.

6.1.3 Access / Highway Safety

The access to the site exists and is well maintained. The nature of the proposed car park that has been created has access off the main entrance to the site. It is considered that the development will have no adverse impact on highway safety.

6.2 The Rural Economy

6.4.1 Landscape/ Visual Impact

It is considered that although the use of the land has changed in appearance the site is well-screened from the public highway by the existing hedgerow. Thus, the proposed change of use has a limited impact upon the appearance of the surrounding area. The area that is subject to this application is a relatively small area to the front of the site and is surrounded by open fields and agricultural barns. Therefore, it is considered that the proposed development is acceptable and in accordance with policies DES1 and EP1 of the Local Development Plan.

6.5 **Well-Being of Future Generations (Wales) Act 2015**

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

6.7 **Conclusion**

6.7.1 The proposed change of use of the agricultural land to mixed use to be used as car parking for the associated Raglan Farm Park has been sited on a convenient parcel of land behind the existing mature hedge line and existing trees near the entrance of the site. Having regard to any effects on nearby residential properties and on the public highway and having regard for policies within the LDP and national planning policy, the development is considered to be acceptable.

7.0 **RECOMMENDATION: APPROVE**

Conditions:

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

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

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SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN REVISED DRAFT AFFORDABLE HOUSING SUPPLEMENTARY PLANNING GUIDANCE

MEETING: PLANNING COMMITTEE

DATE: 2nd APRIL 2019

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

The purpose of this report is to seek Planning Committee's endorsement of the Revised Draft Supplementary Planning Guidance (SPG) on Affordable Housing to support the policies of the Monmouthshire Local Development Plan (LDP), with a view to issuing for consultation purposes and to recommend to Single Cabinet Member accordingly.

2. RECOMMENDATIONS:

- 2.1 Planning Committee endorses the Revised Draft Affordable Housing SPG with a view to issuing for consultation purposes and to recommend to Single Cabinet Member accordingly.

3. KEY ISSUES:

- 3.1 The Monmouthshire County Council LDP 2011-2021 was adopted on 27th February 2014 to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). The Affordable Housing SPG, adopted in March 2016, was prepared to provide further clarification on the interpretation and implementation of the LDP's affordable housing policies. Since the SPG was adopted a number of issues have arisen in relation to the viability of affordable housing provision on certain types of development sites, which triggered the need to revise the SPG. The Draft SPG provides guidance on how affordable housing policies will be implemented, in particular with regard to commuted sums payable on small-scale developments. The revised SPG has been informed by evidence and experience gathered over the last 2 years since the current SPG was adopted.
- 3.2 Selective use of SPG is a means of setting out more detailed thematic or site specific guidance in the way in which the policies of an LDP will be applied in particular circumstances or areas. The Draft Development Plans Manual Edition 3 (Welsh Government, November 2018) notes that:

'SPG does not form part of the development plan and is not subject to independent examination, but it must be consistent with the plan and with national planning policy. SPG cannot be linked to national policy alone; there must be a LDP policy or policy criterion that provides the development plan 'hook' whilst the reasoned justification provides clarification of the related national policy'

- 3.3 The Manual further states that SPG can be a material consideration in the determination of planning applications, provided that it is consistent with the development plan and appropriate consultation has been undertaken:

‘Only the policies in the development plan have special status under section 38(6) of the PCPA 2004 Act in deciding planning applications, but SPG can be taken into account as a material consideration. SPG that is derived from and is consistent with the development plan and has been the subject of consultation will carry more weight’.

- 3.4 It is proposed that the existing Affordable Housing Supplementary Planning Guidance document (March 2016) is amended as follows:

- Section 2 - The Affordable Housing Issue - data has been updated.
- Section 3 - Affordable Housing Need - data has been updated.
- Section 4A - Developments of 5 or more in Main Towns, Rural Secondary Settlements and Severnside Settlements – this section has been strengthened to clarify that:
 - Developers must take policy requirements into consideration prior to negotiating the purchase of land.
 - Where a viability appraisal is deemed necessary, this appraisal will be undertaken by the District Valuer at the expense of the developer and that the viability appraisal report will be published in the public domain.
- Section 4B – Developments of 1 – 4 dwellings in Main Towns, Rural Secondary Settlements and Severnside Settlements – this section has been amended to clarify that:
 - Single Barn conversions will now be exempt from making a financial contribution towards affordable housing. This is based on evidence of the high build costs associated with such projects. For barn conversions where there is a net increase of two to four dwellings, a financial contribution towards affordable housing will be sought.
 - Commercial conversions, e.g. flats above shops, 1 – 4 units will be exempt from making a financial contribution towards affordable housing. This is based on evidence of viability challenges associated with such projects, combined with the desire to encourage the efficient use of under-used sustainably located buildings to support housing delivery and settlement vitality.
 - Listed buildings for conversion to 1 – 4 units will also be exempt from making a financial contribution towards affordable housing due to evidence of high build costs.

The reason for making these changes is that these types of developments have been considered to be unviable following detailed viability appraisals.

- Section 4B1 - the method of calculating a financial contribution towards affordable housing has been changed to make the contribution simpler to calculate and fairer to developers.

- The previous 3 Dragons Toolkit method calculated the sum per the number of bedrooms in each dwelling. As the dwellings vary considerable in size this method was not thought to be a fair and equitable way to calculate a financial contribution.
- The new method of calculation will be take the internal floor area (m²) multiplied by the Community Infrastructure Levy (CIL) rate for the area in which the development is situated and then multiply that figure by 58%, which is the percentage that a developer should fund when no social housing grant is available.
i.e. Formula: Financial Contribution = Internal Floor Area (m²) x CIL Rate x 58%

- Section 4C2 has been rewritten for simplification and clarity.

3.5 The updated SPG is attached at Appendix 1.

4 EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

4.1 Under the Planning Act (2004), the LDP was required to be subject to a Sustainability Appraisal (SA). The role of the SA was to address the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environmental Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. SPG is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

Equality

4.2 The LDP was also subjected to an Equality Challenge process and due consideration was given to the issues raised. As with the sustainable development implications considered above, SPG is expanding and providing guidance on these existing LDP policies, which were prepared within this framework.

4.3 In addition, a Future Generations Evaluation is attached. This includes Equalities and Sustainability Impact Assessments (attached as **Appendix 2**)

5 OPTIONS APPRAISAL

5.1 The options in relation to the Revised Draft SPG are to:

- 1) Endorse the Revised Draft SPG as attached for consultation.
- 2) Endorse the Revised Draft SPG for consultation with amendments.

3) Do nothing in relation to the Revised Draft SPG.

- 5.2 Option 1: endorse the Revised Draft SPG as attached for consultation. **This is the preferred option.** The SPG has been amended to take account of updated evidence and to provide clarity on key elements of the SPG, as detailed in paragraph 3.4 above. It is considered that the revised SPG will provide further clarity and importantly, maximise affordable housing provision via a pragmatic and evidenced approach, as well as making more efficient use of officer time.
- 5.3 Option 2: endorse the Revised Draft SPG for consultation with amendments. As noted above, the Revised Draft SPG has been amended to take account of updated evidence and to provide clarity on key elements of the SPG, as detailed in paragraph 3.4 above. It is not considered necessary to amend the Revised Draft SPG prior to consultation. Any comments received in response to the consultation on the Revised Draft SPG will be analysed and the document will be amended, as appropriate, prior to reporting back for Members' consideration to seek a resolution to adopt the SPG. This option should therefore be discounted.
- 5.4 Option 3: do nothing in relation to the Revised Draft SPG. The option of doing nothing would not address the need for improved guidance and clarity and approach to this policy area and should, therefore, be discounted.

Recommendation:

- 5.5 Based on the reasons above, Option 1 (to endorse the Revised Draft SPG as attached for consultation) is the preferred option.

6 EVALUATION CRITERIA

- 6.1 The success of the adopted SPG will be monitored via the LDP Annual Monitoring Report. This will include a review of:
- the SPG use in decision-making and the extent to which it informs decisions and is upheld via appeal decisions;
 - the amount of money collected as commuted sums;
 - instances where viability is debated;
 - the percentage of affordable housing secured on site and number of affordable homes secured.

7 REASONS:

- 7.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are being taken in accordance with policies and proposals in the LDP. This Revised Draft SPG provides guidance on the delivery of affordable housing.

8 RESOURCE IMPLICATIONS:

8.1 Officer time and costs associated with the preparation of SPG documents and carrying out the required consultation exercises. Any costs will be met from the Planning Policy budget and carried out by existing staff.

9 CONSULTEES:

- Planning and Housing teams
- SLT
- Cabinet

10 BACKGROUND PAPERS:

Monmouthshire Adopted LDP (February 2014)

11 AUTHORS:

Mark Hand, Head of Planning, Housing and Place-shaping
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**Monmouthshire County Council
Adopted Local Development Plan 2011-2021**

**Revised Draft Affordable Housing
Supplementary Planning
Guidance**

March 2019

Planning Policy

Monmouthshire County Council

County Hall, Rhadyr, Usk, Monmouthshire NP15 1GA

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1. ACG Floor Areas
2. Draft Standard Section 106 Agreement for Affordable Housing Financial Contributions
3. How to Calculate Financial Contributions for Affordable Housing.
4. Checklist for Assessing Affordable Housing Requirements

1. INTRODUCTION

- 1.1 This note is one of a series of Supplementary Planning Guidance (SPG) Notes that have been prepared to provide supporting information and advice on the implementation of the Council's development plan policies. The Notes are intended to offer clear guidance on the main considerations that will be taken into account by the Council when reaching decisions on planning applications and in this case how planning policy on affordable housing will be delivered in practice.
- 1.2 This note has been revised in order update housing data in Section 2 and 3 and to provide simplification and clarity with regard to a number of other areas. For example Sections 4A, 4B and 4C2. Section 4B1 has been revised following a change to the method for calculating financial contributions towards affordable housing. These changes are informed by experience and viability evidence.
- 1.3 Status
- 1.3.1 This SPG is prepared in the context of the Monmouthshire County Council Adopted Local Development Plan (LDP), February 2014.
- 1.3.2 SPG supplements the Council's development plan, with only the policies contained in the development plan having the special status that Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides in the determination of planning applications. However, the Welsh Government (WG) advises that SPG may be taken into account as a material consideration in the determination of planning applications and appeals.

