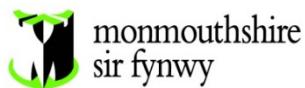


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Friday, 26 April 2019

Notice of meeting:

Planning Committee

**Tuesday, 7th May, 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 minutes of the previous meeting.	1 - 28
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
4.1.	Application DM/2018/01872 - Three new detached market dwelling-houses with associated garage(s), car parking, access driveways and landscaping. Land Rear Of Rosebrook, Watery Lane, Monmouth.	29 - 44
4.2.	Application DM/2018/01909 - Open sided, roofed pavilion with new hard surfacing. Abergavenny Museum & Castle, Castle Street, Abergavenny, NP7 5EE.	45 - 64
4.3.	Application DM/2018/02053 - Proposed detached dwelling. Green Acres Vinegar Hill, Undy, Caldicot, Monmouthshire.	65 - 74
4.4.	Application DM/2018/02066 - Outline application for the construction of 11 dwellings and associated works. Land adjacent to Clearview Court, Shirenewton.	75 - 92
4.5.	Application DC/2019/00001 - Residential development of 345 dwellings and associated infrastructure and landscaping. Mabey Bridge, Station Road, Chepstow.	93 - 132
4.6.	Application DM/2019/00026 - New Dwelling with associated garage. Tengboche, Glynwood Lane, Chapel Hill, Tintern.	133 - 142

4.7.	Application DM/2019/00118 - Renew outline approval DC/2012/00450 and DC/2016/00059. Land opposite 5 Severn View, Caldicot.	143 - 148
4.8.	Application DM/2019/00333 - Retrospective application for the erection of a fence. 3 Canon Lane, Caerwent, Caldicot, Monmouthshire NP26 4QQ.	149 - 154
4.9.	Application DM/2019/00352 - Twinning monument to be erected in commemoration of 30 years of twinning. Gabb Square, Baker Street, Abergavenny, NP7 5BA.	155 - 160
4.10.	Application DM/2019/00362 - Proposed internal alterations and external amendments to South West corner. Caldicot Library, Woodstock Way, Caldicot, NP26 5DB.	161 - 166
4.11.	Application DM/2019/00440 - Two outdoor classrooms and a polytunnel. The Dell Primary School, Welsh Street, Chepstow, NP16 5UQ.	167 - 172
5.	FOR INFORMATION - List of New Planning Appeals Received.	173 - 174

**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 by a favourable conservation status in their natural range.

Well-being of Future Generations (Wales) Act 2015

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

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

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

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

Equality Act 2010

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

Children and Families (Wales) Measure

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

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

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

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

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

Applicants

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

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

Procedure at the Planning Committee Meeting

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

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

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

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd
April, 2019 at 2.00 pm**

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

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

County Councillors A. Watts and S. Woodhouse attended the meeting by invitation of the Chair.

County Councillor J. Higginson left the meeting following determination of application DM/2018/01909 and did not return.

County Councillor R. Harris left the meeting following determination of application DM/2018/01784 and did not return.

County Councillor P. Clarke left the meeting during consideration of application DM/2019/00003 and did not return.

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
Shirley Wiggam	Senior Strategy & Policy Officer
Louise Corbett	Strategy & Policy Officer - Affordable Housing
Roger Hoggins	Head of Operations
Huw Owen	Specialist Environment Health Officer
John Rogers	Legal Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillor M. Feakins

1. Declarations of Interest

County Councillor R. Edwards declared a personal and prejudicial interest, pursuant to the Members' Code of Conduct, in respect of applications DM/2018/01741, DM/2018/01777 and DM/2019/00168 as she has family members with an involvement in all three applications. She 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 applications DM/2018/01741 and

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd April, 2019 at 2.00 pm

DM/2019/00030 as he is a member of the Monmouthshire Housing Association Committee. He left the meeting taking no part in the discussion or voting thereon.

County Councillor R. Harris declared a personal and prejudicial interest, pursuant to the Members' Code of Conduct, in respect of application DM/2018/01909, although not taking part in any planning consideration of this item and actively supported the Town Council allotting £30,000 to this project. He therefore left the meeting taking no part in the discussion or voting thereon.

County Councillor R.J. Higginson declared a personal and prejudicial interest, pursuant to the Members' Code of Conduct, in respect of application DM/2018/01741, as he knows and is a former colleague of an objector of the proposed development. 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 applications DM/2018/01741 and DM/2019/00030 as she sits on the Monmouthshire Housing Association Board. She left the meeting taking no part in the discussion or voting thereon.

2. To confirm for accuracy the following minutes:

2.1. Planning Committee dated 5th March 2019

The minutes of the Planning Committee meeting held on 5th March 2019 were confirmed and signed by the Chair subject to the following amendment to Minute 13 - Draft Infill Development Supplementary Planning Guidance (SPG). Bullet point 3 be amended to read:

There is a need to ensure that the affordable housing provision of either 60%, 35% or 25% (depending on the location) is adhered to and that would not be subject to viability.

2.2. Special Meeting - Planning Committee dated 19th March 2019

The minutes of the special meeting of Planning Committee held on 19th March 2019 were confirmed and signed by the Chair.

3. 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

We considered the report of the application and late correspondence which was recommended for approval subject to the 21 conditions as outlined in the report and subject to a Section 106 Legal Agreement.

The local Member for Devauden, was unable to attend the meeting. However, he had produced a statement and the Vice-Chair agreed for County Councillor P. Murphy to read it to the Committee, as follows:

"Unfortunately I will not be able to attend the Planning Committee on Tuesday, but I would like to comment on the application. There can be no doubt of the need for more affordable housing provision throughout the County. The Strategy and Policy Officer has

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confirmed that within the Devauden area there are 214 households in housing need, far more than can be provided by this 60% affordable development. Good housing should not be a privilege, it should be a right for every British citizen. I do not believe there is a potential housing site left within the County that does not have some disadvantages so if we are to meet the pressing need, especially for people on lower incomes, we are going to have to consider the merits against the disadvantages of every application that comes before the planning authority.

The site is included in the current Local Development Plan (LDP) and so even if this application was unsuccessful, in time another proposal would undoubtedly come forward. I have been part of many public discussions about this site from the time of the original LDP proposals and there have been many objections put forward against allowing development on the site. In my view one or two of the points raised have been very compelling and needed satisfactory solutions to make the development acceptable. Devauden Community Council has discussed the development on a number of occasions and their concerns encapsulate the issues raised by members of the community. So in reaching my own conclusion on the application I will address their points of objection.

A small part of the development is outside the area allocated in the LDP; true but the additional land enhances the public green amenity offered by the development. I welcome that.

It is important that any new development does not exacerbate existing drainage issues. They cannot necessarily be expected to cure existing shortcomings within the area as well. What I was looking for here was confirmation from Welsh Water that the drainage proposals were sustainable. This is met by condition 6.9.1. They have also confirmed that foul drainage can be accommodated adequately within the nearby Welsh Water sewage plant by the use of small tankers. Neither would there be an appreciable increase in the number of times vehicles would need to visit the sewage plant.

For me, the major issue of this site has been around road safety; traffic and pedestrians. The junction adjacent to the site between Well Lane, the B4293 and the village green has very poor visibility for traffic emerging from Well Lane towards Chepstow. The latest proposal in this application to close Well Lane to traffic and use the new road through the development will improve the situation markedly. For pedestrians the ideal solution would be to provide a footway to modern standards. As the report explains that is not possible. The use of the top of Well Lane for pedestrians only will help. As suggested pedestrians could cross the road. Accompanied by suitable road markings that warn motorists of the shared space would be an acceptable solution. Highways, who are always cautious in these circumstances, are confident such a scheme can come forward. I would also suggest that advisory 20mph signs be placed approaching point on the highway from both directions of the B4293. In addition I would like to see the 30mph restriction extended for traffic coming from the Chepstow direction, leading to lower speeds around the top of Well Lane. It should also be noted that there are hundreds if not thousands of examples in the UK of safe developments in villages where no pavements can be provided.

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Condition 14 covers lighting restrictions for ecology reasons. No doubt that will also protect neighbours to an extent. However, it is impossible for any residential development not to include lighting visible from adjoining properties. That is a downside of development. Lighting from this development will be seen from neighbouring properties. I believe it can be controlled to make it acceptable.

There is one further point that I would like to raise. Despite the poor access onto Well Lane, it has been used inappropriately by heavy vehicles, sometimes becoming stuck further along the lane. The improved access through the development onto Well Lane might further entice heavy vehicles, especially using satnav to use it as a short cut. I would like to see warning signs, including those for satnav users at the entrance to the development and at the lower end of Well Lane.

In conclusion I feel that following the lengthy negotiations with planning officers, what has emerged is a development that meets the exacting standards required and I support the application.”

Councillor A. Williams, representing Devauden Community Council, attended the meeting by invitation of the Chair and outlined the following points:

- Devauden Community Council is opposed to the proposed development in its current form.
- The Highways Department considers that 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 Community Council considers that this is not unfortunate but is inexcusable. Concern was expressed that approval of the application would result in the community becoming split by a major road.
- There is no provision for any safe access for pedestrians or cyclists. It was left to a private discussion between the Highways Department and the developer before it is known which measures can or cannot be taken. The community was excluded from the discussion.
- Concern was expressed that families might be required to drive a distance of 40m in order to take their children to the local playground due to road safety concerns. Provisions need to be discussed and addressed in respect of this matter should the development be approved.
- The waste treatment plant in Devauden is currently not working properly and is at capacity. The proposed 15 dwellings will place the waste treatment plant at over capacity. The solution by Welsh Water is to schedule more tankers, potentially an additional three tankers per month. Access to the waste treatment plant is currently through the proposed new development. A more sustainable sewage solution needs to be created and the proposed development should not go forward until such a solution is addressed.

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- With regard to surface water drainage, a SUDS compliant proposal has been put forward. However, Welsh Water, on numerous occasions, has stated that it does not want surface water run-off connected to this sewage system. In the current proposal, Welsh Water is the level 4 SUDS option and the drainage supplier of last resort.

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

- The site has been rejected for development by Monmouthshire County Council on three occasions in the past, a view substantiated by the Planning Inspectorate on appeal.
- The site was one of five sites considered at the Local Development Plan (LDP) stage. It was deemed unsuitable by Monmouthshire County Council's Highways Department on the grounds that no adequate footpath could be provided. Also, the site had been deemed unsuitable from an aesthetic view.
- Despite this, the site has been favoured above alternative sites that had no traffic issues and were less visually intrusive.
- The Planning Inspector approved the site under the impression that the site was feasible in traffic and pedestrian access terms. However, The County Council now concedes that this is not the case.
- Two of the original four sites in the village have already been resubmitted for development. One of these sites was originally identified as the preferred site for inclusion in the current LDP establishing at least one other alternative to the Well Lane site.
- The current plan bears little resemblance to the plan presented for approval. The plan exceeds the approved area and its design differs significantly from the approved site. Therefore, it should not rely on LDP approval but be judged as a new site. There will be significant visual impact.
- Well Lane is a natural boundary to the village. The plans include a new road junction, the removal of 200 plus metres of hedgerow and the installation around the site of close boarded timber fencing. This will change the character of the site from rural to urban.
- Natural Resources Wales (NRW) has submitted a range of objections and conclude that the site should only go ahead if it can be demonstrated that the development cannot reasonably be located elsewhere. However, it is known that other sites are available.
- The ecology report states that the field was being managed to minimise biodiversity. Welsh Water has concerns regarding storm water which is not adequately covered.

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- The proposed development will take the local sewage plant capacity very close to its limit. Therefore, it might not be feasible to develop houses at the site.
- Well Lane is a through road with regular agricultural and heavy traffic including Welsh Water waste tankers travelling along this route. These vehicles will be travelling through a housing estate should the development be approved.
- Seven houses will share two exits directly onto Well Lane.
- A footway along the B4293 that satisfies current design standards cannot be provided. The Highways Department considers it inappropriate to provide a footway and associated engineering works for only an additional 15 dwellings.
- The proposed development is also unable to provide a clear pedestrian link and is unable to actively promote pedestrian links to the village.
- A new development of 15 houses will result in an increase in the number of pedestrians using the link, many being children walking to school buses or to local play areas.
- It was considered that the proposed development will isolate the residents from the safe passage to local amenities.
- Objectors asked that the Planning Committee consider refusal of the application as it did not comply with planning policies.
- If approved, the proposed development would cause unacceptable harm to the character, appearance, amenities and environment of the local area and fails to provide safe and convenient pedestrian access from the site to the village which contravenes local and planning policies.

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

- On balance, the proposed development is considered to be one that is suitable for support.
- The site is a housing allocation within the Local Development Plan (LDP). Subject to material considerations, proposals for the designated use should be supported.
- The principle of development of the site for residential use is firmly established.
- Objectors have made reference that the site has been subject to refusal for residential development in the past. Those refusals were in 2002 and 2004, prior to the current LDP. At that stage an independent inspector had decided to allocate the site for housing based on sound and balanced judgement.

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- In response to the highways based objections to the proposed development, various options have been offered for the access route into the village including the version that the LDP inspector favoured. The solution that has been reached was in conjunction with the Highways Department and has its support. This solution does not rely upon the use of third party land.
- The Highways Department's comments conclude that for only 15 units it would be unreasonable to require more onerous measures than those currently proposed.
- The developer's proposal includes a safer route into the village via a new pedestrianised area at the head of Well Lane on a route that already serves existing properties.
- In addition, vehicle tracking has been undertaken that demonstrates the new route through the site and on to Well Lane is usable by vehicles measuring up to 16.5m in length.
- In terms of the foul sewage treatment works, Welsh Water has also commented that the proposed development will not result in a substantial increase in the number of visits to the treatment plant.
- There are limited opportunities to provide new social housing in Monmouthshire's rural towns and villages which is why allocations such as this proposal are included within the LDP.
- There are 214 households in need of accommodation in the Devauden area.
- The need for social housing is a material planning consideration. The site layout and house types have been designed with engagement with the Planning Department. A high quality design solution is being offered.
- Through the allocation of the site within the LDP there was going to be an impact on the existing hedgerow but the mitigation proposed has been supported by the County Council's ecologist.
- The proposed communal orchard and meadow will enhance the area providing public access to a previously private field parcel.
- A balanced assessment has been reached after a long period of careful consideration. The applicant's agent therefore asked the Planning Committee to grant approval of the application.

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

- The issues relating to the site have been mitigated.

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- The site is allocated within the LDP and is contributing to providing towards the shortage of affordable housing across the County.
- Approval of the application will broaden the character and diversity of the village.
- Planning Policy Wales (PPW) states that it is the key role of the planning system to support sustainable transport by facilitating developments which are sited in the right locations where they can be easily accessed by sustainable modes of travel without the need for a car that make it possible for all short journeys within and beyond the development to be easily made by walking and cycling. Welsh Government requires the use of the sustainable transport hierarchy which prioritises walking, cycling and public transport. Paragraph 4.1.16 of the report of the application suggests that in rural areas one can consider the sustainable transport hierarchy differently. However, the whole paragraph states that local authorities could apply the transport hierarchy by first considering how the location and design of new development could encourage walking and cycling.
- Reference was made to TAN 18, Paragraph 6.2 - in determining planning applications, the Authority should ensure new development encourages walking as a prime means for local journeys. Pedestrian routes provide a safe and fully inclusive pedestrian environment, particularly for routes to primary schools.
- Reference was made to the LDP policies S16 where development should propose sustainable safe forms of transport which reduce the need to travel increase provision for walking and cycling.
- Reference was made to Policy MV2 in which developments of sites dependent on their location, size and local need, include provision for an integration of appropriate sustainable transport links including walking and cycling.
- Reference was made to Policy DES1 – to ensure a safe, secure, pleasant and convenient environment that is accessible and encourages walking and cycling.
- It was considered that the proposed development does not address any of the aims of the Active Travel Bill and there was conflict with national Planning Policy.
- The pedestrian access is dangerous and it is inappropriate to encourage pedestrians as the only walking route to the village enters a busy classified road and into conflict with traffic.
- It has been considered that low cost housing residents have lower levels of car ownership and will rely more on public transport where the bus stop and the school bus stop is on the opposite side of the village green. The route is dangerous to walk especially for children.
- It was considered that the inspector's report had been interpreted incorrectly as it suggests that the inspector came to the view that walking access to the site could be dealt with. A Member's interpretation of this is that the inspector allowed the

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site to form part of the LDP on the basis that a pedestrian route seemed feasible by the normal means.

- If the Committee was minded to approve the application, a Member asked that consideration of the application be deferred to ensure whether the scheme can be safely provided and that work on the access be provided up front.
- In response, the Development Management Area Team Manager informed the Committee that rural villages are not designed to be fully accessible for pedestrians. There are numerous villages and settlements across Monmouthshire which do not have pedestrian links. There are different circumstances depending on the development. It is frustrating that there is no scope to produce a pedestrian link for this proposed development. However, the applicant has agreed to a Section 278 Agreement. Also, enhancements are being proposed with mitigation that could be established on the site. Therefore, the proposed development is considered to be acceptable, on balance.
- In response to a question raised regarding drainage, it was noted that Welsh Water has stated that it has no objections to the proposed drainage and to the number of tankers, if there are any additional tankers required in the area.
- The application would not be subject to Welsh Government Call In as it is allocated within the LDP.
- Condition 18 of the report of the application outlines that 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 with the approved details.
- In response to the road layout, how the speed limit will be controlled through the village to ensure pedestrian safety and the quality of materials that are to be used, it was noted that in relation to the highway matters officers will receive the amended plans from the developer. It is anticipated that there would be footways minimising the amount of time that a pedestrian would be within the carriageway and there would be further features in terms of signage and road features to highlight awareness that there will be pedestrians in the carriageway.
- In terms of materials, condition 7 of the report of the application covers this matter and officers would ensure that the materials used are appropriate for the edge of a village settlement.
- The site is already located within a 30mph speed limit. However, signage will be improved to highlight further the shared space element of the scheme.
- There have been a number of different variations to the layout. If Well Lane was kept open, this would result in two points of conflict onto the B4293. Therefore, the scheme is attempting to reduce this issue as much as possible. A number of

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different designs have come forward. However, the proposed scheme, as outlined in the report, is considered to be appropriate for the type of development proposed.

- Concern was expressed that there was no commitment to reduce the speed limit through the village.
- It was noted that there was a number of villages across Monmouthshire with similar issues to this site. It was acknowledged that all risk could not be eliminated at this location. However, it was considered that measures had been put in place to mitigate the concerns that had been raised. The benefits of the proposed scheme outweigh the negative elements that have been identified.
- There will remain two lanes of traffic and the speed of the two lanes will be managed.
- Headers and cills are required to the rear of the proposed dwellings as well as to the front of the dwellings.
- In response to a question raised regarding the need for a reduction in the speed limit to 20mph, it was noted that the mandatory traffic speeds will be considered as part of the safety audit. There is a 30mph speed limit currently in place through the village. However, the local Member had suggested a 20mph advisory speed limit for the village. If this forms part of the scheme, than that could be considered.

It was proposed by County Councillor G. Howard and seconded by County Councillor L. Brown that we be minded to defer consideration of application DM/2018/01741 to allow time to see all of the highway details.

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

In favour of deferral	-	3
Against deferral	-	5
Abstentions	-	1

The proposition was not carried.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DM/2018/01741 be approved subject to the 21 conditions as outlined in the report and subject to a Section 106 Legal Agreement. Also that headers and cills are required to the rear and front of the proposed dwellings

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

In favour of the proposal	-	5
Against the proposal	-	3
Abstentions	-	1

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The proposition was carried.

We resolved that application DM/2018/01741 be approved subject to the 21 conditions as outlined in the report and subject to a Section 106 Legal Agreement. Also that headers and cills are required to the rear and front of the proposed dwellings.

4. Application DC/2018/01801 - Erection of one Dwelling - 12 Elm Avenue, Undy

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

The application had been presented to Planning Committee at the meeting on 8th January 2019 with a recommendation for approval. However, the Committee had 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.

Following negotiations with officers, the applicant had submitted amended plans and all interested parties had been re-consulted. The application is now re-presented to Planning Committee with a recommendation for approval subject to conditions as outlined in the report and a Section 106 legal agreement for the provision of affordable housing in the local area.

Also, two additional conditions to be added, as follows:

- 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.
- The hedgerow to the side and rear elevation to be retained.

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

- The objector lives in the property directly opposite the proposed development.
- Objections to the initial proposal were submitted as the objector would be overlooked and would suffer a huge loss of privacy.
- The revised plans have not addressed the objector's initial concerns and objections.
- Located at a noticeably elevated plot of land, the two upper floor bedroom windows of the development will look into the main living room area of the objector's home through the double patio doors and will overlook the garden. All privacy within the main living room and garden will be lost.

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- To address the issue of privacy and overlooking, the application proposes that the bedroom window closest to the objector's property is to be fitted with obscured glass. This will look out of place and was considered to be a token gesture in an attempt to address the loss of privacy and overlooking. The obscured glass window is to be conditioned with a perpetuity clause. However, the residents of the new dwelling will still be able to open the window and look into the objector's garden.
- Installing obscured glass admits that there is a problem with privacy and overlooking but is an inappropriate way to address these issues.
- The view from the objector's main living room will be of a wide, tall and imposing structure with windows positioned close enough to see into the main living room.
- It is not acceptable to have a two storey house 15 metres away from the objector's property.
- Tump Lane has a spacious, peaceful and private feel to it. Approval of this application will remove these features.
- The application has received objections from five neighbouring properties closest to the development.
- Magor with Undy Community Council recommends that the application be refused.
- It was considered that all objections have been ignored.
- The revised plans offer very little in the way of alterations for the objector and his family to feel that the applicant has addressed the objections raised.
- It was considered that the application did not comply with Planning Policy DES1.
- There are many houses being built in the area and the need for more houses is not a legitimate reason for approving this back garden development. A better solution would be to build a dormer bungalow with roof lights.

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

- The size, scale and height of the dwelling has been reduced. It has been reduced from a four bedrooomed house to a three bedrooomed property. The garage has been removed.
- The proposed dwelling has been moved further away from the objector's property and reduced in height by 1.4m.

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- The proposed dwelling has the design appearance of a cottage including sloping ceilings to the first floor.
- The proposed dwelling now occupies 16.3% of the site area.
- The distance to the objector's property has been increased from 13m to 15m to 17.9m.
- The objector had expressed concern that the position of his property had not been shown accurately on the site plan. A meeting had been requested on site with a Planning Officer and the applicant's agent attended the meeting to discuss only the accuracy of the site plan. On undertaking measurements, it had transpired that the site plan was accurate. Further measures had been taken to check the accuracy of the site plan with a specialist professional topographical survey company returning to the site to re-measure the objector's property and other nearby properties. The measurements were superimposed on the survey plan and the plan was found to be accurate.
- The original distance from the bedroom window to the objector's lounge window has been increased from about 13m on the original application to 17.9m on the revised application.
- The applicant has agreed to the provision of obscured glass.
- The length of garden of the objector's property varies from 7.5m to 9m, not 10m. The distance now from the house window to the objector's fence is 10.2m.
- The distance to the hedge comprising the rear boundary of the proposed dwelling with Elm Avenue varies from 11m to 14m.
- The distance of the proposed dwelling windows to the windows of the 11 Elm Avenue is above 20m.
- All distances comply with planning requirements.

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

- In response to questions raised, it was noted that this site is slightly more elevated than Carreg Goch. The site is being reduced in height by 200mm with the new property being set further back into the site.
- In terms of overlooking and distances between windows, the standard distance between directly facing habitable room windows is 21m, or a distance of 10m between a window or a side elevation in a house and a garden's boundary. At this site, the distance is in excess of 10m between the front elevation of the house and the garden of Carreg Goch and a distance of 17.9m between the main frontage of the house where there are habitable room windows and the side

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elevation of Carreg Goch where there is a large patio window. Therefore, obscured glass had been suggested for one of the windows, as outlined in the report. This could be a fixed, non-opening window.

- It was considered that the re-design was better than the original proposal.
- In response to a question raised regarding whether there might be scope to reduce the height of the dwelling even further, the applicant's agent informed the Committee that there was scope to reduce the height a little further.

It was proposed by County Councillor A. Davies and seconded by County Councillor P. Murphy that application DC/2018/01801 be approved subject to the conditions as outlined in the report and subject to a Section 106 Legal Agreement for the provision of affordable housing in the local area.

Also, that additional conditions to be added, as follows:

- The bedroom window on the front elevation as shown on plan 2273/3c dated 18/02/19 shall not be capable of being opened and shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.
- The hedgerow to the side and rear elevation to be retained and maintained to be at least 1.8m high.
- Request plans from the applicant's agent to reduce the floor slab slightly more before issuing the decision (the centre of the new dwelling to be level with the adjoining lane).

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

In favour of the proposal	-	12
Against the proposal	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2018/01801 be approved subject to the conditions as outlined in the report and subject to a Section 106 Legal Agreement for the provision of affordable housing in the local area.

Also, that additional conditions to be added, as follows:

- The bedroom window on the front elevation as shown on plan 2273/3c dated 18/02/19 shall not be capable of being opened and shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

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- The hedgerow to the side and rear elevation to be retained and maintained to be at least 1.8m high.
- Request plans from the applicant's agent to reduce the floor slab slightly more before issuing the decision (the centre of the new dwelling to be level with the adjoining lane).