2 THE AFFORDABLE HOUSING ISSUE

- 2.1 A significant issue for Monmouthshire is the fact that house prices are high in relation to earnings so that there is a need for additional affordable housing in the County in both urban and rural areas, particularly for those that live and work here.
- 2.2 Affordability of housing is a concern throughout Wales. In October 2018 the average house price for Wales was £186,256 and the house price to earnings ratio was 6:1. For comparison, in Monmouthshire the average house price in September 2018 was £307,600 and the lower quartile house price to earnings ratio was 9:1 (Source: Hometrack 30/10/2018).
- 2.3 These figures illustrate how difficult it is for local people to purchase their first homes or move into larger homes in the County when their family circumstances change. In 2018, the full-time gross weekly pay for Monmouthshire residents was £638.50 (Males £690.90 and Females £567.50), compared to the Wales gross weekly pay of £518.60 (Males £551.90 and Females £474.10). However, the full-time gross weekly pay by

workplace presents a different picture with people working in the County earning only £537.80 per week (Males £578.90 and Females £469.30), compared to the Wales figures of £509.00 per week (Males £541.60 and Females £469.50) (Source: NOMIS 30/10/18). In other words, Monmouthshire has a dual economy. The qualifications, skills and earnings of the residents are above the regional and national average, however, for those working in the area earnings are lower and employment is relatively less skilled.

- 2.4 Monmouthshire's net population growth has historically been due to inward migration: its population would otherwise decline due to their being more deaths than births. The County has a demographically imbalanced population, with an increasing proportion over 65 and over 85 year olds, and a low proportion of 20-40 year olds. With a median age of 48 and a small economically active population, the County's economic base is currently weak. The County's housing market continues to perform strongly, with house sales achieving a high percentage of the asking price, and sales being secured quickly. Properties in Monmouthshire take, on average, 4.6 weeks to sell compared to the Wales average of 10.2 weeks. Properties also achieve, on average, 95% of asking price. House prices, therefore, will remain at a level way above what local people can afford. (Source: Hometrack Housing Intelligence, September 2018)
- 2.5 The planning system is an increasingly important means of improving the supply of affordable housing for local people. Monmouthshire County Council recognises this and is keen to ensure that developers and local people have clear guidance on how its development plan policies and decisions on planning applications will operate and thereby contribute to one of the desired outcomes of the Council's Corporate Business Plan 2017 - 2022. One of the key issues within the plan is 'the provision of quality housing, including affordable housing, to meet the needs of our communities and to address the needs of our changing demography'. The link between housing and health is well established and long standing. The quality of the home has a substantial impact on health; a warm, dry and secure home is associated with better health. In addition to basic housing requirements, other factors that help to improve well-being include the neighbourhood, security of tenure and modifications for those with disabilities. The benefits to health, learning and prosperity are also reflected in page 42 of Planning Policy Wales Edition 10, December 2018. Monmouthshire's Well-being Plan, April 2018 recognises the 'need to readdress the supply and mix of housing stock to ensure suitable and affordable housing is available to all demographic groups'.
- 2.6 This SPG has been prepared in the context of the most recent WG planning policy on affordable housing contained in *Planning Policy Wales Edition 10*, December 2018 and Technical Advice Note 2 *Planning and Affordable Housing*, June 2006.
- 2.7 *Planning Policy Wales (PPW) Edition 10, December 2018*

2.7.1 *PPW* provides the overarching national strategic guidance with regard to land use planning matters in Wales. Paragraph 4.2.1 states in part that ‘new housing development in both urban and rural areas should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities’.

2.7.2 Paragraph 4.2.2 of *PPW* 10 states that the planning system must:

- ‘identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures;
- ‘enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and
- ‘focus on the delivery of the identified housing requirement and the related land supply’.

2.7.3 With regard to need, paragraph 4.2.25 states: ‘A community’s need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications.’

2.8 Definitions of Affordable Housing

2.8.1 Affordable housing is defined in paragraph 4.2.25 of *PPW* 10:

‘Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers’.

2.8.2 Paragraph 4.2.26 extends this definition further noting:

‘Affordable housing includes social rented housing owned by local authorities and RSLs (registered social landlords) and intermediate housing where prices or rents are above those of social rent but below market housing rents and prices’.

These definitions of affordable housing contrast with the definition in paragraph 4.2.26 of general market housing:

‘All other types of housing are referred to as ‘market housing’, that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local authority’.

Paragraph 4.2.26 goes on to say:

‘It is recognised that some schemes may provide for staircasing to full ownership and where this is the case there must be secure

arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing’.

2.9 Affordability

2.9.1 There is a need also to define ‘affordability’. WG guidance defines this as:

‘the ability of households or potential households to purchase or rent property that satisfies the needs of the household without subsidy’ (WG TAN2, para 4.1).

The subsidy referred to in the quotation above is a subsidy on the property itself, which helps make it more affordable. There are different levels of subsidy depending on the different types of tenure, therefore creating a wide range of affordable options.

2.9.2 This should be determined in each local housing market area in an authority’s area and would be based on such factors as ratio of household income to the price of property.

3. **AFFORDABLE HOUSING NEED IN MONMOUTHSHIRE**

3.1 The **Local Housing Market Assessment (LHMA)** commissioned by the Council in June 2010 sets out a target of 960 affordable homes over the LDP plan period of 2011 -2021. This affordable housing target is reflected in Policy S4. The recent LHMA (September 2018) shows an annual affordable housing shortfall of 468. However, this figure should not be taken as an annual target for delivery of affordable housing as new build homes are not the total solution to the supply of affordable homes in the County. The affordable housing target remains the LDP target of 960 over the 2011-2021 plan period.

4. **MONMOUTHSHIRE’S PLANNING POLICIES ON AFFORDABLE HOUSING**

4.1 Policy S4 of the Adopted Monmouthshire LDP is the primary means of achieving the affordable housing target referred to in the above paragraph. Policy S4 sets out the thresholds at which affordable housing has to be provided and the percentage of affordable housing that will be required in each case, depending on the location of the development site.

Policy S4 – Affordable Housing Provision

Provision will be made for around 960 affordable homes in the Local Development Plan Period 2011-2021. To meet this target it will be expected that:

- In Main Towns and Rural Secondary Settlements as identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 35% of the total number of dwellings on the site to be affordable.
- In the Severnside settlements identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 25% of the total number of dwellings on the site to be affordable.
- In the Main Villages identified in Policy S1:
 - Development sites with a capacity for 3 or more dwellings will make provision for at least 60% of the total number of dwellings on the site to be affordable.
- In the Minor Villages identified in Policy S1 where there is compliance with Policy H3:
 - Development sites with a capacity for 4 dwellings will make provision for 3 dwellings to be affordable.
 - Development sites with a capacity for 3 dwellings will make provision for 2 dwellings to be affordable.
- In the open countryside developments involving the conversion of existing buildings or sub-division of existing dwellings to provide 3 or more additional dwellings will make provision (subject to appropriate viability assessment) for 35% of the total number of dwellings to be affordable.
- Development sites with a capacity below the thresholds set out above will make a financial contribution towards the provision of affordable housing in the local planning authority area.

Other than in Main Villages, in determining how many affordable houses should be provided on a development site, the figure resulting from applying the proportion required to the total number of dwellings will be rounded to the nearest whole number (where half rounds up).

The capacity of a development site will be based on an assumed achievable density of 30 dwellings per hectare.

4.2 The settlement hierarchy referred to in Policy S4 is set out in LDP Policy S1, namely:

- **Main Towns:** Abergavenny, Chepstow and Monmouth
- **Severnside Settlements:** Caerwent, Caldicot, Magor, Portskewett, Rogiet, Sudbrook and Undy

- **Rural Secondary Settlements:** Usk, Raglan, Penperlleni and Llanfoist
- **Main Villages:** Cross Ash, Devauden, Dingestow, Grosmont, Little Mill, Llandewi Rhydderch, Llandogo, Llanellen, Llangybi, Llanishen, Llanvair Kilgeddin, Mathern, Penallt, Pwllmeyric, Shirenewton/Mynyddbach, St Arvans, Trellech, Werngifford/Pandy
- **Minor Villages:** Bettws Newydd, Broadstone/Catbrook, Brynygwenin, Coed-y-Paen, Crick, Cuckoo's Row, Great Oak, Gwehelog, Llanarth, Llandegveth, Llandenny, Llangwm, Llanover, Llansoy, Llantilio Crossenny, Llantrisant, Llanvair Discoed, Llanvapley, Mitchel Troy, Penpergwm, The Narth, The Bryn, Tintern, Tredunnoch
- **Open Countryside**

4.3 There are five types of residential development as set out in A-E that could arise in providing affordable housing under Policy S4 which need further consideration:

- A) Developments of 5 or more dwellings in Main Towns, Rural Secondary Settlements and Severnside Settlements.
- B) Developments of 1 – 4 dwellings in Main Towns, Rural Secondary Settlements and Severnside Settlements.
- C) Developments in Main Villages
- D) Developments in Minor Villages.
- E) Developments in the open countryside.

4.4 Specific guidance on these matters is provided on the following information sheets and the checklists in Appendix 4:

A. DEVELOPMENTS OF 5 OR MORE DWELLINGS IN MAIN TOWNS, RURAL SECONDARY SETTLEMENTS AND SEVERNSIDE SETTLEMENTS.

When an application for residential development is received in these settlements the first step in its assessment will be to:

A.1 Establish the net site area and calculate the capacity of the site based on an assumed achievable density of 30 dwellings per hectare.

- i. It is a requirement of LDP Policy DES1 criterion i) that in order to make the most efficient use of land the minimum net density of residential development should be 30 dwellings per hectare. The net developable area is defined as excluding areas taken out for other uses such as employment or which are undevelopable for one reason or another, including internal access roads and incidental open space between houses, play areas etc. Similar considerations should be taken into account when calculating the site capacity in relation to Policy S4.
- ii. The capacity of a site is calculated as a 'net' figure with the number of any existing dwellings on a site that are to be demolished, subdivided or retained subtracted from the overall capacity to give a final capacity figure for the purposes of Policy S4.

A.2 If the capacity of the site is 5 or more dwellings then the affordable housing requirement to be provided on site is calculated at 35% in Main Towns and Rural Secondary Settlements and 25% in Severnside settlements, subject to a) and b) below.

A.2.a) Should the development not be achieving 30 dwellings per hectare and it is considered that there is not a material non-compliance with Policy DES1 i) then the affordable housing requirement should be calculated on the **agreed** capacity of the site (rather than the 'theoretical' capacity of 30 dwellings per hectare).

A.2.b) In determining how many affordable houses should be provided on a development site, the figure resulting from applying the proportion required to the total number of dwellings will be rounded to the nearest whole number (where half rounds up.)

A.3 If the capacity of the development site is below the threshold of 5 dwellings then a financial contribution towards affordable housing in the local planning authority area will be required (see B)

A.4 When the threshold for affordable housing is met the following considerations will be taken into account in the implementation of Policy S4:

- i. The mix of house types, sizes and tenure should reflect local needs. (This must be established from the Council's Housing Services section on a site-by-site basis in accordance with the particular needs of the community in which the site is located).