5. Application DM/2018/01909 - Open sided, roofed pavilion with new hard surfacing. Abergavenny Museum & Castle, Castle Street, Abergavenny, NP7 5EE

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

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

- The objectors are not opposed to the pavilion being built in the Castle grounds but strongly object to the proposed location.
- The main objections are the noise from planned events, the pavilion will be located too close to residential properties and be too large for its chosen location, the lack of toilets for the new building, and the pavilion will encourage anti-social behaviour.
- Noise is the biggest concern to objectors. Although consultations had taken place with the applicants dating back to 2017, objectors concerns regarding noise had been ignored.
- A noise impact assessment had been commissioned by the Museums Service but only for natural speech. This report underestimated the anticipated noise levels and did not include any readings for music, weddings and private party events.
- The Environmental Health Department had accepted up to 17 such events per year which equates to loud music every weekend throughout the summer season. A request for a more thorough noise assessment was rejected. The objectors therefore commissioned their own report. Based on codes of practice, the predicted noise levels for music, wedding and party events will result in severe intrusion into local residents' properties. Residents will either have to close their windows or accept the excessive noise.
- The proposals do not satisfy the planning policies to protect the quiet enjoyment of residents' homes.
- Cadw maintains that the proposed pavilion will have an adverse impact on the park and garden.

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- There is only one toilet on the site to accommodate an expected 120 visitors to the pavilion. Toilet provision has not been properly addressed by the applicant.
- It is easy to gain access to the castle grounds at night with the pavilion likely to become a haven for anti-social behaviour. The use of shutters to close the sides will not be a sufficient deterrent to prevent vandalism.
- It was considered that the applicant should have obtained further information to ensure that the proposal would not cause an unreasonable impact on adjacent properties.
- Local Development Plan policies EP1, S17 and HE1 have not been satisfied and it was considered that Planning Committee should consider refusing the application.
- There are other sites within the Castle grounds that could be considered which are further away from neighbouring residential properties.

The applicant, Rachael Rogers, attended the meeting by invitation of the Chair and outlined the following points:

- The events pavilion will enhance cultural provision for residents and visitors to Monmouthshire.
- An events feasibility study was undertaken in 2017 which had concluded that a covered structure would be a unique community asset providing opportunities to bring arts and cultural life in partnership with community groups and local businesses and will contribute to the sustainability of the site.
- Deciding the best location for the structure demanded a careful balancing of issues, the historic nature of the site, the proximity of the neighbours and ability for all users to practically access the structure.
- The construction type considered would create a low impact on the site whilst potentially lasting for many years. The structure could also be dismantled leaving little trace of it having been there.
- New or radical use of the structure is not being proposed. Abergavenny Castle has been publicly accessible since the 19th Century. 21st century events include historical re-enactments, outdoor theatre and stargazing.
- The applicant understands the neighbours' concerns and it is not the applicant's intention to cause distress. It is important to be clear what the structure is not for. It is not a venue for large concerts.
- Its principal use will be for spoken events during the day, such as visiting schools or for community group hire. An addition for spoken evening events for audience cover, for outdoor theatre events in inclement weather, for learning and cultural

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events and food and drink events limited to four events annually. For this reason, the noise impact assessment considered speech only events.

- It is recognised that objectors have undertaken their own music assessment. However, the Authority's proposed music events are mainly smaller in scale. The approach has been in line with the Planning Department's recommendations to limit the frequency and timing of events. Therefore, small and medium music events up to four times a year, weddings also up to four times a year, but would not be evening wedding receptions. They would be limited to the formal ceremony and afternoon reception. Music would be limited. There would be limited formal receptions per year with music limited to accompaniment and background music. A one off school folk dance festival would only move to this area in case of inclement weather.
- A responsible person will be present during events, strictly enforced visiting times and a responsible person would be on the gate when the event concludes to ensure minimal exiting noise.
- Neighbours would be given advanced notice of events and a community forum established to monitor the events.
- In addition, an electricity supply to avoid noisy generators, additional toilets would be provided and working with the local youth service to prevent anti-social behaviour.
- The applicant takes its responsibilities seriously and any complaints received.
- The applicant is mindful of its role as a community focussed organisation and its responsibility as guardian of this historic site. Therefore, wide ranging consultation has been undertaken.
- Advice from Cadw had been sought with a view to ensuring the least impact to the Castle site. Compensatory measures will be made.
- 97% of the funding for this project has been secured from external sources.

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

- Concern was expressed with regard to the detriment to the amenity of local people living in close proximity to the proposed structure.
- The proposed structure would detract from the setting of the Castle.
- There will be a significant negative impact upon the neighbours if the application is approved.

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- Should the application be approved, commencement times of events could be introduced via the Delegation Panel.
- Most of the outdoor events are likely to take place in the summer months when nearby residents are most likely to have their windows open, potentially affecting their quality of life.
- Residents had commissioned their own noise impact assessment report. However, the Authority has not undertaken a professional review of this report, which could have aided the Committee in the decision of the application.
- There is a concern regarding residents' amenity, which is valid. However, the proposed use of the space will be a benefit to the community as a whole. The structure will enhance the site.
- In response to a question raised regarding amplification of the music, the Principal Environmental Health Officer stated that the Environmental Health Department become involved in these types of applications to consider if a development is likely to give rise to an unacceptable risk of harm to amenity and health of nearby residents. In December 2018, the Department assessed a report submitted by the applicant. Whilst the Department did not object to speech only, it did raise concerns regarding the impact of the music events. No finish times had been proposed and no noise impact assessment had been provided. Subsequently, the applicant submitted further event details in January 2019. This had proposed significant changes on event finish times and the frequency and clarity regarding the management.
- If a music event was held at the proposed pavilion, the music would be audible to the nearby properties. The balance proposed by the applicant is to limit the number of those events. Therefore, The Environmental Health Department considered that it was not in a position to object to the application.
- With regard to the toilet facilities, there is an existing facility within the site that could be brought back into use, should the application be approved.
- Concern was expressed that the location would not be appropriate for the proposed structure.
- The proposed pavilion will receive community groups, school groups, outdoor theatre events, a maximum of four food and drink events per year, with other small scale events.
- Monmouthshire County Council is the applicant and would therefore establish which events are held at the proposed pavilion.
- It was noted that community events already occur in the Castle grounds which tend to be open air events. The premises licence covers anywhere in the Castle grounds until 11.00pm Monday to Sunday.

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It was proposed by County Councillor M. Powell and seconded by County Councillor A. Davies that we be minded to refuse application DM/2018/01909 on the grounds that the proposal would be detrimental to the amenity of local residents in relation to noise from the use of the facility and harmful to the setting of the ancient monument. The application would 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	-	8
Against refusal	-	4
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to refuse application DM/2018/01909 on the grounds that the proposal would be detrimental to the amenity of local residents in relation to noise from the use of the facility and harmful to the setting of the ancient monument. The application would be re-presented to a future meeting of Planning Committee with appropriate reasons for refusal.

6. Application DM/2018/01777 - Erection of detached dwelling house. Proposed New Dwelling Adjacent To 6 Caestory Avenue, Raglan

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

In noting the detail of the application, it was proposed by County Councillor G. Howard and seconded by County Councillor R.G. Harris that application DM/2018/01777 be approved subject to the seven conditions as outlined in the report and subject to a Section 106 Legal Agreement.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01777 be approved subject to the seven conditions as outlined in the report and subject to a Section 106 Legal Agreement.

7. Application DM/2019/00168 - Change of use from agricultural land to car park and agricultural. 4 Brook Farm Holdings, Chepstow Road, Raglan, Usk

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

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It was noted that the Highways Department had objected to the application due to the lack of supporting information. However, this did not change the officer recommendation as it was considered that the existing access arrangement did not cause any harm to highway safety.

Having received the report it was noted that an informative could be added to advise that the trimming of lower branches of trees be undertaken on the site to avoid higher vehicles being damaged.

It was proposed by County Councillor A. Webb and seconded by County Councillor D. Evans that application DM/2019/00168 be approved subject to the one condition as outlined in the report and that an informative be added to advise that the trimming of lower branches of trees be undertaken on the site to avoid higher vehicles being damaged.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00168 be approved subject to the one condition as outlined in the report and that an informative be added to advise that the trimming of lower branches of trees be undertaken on the site to avoid higher vehicles being damaged.

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

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

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

- There has not been adequate consultation with the community in respect of this application.
- The proposed dwelling is for up to six people with the potential for office space also, which changes the proposal. The local Member has concerns regarding this matter and the effect that it might have on the community.
- The car parking provision is inadequate for six people.

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- The individuals who will be living at the proposed premises might have complex needs. Additional space should be available within the premises for individuals to go to in order to receive the required support.
- The local Member asked the Planning Committee to consider deferring the application to allow Monmouthshire Housing Association to consider reducing the number of occupants from six to five, as he considered that six occupants was excessive for this dwelling.
- These individuals will not know each other and will be forced to live together in difficult circumstances.
- The local community is concerned about the proposed change of use of the dwelling.

The Senior Strategy & Policy Officer informed the Committee that the County Council asked Monmouthshire Housing Association (MHA) to purchase the property with Social Housing Grant funding as the Authority is very short of shared accommodation for people aged under 25. Since April 2018 to February 2019, the Authority had 42 16 to 17 year olds who presented as potentially homeless and 178 18 to 24 year olds in a similar position. The premises will be managed by Monmouthshire County Council's Housing Options Team.

The Development Management Area Team Manager informed the Committee that the parking provision is sufficient for this dwelling and for its type of use. In terms of office space, the application is for a six bedrooomed house of multiple occupancy with no additional office space. However, the local Member stated that he had been informed that one of the bedrooms may be used as ancillary office space instead.

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

- There is a similar premises operating in Bulwark previously which has been successful.
- In response to a question raised regarding management of the premises, it was noted that the County Council's Housing Options Team will be managing the premises. The Authority is mindful of the mix and what is in the locality when accommodating people.
- The County Council's Housing Options Team manages a number of these properties very well.
- It was noted that the people occupying these types of premises can be the most vulnerable people in the community and this accommodation is greatly needed.
- The occupiers will have tenancy agreements which they will have to adhere to.

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The local Member for Thornwell summed up as follows:

- The complexity and culture of the area has changed in recent years.
- Local residents are concerned regarding the proposed change of use of the dwelling.
- There will be no communal space available to the residents within the proposed dwelling.
- The Authority has a duty to consult with local residents in advance of the proposal and after the change of use of the dwelling. It is hoped that consultation will continue with local residents should the application be approved.

It was proposed by County Councillor J. Becker and seconded by County Councillor M. Powell that application DM/2019/00030 be approved subject to the two conditions as outlined in the report.

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

For approval	-	10
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00030 be approved subject to the two 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 presented for refusal for three reasons, as outlined in the report.

The application had been originally reported to the Council's Planning Application Delegation Panel on 13th February 2019. Following a site visit and consideration of the report, Members had resolved to refer the matter to the Planning Committee for further consideration. The application was presented to Planning Committee on 5th March 2019 and the Committee had resolved that it be minded to refuse the application on the basis of design and overdevelopment of the plot.

In noting the detail of the application, it was proposed by County Councillor P. Clarke and seconded by County Councillor D. Evans that application DM/2018/01784 be refused for the three reasons, as outlined in the report.

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

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For refusal	-	12
Against refusal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01784 be refused for the three reasons, as outlined in the report.

10. 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

We considered the report of the application and late correspondence, which was recommended for approval subject to the nine conditions as outlined in the report and subject to the four conditions as outlined in late correspondence. Also, subject to flood modelling being resolved to the satisfaction of Natural Resources Wales (NRW).

Additional conditions were proposed, namely, electrical vehicle charging points to be added into the scheme, as well as additional parking stands to accord with sustainability criteria. These proposals to be added within 12 months of the scheme coming into use.

In response to a question raised regarding pressures on car parking at the site, the Head of Planning, Housing and Place Shaping informed the Committee that how the parking is allocated was not a planning consideration. This matter would be passed on to the Estates Team for consideration. The Chair of the Democratic Services Committee stated that he would raise this issue at the next meeting of that Committee.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DM/2018/02040 be approved subject to the nine conditions as outlined in the report and subject to the four conditions as outlined in late correspondence. Also, subject to flood modelling being resolved to the satisfaction of Natural Resources Wales (NRW). Additional conditions would also be added, namely, electrical vehicle charging points to be added into the scheme, as well as additional parking stands to accord with sustainability criteria. These proposals to be added within 12 months of the scheme coming into use.

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

For approval	-	10
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2018/02040 be approved subject to the nine conditions as outlined in the report and subject to the four conditions as outlined in late correspondence. Also, subject to flood modelling being resolved to the satisfaction of

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Natural Resources Wales (NRW). Additional conditions to be added, namely, electrical vehicle charging points to be added into the scheme, as well as additional parking stands to accord with sustainability criteria. These proposals to be added within 12 months of the scheme coming into use.

11. 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

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

The local Member for Llanfoist Fawr, also a Planning Committee Member stated that he supported the scheme in principle. However, he requested that the application be deferred to allow officers to negotiate with the applicant with a view to making some small revisions to the application.

In response, officers informed the Committee that a submission of the cross sections could be added to show the relationship of the proposed two new dwellings to adjacent existing dwellings. Also, relocation of the new plot and its garage could be investigated in the eastern corner of the site. However, if this is not feasible, the dwelling could be attached to the garage. The proposed amendments could be agreed via the Planning Delegation Panel with the local Member for Llanfoist Fawr being invited. The following conditions could also be added, namely, remove permitted development rights for dormer / alterations to roofs of the dwellings and remove permitted development rights to change boundary treatments.

In response to a question raised by a Planning Committee Member regarding tandem garages, it was noted that the site allows for vehicle turning provision within it. Therefore, there would be no harm to highway safety within the site with regard to the shared garage. A condition could be added with regard to external finishes.

It was proposed by County Councillor G. Howard and seconded by County Councillor A. Webb that application DM/2019/00003 be approved subject to the seven conditions as outlined in the report and subject to a Section 106 Legal Agreement. Also that a submission of the cross sections would be added to show the relationship of the proposed two new dwellings to adjacent existing dwellings. The relocation of the new plot and its garage would be investigated in the eastern corner of the site. However, if this is not feasible, the dwelling would be attached to the garage. The proposed amendments would be agreed via the Planning Delegation Panel with the local Member for Llanfoist Fawr being invited to attend. The following conditions would also be added, namely, to include external finishes, remove permitted development rights for dormer / alterations to roofs of the dwellings and remove permitted development rights to change boundary treatments.

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

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In favour of the proposal	-	10
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00003 be approved subject to the seven conditions as outlined in the report and subject to a Section 106 Legal Agreement. Also that a submission of the cross sections would be added to show the relationship of the proposed two new dwellings to adjacent existing dwellings. The relocation of the new plot and its garage would be investigated in the eastern corner of the site. However, if this is not feasible, the dwelling would be attached to the garage. The proposed amendments would be agreed via the Planning Delegation Panel with the local Member for Llanfoist Fawr being invited to attend. The following conditions would also be added, namely, to include external finishes, remove permitted development rights for dormer / alterations to roofs of the dwellings and remove permitted development rights to change boundary treatments.

12. Monmouthshire Local Development Plan Revised Draft Affordable Housing Supplementary Planning Guidance

We received a report regarding 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.

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 point was noted:

- In response to a question raised regarding potential implications for major developers, the Head of Planning, Housing and Place Shaping informed the Committee that this SPG would not affect major developers as the exemptions indicated and the way in which commuted sums are calculated apply to schemes of fewer than five dwellings. Therefore, the exemptions refer to one to four units. Any development that is bigger than five dwellings is expected to provide 25%, 35% or 60% on site as per the Local Development Plan (LDP) policies.

We resolved to endorse the Revised Draft Affordable Housing SPG with a view to issuing for consultation purposes and to recommend that an Individual Cabinet Member Decision be taken accordingly.

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13. Appeal Decision - Ravensnest Fishery, Ravensnest Wood Road, Tintern

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: Ravensnest Fishery, Ravensnest Wood Road, Tintern.

We noted that:

- It was 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".
- Subject to this variation the appeal was dismissed, the enforcement notice was upheld.

14. Appeal Decision - Wentwood Inn Site

We received the Planning Inspectorate report which related to appeal decisions following a site visit that had been made on 12th December 2018.

- Appeal A - Ref: APP/E6840/C/18/3213586 - Site: Land at Unit 4 Former Redchillies Thai and Indian Restaurant, Five Lanes North, Five Lanes, Caerwent.
- Appeal B - Ref: APP/E6840/A/18/3213595 - Redchillies Thai and Indian Restaurant Residential Quarters, Five Lanes North, Five Lanes, Caerwent.

We noted that:

- Appeal A - 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 - 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.

15. Cost Decision - Wentwood Inn Site

We received the Planning Inspectorate report which related to a costs decision following a site visit that had been made on 12th December 2018. Site address: Land at Unit 4 Former Redchillies Thai and Indian Restaurant, Five Lanes North, Five Lanes, Caerwent.

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We noted that:

Costs Application A - Appeal Ref: APP/E6840/C/18/3213586

- The application for an award of costs is refused.

Costs Application B - Appeal Ref: APP/E6840/A/18/3213595

- The application for an award of costs is refused.

16. New appeals received - 20th February 2019 to 22nd March 2019

We noted the new appeals received between 20th February 2019 and 22nd March 2019.

The meeting ended at 5.39 pm.

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Agenda Item 4a

Application Number: DM/2018/01872

Proposal: Three new detached market dwelling-houses with associated garage(s), car parking, access driveways and landscaping

Address: Land Rear Of Rosebrook, Watery Lane, Monmouth

Applicant: Mr Darren Morgan

Plans: Street Elevation P30 - P, Site Sections P32 - P, All Proposed Plans P50 - P, Other Planning Statement - , Tree Survey Tree Survey & Arboricultural Constraints Report - , Location Plan P20 - Rev B, All Proposed Plans P01 - P, All Proposed Plans P02 - P, All Proposed Plans P03 - P, Site Plan P11 - P1, Tree Protection Plan NP255AT/MOR/AIPP - ,

RECOMMENDATION: REFUSE

Case Officer: Ms Jo Draper

Date Valid: 14.03.2019

This application is presented to Planning Committee at the request of the Local Member

1.0 APPLICATION DETAILS

1.1 This is a full application for three detached dwellings within the rear garden of a detached dwelling known as Rosebrook. The application site roughly consists of a rectangular shaped parcel of land 3630m² in area. The application site is within the development boundary of Monmouth. The main constraint regarding this site are the four Tree Protection Orders that are present in the rear garden. There is also a watercourse along the front boundary.

1.2 There are four trees situated within the site that are subject to Tree Preservation Orders. These trees are all to be retained alongside a further three mature trees. The proposed means of enclosure is to retain the existing hedges and trees around the rear and side common boundaries although it does propose that these are trimmed back. It is proposed to remove a group of plum trees along the common boundary as well as a pine and a rowan tree; all other trees are to be retained and details have been submitted showing how they are to be protected. Internally within the site between new plots and the severed dwelling it is proposed to erect a 1.8m high fence with a deciduous hedgerow to be planted alongside.

1.3 The application proposal has been subject to significant amendments in terms of design, mass and scale as the agent has sought to respond to concerns raised by the planning department regarding the proposed three dwellings. The dwellings have been dropped in height and mass to a more traditional two-storey design with gables projecting to the front and rear elevation. External materials comprise a combination of random stonework, clay facing brick, render and blue/black slates. Eaves height would be 4.7m, ridge height would be 7.5m.

1.4 Plot 1 has a detached double garage proposed; a single detached garage serves Plot 2 and an attached single garage is attached as part of Plot 3. External materials are to match that of the proposed dwellings.

1.5 Access to the site is proposed via two new private driveways, one either side of Rosebrook, linking the site with Watery Lane which is to the south-west of the site.

1.6 A large detached house (Bryngwyn) is located on the plot of land to the north-west, a large detached house is also located to the south-east (Half Acre), with more dense housing situated to the north and north-east (Lilac Drive).

1.7 The site currently benefits from an existing outline planning consent to erect two large detached two-storey dwellings, which was approved on 7th December 2017.

1.8 A detailed topographical survey has located the existing trees on site, and an Arboricultural Constraints Report has been prepared, detailing accurate canopy locations/sizes and specifying tree root protection areas.

1.9 The agent has submitted the following information in support of this application:

(i) The site is broadly arranged along the same lines as the outline planning consent, with two private driveways provided, one either side of Rosebrook. Driveways will have a hard standing of a minimum of 5m from the edge of the existing carriageway, with a permeable surface thereafter to assist with the design of the surface water drainage. Parking provision (3 spaces per property) is provided to each dwelling, with all plots benefitting from a garage.

(ii) The proposed design is traditional, with a palette of natural finishing materials detailing pitched slate roofs, and a combination of brickwork, render and natural stone walls.

(iii) It should be noted that additional land has been purchased from Rosebrook, meaning the current application site is larger than the previous site containing the outline consent. A summary of plot sizes vs building sizes is noted as follows:

Plot 1

Building ground floor external footprint. 130m²

Gross Internal Area of Living Accommodation. 215m²

Private amenity 'rear garden' space excluding driveways, parking, buildings etc. 690m²

This equates to 3.2m² of private rear garden amenity space per 1m² of floor area.

Plot 2

Building ground floor external footprint. 130m²

Gross Internal Area of Living Accommodation. 215m²

Private amenity 'rear garden' space excluding driveways, parking, buildings etc. 760m²

This equates to 3.5m² of private rear garden amenity space per 1m² of floor area.

Plot 3

Building ground floor external footprint. 120m²

Gross Internal Area of Living Accommodation. 175m²

Private amenity 'rear garden' space excluding driveways, parking, buildings etc. 425m²

This equates to 2.4m² of private rear garden amenity space per 1m² of floor area.

Comparing this proposal with the outline consented scheme.

It is the agent's view that the proposed site area of 3630m² (0.363ha), being 0.9 acres, is large enough to provide for three detached houses, whilst at the same time maintain the spacious feel typical to properties off Watery Lane.

The purchase of the additional land, together with houses that are smaller in ground floor footprint than the outline consented proposals, results in excellent floorspace-to-private amenity space ratios that are favourably comparable to both the consented outline scheme and other properties along Watery Lane. Buildings are located to avoid tree canopies and tree root protection areas, to ensure that the scheme can be constructed with no adverse impact on the existing trees identified to be retained. Hedgerows are all retained, and an enhanced landscaping scheme will be provided to further complement the existing landscaping.

It is noted that House B of the consented outline scheme extends into the root protection area of tree 8, which is a maple and considered worthy of retention. The new proposal provides betterment here, with the root protection area of tree 8 left completely free.

The ground floor areas of Plots A and B combined (consented outline scheme) is 511m², on a plot size generally of approximately 2160m² (excluding the driveways). A ratio of 1m² ground floor footprint for every 4.2m² of site.

The ground floor areas of plots 1, 2 and 3 combined (including garages) is 440m², on an increased plot size of approx. 2520m² (excluding the driveways). A ratio of 1m² ground floor footprint for every 5.7m² of site.

The new proposed scheme creates significantly less roof plan area than the consented scheme, important with regard to previous neighbouring concerns regarding surface water run-off.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2017/00188	Two detached two storey dwellings located in rear garden of Rosebrook (outline).	Approved	07.12.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
GI1 LDP Green Infrastructure

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

Monmouth Town Council: Recommendation: Refusal

1. New Homes not in keeping with present homes in the area (3 storey rather than 2)

2. Overdevelopment of site - concern that there is not sufficient space for 3 new homes and there will be an issue with neighbouring properties being overlooked or overlooking new homes.
3. It is not clear who owns the land and whether there is any connection to or impact on Monmouthshire County Council.
4. The development is clearly next to a stream/ brook and therefore concerns regarding flooding.
5. Sewage concerns - there is no mains drainage in the area and therefore would a soak away be sufficient for the three new homes.
6. Increased traffic down Watery Lane would cause congestion. No bat survey available.
7. No Ecology report available.

Issues raised at the meeting are:

- No bat survey provided.
- Glamorgan- Gwent Archaeological Trust should be invited to view the site and report on any findings.
- A porosity/ permeability report should be obtained to advise on issues of flooding.
- An ecology report should be obtained to consider whether the removal of local hedgerows would impact the local wildlife.
- Natural Resources Wales is the proper authority for soak away and so would be able to report on whether there is sufficient drainage for the proposed plans.

MCC Highways:

The site already has outline consent for two dwellings; the application proposes the development of an additional dwelling on the site. Watery Lane is an unclassified rural single lane road serving 21 residential properties, Bailey Pit farm and associated agricultural fields, Watery Lane is also the pedestrian route for Offa's Dyke. The proposed development of three residential properties represents a 12.5% increase in dwellings and associated activity. The highway authority accept that the proposal will have an impact on the adjacent network, however the highway authority consider that the proposed development and associated vehicular trips generated by the proposal are manageable and would not lead to a real deterioration in highway safety or capacity.

However, the highway authority recognise that future infill development of this ilk, if not considered carefully going forward, is likely to generate activity that is unsustainable and would lead to a deterioration in highway safety and capacity. The highway authority therefore recommend that this application is not considered a precedent in determining future infill development on Watery Lane. However, the highway authority would offer the following comment:

- No objection to utilising the existing access to Rosebrook to provide access to Plot 1.
- No objection to the creation of an additional shared drive/access to the South of Rosebrook to serve plots 2 & 3 - The applicant is required to consult with Natural Resource Wales Lower Wye Internal Drainage District to bridge or culvert the watercourse.
- The levels of parking and turning provision are in accordance with the councils adopted SPG, Monmouth Parking Standards.
- It is noted that the location is susceptible to flooding from the adjacent watercourse and if the location and ground conditions experience exceptionally high water table levels that affect the discharge of surface water to ground, the applicant is therefore recommended to consult with the appropriate organisations to develop and implement an acceptable surface water management plan for the site.