- ii. Provision for affordable housing will be secured through Section 106 Agreements.
- iii. **Affordable housing should be provided on-site** (unless there are exceptional circumstances that justify off-site provision, as considered in paragraph 5.10 of this SPG) and should reflect the characteristics of the locality or the rest of the site.
- iv. Householder permitted development rights may be withdrawn so that control may be exercised over the enlargement or alteration of dwellings in ways that would change their affordability for future occupiers.
- v. In seeking to negotiate an element of affordable housing on a site the Council will take into account: site size, suitability, and the economics of provision; whether there will be particular costs associated with development of the site; and whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in the development of the site.
- vi. Planning obligations and affordable housing will have an impact on land values and landowner expectations. Applicants are expected to have considered in full the overall cost of development, including the required planning obligations and any abnormal costs, when negotiating the purchase of land. Viability assessments will be limited to sites where there are exceptional, **unforeseen** circumstances outside the scope of normal market risk or where there is an overriding regeneration benefit in developing the site.
- vii. Where a site is still under option by a developer, it will **always** be expected that the policy requirements can be met, provided that the scheme is not abnormally costly or abnormally under value for the area. These costs must be reflected in the price that the developer purchases the site for so ensuring that the proposed development site is economically viable to meet the Council's affordable housing requirements. If there is any doubt about viability on a particular site, it will be the responsibility of the developer to offer the landowner a lesser price for the site, or to maximise the mix of market units on site to achieve the affordable housing policy.
- viii. Where a viability assessment is deemed necessary, the Council will require applicants to provide detailed information and supporting evidence. The level of supporting evidence required will depend upon how far the viability inputs deviate from acceptable parameters based on industry norms. Any 'assumptions' must be clearly explained and justified. An 'open book' approach is required. Any evidence relating to the viability assessment will then be independently assessed by the District Valuer, the cost of which will be borne by the developer. All viability appraisals will be published in the public domain.
- ix. General requirements:
 - The Council's policy requirements should be the starting point for applicants and viability appraisals should subsequently work

backwards from this. The Council will expect land transactions to reflect policy, rather than the other way round.

- Evidence should be provided to show what consideration has been given to alternatives in order to improve viability. Such measures can include altering development densities, layout and mix of market dwellings.

A.6 Layout and Design

The Council requires the ‘**pepper-potting**’ of affordable housing, rather than provision in enclaves. **Properties for affordable housing should be in clusters of no more than 6 - 15 units, depending on the overall size of the development.** The design and materials of dwellings built to comply with affordable housing policies should be similar to that of adjoining market housing.

B. DEVELOPMENTS OF 1 – 4 DWELLINGS IN MAIN TOWNS, RURAL SECONDARY SETTLEMENTS AND SEVERNSIDE SETTLEMENTS.

It is a basic principle of 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 authority area, irrespective of whether or not the size of the development falls below the threshold for on-site provision. However, the following exemptions apply in relation to residential conversions.

Residential Conversions

- Single Barn Conversions will be exempt from paying a financial contribution due to viability. However, where there is an increase of 2 - 4 dwellings a financial contribution will be sought using the calculation below and in Appendix 3.
- Commercial conversions such as flats above shops or offices involving proposals for 1 – 4 dwellings will be exempt from making a financial contribution towards affordable housing.
- Conversions of Listed Buildings for 1 - 4 dwellings will also be exempt from paying a financial contribution.

B.1 If the capacity of the site falls below the threshold (1 - 4 units) at which affordable housing is required, prior to obtaining planning permission the applicant will need to enter into a S106 agreement to pay a financial contribution towards affordable housing in the housing market in which the site is located. A standard Section 106 agreement that will be used for this purpose is set out in Appendix 2. An affordable housing contribution will be liable to be paid on completion and prior to occupation of each dwelling to which the payment relates.

- i A financial contribution towards affordable housing will have an impact on land values and landowner expectations, therefore, the Council will expect that applicants have considered in full the overall cost of development, including the required financial contribution towards affordable housing, and any abnormal costs, when negotiating the purchase of land.
- ii The required financial contribution is calculated by using the Community Infrastructure Levy (CIL) rates for each area of Monmouthshire and the internal floor space of the dwelling(s) in m². It should be noted that integral garages, as part of any scheme, would be counted within the internal space. The figure of 58% is the proportion that the landowner/developer would fund were the units to be delivered on site.

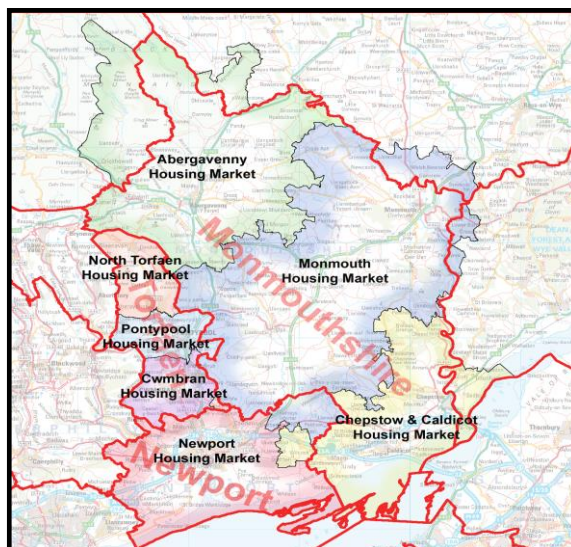
Formula: Financial Contribution = Internal Floor Area (m²) x CIL Rate x 58%

- iii The calculation can be obtained from the Council's Planning Officer. The contribution will be set at the equivalent of 35% of the agreed capacity of the site (25% in Severnside).

CIL rates and example calculations are given in Appendix 3.

Financial contributions gathered by the Council will be used to deliver affordable housing in the Housing Market Area (HMA) from which they are collected. The Council may combine financial contribution from different sites if appropriate and will spend contributions in the way that best achieves the Council's priorities for affordable housing. The number of units resulting from expenditure may be more or less than the units used to calculate the contribution as dwelling types, tenure, specifications and other aspects will vary from scheme to scheme.

The map below shows the three Housing Market Areas in Monmouthshire. (Source: Monmouthshire Local Housing Market Assessment 2018)



B.2 The Council does not wish to hinder the supply of dwellings from self-builders who could be building to meet their own needs. Therefore, **self-builders whose developments fall below the thresholds will not be required to make a financial contribution.** This is consistent with the approach set out in the Community Infrastructure Levy Regulations and the same definition of 'self-build' will be used as set out in the CIL Regulations 54A, 54B, 54C and 54D as inserted by the 2014 Regulations (see the standard Section 106 agreement in Appendix 2).

- i. If a developer wishes to make a claim for an exemption under the self-build provision then a form¹ should be submitted **prior to completion** of each dwelling to which the payment relates confirming that the dwelling is intended to be occupied by the owner of the land.
- ii. **Within 6 months of occupation** a further form will need to be submitted evidencing occupation by the owner. The Council will at this point agree to defer the payment for the duration of two-and-a-half years from that notification.
- iii. Any such exemption will be subject to a 'claw-back' mechanism so that **if the criteria for self-build status are not complied with within a period of three years from the occupation of the dwelling then the requirement for an affordable housing contribution will be reinstated.** Should there be compliance with the three year period, the Council will, through a variation of the Section 106 Agreement, confirm that no payment will be required on that specific dwelling.

C. DEVELOPMENT IN MAIN VILLAGES.

C.1 Sites allocated in main villages under LDP Policy SAH11 with the specific purpose of providing 60% affordable housing.

There is a specific issue in the County relating to the provision of affordable housing in rural areas due to the limited ability of existing residents in the countryside, particularly young people, to afford housing, which restricts their ability to remain within their existing communities if they are in housing need. In order to secure the provision of essential affordable housing in rural areas, and acknowledging that 100% affordable housing rural exception sites rarely come forward, a number of housing sites have been allocated in Main Villages under LDP Policy SAH11 with the specific aim of providing affordable housing for local people.

These sites are required under Policy S4 to provide a **minimum of 60% affordable housing:**

- i. The mix and tenure of the 60% affordable housing will be based on local housing need and this information can be established from the

¹ The exemption form is available in Annex C of the standard Section 106 agreement.

Council's Housing Strategy Officer on a site-by-site basis in accordance with the particular needs of the community in which the site is located.

- ii. Unlike general housing sites, therefore, **when the figure resulting from applying the proportion of affordable housing required to the total number of dwellings is not a whole number, there is no rounding down, only rounding up.**
- iii. Policy SAH11 sets a maximum size of development at 15 dwellings in order to ensure that any development is of a 'village scale', in keeping with character of the settlements. This amount may be smaller in certain villages, as set out in Policy SAH11, which indicates the scale of development that is considered to be acceptable having regard to the characteristics of the village and the particular site. It is unlikely to be acceptable for these lower site capacities to be exceeded unless it can be clearly demonstrated that there is no adverse impact on village form and character and surrounding landscape.
- iv. The LDP *Affordable Housing Viability Study* confirmed that a requirement for 60% affordable housing on rural sites will enable developer contributions towards the cost of providing affordable housing as the high market values for housing in rural areas would still provide residual land values far in excess of existing agricultural land values that should be sufficient incentive to bring land forward for development. **It must be recognised that the sole purpose for allocating these sites is to provide affordable housing for local people in rural areas. Without the provision of 60% affordable housing there is no justification for releasing these sites and anticipated land values should reflect this accordingly.**
- v. It is intended that this affordable housing will be brought forward using the mechanisms set out in section 5 below. The Council recognises that there may sometimes be abnormal costs that restrict the ability of a development to provide the financial subsidy to achieve affordable housing requirement. Initially, however, there is no intention to use financial subsidy to support 60% affordable housing sites.
- vi. Given the particular circumstances of these 60% affordable housing sites, the Council will not apply its normal policy of requiring 'pepper-potting' of affordable housing throughout a development. It is recognised that the best way of developing these sites and enabling the market housing to achieve its full potential for achieving financial subsidy for the affordable housing element is to allow the market dwellings to be grouped together.
- vii. All affordable housing achieved on LDP sites in Main Villages will give priority to local residents through the Council's Rural Allocations Policy.

C.2 Other Sites in Main Villages

There is scope for infill development to take place within the Village Development Boundary as identified in the LDP, For other sites within the development boundaries of Main Villages (i.e. excluding the 60/40 allocated sites) provision of 35% affordable housing on site will be required for both new build development and conversions. However, the following exemptions apply in relation to residential conversions.

Residential Conversions

- Single Barn Conversions in Main Villages will be exempt from paying a financial contribution due to viability. However, where there is an increase of 2 - 4 dwellings a financial contribution will be sought using the method set out in Section 4 B1 and Appendix 3.
- Commercial conversions such as flats above shops or offices involving proposals for 1 – 4 dwellings will be exempt from making a financial contribution towards affordable housing, although it is recognised that there will be few opportunities for such conversions within Main Villages.
- Conversions of Listed Buildings to 1 to 4 dwellings will also be exempt from paying a financial contribution.