The highway authority have requested the following conditions:

1. No development shall commence until detailed design drawings for the proposed means of access have been submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details
2. The proposed new access shall have a hard surface material for a minimum distance of 5m from the edge of carriageway so as to prevent any loose material being brought out onto the highway.
3. No development may commence until the applicant submits details of agreement and approval of the access bridge/culvert by Natural Resources Wales

4. No development may commence until a satisfactory surface water management plan has been submitted to and approved by the Local Planning Authority.

5. Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of Well Lane and the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP.

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

MCC Tree Officer:

The previous application DM/2017/00188 was for two detached dwellings. I was satisfied that the root protection areas (RPA) of the retained trees could be accommodated into the scheme without unnecessary harm.

The proposed layout on the current application increases the number of dwellings to three. However, I believe the new layout demonstrates that the RPAs may still be accommodated provided that adequate tree protection measures are adopted and adhered to.

The updated Tree Survey with notes on Arboricultural Impact and Tree Protection dated 25th September 2018 is satisfactory and may be used to append robust tree protection conditions and in the event of the application being approved, the following conditions should be used:

Conditions:

1. Retained trees will be protected in accordance with the recommendations of the Tree Survey with notes on Arboricultural Impact and Tree Protection dated 25th September 2018.
2. Tree protection barriers will be installed before the commencement of the scheme and may only be removed temporarily for access purposes and with the express written permission of the local planning authority.
3. In the event of the barriers being removed, adequate ground protection measure will be installed to prevent ground compaction.
4. No development shall commence until an arboriculturalist has been appointed as first agreed by the Local Planning Authority, to oversee the project (to perform a watching brief) for the duration of the development and who shall be responsible for:
 - 1) Supervision and monitoring of the approved Tree Protection Plan;
 - 2) Supervision and monitoring of the approved tree felling and pruning works;
 - 3) Supervision of the alteration or temporary removal of any Barrier Fencing;
 - 4) Oversee working within any Root Protection Area;
 - 5) Reporting to the Local Planning Authority;

Reason: To ensure the protection from harm and to ensure the long-term retention of valuable landscape features in accordance with Policy S13 Landscape, Green Infrastructure and the Natural Environment.

MCC Environmental Health Officer: Whilst I am not in a position to substantiate an objection to the proposal I would recommend the following condition be attached to any permission granted

No construction activity shall be undertaken in relation to the development outside the hours of 08:00-18:00 Monday to Friday and 08:00 - 13:00 Saturday. No construction activity shall be undertaken on Sunday or Bank Holiday.

Gwent Glamorgan Archaeological Trust: We note from the current application's supporting documents that the rear of the property contains a number of trees and it is likely that the ground

has already been disturbed from the original construction of Rosebrook and its associated landscaping. Furthermore, we also note from the information in the HER that an archaeological watching brief was undertaken to the immediate south of the above property in 2000, during the construction of four properties at Watery Lane, in which nothing of any archaeological significance was found during the watching brief. Additionally, an archaeological watching brief was also carried out in 2015 approximately 200m to the northwest of the property. Residual medieval finds were found but no significant archaeological remains or structures were encountered.

Therefore, it is considered, that it is unlikely that significant archaeological material would be encountered during the proposed ground works and the impact of the development upon the archaeological resource is considered to be low.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

Natural Resources Wales: We have no objection to the proposed development but provide your authority and the applicant with the following advice.

Lower Wye Internal Drainage District (IDD) The proposed development site is located within Natural Resources Wales Lower Wye Internal Drainage District (IDD).

Groundwater levels within this area can be very high, which may well adversely affect any surface water drainage arrangements put in place as part of proposed works. No additional surface water run-off will be permitted into the adjacent watercourse(s) without the prior written Land Drainage Consent, which will have to be obtained from the IDD under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.

The application form for planning permission (Section 11) indicates that the intention to dispose of surface water will be via soakaway drainage. We would like to inform you of the IDD's standard requirements in respect of soakaways and recommend that they be taken into consideration when the application is assessed.

Welsh Water: No objection.

From reviewing the applicant's submission, we note that soakaways are the option for removing surface water drainage. We are satisfied with the proposal for a SuDS system. The system surrounding the site is foul water only and we cannot accept surface water connecting with a foul sewer only. A condition is recommended preventing surface water from connecting into the main sewer.

MCC Housing Officer:

It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site. 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. A contribution responding to the three houses has been calculated in this case.

5.2 Neighbour Notification

There have been representations from five parties received in response to this application; the points raised are as follows:

Removal of hedge - long common boundary with Bryn Gwyn and replacement with close-boarded fence is too hard, not in keeping with natural surroundings and removes a wildlife corridor.

Each of these three houses has four bedrooms with the potential of at least four cars per household. That is an additional 12 plus cars not to mention building, delivery and maintenance vehicles. On an already over-crowded, congested single-track lane with one designated passing place and no safe pedestrian path. The highway is part of the historic Offa's Dyke, used by

pedestrians, walkers, cyclists, joggers, children walking to school, dog walkers, horse riders and farm machinery. The council cannot allow this development to go ahead. It is only a matter of time before there is a serious accident on this already over-crowded lane.

My reading of the report is that the statement is that any future application for infill development on Watery Lane is unlikely to be acceptable to Highways.

As part of the case file for DC/2012/00616 the report from Highways stated in part the Highways Agency has for many years considered that the highway is at capacity and for safety reasons has not supported any proposal that would increase the flow in this single track highway.

The Welsh Government Inspector responsible for adjudicating on the appeal for this latter application visited the site and Watery Lane on 07/01/2013 and in the report dated 07/02/2013 recorded that all he (essentially) found was tranquillity and politeness in regard to traffic flow (vehicle and other). How different his impression might have been if he had made the visit during the summer of 2018 or during certain parts of the construction phase that followed the approval.

The application DC/2014/01473 for Glenfield two new houses, that was the most recent one to receive full planning approval on Watery Lane included a report from Public Rights of Way Officer dated 29/01/2015 stating that:

The development will have a detrimental impact on the safety, availability and enjoyment of the Offa's Dyke path, particularly during the construction phase.

Loss of privacy to neighbouring properties

Damage to the local flora and fauna. There is a large and healthy population of birds and other animals in the area that would be greatly affected by any further development

Over-development of the plot; insufficient space for these dwellings to be squeezed in between two lines of existing dwellings.

New houses would be out of character with the area and would bring nothing of value to the area.

The local area is on a flood risk area and further development of this land would increase the risk of flooding to both my property and that of neighbouring houses. Watery Lane is part of the Offa's Dyke walk and is famous for its natural beauty and wildlife; the architecture along this stretch is part of this character of the whole area. It should not be overdeveloped in this way simply because there is profit involved for a landowner selling their garden.

It is refreshing to see the plans reverted to a more standard two storey dwelling

Adverse effect on the residential amenity of neighbours, by reason of (among other factors) noise, disturbance, overlooking, loss of privacy, overshadowing.

Also disturbance caused by construction on site.

Visual impact of the development

Design (including bulk and massing, detailing and materials, if these form part of the application). The proposed development is over-bearing, out-of-scale or out of character in terms of its appearance compared with existing development in the vicinity.

The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.

Design of the junction of the new drive to plots 2 and 3 with Watery Lane is unsafe as it does not conform to the required y distance of 40/43m visibility splay measured using an x distance of 2 or 2.4m for a 30mph zone looking in both directions along a single track lane. See Manual for Streets section 7.7, because of bends on Watery Lane and fencing/vegetation on adjacent properties, Half Acre and Rosebrook, (according to the amended site plan).

Object against the severity of the change between the outline plans and the latest full plans. Neighbour purchased property recently and undertook relevant searches. Previous approval was for two homes, where the existing green screen between our property and site would be maintained; this is different to the three houses proposed and the removal of the existing hedgerow and conifer screen. The new plans have a significantly greater impact upon neighbour's property

Numbers of windows and balconies facing Lilac Drive is extreme and now visible.

The removal of the hedgerow and conifer screen and replacement with 1.8m high fence / beech tree hedgerow would do little to screen the new houses

The removal of established border hedgerows between existing boundaries which will destroy the habitats of many birds and insects and will leave neighbouring houses exposed for some years until the proposed beech trees have grown sufficiently.

The proposed entrance for three properties, which will not be fully visible from the road at all angles and once again, is at risk of causing an accident.

Potentially contaminated land

As all three adjacent owners on Lilac Drive have objected to the application, so connection to a mains sewer across these properties is thus impossible and so sewage treatment plants on site must be used. Detailed plans available to the public are now needed to show location of Sewage Treatment Plants and soakaway beds away from root protection areas and hedgerows plus an environmental risk assessment for potential failure of three Sewage Treatment Plants at times of high surface water level; see NRW report 19/12/2018. Standard porosity test criteria may not be adequate given the significant contribution the existing mature hedgerow root system makes to natural surface water drainage and which the applicant wishes to remove.

There is a case for the LPA to require retention of mature boundary landscaping for this reason in addition to other reasons e.g. ecology, landscape and require proper maintenance of established boundary vegetation in perpetuity. A test done before removal of hedging cannot predict ground porosity after removal and would be futile. The impact of ground compaction during construction may reduce natural drainage rates and alter surface water distribution leading to changed surface water flooding patterns/frequency for adjacent properties. Tanker access into plots 2 and 3 for periodic Sewage Treatment Plant desludging is not possible because of the limited turning circle into the new drive from Watery Lane. A tanker may be able to access a communal Sewage Treatment Plant in plot 1 but location may be problematic given that plots 2 - 3 are at lower ground level. Pumping discharge into a part of the stream that dries up may not be allowed and would be noisy at the pump end. The separation distance and uphill gradient may be a pumping challenge. Photo evidence suggests an underground leakage route from the stream may contribute to high surface levels at the bottom of Rosebrook garden and explain why stream totally dries up along its frontage on occasion.

Land ownership and use of Certificate A has been questioned (this has since been addressed).

Parking provision has been questioned for the severed dwelling and new dwellings.

The revised site plan does not show the position of the sewage treatment plants (3 individual or 1/2 shared), or the associated soakaway beds, that have to be sited at a distance from the houses; this being the only method available as connection to the mains sewer on Lilac Drive is not possible. Owners of adjacent properties and the appropriate authority authorising such installations, need to know where these will be located because of the environmental risks including flooding, as each will be located in an area of the garden where high surface water levels occur, according to NRW and Highways (see documents in Case File). This renders evidence from porosity tests meaningless, and because of the proximity of hedgerow and root protection areas that limit excavation possibilities.

Though pumping of sewage output into Watery Lane stream is theoretically an option regulations regarding such discharge disallow use of water courses that dry up as is the case with the length of stream running along Rosebrook's frontage (see photo and anecdotal evidence in the Case File). If a communal sewage treatment plant is to be used, ground levels suggest it is likely to be located in Plot 3 being the lowest, hence with the highest probability of surface water accumulation and, of the three plots, is the one with the least available garden space outside of hedgerow and root protection areas for its location. If pumping of output into the stream is used there will be constant noise for residents located close by and there will be the challenge of pumping uphill over more than 60m. (To note similar challenges and constraints would apply to an application for one or two houses.) The pipe carrying such output to the stream would have to be carefully located as Welsh Water have strict access rules regarding positioning in regard to buildings and surface vegetation.

It is very uncertain that a desludging tanker (that is not too dissimilar in proportions to a fire engine, see below) could negotiate the new access to Plots 2 and 3 and given our experience of such a vehicle, a tanker, entering Half Acre that has a more 'generous' junction design than is possible for the new access. Pumping into a parked tanker on Watery Lane is not an option because of the distance and ground level difference and the practical issues of connecting/disconnecting a segmented pipe and temporary closure of Watery Lane.

The Grenfell Tower fire disaster has identified apparent communication and procedural failures between for example, fire, planning and building regulation authorities in the general assessments made during the planning phases, including those of access by emergency and other vehicles. In the light of Grenfell, an LPA would be failing in its duty if today it excluded an assessment of access by emergency vehicles from its determination of a planning application and this, for the present application, in regard to both the development site itself and more generally the single track part of Watery Lane where the development site is located. Leaving the assessment and decision to Building Regulation/Control or another body post-authorisation is no longer morally right as an option.

(a) New drive to Plots 2 and 3

Building Reg's Doc B5 Section 12 states that, in regard to access by a pump appliance, the minimum turning circle between walls (the kerbs value is not relevant here because of the bank with hedge facing the entry and the unprotected edge to the concrete slab forming the bridge) is 29.0m for an access route; the junction design in the revised plan does not seem to allow for this requirement to be met. It is also unlikely that a pump appliance parked on WL would be within 60m or 45m (no fire suppression system) of all points within Plots 2 and 3 houses. A fire engine could not park directly across the entrance to the drive as it would be blocking access by other vehicles or prevent the exit of vehicles already at the scene. Parking away from the entrance means, in length of hosepipe terms, a greater distance from the houses. (Similar issues would also apply if the drive served one property and may also apply to use of the existing access to Plot 1.)

There is therefore a definite potential physical impediment to access by emergency services.

Watery Lane does not have the infrastructure to accommodate the proposed development. Excluding the two lane part leading to Chartist Rise, Watery Lane is a single track road with a stream running along all of its length other than the northern part leading to Bailey Pitt Farm. There are only two street lights along the single track length and there are only 2/3 passing places maintained by MCC (one opposite the pedestrian crossing to St Thomas Road, the other below the entrance to Orchard End and possibly the wider length of road alongside Pear Tree Cottage. Elsewhere private drives or approaches to a couple of field entrances (when not filled by a parked car left by a dog walker) are used as passing places by vehicles. Watery Lane is a cul-de-sac. Along the whole of its length including its end, MCC does not provide any maintained area where a car or more importantly large vehicles with restricted turning circles can turn. There are three 'unofficial' ones - the unmade track leading to Wheatfield Paddocks, the field entrance opposite Gêr y Nant and possibly the sharp bend below Bailey Pitt Farm when the two field gates are open.

The local Planning Authority (or Highways) are failing to consider and perhaps ignore the wider picture with regard to relevant similar matters concerning Watery Lane as whole.

The Local Planning Authority must assess the adequacy of Watery Lane in regard to access and possible associated congestion by emergency or other vehicles accessing, turning, reversing or parking along Watery Lane, as part of its determination of this application and publish its conclusions irrespective of whether it is mindful to grant planning permission for these three new houses. There is already too much vehicular traffic (see earlier objections on file) and given that Watery Lane is a national walking trail and a recreational area, the LPA must recognise Watery Lane's road design limitations in the light of the experience gained from Grenfell.

The revised plan confirms that in Sections 2 and 5 of the revised Planning Statement 25/02/2019 that the area of the development plot is 3630m², as this figure includes the part of Rosebrook that is NOT the subject of the development.

In the original site plan there was a space between the houses on Plots 2 and 3 that allowed a second access to the rear garden of each plot. The revised plan P11/P1, shows only one access to Plot 3's back garden because the two redesigned houses are now so close to each other. The single access to Plot 3's back garden is via the space possibly 3m wide between the house and Half Acre's existing fence. There is therefore no room to have any boundary cover leaving Half Acre seeing a blank wall with eaves at 7.5m (it was single storey in the outline authorisation) 3m from the boundary fence.

It is misleading for the applicant to state in one part of the revised documents that all existing hedgerow will be retained and then on the site plan to say that the plum group tree 9 will be removed. The revised planning statement does not recognise that part of the gap between the Plot 3 house and Half Acre's fence is filled by existing conifers that on the plan are touching Plot 3's house walls. These conifers adjacent to the building are very unlikely to survive the construction phase and they face an uncertain future once the new owners move in, so in other words the proposal will not work for either the future occupiers of Plot 3 or Half Acre.

Please see the Google Earth photo on the front page of the revised Planning Statement 25/02/2019 that though taken some years ago shows these conifers alongside where Plot 3's house will be located AND also shows the c.30m of conifers in bottom left corner of photo that the applicant removed on 30/03/2018. These were protected by condition 3 in the outline approval. The revised Site Plan restates the untruth regarding the extent of existing trees in the hedgerow alongside Half Acre; "existing" has to be read in the context of what was there after outline authorisation had been granted, rather than what is there now, being many tree stumps from the felled conifers and saplings in various stages of growth that were growing in the conifers.

If the Local Planning Authority is mindful to grant planning authorisation it is essential that any conditions relating to retention of mature boundary vegetation around the whole perimeter of the site are included individually in the Title Deeds of Plots 1, 2 and 3. For Half Acre, this is essential for privacy and amenity reasons especially because of the new drive running the length of the boundary, for the length along the eastern boundary, for similar reasons and to protect the integrity of the nature corridor running between the three plots and Lilac Drive.

Repositioning of the new drive closer to Rosebrook is only a slight concession and does not eliminate the noise, light and emissions pollution and loss of amenity, especially in the area alongside the passing point that we will experience because of its location and the removal of the boundary vegetation on 30/03/2018.

5.3 Local Member Representations

Local Member has requested that this application be reported to planning committee in the case it is recommended for refusal.

6.0 EVALUATION

6.1.1 Principle of Development

6.1.1.1 The application site is within the development boundary and therefore the principle of residential new build is acceptable subject to detailed considerations. The issues that arise in the consideration of this application are addressed in the sub-headings below.

6.1.2 Good Design/ Place making

6.1.2.1 This application has been subject to a number of amendments to alter the design and mass of each individual dwelling to bring the height down to two-storey dwellings that are more in character with the area. Individually the design of the dwellings are acceptable and work within this setting. However, it is noteworthy that it is not correct to compare the current proposal with the illustrative plans provided as part of the outline planning consent as that scheme was only made in outline with all details to be considered as part of the Reserved Matters application.

6.1.2.2 This area is characterised by large houses of individual design situated on generous plots, all facing onto Watery Lane. There have been two dwellings recently constructed in close proximity to the site that have been set back in the original plot. There is no clear building line in this immediate area with a more random, sporadic pattern of housing along this section of Watery Lane. The outline proposal sought to take advantage of the depth of the site and the illustrative plans showed the proposed dwellings set well back from the highway. This did help to create a less 'built up' appearance and maintain the appearance of an open frontage which, due to the non-uniform building line and subject to an appropriately designed hard and soft landscaping scheme, works within the context, reflecting the prevailing characteristics of this area - namely spacious plots facing onto the highway.

6.1.2.3 In this latest application, however, by introducing a third dwelling to the rear of the 'severed' dwelling (Rosebrook), this changes significantly how this development as a whole is viewed within the context of the surrounding area. Individually, Plot 2 reads as a backland development as it situated partly behind the severed dwelling and does not have the front-facing, spacious plot that is characteristic of the area. Secondly, Plots 2 and Plot 3 are in close proximity to each other, which is uncharacteristic of this area, appearing cramped in relation to the large separating distances that characterise the dwellings on Watery Lane. Finally, it introduces a uniformity of plot size (which is also significantly smaller than the surrounding plots), spacing between plots, and a regular building line that looks incongruous within the context of the randomly developed houses in the surrounding area.

6.1.2.4 The contrast in the development pattern is evident from the OS Map. The proposed plot sizes and dwellings reflect more closely the uniform scale and pattern of those to the rear of the site at Lilac Drive than the more random, spacious, and larger-scale pattern of development at Watery Lane. There is a distinctly different settlement pattern between Watery Lane and that of Lilac Drive, separated by a heavy landscape belt. Cumulatively, the introduction of three new dwellings as sited in this proposal is at odds with the urban grain of its immediate and relevant settlement pattern (being that of the dwellings fronting onto Watery Lane) and detracts significantly from the visual amenity of the surrounding area. LDP Policy DES1 criterion I) states that development must "ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling". This proposal fails to comply with planning policy in this case.

6.1.3 Impact on Amenity/ Promoting Healthier Places

6.1.3.1 There have been concerns raised by neighbouring properties regarding overlooking and an over-bearing impact upon their property. In the case of Plots 1 and 2 there is a secondary window serving bedrooms at first floor situated to the side that could potentially overlook neighbouring properties. This can be easily controlled, however, through the imposition of a condition ensuring that the windows are obscure glazed or are entirely removed. The remaining potential overlooking windows are bathroom windows with the aspect for all three proposed dwelling facing to the front

and rear. The usual guideline for a minimum separating distance between first floor habitable windows and the neighbouring boundary to a private amenity area is 10m. In this case, the closest point is between Plot 2 and the rear boundary of the severed dwelling, where there is a separating distance of approximately 12m. This coupled with the retention of the Weeping Willow partly obscures the viewpoint of the first floor windows into the rear garden of the severed property. There is a satisfactory distance between the proposed dwellings and the neighbouring dwellings to the side of the site; the proposal does not have an adverse over-bearing impact upon the neighbouring properties.

6.2 Active and Social Places

This site is in very close proximity to a National Walking Trail, there is immediate access to a highway that links to the local footpath network and this national trail. The proposed site does fulfill the need to be part of an active and social place.

6.2.1 Transport / Housing sustainable transport issues (Sustainable Transport Hierarchy)

6.2.1.1 The application site is within walking distance of the town centre and public transport access points.

6.2.2 Access / Highway Safety

6.2.2.1 The Councils' Highway Engineer has assessed the site and surrounding road network. It is recognised that the proposal represents an increase in one dwelling over that of the approved two dwellings. There is a wider consideration of the road network, with a recognition that the proposed three dwellings represent a 12.5% increase in dwellings and associated activity along Watery Lane. In respect of Watery Lane, which is an unclassified rural single lane that currently serves 21 residential properties, there will be an impact, but Highways consider that the proposed development and associated vehicular trips generated by the proposal are manageable and would not lead to a real deterioration in highway safety or capacity.

6.2.2.2 The Highway Authority recognises that future infill development of this ilk, if not considered carefully going forward, is likely to generate activity that is unsustainable and would lead to a deterioration in highway safety and capacity. If a planning application is acceptable on its own merits, it should not be refused based on precedent. Each subsequent planning application should be considered on its own merits taking into account development already approved and capable of implementation.

6.2.2.3 The Highway Authority has confirmed the following:

- No objection to utilising the existing access to Rosebrook to provide access to Plot 1.
- No objection to the creation of an additional shared drive/access to the South of Rosebrook to serve plots 2 & 3 - The applicant is required to consult with Natural Resource Wales Lower Wye Internal Drainage District to bridge or culvert the watercourse.
- The levels of parking and turning provision are in accordance with the councils adopted SPG, Monmouth Parking Standards.
- It is noted that the location is susceptible to flooding from the adjacent watercourse and as the location and ground conditions experience exceptionally high water table levels that affect the discharge of surface water to ground, the applicant is recommended to consult with the appropriate organisations to develop and implement an acceptable surface water management plan for the site. There are conditions that are then recommended that secure detailed design of the access, surface water drainage, finishing surfacing materials, construction management and the requirement for approval from the regulating authority for the bridging of the watercourse.

6.2.2.4 There has been concern raised from neighbouring properties regarding the suitability of the proposed access, and more specifically the poor visibility, access for emergency vehicles and parking for the severed dwelling. This has been addressed in turn by Highways.

The visibility splay in accordance with Manual for Streets is measured from the edge of the metalled carriageway and set back 2.4m. From this distance a stopping site distance of 43m is achievable in both directions within the limits of the public highway on Watery Lane.

Regarding emergency access the driveway is shown at 3m wide therefore can accommodate a fire appliance that is 2.4m wide. Finally, there is existing parking accommodated within the garden of the severed dwelling served from the existing access (which is a shared access with the proposed Plot 1).

6.3 Distinctive & Natural Places

6.3.1 This is addressed in Para 6.1.2 above. Watery Lane is a distinctive place in that it is characterised by individual dwellings situated on spacious, generous plots facing onto Watery Lane. There is no uniform building line with some dwellings set back and others sited closer to the road. These features distinguish Watery Lane from the higher density, more uniform pattern that characterises the housing development to the rear of the site (Lilac Drive). By including three dwellings to the rear of the site this proposal introduces a smaller, denser pattern of development that is characteristic of the modern development to the rear, and is out of character with the significantly different form of development on Watery Lane. Whilst the development can be partly mitigated by the retention of existing trees and boundary treatment, this does not alter how the development will be perceived from Watery Lane; namely a backland development that is incongruous to the character of the area. This development detracts from what is currently a distinctive place and an important location for the local residents and the many walkers that pass this site, forming an important link to the Offa's Dyke path.

6.3.2 Landscape/ Visual Impact

6.3.2.1 The site access is broadly arranged along the same lines as the outline planning consent, with two private driveways provided, one either side of Rosebrook. Driveways will have a hard standing of a minimum of 5m from the edge of the existing carriageway, with a permeable surface thereafter to assist with surface water drainage. Parking provision (three spaces per property) is provided to each dwelling, with all plots benefitting from a garage. The style of architecture proposed is traditional, with a palette of natural finishing materials detailing pitched slate roofs, and a combination of brickwork, render and natural stone walls. Individually the design of the dwellings and the relative access points are acceptable. However, cumulatively the visual impact of the three dwellings represents a significant change in the development pattern that is distinctive to Watery Lane and when viewed in this context appears clearly as an over-development of the site. In the supporting information, the agent has sought to deliver a comparison between the illustrative scheme as part of the outline approval and the latest proposal. The outline scheme however, was illustrative and whilst delivering a larger footprint per dwelling, parts of the footprints were shown to be either single storey or one and a half storey. Thus, whilst larger on the ground, the built form was reduced through the building heights; this was a detail that would have been considered as part of the Reserved Matters submission. Although individually the proposed dwellings are smaller, how they relate as a group to the surroundings results in a form of development that detracts significantly from the visual amenity of the surrounding area.