D. DEVELOPMENT IN MINOR VILLAGES

- D.1** Policy S1 identifies Minor Villages where small scale development will be allowed in the circumstances set out in LDP Policy H3. Minor Villages are settlements that (subject to detail) are suitable for minor infill of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings. Applications relating to infill developments should also refer to the Infill Development Draft Supplementary Planning Guidance.

Infill developments in Minor Villages, consisting of 1 or 2 dwellings, will make a financial contribution towards affordable housing in the local planning authority area. This will be set at the equivalent of 35% of the number of dwellings proposed in the development. However, the following exemptions apply in relation to residential conversions in Minor Villages.

Residential Conversions

- Single Barn Conversions in Minor Villages will be exempt from paying a financial contribution due to viability. However, where there is an increase of 2 - 4 dwellings a financial contribution will be sought using the method set out Section 4 B1 and Appendix 3.
 - Commercial conversions such as flats above shops or offices involving proposals for 1 – 4 dwellings will be exempt from making a financial contribution towards affordable housing, although it is recognised that there will be few opportunities for such conversions within Minor Villages.
 - Conversions of Listed Buildings to 1 to 4 dwellings will also be exempt from paying a financial contribution.
- D.2** Policy H3 does contain an exception that allows for planning permission to be granted for up to 4 dwellings on an infill site that demonstrably fits in with village form (including not resulting in the loss of an open space that forms an important gap or open area) and is not prominent in the landscape. As such proposals are 'exceptional' in that they go beyond the normal definition of 'minor infill', it was considered appropriate to seek a higher proportion of affordable housing than would normally be required. Policy S4, therefore, requires that in the Minor Villages identified in Policy S1 where there is compliance with Policy H3:
- D.2.a) Development sites with a capacity for 4 dwellings will make provision for 3 dwellings to be affordable.**
- D.2.b) Development sites with a capacity for 3 dwellings will make provision for 2 dwellings to be affordable.**
- i. In such cases, it would be expected that the single open market dwelling will provide cross-subsidy towards the on-site provision of the affordable housing. Each site will be subject to a viability assessment which will determine the amount of cross-subsidy required.

E. DEVELOPMENT IN THE OPEN COUNTRYSIDE

E.1 Conversion and sub-divisions

Policy S4 requires that in the open countryside developments involving the conversion of existing buildings or sub-division of existing dwellings to provide 3 or more additional dwellings will make provision for 35% of the total number of dwellings to be affordable. It is considered that this should always be the aim in dealing with applications of this type. Nevertheless, it is recognised that provision of affordable housing on site is not always practicable in such situations. It is also more difficult to estimate the capacity of a development proposal involving existing buildings in comparison with a simple area calculation.

The Council, therefore, will adopt a more flexible approach in such situations, although generally **a financial contribution towards affordable housing in the local planning authority area will still be required. This will be set at the equivalent of 35% of the agreed capacity of the site** and utilise the Affordable Housing Financial Contribution Calculator (set out in Section 4 B and Appendix 3) but careful consideration will be given to the viability and practical implications of conversion and sub-division applications in assessing the level of financial contribution required. However, the following exemptions apply in relation to residential conversions.

Residential Conversions

- Single Barn Conversions will be exempt from paying a financial contribution due to viability. However, where there is an increase of 2 or more dwellings a financial contribution will be sought using the method set out in Section 4 B1 and Appendix 3.
- Conversions of Listed Buildings to 1 to 4 dwellings will also be exempt from paying a financial contribution.

E.2 Departure applications beyond settlement boundaries

In accordance with the decision made by Full Council on 21 February 2019 departure applications/unallocated sites are required to deliver 35% affordable housing and no negotiation will be entertained.

E.3 Rural Exceptions Policy

Policy H7 of the Adopted LDP provides a further planning policy mechanism for the provision of affordable housing in rural areas of Monmouthshire. It makes provision for the siting of small affordable housing sites in or adjoining villages on land that would otherwise not be released for residential development. **In such circumstances affordable housing should be provided on site at a rate of 100%.** Policy H7 is set out below:

Policy H7 – Affordable Housing Rural Exceptions

Favourable consideration will be given to the siting of small affordable housing sites in rural areas adjoining the Rural Secondary Settlements, Main Villages and Minor Villages identified in Policy S1 that would not otherwise be released for residential development provided that all the following criteria are met:

- a) The scheme would meet a genuine local need (evidenced by a properly conducted survey or by reference to alternative housing need data) which could not otherwise be met in the locality (housing needs sub-area);**
 - b) Where a registered social landlord is not involved, there are clear and adequate arrangements to ensure that the benefits of affordable housing will be secured for initial and subsequent occupiers;**
 - c) The proposal would have no significant adverse impact on village form and character and surrounding landscape or create additional traffic or access problems.**
- i. In seeking to identify such sites it needs to be recognised that isolated sites in the open countryside or those within small, sporadic groups of dwellings are unlikely to be acceptable. Policy H7 specifically refers to sites adjoining Rural Secondary Settlements, Main Villages and Minor Villages. Any proposals for locations other than these would be treated as ‘Departure’ applications and will need special justification. Another important consideration is the balance of the pattern of settlements in the community.
 - ii. It will also be necessary to demonstrate that the scheme would meet a genuine local need. This local need would normally relate to the rural parts of the community council area in which the site is located. Evidence of local need can be established by a number of different means, including local surveys, local consultation events, other forms of primary evidence and housing register data. As with the affordable housing sites in Main Villages, the Council’s Rural Allocations Policy will apply.

E.4 Build Your Own Affordable Home Policy

Monmouthshire County Council positively encourages local people to build their own affordable home to meet their own housing needs through the rural exceptions policy. Single plot exception sites are only permitted with restrictions and the ‘Build Your Own Affordable Home’ policy will be available on the website (Link will be included in final SPG).

5. OPTIONS FOR THE DELIVERY OF AFFORDABLE HOUSING

- 5.1 The Council requires that affordable housing is managed by a Registered Social Landlord (RSL) zoned for development in Monmouthshire by the Welsh Government, as procedures are already in place to ensure that dwellings remain affordable in perpetuity.

5.2 Types of affordable housing.

The Council will use the following definitions of affordable housing:

- **Social rented housing** is let by RSLs to households taken from the Council's Housing Register who are eligible for social rented housing. Rents will be set at Welsh Government benchmark levels.
- **Intermediate housing** is homes for sale and rent provided at a cost above social rent but below market levels. These can include shared equity, and intermediate rent. All of these will be provided through a Registered Social Landlord (RSL).
- **Neutral Tenure** is where tenure of housing is not predetermined but can vary according to needs, means and preferences of households to whom it is offered. This incorporates the tenures described above. This arrangement gives flexibility in that it allows the tenure type of a property to change between occupiers, or even with the same occupier. So, for example, on first occupation a house might be social rented, but when that occupier vacates the property the next occupier may choose the Homebuy option. In another instance, a property might initially be rented, but if the economic circumstances of the occupier improve, they may choose to convert to Homebuy. **Neutral tenure is the delivery option preferred by Monmouthshire County Council.**
- **Specialist affordable housing** may be sought for people with specific accommodation requirements that may not otherwise be met and where a need has been identified. These can include sheltered retirement housing, adapted housing for households with a physical disability and supported housing, for example for young homeless people or people with learning difficulties.

5.3 The Council's preferred method of achieving affordable housing through Section 106 Agreements is for developers to build houses for transfer to a Registered Social Landlord (RSL). This method will ensure mixed communities where the required pepper-potting of the affordable housing units will achieve a scheme where the affordable units are otherwise indistinguishable from the owner occupied homes.

5.4 Prior to submission of a planning application developers will be expected to liaise with the Council to agree the mix of units required to meet housing need.

5.5 All affordable housing units, except for intermediate housing delivered under Policy SAH11, must be constructed to the Welsh Government's Development Quality Requirements (DQR), which includes Lifetime Homes, or successor Welsh Government scheme. Developers' DQR Compliant house types will be checked to ensure that they meet the required standards. (See Appendix 1 for guidance).

5.6 The Council has a long term commissioning partnership with RSLs to secure the strategic provision of all types of housing accommodation. This covers minimum standards of service in management terms, allocation of Social

Housing Grant, specialisms of the Housing Associations and the long-term allocation of housing sites. The Council's preference is for developers to work with RSLs zoned by the Welsh Government for developing in Monmouthshire and it will normally allocate each site to its preferred RSL on the basis of the RSL's development capacity, other properties in the area, rental levels and other relevant issues. Should there be a need for specialist/purpose built disabled housing, for example, and an element of social housing grant was required the Council would only be able to allocate grant to a zoned RSL.

- 5.7 The financial arrangements for the transfer of completed affordable housing units from the developer to the RSL are to be calculated using the current Acceptable Cost Guidance rates published by the Welsh Government's Housing Directorate. The percentage that the RSL can afford to pay, based on the rental income they would receive for the properties, is 42% of ACG. This leaves the landowner/developer to fund the 58% which in the past would have been covered by Social Housing Grant. The developer will then be required to sell the properties to the RSL at this percentage rate. (This percentage rate does not apply to units delivered under Policy SAH11).
- 5.8 When negotiating option agreements to acquire land for residential development, developers should take account of affordable housing requirements. The amount of Social Housing Grant (SHG) that is available to the Council is very limited and is not normally made available for the delivery of Section 106 sites. The Council's preferred financial arrangements for the provision of affordable housing, as outlined in paragraph 5.7, have been agreed following consultation with the RSLs to ensure a consistent and equitable approach that also provides certainty for developers when they are preparing their proposals.
- 5.9 Affordable housing land or dwellings that are transferred to a RSL will be used to provide affordable housing on a neutral tenure basis to qualifying persons from the Council's Housing Register.
- 5.10 To achieve the aim of developing mixed and balanced communities the Council seeks to provide affordable housing on-site. Only in exceptional circumstances will off-site provision be considered. This might occur, for instance, in situations where the management of the affordable housing cannot be effectively secured (as in sheltered retirement housing schemes). In such cases it may be possible for off-site new build housing or refurbishment/conversion of existing properties to provide a satisfactory alternative that meets the needs of the local community. Such schemes would be subject to the financial arrangements outlined in paragraph 5.7. In the exceptional circumstances where on-site provision is not considered appropriate and off-site units cannot be delivered as an alternative site is not available, the Council will consider accepting an affordable housing contribution payment in lieu of on-site affordable housing provision. See Section 4 B.1 for information on the methodology for calculating this financial contribution and Appendix 3 for example calculations.

- 5.11 It is recognised that some specialist housing schemes such as Sheltered Housing may be challenging to deliver and any affordable housing contribution would be subject to viability. Should it be necessary the Council will commission an independent viability assessment, the cost of which will be borne by the developer. All viability assessments will be published in the public domain.
- 5.12 There are a number of people living in the County Council area that have specific housing requirements as a result of learning/physical disabilities and/or medical conditions. In certain circumstances, where particular housing needs cannot be met through use of existing affordable housing stock, new purpose built special needs units may be required. Where there is evidence of need, and it is considered appropriate by the Council, special needs housing may be provided as part of the affordable housing contribution through the involvement of a RSL to ensure that these units remain affordable in perpetuity.
- 5.13 It is recognised that the development costs of providing specific needs affordable housing may be higher than general needs affordable housing and therefore it may be acceptable for a lower proportion of affordable units to be provided, subject to an assessment of viability, or the provision of grant to meet those additional costs.
- 5.14 Affordable housing delivered under Policy SAH11
- 5.14.1 Affordable housing delivered under Policy SAH11 will be a mix of social rented units and intermediate housing depending on the local need identified by the Council. All units for social rent will be constructed to Welsh Government Development Quality Requirements, which includes Lifetime Homes. Intermediate housing will be constructed to a standard agreed by the Council and their RSL partners.
- 5.14.2 Affordable housing delivered under Policy SAH11 will be transferred to the Council's preferred RSL at 38% of Welsh Government ACG for social rented units, 50% of ACG for low cost home ownership units and 60% of ACG for intermediate rent units.
- 5.15 Service Charge and Ground Rents
- 5.15.1 Rents or purchase price are usually seen as the main measures of affordability, but the whole cost of occupation could be significantly higher where service charges and/or ground rents are also payable, for example in a block of apartments. Where there are to be service charges and/or ground rent then these should also be set at an affordable level if properties are to be classed as affordable. If at the time of determining a planning application the level of service charge or ground rent is not known, an appropriate condition or section 106 agreement clause will be applied.
- 5.15.2 Where a developer intends to appoint a management company who will be responsible for the maintenance of open spaces, landscaping and/or

unadopted highways, which will be paid for through a charge collected from residents, this charge will not be payable in relation to any of the affordable housing units (irrespective of affordable tenure), either by the nominated RSL or the subsequent occupants of the affordable homes.

- 5.16 There are currently three Registered Social Landlords zoned by the Welsh Government to operate within Monmouthshire. These are:

Melin Homes
Monmouthshire Housing Association
The Pobl Group

It should be noted that whilst these are the current zoned RSL partners in Monmouthshire, changing circumstances might result in the Council fostering different partnership links in the future and seeking approval from Welsh Government.

6. THE PLANNING APPLICATION AND SECTION 106 PROCESS

6.1 Type of Planning Application

- 6.1.1 Where new or additional housing is to be provided as part of a planning application on sites where the policy threshold has been exceeded affordable housing will be sought in accord with Adopted LDP Policy S4. This would apply to the following types of planning applications:

- All outline or full applications (including change of use applications, other than those exceptions listed in Section 4 i.e. single barn conversions, commercial conversions for 1 to 4 dwellings and conversions of 1- 4 listed buildings)
- All renewal applications, including where there has been no previous affordable housing obligation

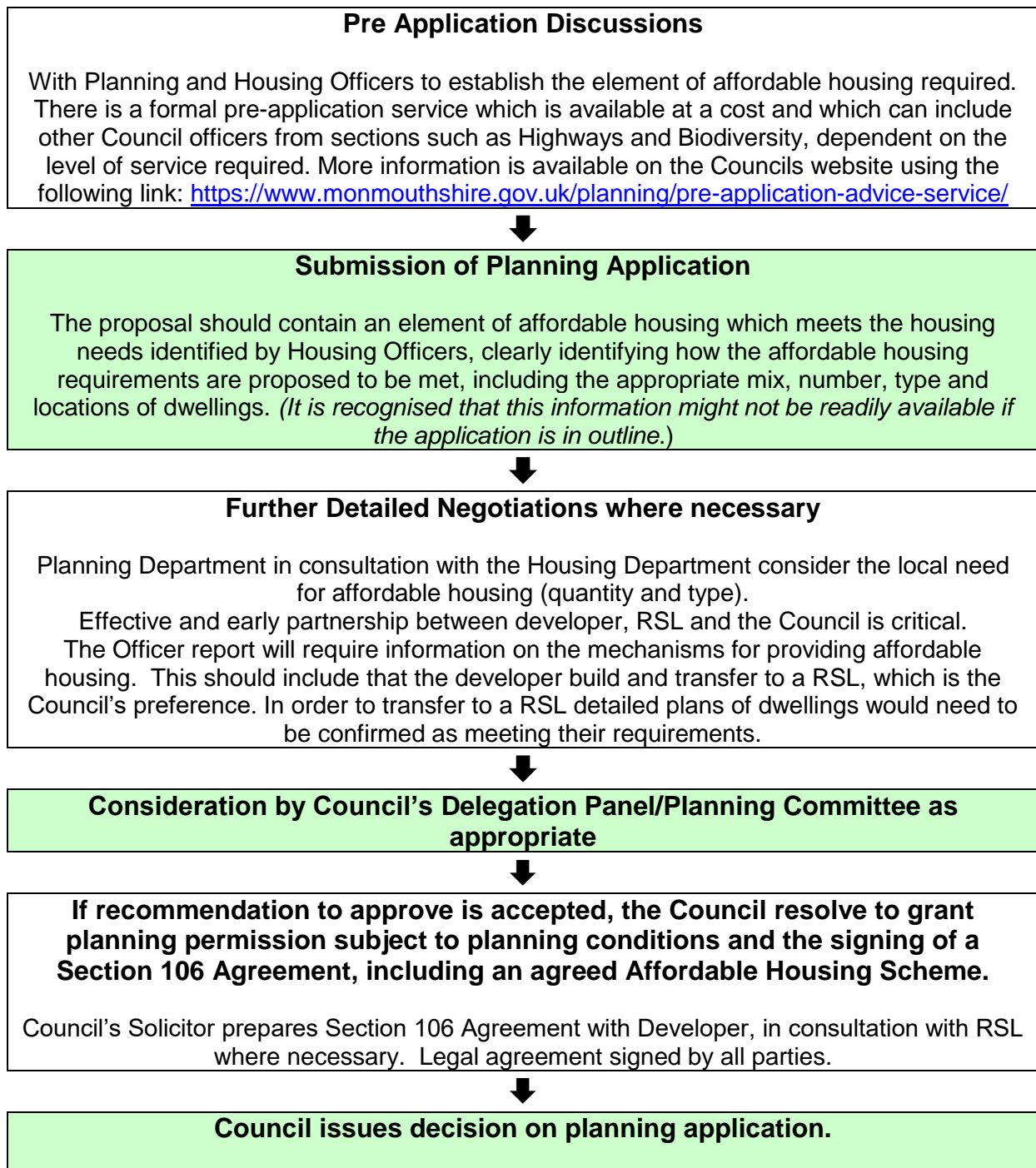
- 6.1.2 Affordable housing will be required on sites falling below the threshold if the Council considers that there has been a deliberate attempt to subdivide the site or phase the total development in an attempt to avoid the threshold.

6.2 Negotiation and Application Process

- 6.2.1 The provision of affordable housing is just one of a number of issues that need to be taken into account in applications for residential development. Discussion and detailed negotiations will also need to cover such matters as design, layout, density, landscape, open space and recreation provision, education, access and other financial contributions that may be needed. Developers should refer to other LDP policies and SPG in this respect.

- 6.2.2 In implementing the affordable housing policies of the adopted development plan, the Council will seek to ensure that there is close consultation between planning, housing and legal officers concerned with the operation of these policies, as well as other external agencies, including developers and RSLs.

In order to ensure that negotiations on affordable housing provision are conducted as effectively as possible, the Council will expect all parties involved to follow the procedures outlined:



6.3 Section 106 Agreements

6.3.1 The precise form of Section 106 Agreement will depend on the circumstances of individual cases including the ownership of the site and the terms of any obligation or agreement between the owner and a RSL. However, Section 106 legal agreements will normally include clauses setting out requirements with regard to the following issues:

- The mix of affordable housing types, sizes sought as part of the development
- The location and distribution of affordable housing within the development site
- The minimum design standards required for the affordable housing units
- The timing of the construction and occupation of the affordable housing in relation to the development of the whole site, including appropriate restrictions on general market housing occupation
- The price, timing and conditions for the transfer of the land or affordable housing to a RSL
- The arrangements regarding the future affordability, management and ownership of the affordable housing
- With outline applications (where the proposed number of dwellings is not known, but where there is a likelihood that the site threshold will be exceeded) the Agreement will ensure that the appropriate proportion of new housing will be affordable.

6.3.2 It will be necessary for the Section 106 Agreement to include appropriate long-term occupancy arrangements. The Council will require full nomination rights, which will be exercised according to the Council's allocations policy as current at the time. The key requirement is that any housing that is provided as affordable should remain in the affordable housing stock each time there is a change of occupant.

6.3.3 The flowchart set out above is unlikely to be applicable to small scale developments that fall below the affordable housing thresholds set out in Policy S4 and that, therefore, require a financial contribution. A standard Section 106 agreement has been prepared for such circumstances to ensure that there is no undue delay in the determination of the application (Appendix 2). A unilateral undertaking may also be an option if only a monetary contribution is required. This is a simplified version of a planning agreement, which is relatively quick and straightforward to complete, and is entered into by the landowner and any other party with a legal interest in the development site.

7. MONITORING AND TARGETS

7.1 As referred to in Section 3 above, the affordable housing target for the Monmouthshire LDP is 960 affordable dwellings over the plan period 2011-2021. This was based on the findings of a 2010 Update to the LHMA carried out in 2006.

7.2 The LDP estimated that the potential affordable housing provision if all sites achieve their maximum requirement is as follows:

- **35% on new sites in Main Towns and Rural Secondary Settlements** **446**
- **25% on new sites in Severnside settlements** **242**
- **60% on rural housing allocations in Main Villages** **120**
- **20% on large site windfalls** **68**
- **20% on current commitments** **108**
- **Completions 2011 – 2013** **127**
- **Small site windfalls** **74**

Total **1,185**

7.3 The period for this estimate had a base date of 1 April 2013. Table 1 below shows the total dwelling completions and total affordable housing completions from this base date

Table 1 – Housing Completions since 1 April 2013

Year	Total Completions	Affordable Housing Completions
2013/14	230	36
2014/15	205	17
2015/16	234	63
2016/17	238	47
2017/18	279	84

Source: Monmouthshire County Council Joint Housing Land Availability Studies 2013 - 2018

7.4 The Council is required to produce an Annual Monitoring Report (AMR) for the LDP that has to be published every October for the preceding financial year. The LDP monitoring framework includes a number of indicators relating to affordable housing. The AMRs are available to view on the Council's website.