6.3.3 Green Infrastructure

6.3.3.1 The proposal seeks to retain hedgerows and trees, and in the event that the application was being recommended for approval (as with the outline planning approval) conditions would be imposed securing their protection and retention, with a further condition imposed to attempt to soften the visual impact of the development. However, such conditions will not mitigate the visual harm that results from the proposed development and even if these conditions were imposed, the development would still be visually unacceptable.

6.3.4 Biodiversity

6.3.4.1 The proposal shows that the foliage that surrounds the perimeter of the site is to be cut back. This is not indigenous woodland or hedgerow and therefore this has not been explored for biodiversity value. Ideally, this should be replaced with a mature woodland belt as this provides enhanced ecological value, although the existing boundary does provide privacy. Again (as with the approved outline consent) in the event that this application was to be approved, a condition would be applied requiring a full landscape scheme to be submitted that seeks to retain the

existing growth or replace it with enhanced mature species. This would ensure that at the very least, the green boundary is retained to mitigate the impact on neighbouring properties.

6.3.5 Flooding

6.3.5.1 The application site is not within a flood zone.

6.3.6 Water (including foul drainage / SuDS)

6.3.6.1 The application proposes to connect foul water to mains drainage. Welsh Water have confirmed that this is acceptable, although neighbours have raised concern that this involves accessing drains over private land. This remains a private issue and one for the applicant to resolve via Welsh Water. What is relevant is that there are drains available for foul sewage connection.

6.3.6.2 It is proposed to use soakaways as the means of surface water drainage. The supporting information in the outline approval in the form of percolation tests undertaken for both Plots A and B, demonstrate that the site would be effective in providing drainage from the site. The applicant has demonstrated in the supporting information that the surface water run-off from the proposed scheme is less than that from the illustrated outline scheme. Therefore, the porosity test used previously is appropriate to establish that there is potential for the site to drain its water run-off acceptably. However, in addition to this Highways have requested a scheme of surface water drainage to be provided via a planning condition to ensures the final scheme is acceptable.

6.4 Response to the Representations of Third Parties and the Town Council

6.4.1 The concerns raised by neighbours and Town Council have been addressed fully in the comments above.

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

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

7.0 RECOMMENDATION: REFUSE

Reasons for Refusal:

1 This area is characterised by large houses of individual design situated on generous plots, all facing onto Watery Lane with no distinct building line in this immediate area where there is a more random, sporadic pattern of housing. This proposal introduces three dwellings to the rear of the 'severed' dwelling, Rosebrook, and detracts significantly from the visual amenity of the surrounding area. Individually, Plot 2 reads as a backland development in that it is situated partly behind the severed dwelling and does not have the front facing spacious plot that is characteristic of the area. Plots 2 and Plot 3 are in very close proximity to each other, which is uncharacteristic to this area, appearing cramped in relation to the large separating distances that characterise the existing dwellings on Watery Lane. Finally, the proposal introduces a uniformity of plot size, (that is also significantly smaller than the surrounding plots), spacing between plots, and a building line that would appear incongruous within the context of surrounding area. This proposal fails to accord with criterion I) of Policy DES1 of the Monmouthshire Local Development Plan that requires that all new development must ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from over-development and insensitive or inappropriate infilling.

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Agenda Item 4b

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: REFUSE

Case Officer: Mr Andrew Jones

Date Valid: 26.11.2018

1.0 APPLICATION DETAILS

- 1.1 This application was presented to Planning Committee on 2nd April 2019 (a copy of the original report is reproduced below).
- 1.2 At that meeting Members resolved that they were of a mind to refuse planning permission for the development on the basis of adverse impact on residential amenity and on the Scheduled Ancient Monument.
- 1.3. On the basis of the above, the following two reasons are considered representative of the views expressed by Members:
 1. Owing to the nature and types of events to be held which would be likely to cause significant noise, the proposed events pavilion would as a result of its proximity to neighbouring dwellings, cause unacceptable harm to residential amenity. As a result the development would be contrary to the requirements of policies EP1 and DES1 (d) of the Monmouthshire County Council Local Development Plan (LDP).
 2. Owing to its obtrusive siting and appearance, the proposed events pavilion and associated hard landscaping would cause unacceptable harm to the setting of the Scheduled Ancient Monument (MM056) Abergavenny Castle. The proposed pavilion would therefore be contrary to the requirements of policy DES1 (e) of the Monmouthshire County Council Local Development Plan (LDP) and paragraph 6.1.24 of Planning Policy Wales (Edition 10, 2018).

PREVIOUS REPORT to meeting of Committee held on 2 April 2019

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 application 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 would 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 negations 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 tarmacadam 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 Normal 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 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 with 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, Blaenavon 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 tarmacadam 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 are 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 is 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 (CIIfA) and it is our policy to recommend that it is undertaken by a Registered Organisation or a MCIfA level Member within CIIfA (www.archaeologists.net/ro and www.archaeologists.net/codes/ifa).

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Agenda Item 4c

Application Number: DM/2018/02053

Proposal: Proposed detached dwelling

Address: Green Acres Vinegar Hill Undy Caldicot Monmouthshire

Applicant: Mr. & Mrs. C Williams

Plans: Other S.03 - , Elevations - Proposed 02 - A, Site Sections S02 - A,

RECOMMENDATION: Approved subject to S106 agreement

Case Officer: Mrs Helen Hinton

Date Valid: 15.01.2019

This application is presented to Planning Committee following the receipt of five or more public objections and an objection from the Community Council

1.0 APPLICATION DETAILS

1.1 Full planning permission is sought for the development of one dwelling on land forming part of the part of the residential curtilage of a detached dormer property known as Green Acres, Undy.

1.2 The plans submitted, detail the development of a detached two storey, four bedroom dwelling, measuring at its greatest 9.85m wide, 13.8m deep with a maximum height of 7.6m. The dwelling would be positioned in the southern part of a wedge shaped plot measuring at its greatest 12.8m wide and 74m deep. The proposed property would be developed immediately adjacent to the eastern (side) elevation of Green Acres and 15.2m to the west (rear) elevation of the properties in Celtic Close.

1.3 Externally the elevation of the dwelling would be finished with render and grey coloured horizontal cladding; uPVC windows and doors and a concrete tiled roof. Internally the proposed accommodation would comprise an open plan kitchen-family room; dining room; lounge; w.c. and utility room at ground floor level with four bedrooms a family bathroom and two en-suites at first floor level.

1.4 The property would benefit from an open front garden to the south with three off street parking areas and a driveway. An enclosed garden would be provided to the north (rear). The layout plan submitted indicates that the existing conifer hedge along the eastern boundary and a number of mature trees to the south and north of the dwelling would be retained.

1.5 The plot and dwelling would be accessed via a narrow private driveway to the south-west of the site, which in turn adjoins with the county highway network to the south-west. The driveway currently serves three dwellings.

Site Appraisal

1.6 The application site forms part of the residential curtilage of Green Acres, Vinegar Hill Undy. The host dwelling is a large dormer bungalow style dwelling that benefits from a very generous curtilage with an unenclosed lawn area to the south and an enclosed garden to the north and east. The eastern boundary of the site is defined by a mature but maintained conifer hedge. The plot contains a number of mature trees. Off street parking is currently provided on a driveway and hardstanding to the south of the dwelling.

1.7 The application site is located at the north-eastern end of a private cul-de-sac. Although the driveway is narrow, the site as a whole opens up after passing the eastern corner of Clementeita, with a staggered building line set back some distance from the principal vehicle access, established by Conifers, Highmead and Green Acres. The plot is positioned on a gradient that falls from north to south. The site is level with the host dwelling to the west; is below the level of the residential curtilage to the north and is raised in comparison to the residential properties Highmead and Conifers to the south-west and the properties in Celtic Close to the east.

1.8 The site and host property form part of an established residential area, with a variety of architectural styles and property types evident within the immediate vicinity.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2015/00116	Two storey extension to side of existing dwelling.	Approved	27.03.2015

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

EP1 LDP Amenity and Environmental Protection

GI1 LDP Green Infrastructure

NE1 LDP Nature Conservation and Development

DES1 LDP General Design Considerations

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

Magor with Undy Community Council - Recommends refusal of the application for the following reasons:

- Access/egress issues onto an already busy road
- Opposite a Safe Route to School (Tump Lane) for Undy Primary School
- The Planning Inspectorate described Vinegar Hill as a 'narrow tortuous road - with no footways and a combination of restricted visibility, substandard accesses and volume of traffic giving rise to potential hazardous conditions for road users.' and subsequently refused an access point.

MCC Housing - A commuted sum of £15,015, toward the provision of affordable housing within the County is requested.

Glamorgan Gwent Archaeological Trust - Recommends a condition with regards to an archaeological watching brief.

MCC Highways - No objections

MCC Environmental Health - No objections

Dwr Cymru/ Welsh Water - Advice provided with regards to the position and protection of apparatus.

Wales and West Utilities - Advice provided with regards to the position and protection of apparatus.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice.

Original plans:

Six letters of objection were received with regards to the original proposal and are summarised as follows:

The proposal is less than 16 metres from rear windows of the properties in Celtic Close, detrimentally affecting outlook.

The property has been designed with the largest wall directly facing our house. This will span the width of our garden blocking out natural light and have an overbearing, imposing and oppressive impact.

The ridgeline would be 8.6 metres higher than the ground floor level of the properties in Celtic Close and will be imposing and overbearing resulting in a loss of light to the homes and gardens to the detriment of well-being.

The rear upstairs windows, 15.9 metres from dwellings in Celtic Close and 5.8 metres above rear gardens would have a clear line of sight into homes and gardens, adversely affecting privacy and amenity;

Development would create a 10m high wall within 9m of a patio area which would be overbearing and create an unpleasant space to sit;

Increased noise and disturbance due to the proximity of the proposal to the boundary;

The proposed parking area adjacent to the boundary would create increased exposure to exhaust fumes, smell, noise and disturbance. The drive gravel will exacerbate noise and disturbance which will have a negative impact on health;

Concerns regarding removal of the boundary hedge and the affect this could have on drainage and soil stability, appearance and privacy;

Vinegar Hill and Tump Lane are already dangerous enough. At peak times there is considerable traffic. Concerns raised that any additional vehicles joining Vinegar Hill at the proposed access point would increase the safety risk to pedestrians;

At the proposed access point, Vinegar Hill is only 4.1m wide with no pavement and high boundary hedges meaning that pedestrians have to walk in the roadway;

There are known drainage issues within the area;

Loss of view.

Amended Plans

Following the submission of amended plans, which have been advertised by direct neighbour notification, five letters of objection have been received and are summarised as follows:

The proposed house would tower over existing dwellings and would have an obtrusive, overbearing, imposing and oppressive impact that would have a detrimental impact on existing residential amenity;

The distances between the properties in Celtic Close and those indicated on the proposed plans are not comparable due to the negative impact of the topography of the site which is raised relative to the dwelling in Celtic Close;

Although the revised elevations remove a small section of first floor elevation the development will still negatively impact on light and outlook;

The development is still too close. The proximity and height, will generate a large intrusive house will have a detrimental impact on privacy and amenity, quality of life and happiness;

The property is unnecessarily imposing; within very close proximity to existing dwellings and would reduce natural light to existing properties.

5.3 Local Member Representations

The Local Member was notified of the application on 2 January 2019 and during later discussions. No representation has been received to date.

6.1 EVALUATION

6.2 Strategic & Spatial Choices

Principle of Development

6.2.1 The application seeks full planning permission for the development of one detached, two storey dwelling, within the residential curtilage of Green Acres, Vinegar Hill, Undy.

6.2.2 The Proposals Map of the Monmouthshire Local Development Plan (LDP) identifies that the site is unallocated and located within an established residential area within the defined development limits and community of Magor with Undy. LDP policies S1 and H1 presume in favour

of new residential development within development boundaries subject to detailed planning considerations. Being mindful of the site's unallocated status and its position within the established settlement boundary, the principle of developing a further dwelling at the site is considered acceptable and appropriate in policy terms.

Good Design/ Place making

6.2.3 The application site is located at the southern end of Vinegar Hill which contains a variety of property types, designs and styles. The proposed dwelling would be developed immediately adjacent to an existing dwelling at the north-eastern end of a private drive/ cul-de-sac that serves three other dwellings which are either single storey or dormer bungalows in design. The properties to the east of the site within Celtic Close are a conventional two storey design.

6.2.4 Although the development would constitute infilling, it is noted that the host dwelling occupies a larger than average plot, in terms of width and depth and as such is considered to be capable of accommodating an additional property.