Contacts

Monmouthshire County Council:

For affordable housing **planning policy** general enquiries please contact:

Planning Policy Section

Planning Policy Manager, County Hall, Rhadyr, Usk, Monmouthshire,
NP15 1GA

Tel: 01633 644827.

Email: planningpolicy@monmouthshire.gov.uk

Housing & Communities

Strategy & Policy Officer, Housing & Communities, County Hall, Rhadyr, Usk,
Monmouthshire,

NP15 1GATel: 01633 644474

E Mail: louisescorbett@monmouthshire.gov.uk

Potential developers should contact the Development Management Section:

Development Management Section

Development Services Manager, County Hall, Rhadyr, Usk, Monmouthshire,
NP15 1GA

Tel: 01633 644800. Email: planning@monmouthshire.gov.uk

Registered Social Landlords:

Melin Homes

Ty'r Efail, Lower Mill Field, Pontypool, Torfaen. NP4 0XJ

Tel: 08453 101102.

Email: peter.davies@melinhomes.co.uk

Monmouthshire Housing Association

Nant-Y-Pia House, Mamhilad Technology Park, Mamhilad, Monmouthshire,
NP4 0JJ

Telephone: 01495 761112

Email: karen.tarbox@monmouthshirehousing.co.uk

The Pobl Group

Exchange House, The Old Post Office, High Street, Newport, NP20 1AA

Tel: 01633 679911

Email: neil.barber@poblgroup.co.uk

David James

Rural Housing Enabler Monmouthshire

C/o Monmouthshire Housing Association, Nant-Y-Pia House, Mamhilad Technology
Park, Mamhilad, Monmouthshire, NP4 0JJ

Tel: 07736 098103

Email: david.james@rhe-monandpowys.co.uk

APPENDIX 1

ACG Floor Areas

APPENDIX 2

Draft Standard Section 106 Agreement for Affordable Housing Financial Contributions - Will be available in final version of SPGAPPENDIX 3

HOW TO CALCULATE FINANCIAL CONTRIBUTIONS FOR AFFORDABLE HOUSING

The required financial contribution is calculated by using the Community Infrastructure Levy (CIL) rates for each area of Monmouthshire and the internal floor space of the dwelling(s) in m². It should be noted that integral garages, as part of any scheme, would be counted within the internal space. The figure of 58% is the proportion that the landowner/developer would fund were the units to be delivered on site.

Formula: Financial Contribution = Internal Floor Area (m²) x CIL Rate x 58%

CIL Rates

Severnside	-	£80/m ²
Monmouth	-	£100/m ²
Abergavenny	-	£120/m ²
Chepstow	-	£120/m ²
Rural	-	£120/m ²

The figure of 58% in the examples below is the amount that the landowner/developer would fund were the units to be delivered on site. The Registered Social Landlord (Housing Association) would fund the remaining 42%.

EXAMPLES OF AFFORDABLE HOUSING CONTRIBUTIONS

Example 1

Dwelling measuring 98m² in a rural area:

$$(120 \times 98) \times 58\% = \text{£}6,821$$

Example 2

Two dwellings (one at 98m² and one at 110m²) in Chepstow:

$$(98 + 110 = 208)$$

$$(120 \times 208) \times 58\% = \text{£}14,476$$

Example 3

Three dwellings (one at 78m², one at 83m² and one at 94m²) in Monmouth:

$$(78 + 83 + 94 = 255)$$

$(100 \times 255) \times 58\% = \text{£}14,790$ **APPENDIX 4**
Checklist for Assessing Affordable Housing Requirements

Appendix 2



monmouthshire
sir fynwy

Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

Page 169

<p>Name of the Officer completing the evaluation Mark Hand</p> <p>Phone no: 01633 644803 E-mail: markhand@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>The Local Development Plan (LDP), adopted on 27 February 2014, sets out the Council's vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over the ten year period to 2021. Supplementary Planning Guidance (SPG) sets out detailed guidance on the way in which the policies of the LDP will be interpreted and implemented. The Affordable Housing SPG, adopted in March 2016, was prepared to provide further clarification on the interpretation and implementation of the LDP's affordable housing policies. However, since the SPG was adopted a number of issues have arisen in relation to the viability of affordable housing provision on certain types of development sites which has triggered the need to update the SPG. The SPG has, therefore, been amended to take account of updated evidence and to provide clarity on key elements of the SPG as set out in revised Draft SPG.</p>
<p>Name of Service</p> <p>Planning (Planning Policy)</p>	<p>Date Future Generations Evaluation form completed</p> <p>20/03/2019</p>


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



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive: Promoting affordable housing assists in achieving overall prosperity of communities and their residents. The Revised Draft SPG seeks maximise affordable housing provision via a pragmatic and evidenced approach. Affordable housing provision is essential in enabling sustainable resilient communities.</p> <p>Negative: None. The SPG has been amended to take account of updated evidence which will ensure that the viability of development is not adversely affected.</p>	<p>Better contribute to positive impacts: Ensure that guidance, as set out in the revised SPG, is accurately interpreted and implemented.</p>
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>Positive: Potential for proposals to conserve and enhance existing ecological networks/ landscape in accordance with LDP policy framework.</p> <p>Negative: Development may be located in main and minor villages where there is limited public transport and likely reliance on the use of the private car. The car usage likely to result from small scale development in rural areas is considered to be justified because it is likely to be minimal and the addition of new affordable housing makes a contribution to meeting housing needs.</p>	<p>Mitigate Negative Impacts: Ensure that biodiversity, landscape interests etc. are appropriately considered in assessing any planning application and that good standards of design, landscaping etc. are achieved.</p>
<p>A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p>Positive: The provision of appropriate affordable housing development can assist in promoting good health, independence and well-being and in bringing forward additional units of housing to meet the specific housing needs of vulnerable groups</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented.</p>
<p>A Wales of cohesive communities Communities are attractive, viable, safe and well connected</p>	<p>Positive: Affordable housing makes an important contribution to the sustainability and cohesiveness</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented.</p>



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>of our towns and villages by providing homes that local people on low incomes can afford to live in.</p> <p>Negative: None.</p>	
<p>A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p>Positive: The revised Draft SPG supports the implementation of affordable housing policies of the LDP, which has been subject to a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) to ensure that social, economic and environmental objectives are met, thereby contributing to sustainable development and global well-being.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented which will include consideration of social, economic and environmental wellbeing.</p>
<p>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</p>	<p>Positive: The revised Draft SPG has a positive general impact on culture, heritage and language. In general terms affordable housing makes an important contribution to the sustainability and cohesiveness of our towns and villages by providing homes that local people on low incomes can afford to live in.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented.</p>
<p>A more equal Wales People can fulfil their potential no matter what their background or circumstances</p>	<p>Positive: The revised Draft SPG should bring positive benefits to Monmouthshire's residents by opening up opportunities for appropriate affordable housing developments where they comply with the LDP policy framework. Affordable housing makes an important contribution to the sustainability of our towns and villages by providing homes that local people on low incomes can afford to live in. It also a means of providing low cost homes for first time buyers. A commuted sum also has the potential to bring forward additional units of housing to meet the specific housing needs of vulnerable groups.</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the SPG, is accurately interpreted and implemented.</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>Housing policies, as with all LDP policies, have been subject to a Sustainability Appraisal that measures their performance against sustainability objectives, including equality measures.</p> <p>Negative: None.</p>	

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

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Balancing short term need with long term and planning for the future</p>	<p><i>We are required to look beyond the usual short term timescales for financial planning and political cycles and instead plan with the longer term in mind (i.e. 20+ years)</i></p> <p>The LDP covers the period 2011-21. The Draft SPG supports the implementation of the LDP. By its nature, therefore, it cannot look beyond this period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations.</p> <p>The LDP housing policy framework seeks to balance the short term need for housing development and viability issues with the longer term need to create balanced and sustainable communities. Affordable housing makes an important contribution to the sustainability of our towns and villages by providing homes that local people on low incomes can afford to live in. It also a means of providing low cost homes for first time buyers. A commuted sum also has the potential to bring forward additional units of housing to meet the specific housing needs of vulnerable groups.</p>	<p>Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented.</p> <p>The LDP and its policies have been subject to SA/SEA. The replacement LDP will be subject to SA/SEA.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance including affordable housing policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will help inform the evidence base for the replacement LDP.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p data-bbox="344 352 517 512">Working together with other partners to deliver objectives</p>	<p data-bbox="544 196 1328 528">The revised Draft SPG has been produced in liaison with the Council's Housing Strategy Officers following discussions regarding planning applications for affordable housing development. It will be subject to further internal consultation and external consultation. Public consultation will be targeted to those who are considered to have a specific interest in the topic but also including all town and community councils. The consultation will also be publicised via our Twitter account @MCCPlanning, as well as the corporate Monmouthshire Twitter account.</p>	<p data-bbox="1350 196 2112 427">The revised Draft SPG supports LDP affordable housing policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p data-bbox="1350 467 2112 730">LDP AMRs will provide both an annual evaluation of plan performance, including affordable housing policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP. The replacement LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.</p>
 <p data-bbox="344 963 517 1123">Involving those with an interest and seeking their views</p>	<p data-bbox="544 743 1328 799"><i>Who are the stakeholders who will be affected by your proposal? Have they been involved?</i></p> <p data-bbox="544 839 1328 1166">The Draft SPG has been produced in liaison with the Council's Housing Strategy Officers following discussions regarding planning applications for affordable housing development. It will be subject to further internal consultation and external consultation. Public consultation will be targeted to those who are considered to have a specific interest in the topic but also including all town and community councils. The consultation will also be publicised via our Twitter account @MCCPlanning, as well as the corporate Monmouthshire Twitter account.</p> <p data-bbox="544 1206 555 1222">.</p> <p data-bbox="544 1262 555 1278">.</p>	<p data-bbox="1350 743 2112 970">The revised Draft SPG supports LDP affordable housing policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p data-bbox="1350 1010 2112 1273">LDP AMRs will provide both an annual evaluation of plan performance, including affordable housing policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP. The replacement LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The requirement for revising the Affordable Housing SPG has arisen from the viability evidence on small-scale development sites which has demonstrated that affordable housing provision is not viable on certain types of development sites. The Council seeks to support and adopt a positive approach to appropriate affordable housing development and appropriate financial contributions where it is not possible to negotiate affordable housing units on site.</p> <p>The SPG has been amended to take account of updated evidence and to provide clarity on key elements of the SPG. It is considered that the revised SPG will provide further clarity to all stakeholders and importantly maximise affordable housing provision via a pragmatic and evidenced approach.</p>	<p>The future adoption and implementation of this revised Draft SPG will support appropriate affordable housing development where it accords with the LDP policy framework.</p>
 <p>Positively impacting on people, economy and environment and trying to benefit all three</p>	<p>The revised Draft SPG supports the implementation of the LDP which has been subject to a SA/SEA that balances the impacts on social, economic and environmental factors.</p>	<p>The AMRs will examine the impacts of the LDP over the longer term and evidence the emergence of any trends at different spatial scales. Delivering sustainable development (social, economic and environmental) is central to the LDP. Continue to monitor indicators, including housing policy indicators and targets, to inform future AMRs.</p> <p>The replacement LDP will be subject to a SA/SEA that balances the impacts on social, economic and environment factors.</p>

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

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	The revised Affordable Housing SPG should bring positive benefits to Monmouthshire's residents of all ages, particularly through increasing the supply of affordable housing in the County. Affordable housing makes an important contribution to the sustainability of our towns and villages by providing homes that local people on low incomes can afford to live in. It also a means of providing low cost homes for first time buyers. A commuted sum also has the potential to bring forward additional units of housing to meet the specific housing needs of vulnerable groups.	None	Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented.
Disability	The revised Affordable Housing SPG should bring positive benefits to Monmouthshire's residents, reflecting the need to ensure the provision of a wide-ranging choice of homes including meeting affordable and accessible housing needs as far as possible. Affordable housing makes an important contribution to the sustainability of our towns and villages by providing homes that local people on low incomes can afford to live in. It also a means of providing low cost homes for first time buyers. A commuted sum also has the potential to bring forward additional units of housing to meet the specific housing needs of vulnerable groups.	None	Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented.
Gender reassignment	None	None	N/A

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Marriage or civil partnership	None	None	N/A
Race	None	None	N/A
Religion or Belief	None	None	N/A
Sex	None	None	N/A
Sexual Orientation	None	None	N/A
Welsh Language	None	None	N/A

Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding.

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

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	None	None	N/A
Corporate Parenting	None	None	N/A

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

- Monmouthshire Local Development Plan (2011-2021).
- Adopted Affordable Housing Supplementary Planning Guidance (2016)
- Viability Appraisals on small sites within the County

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

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

Positive: The Revised Draft SPG continues to support the provision of affordable housing in Main Towns, Severnside Settlements, Rural Secondary Settlements, Main and Minor Villages, subject to compliance with the LDP policy framework. Affordable housing makes an important contribution to the sustainability of our towns and villages by providing homes that local people on low incomes can afford to live in. It also a means of providing low cost homes for first time buyers. A commuted sum also has the potential to bring forward additional units of housing to meet the specific housing needs of vulnerable groups. The provision of affordable housing will generate positive impacts on the local economy which is essential to the well-being of local communities and residents throughout Monmouthshire.

Future: Ensure that LDP's affordable housing policies are accurately interpreted and implemented fully through use of this Revised Draft SPG. The effectiveness of the affordable housing policies will be monitored on an annual basis in the LDP AMR.

Negative: Potential for some negative sustainability impacts where affordable housing development is located in main and minor villages where there is limited public transport and subsequent reliance on the private car, resulting in increased car use in these areas, albeit that this is likely to be minimal given the nature of small scale affordable housing development in rural areas. Therefore, the scope for such negative impacts is limited and will be carefully considered against the LDP policy framework.

Future: LDP AMRs will provide both an annual evaluation of plan performance, including affordable housing policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP.

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

What are you going to do	When are you going to do it?	Who is responsible	Progress
Public consultation on the revised draft SPG. Amendments will be made to the SPG, as appropriate, in response to the consultation, prior to reporting back to Planning Committee to seek endorsement to adopt.	For approximately 6 weeks following approval of the draft SPG.	Head of Planning, Housing & Place-shaping	

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

The impacts of this proposal will be evaluated on:	Impacts will be evaluated where relevant on a regular basis in the required LDP Annual Monitoring Report. This AMR will be reported for political decision prior to submitting to the Welsh Government by 31 October 2019 and will be available on the MCC website.
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Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 09/01/19

gan Hywel Wyn Jones BA (Hons) BTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 04.03.2019

Appeal Decision

Site visit made on 09/01/19

by Hywel Wyn Jones BA (Hons) BTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 04.03.2019

Appeal Ref: APP/E6840/C/18/3213252

**Site address: Ravensnest Fishery, Ravensnest Wood Road, Tintern,
Monmouthshire, NP16 6TP**

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Russell Cassidy-Kojima against an enforcement notice issued by Monmouthshire County Council.
- The enforcement notice, which is not numbered, was issued on 2 October 2018.
- The breach of planning control as alleged in the notice is an unauthorised timber framed building.
- The requirements of the notice are
 - i) Remove the timber framed building
 - ii) Cease the use of the land for residential purposes
 - iii) Remove from the land all building materials and rubble arising from compliance with requirement (i) above
 - iv) Remove the retaining wall noted and re-seed the immediate area [sic] with grass seed
- The period for compliance with the requirements is six months from the date that this Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.

Decision

1. It is directed that the enforcement notice be varied in Schedule 4 by the deletion of requirement ii) "Cease the use of the land for residential purposes".
2. Subject to this variation the appeal is dismissed, the enforcement notice is upheld.

Background Matters

3. A Certificate of Lawful Existing Use or Development (CLEUD) (ref: DC/2012/00525) was granted on the appeal site in August 2012 for "siting of touring caravan ancillary to the use of the fishery". A subsequent Certificate of Lawful Proposed Use or Development (CLPUD)¹ was issued by the Council on 26 September 2016 (ref: DC/2016/00729). It confirmed the lawfulness of a "use or operation" described as

¹ The heading to the certificate refers to Section 192 of the Town and Country Planning Act 1990. A reference in the same document to section 191 appears to be in error given that it clearly related to a proposed use or development.

"Replace touring caravan with a log cabin to provide ancillary accommodation for fishery".

4. The CLPUD not only makes reference to the above description but it also refers to "plans referred to in the Third Schedule" to the Certificate. That schedule, in turn, refers to an email dated 4 September 2016 from a company, Polar Lodges, who were looking to supply the applicants for the certificate with a "mobile lodge to replace a static caravan that has historically been on the site". The reasons given for granting the certificate includes that "it would meet the requirements outlined in the Caravan Act 1968 Part III Section 13 for a twin unit caravan". It goes on to state that provided the "replacement twin caravan is sited in accordance with the Caravan Act 1968 the development would be deemed lawful". It then explains that the use should be ancillary accommodation for fishery.
5. The Polar Lodge email is a detailed one which provides information on the size of the proposed structure, confirming it falls within the statutory size limits for a twin unit caravan. It explains that the lodge would be brought to site in 4 sections that would be assembled to form two halves that would then be bolted together on a concrete base or pads. Reference is made to 2 appeal decisions that deal with whether a structure complies with the legal definition of a twin unit caravan, and included the construction, mobility and size tests. The email concludes by confirming that the "proposed lodge will be fully compliant with the Caravan Sites Act of 1968".
6. The appeal site incorporates land associated with the Fishery business, which the appellant purchased after the grant of the Certificates. The subject structure straddles a hard-surfaced terrace of flat ground and ground that falls steeply towards a fishing pond.

The Notice

7. The appellant points out that requirement iv) of the notice refers to "retaining wall noted" yet no mention of those works is included in the allegation. My visit confirmed that the works included at one end of the structure a retaining wall to support excavations into the ground and, at the other, the construction of gabion baskets of rock and block walling which together serve to facilitate a level platform for the timber framed structure. These below floor level works form an integral element of the operational development that has been undertaken. The removal of the retaining wall is required to enable the reinstatement of the land to its previous condition. No prejudice has been caused to the appellant by the absence of a specific reference to the retaining wall in the allegation.
8. Requirement ii) of the notice requires the cessation of the residential use of the land. In addition to the site of the subject works the land to which the notice relates encompasses the extensive area of land owned by the appellant which includes the appellant's fishery business including the site identified in the Certificates of Lawful Use. I note that there is a difference of interpretation between the main parties over the use that was deemed lawful by these Certificates, but this is not a matter relevant to my determination of the appeal.
9. At the time of my site visit it was clear that the building had not been internally completed and there is no suggestion that it was being used. The notice makes no reference to the use of the building in the allegation. Against this background it seems to me that the requirement to cease residential use of the land goes beyond that which is related to the structure in question and may cause conflict with the lawful use certificates. Given that compliance with the remaining requirements of the

notice would effectively prevent any residential use of the building, I propose to remove this requirement satisfied that no injustice would be caused to any party.

Ground (c) Appeal

10. Section 192 (4) of the Act confirms that the lawfulness of any use or operations for which a certificate is in force shall be conclusively presumed unless there is a material change before the use or operation begin. There is no suggestion of any such change in this case.
11. The appellant and the Council disagree over the interpretation of the effect of the Certificates granted on the site. In addition to the dispute over the precise use which is deemed lawful to which I have already referred, there is also disagreement over the precise site on which the lawfulness has been established and the type of structure confirmed to be lawful. I shall deal with the type of structure first.
12. Despite the mention of 'log cabin' the reference in the certificate to the third schedule and to the email narrows the type of structure that was deemed to be lawful. This is a significant qualification to the type of structure to which the certificate relates. This was made very clear in the case presented in the application and in the Council's reasons for granting the certificate. Indeed, it is patently the case that replacing a caravan, which is a use of the land, with a building would require planning permission. Thus I turn to consider whether the structure that is on the site is a caravan for the purposes of the CLPUD.
13. Local residents explain that the building did not arrive in sections but has been constructed on site. This evidence is not disputed and is wholly consistent with the drawings of the structure which the appellant has provided. These show a timber-framed structure to be assembled as a single operation built in situ. This is consistent with that observed on site where the roof timbers, for example, span the whole of the structure. Indeed, the work of constructing the structure was ongoing at the time of my visit. There remained significant works to be completed such as external cladding and the boarding of the internal stud partition walls and ceiling.
14. As noted in the appeal decisions cited in the Polar Lodge email, the construction test for a twin unit caravan includes that it comprises two halves that are brought together to create the twin-unit. It is clear that the structure does not meet this test. Its construction is akin to a timber-framed dwelling. It was not clear to me from my visit how the floor was fixed to the masonry walls below. However, the gabion basket supporting walls and the concrete block retaining walls that I observed are an integral part of the building operations that have taken place to erect the structure and to provide its necessary structural support.
15. Even if it were possible to readily disconnect the timber-framed structure from the supporting walls, there is no indication that the structure has been designed to enable its transportation. The mobility test for a caravan is whether the structure is physically capable of being moved by road in its assembled state. There is no information to suggest that the structure is capable of being towed or lifted in one piece and thereafter transported. The means of construction detailed in the drawings, consistent with my own observations on site, suggests that it lacks the structural strength to withstand the loadings that any attempt to move it would impose.
16. The Council does not dispute that in terms of its external dimensions the structure falls within the statutory definition of a twin unit caravan but considers that the ceiling height exceeds the 3.05m limit. According to the construction drawing of the structure submitted by the appellant that is correct, but the ceiling had not been

constructed at the time of my visit. In light of my findings in relation to the other 2 tests this matter is not determinative.

17. The Council argues that the CLPUD approved a siting which was specific to the identified position of the previous caravan whereas the appellant submits that the certificate confirms lawfulness within the planning unit. As the work that has been undertaken constitutes operational development rather than being a use of the land it falls outside the scope of the CLPUD. Accordingly, it is not necessary for me to reach a view on the significance of the fact that the appeal structure is in a position which is some distance from that of the caravan as shown on the location plans accompanying both certificate applications.
18. For the above reasons I find that the structure the subject of the notice does not fall within the statutory definition of a caravan. It constitutes operational development and is therefore outside the scope of the CLPUD. It is development requiring planning permission, and in the absence of such a permission ground (c) must fail.

Conclusion

19. I have found that the development constitutes a breach of planning control and thus I shall uphold the notice, subject to varying the requirements to delete the reference to residential use.

Hywel Wyn Jones

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/12/18

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27.02.2019

Appeal Decision

Site visit made on 12/12/18

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 27.02.2019

Appeal A - Ref: APP/E6840/C/18/3213586

Site address: Land at Unit 4 Former Redchillies Thai and Indian Restaurant, Five Lanes North, Five Lanes, Caerwent, Monmouthshire, NP26 5PE

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr C Pryce against an enforcement notice issued by Monmouthshire County Council.
- The enforcement notice, numbered E18/085, was issued on 12 September 2018.
- The breach of planning control as alleged in the notice is described on the Enforcement Notice as: Garage not built in accordance with plans approved under application DC/2017/00728.
- The requirements of the notice are described on the Enforcement Notice as: Demolition of the existing garage and reconstruction in accordance with Plan No. PL05C approved under application DC/2017/00728.
- The period for compliance with the requirements of the Notice is six months from the date that it takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Appeal B - Ref: APP/E6840/A/18/3213595

Site address: Redchillies Thai and Indian Restaurant Residential Quarters, Five Lanes North, Five Lanes, Caerwent, NP26 5PE

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr C Pryce against the decision of Monmouthshire County Council.
- The application Ref: DM/2018/00707, dated 29 April 2018, was refused by notice dated 5 September 2018.
- The development proposed is an application to retain amendments to approved application DC/2017/00728.

Decision

Appeal A - Ref: APP/E6840/C/18/3213586

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

construction of the garage not built in accordance with the plans approved under application DC2017/00728 at Land at Unit 4 Former Redchillies Thai and Indian Restaurant, Five Lanes North, Five Lanes, Caerwent, Monmouthshire, NP26 5PE.

Appeal B - Ref: APP/E6840/A/18/3213595

2. The appeal is allowed and planning permission is granted for the retention of amendments to approved application DC/2017/00728 at Redchillies Thai and Indian Restaurant Residential Quarters, Five Lanes North, Five Lanes, Caerwent, NP26 5PE in accordance with the terms of the application Ref: DM/2018/00707 dated 29 April 2018.

Application for Costs

3. An application for costs has been made by Mr C Pryce against Monmouthshire County Council (the LPA or Council). This application is the subject of a separate decision.

Procedural and Preliminary Matters

4. There are two appeals at the site, both of which include matters relating to the construction of a residential garage without compliance with the plans approved under application Ref: DC/2017/00728. Whilst I shall consider each case on its own particular merits, to avoid any duplication, I shall deal with the appeals together in this document, with separate formal decisions set out above.
5. Plans depicting the as-built garage have been submitted in support of the appeals. However, as minor discrepancies on those drawings were identified at the time of my site inspection, I shall determine the appeals based on the development found on site, rather than that proposed on the submitted plans. As the proposals clearly seek to regularise the as-built development, there is no prejudice in this respect.
6. It is likely that the scheme approved under LPA Ref: DC/2017/00728 would be implemented should both Appeal A and Appeal B be dismissed. As such, I shall consider the appeal scheme within the context of this lawful fall-back position.

Main Issues

7. These are the effect of the development upon: the character and appearance of the area; and the living conditions of the occupiers of neighbouring residential properties, with particular reference to outlook.

Reasons

8. The approved garage would comprise a detached double garage with separate ancillary utility room that would incorporate a stepped design. In contrast, the as-built garage represents a more basic structure with a larger rectangular footprint. It also incorporates an increased eaves and ridge height that facilitates the provision of living accommodation in the roof space. Nevertheless, despite a noticeable increase in eaves height, the increase in the overall ridge height is modest and its revised positioning cannot be ignored. Indeed, the as-built garage is set-back from the public highway relative to the approved scheme, meaning that it partially overlaps the front building line of the main dwelling and is therefore located in a less prominent position. There is little doubt that the garage remains a large and dominant structure that is clearly visible whilst travelling in an easterly direction along the A48. However, by virtue of its less prominent siting, coupled with the fact that the increase in ridge height is only modest, I do not consider the as-built development to represent a

materially more prominent or visually harmful form of development than what would be the case if the fall-back position was to be implemented.

9. The as-built garage is partially screened from the east by a mature and substantial hedgerow located along the shared boundary with Wern House. The revised siting of the as-built garage also means that from such vantage points the development is seen, at least in part, up against the eastern elevation of the main dwelling. Concerns have been raised regarding a loss of outlook at Wern House. However, whilst I note the increase in eaves height, I do not consider that the development creates any significant overbearing impacts, not least because the overall increase in height is relatively modest, with a driveway separating Wern House from the shared boundary and the pitch of the as-built garage roof sloping away from the adjacent property. The garage is also set further away from both the public highway and the shared boundary with Wern House than that of the approved scheme, meaning that the development does not serve to materially reduce the outlook from Wern House relative to the scheme already approved by the LPA.
10. Appeal B seeks planning permission to '*Retain amendments to Plot 4 approved under LPA application Ref: DC/2017/00728*'. In that respect, it has a wider scope than Appeal A which is confined to the as-built garage which comprises the focus of the Enforcement Notice. However, it is notable that the objections received from both the Council and interested parties are focussed on the effect of the as-built garage and I have not seen anything to lead me to raise wider concerns through the determination of this appeal. Indeed, I am satisfied that the other amendments to LPA Ref: DC/2017/00728, that include relatively minor variations to the pattern of fenestration and use of materials, do little to injuriously alter the character and appearance of the approved dwelling or indeed the wider area.
11. Based on the foregoing I find that, despite the substantial scale of the as-built garage, the amendments to the development approved under Ref: DC/2017/00728 do not cause material harm to the character and appearance of the area or the living conditions of the occupiers of neighbouring residential properties by reason of loss of outlook. It therefore follows that there is no conflict with Policy S17, Policy DES1b), c) and d), or Policy EP1 of the adopted Monmouthshire County Council Local Development Plan (LDP). For the same reasons, I also find no conflict with the general thrust of the planning policy framework set nationally.
12. I therefore conclude that Appeal A should be allowed and that the associated Enforcement Notice should be quashed. Planning permission should be 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. For the same reasons, Appeal B should also be allowed. In coming to these conclusions, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that these decisions are in accordance with the sustainable development principle through their contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR

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Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 12/12/18

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27.02.2019

Costs Decision

Site visit made on 12/12/18

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 27.02.2019

Costs Application A - Appeal Ref: APP/E6840/C/18/3213586

Site address: Land at Unit 4 Former Redchillies Thai and Indian Restaurant, Five Lanes North, Five Lanes, Caerwent, Monmouthshire, NP26 5PE

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

- The application is made under the Town and Country Planning Act 1990, sections 174, 175(7) and Schedule 6.
- The application is made by Mr C Pryce for a full award of costs against Monmouthshire County Council.
- The appeal was against an enforcement notice alleging: Garage not built in accordance with plans approved under application Ref: DC/2017/00728.

Costs Application B - Appeal Ref: APP/E6840/A/18/3213595

Site address: Redchillies Thai and Indian Restaurant Residential Quarters, Five Lanes North, Five Lanes, Caerwent, NP26 5PE

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, 322 and Schedule 6.
- The application is made by Mr C Pryce for a full award of costs against Monmouthshire County Council.
- The appeal was against the refusal of planning permission for the retention of amendments to approved application Ref: DC/2017/00728.

Decisions

Costs Application A - Appeal Ref: APP/E6840/C/18/3213586

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

Costs Application B - Appeal Ref: APP/E6840/A/18/3213595

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

Procedural Matter

3. As set out above, there are two applications for costs at the same site which were submitted with linked planning appeals. Whilst I shall consider each application on its own particular merits, to avoid any duplication, I shall set out my reasoning for each

of the applications together in this document, albeit with separate formal decisions set out above.

Reasons

4. Welsh Government (WG) guidance relating to an award of costs, in the form of the WG Development Management Manual (DMM) and the associated Section 12 Annex: 'Award of Costs' (May 2017) (Annex 12) advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for an award of costs to incur unnecessary or wasted expense in the appeals process.
5. The applicant contends that, in the above cases, the Local Planning Authority (LPA) acted unreasonably in that it had no evidence base for supporting a refusal of planning permission and subsequently taking enforcement action, referring specifically to the fact that such decisions were contrary to the advice of its professional officers. However, I have set out in the associated appeal decisions that the as-built garage is larger than the approved garage and, in this respect, I consider the arguments in favour of the appeals to have been finely balanced. Indeed, whilst I found through the determination of those appeals that the development would not be materially more harmful than that approved under Ref: DC/2017/00728, given that such matters are largely subjective, I am satisfied that the Council was entitled to come to different conclusions to that of its professional officers.
6. For these reasons, I find that the applicant has not satisfactorily demonstrated that the costs associated with the appeals have been a direct result of unreasonable behaviour. As such, and having considered all matters raised, I conclude that neither a full or partial award of costs is justified in either of the cases. It follows that the applications should therefore be refused.

Richard E. Jenkins

INSPECTOR

New appeals 20.02.2019 to 22.03.2019

Local Ref	Appeal Site Address	Reason for Appeal	Appeal Type	Date Lodged
DM/2018/01050	Residential development (outline) Land off Monmouth Road, Raglan Monmouthshire	REFER - Referred to Welsh Ministers	Hearing	01.03.2019
DM/2018/01671	A two storey rear/side extension to provide a further bedroom and amenity space for a large family Severn Farm B4245 Parkwall To Caldicot Portskewett Caldicot Monmouthshire NP26 5TY	REF - Appeal against Refusal	Fast Track	12.03.2019
DM/2018/01784	Two, 2-bedroom semi-detached houses 72 The Close Portskewett Caldicot NP26 5SN	8 WEEK - Not determined within 8 weeks (appeal against non-determination)	Written Representations	19.03.2019

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