6.2.5 Following public objection to the original proposal, amended plans have been submitted for a dwelling of a reduced size, scale and altered design. The plans submitted indicate that the proposed dwelling would be developed broadly in line with the front and rear elevations of Green Acres and would have a ridge line 0.6m lower than the existing dwelling. On balance it is considered that the position of the property in the garden to the side elevation of the existing dwelling, at the north-eastern end of the private driveway, 2m from the party boundary with the properties in Celtic Close together with the retention of the existing hedge along the eastern boundary, as indicated on the proposed layout plan, would help screen the proposal from any public vantage point. This would prevent it from being visually incongruous or so detrimental to the overall character and appearance of the area to warrant refusal of the application.

6.2.6 On the basis of the above, the application is considered compliant with the requirements of policies S17, EP1 and DES1 of the LDP.

Impact on Amenity

6.2.7 As specified above, the application has been the subject of public objection. These concerns primarily relate to the size and scale of the dwelling in conjunction with the raised level of the site relative to the properties in Celtic Close and the associated impact this would have in terms of loss of light, overbearing impact and loss of privacy and amenity.

6.2.8 Although the site is more elevated than the properties in Celtic Close, there are mitigating factors to indicate the proposal would not be unacceptably overbearing to the neighbouring dwellings. This is based on the proposal's orientation, the position of the dwelling 2m from the party boundary (at its closest 15.2m to the west of the properties in Celtic Close). It is acknowledged that the development could generate increased overshadowing and loss of light to the rear elevations and gardens to the properties in Celtic Close during the afternoon. However, being mindful of the intervening distances involved, the retention of the existing boundary hedge and the amended design of the dwelling (which has reduced the depth and height of the dwelling at first floor level and handed the accommodation so that the longest and tallest elevation is now adjacent to the Green Acres), it is considered that the impact from the development would not be so overbearing or detrimental to the residential amenity of those living in Celtic Close to warrant refusal of the application.

6.2.9 The amended elevations and floor plans submitted indicate that there would be no windows in the eastern (side) elevation of the dwelling at first floor level. Although windows would be provided in the southern (front) elevation, it is noted that on a 45 degree angle, a distance of 20m would be maintained between the closest proposed first floor window (serving bedroom 2) and 19 Celtic Close. Although a shorter distance of 18m would be maintained between the window of and the rear elevation of number 20 Celtic Close, the angle would be more oblique, thereby reducing the opportunity for overlooking.

6.2.10 Being mindful of the distance maintained, in association with the raised height of the site, which would result in the first floor windows looking at or over the roof of the properties in Celtic Close, and the maintenance of the existing boundary hedge which would help offset the proposal further, it is considered that the development would not cause unacceptable overlooking or infringe privacy to warrant refusal of the application.

6.2.11 Whilst it is appreciated that the development would change the outlook from the rear gardens and accommodation of the properties in Celtic Close, loss of view is not a material planning consideration.

6.2.12 On the basis of the above, the application is considered compliant with the requirements of policies S17 EP1 and DES1 of the LDP.

6.2 Active and Social Places

Sustainable Transport

6.2.1 It is highly likely that the development would be primarily served by private vehicle. However, there is a bus route along the B4245 to the south which provides links to Caldicot (and beyond) which contains a variety of shops and services, with rail connections available in Chepstow and at Severn Tunnel Junction.

Affordable Housing

6.2.2 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 one additional dwelling. 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 £15,015.

6.2.3 Following consideration the applicants have confirmed that they will be willing to sign up to the Section 106 agreement as they intend to build and occupy the dwelling themselves and would therefore benefit from the self-build exemption, subject to an appropriate term of occupation.

Access / Highway Safety

6.2.4 The plans detail that the development would be served from a private driveway which in turn leads from Vinegar Hill to the west, which is an adopted but unclassified highway of limited width and visibility. As part of the development three off street parking spaces would be provided to serve the proposed dwelling. The parking arrangement and provision for the existing dwelling would remain unaltered.

6.2.5 Following consultation, the Highways Department has raised no objection to the application noting that the proposed parking is in accordance with the requirements of the MCC Parking Guidelines and that the driveway arrangement is of sufficient size and dimension to allow vehicles to turn within the development and exit onto the public highway in a forward gear.

6.2.6 As part of the public consultation process, concerns have been raised with regards to increased traffic movements generated by the development. It is acknowledged that Vinegar Hill is of limited width at the point of access and that visibility is limited either side of the junction. However, the junction is existing with the land either side being outside of the applicant's ownership and control. Therefore it is not possible for them to make alterations to the visibility splay. Being mindful that the existing junction with Vinegar Hill already serves three other dwellings, it is considered that the increased number of traffic movements generated by the proposal would not be so detrimental to the highway safety and free flow of traffic on the wider highway network to warrant refusal of the application. It is further considered that the limited width of Vinegar Hill at the point of access helps to naturally reduce traffic speeds at this point.

6.2.7 In light of the consultation response received, it is considered that the development would not be significantly detrimental to the highway safety and free flow of traffic in the area and is compliant with the requirements of policies S16 and MV1 of the LDP.

6.3 Distinctive & Natural Places

Landscape/ Visual Impact

6.3.1 As specified above, the application site is located centrally within an established residential area which has a varied pattern of development and architectural styles. Being mindful of the location of the site at the north-eastern end of a private driveway, which would help screen the proposal from the public highway and the retention of existing mature landscaping around and within the site, it is considered that the development would not be so visually incongruous or detrimental to the overall character, appearance and landscape of the area to warrant refusal of the application. The proposal is therefore considered compliant with the requirements of policies S17, EP1 and DES1 of the LDP.

Historic Environment

6.4.1 Following consultation, Glamorgan Gwent Archaeological Trust have provided the following response:

"The current dwelling is within the Oak Crescent development at Undy. A Roman stone sarcophagus containing a female inhumation was discovered during the ground works for this development. The sarcophagus was discovered approximately 45 metres to the east of the current proposed development site. In the wider Undy and Magor area there are further extensive Roman remains, which are indicative of a prolonged period of Roman settlement in the area. It was noted at the time of discovery of the Roman sarcophagus that it was not possible to state with certainty if the burial was a single item within a wider Roman estate or if it formed part of a cemetery here. The sarcophagus is of national significance being the only one of its type discovered in Wales, and now forms part of the archaeology gallery in the St Fagans National Museum of History.

The current proposal for the erection of a new detached dwelling on ground immediately to the east of the sarcophagus site has the potential to encounter significant archaeological remains. It is therefore recommended that a condition requiring the application to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any grant of consent."

6.4.2 On the basis of the above, and subject to the imposition of the conditions and advisory notes recommended, the application is considered compliant with the requirements of Technical Advice Note (TAN) 24: The Historic Environment (2017).

Green Infrastructure and Biodiversity

6.4.3 The proposed dwelling would be developed in the side garden of the existing property. The plans submitted detail the retention of the existing and mature boundary hedge and the retention of a number of mature trees in the front and rear garden of the proposed dwelling. Being mindful of the improved nature of the ground and the landscaping to be retained it is considered that the proposal would not have a detrimental impact on the green infrastructure or biodiversity value of the area. The application is therefore considered compliant with the requirement of policies S13, GI1 and NE1 of the LDP.

Water (including foul and surface water drainage)

6.4.4 The application which seeks full planning permission was submitted prior to 7th January 2019. Based on the details submitted, the hardstanding areas indicated as part of the works would be in excess of 100 sq.m and therefore require SuDS approval. An advisory note relating to such matters could be added to any grant of consent.

6.4.5_Information provided as part of the application indicates that foul sewerage generated by the proposal would be disposed to the mains sewer. Following consultation Dwr Cymru/ Welsh Water have raised no objection to the application.

6.5 Response to the Representations of Third Parties and the Community Council

6.5.1 Following consultation the Community Council have recommend the application be refused raising the following concerns:

"Access/egress issues onto an already busy road, opposite a Safe Route to School (Tump Lane) for Undy Primary School. The Planning Inspectorate described Vinegar Hill as a 'narrow tortuous road - with no footways and a combination of restricted visibility, substandard accesses and volume of traffic giving rise to potential hazardous conditions for road uses.' and subsequently refused an access point."

6.5.2 Whilst the Community Council's comments with regard to the appeal are acknowledged, it is noted that the appeal relates to an application for the development of an agricultural access in 1997, (application M01128 or DC/1997/00237 refers). Although the trip generation associated with that development may have been lower it would have had the potential to encourage use of the lane by larger agricultural type vehicles and as a result is not directly comparable to the application currently proposed.

6.5.3 Whilst the highway adjacent to the private driveway is limited with the junction lacking standard visibility splays, the Council's Highways Department have raised no objection to the application.

6.5.4 With regards to the public objections received, it is acknowledged that the development would form a large dwelling in close proximity to the boundary with the residential properties in Celtic Close. However, on balance it is considered that position of the proposal, topography of the site, distances maintained and amended design would prevent the development from being so overbearing or having such a detrimental impact on the residential amenity of those living closest to the site to warrant refusal of the application.

6.5.5 Foul water generated by the proposal would be disposed of via the public sewer, with Dwr Cymru/ Welsh Water raising no objection to proposal.

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.

6.7 Conclusion

6.7.1 Being mindful of the position of the site within the settlement development limits the principle of providing another dwelling at this location is considered acceptable. Whilst the proposal would provide a dwelling on raised ground close to the boundary with the properties in Celtic Close, on balance it is considered that the development would not be so detrimental to the overall character, appearance of the area or the residential amenity of those living closest to the site to warrant refusal of the application. It is considered that the proposal would provide sufficient off street parking provision to prevent it from having a detrimental impact on the highway safety and free flow of traffic in the area and would not have a detrimental impact on green infrastructure or the biodiversity value of the area.

6.7.2 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.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

1.A commuted sum of £15,015 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 the applicant, or their agent(s) 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 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).

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 Before the approved development is first occupied the access and parking shall be 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.

6 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (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 within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

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

7 No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved by, the Local Planning Authority and the approved scheme shall be completed before the building(s) is/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.

INFORMATIVES

1 The archaeological work must be undertaken to the appropriate Standard and Guidance set by the Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/cifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologist.net/ro) or an accredited Member.

2 The proposed scheme may require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage and may require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Further information and application forms can be found at:

<https://www.monmouthshire.gov.uk/sustainable-drainage-approving-body-sab>

Agenda Item 4d

Application Number: DM/2018/02066

Proposal: Outline application for the construction of 11 dwellings and associated works

Address: Land adjacent to Clearview Court, Shirenewton

Applicant: Mr David Adams

Plans: Location Plan PL 212 A - , Site Plan PL 210 Rev J - ,

RECOMMENDATION:

Case Officer: Mr Craig O'Connor

Date Valid: 21.12.2018

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

1.0 APPLICATION DETAILS

1.0 The site measures 1.62 hectares and lies on the eastern edge of the village of Shirenewton. An access road into Shirenewton runs parallel to the northern boundary and beyond that are modern 2-2.5 storey dwellings. Residential dwellings back onto the western boundary whilst two barn conversions known as Archways and Thistledown Barn are located adjacent to the south-west corner. The eastern side of the site adjoins open countryside.

1.1 The topography is such that the land rises up from the north-west corner to the south-east.

1.2 Outline planning permission is sought for 11 dwellings within the red line boundary. All matters are reserved for future consideration with the exception of access. Whilst the submitted details include a site layout it is important to remember that this layout is indicative only at this stage and that such matters would be considered at reserved matters stage if this outline application were to be approved.

1.3 The site is made up of three parcels of land; the area to the west benefits from an extant reserved matters application for 7 houses (ref DC/2014/01185). The majority of the land to the east is a site allocated within the Local Development Plan (LDP) ref SAH11(xiv)(a) for approximately 5 dwellings. Land to the south and a strip of land to the east is unallocated. The indicative site layout illustrates this as being garden land with no built development. The unallocated land to the south is approximately 20m deep and 40m wide whilst the strip to the east is 7m wide at its widest point, tapering down to 4m wide at the northern boundary.

1.4 An existing private access track runs through the site from north to south, providing access to both Archways and Thistledown Barn. It is understood from the agent that due to legal covenants on the track in relation to rights of access, no physical changes can be made to amend the alignment of the access and track. For clarity, the land on which the track is situated is owned by the applicant, but the occupiers of Archways and Thistledown Barn have rights of access.

1.5 A new second access off the minor road (to the north) is proposed with turning head.

1.6 An illustrative site layout plan has been submitted to demonstrate how 11 dwellings could be accommodated on the site. This includes the provision of four affordable housing units. The layout would be subject to negotiation at a later stage if the principle is considered acceptable.

1.7 Details submitted with the application indicate that surface water will be disposed of via soakaways and foul water via the existing public sewerage network.

1.8 For outline applications the minimum and maximum length, width and height of dwellings is required. These are referred to as 'scale parameters'. The scale parameters proposed are as follows:

1.8.1 Plots 1-3: 12.5m-13.5m long x 9m-12.5m wide with a height of between 8.4m-8.6m to ridge (5.2m-5.4m to eaves). These would be two storey in height.

1.8.2 Plots 4-7: 12.5m-13.5m long x 9m-12.5m wide with a height of between 8.4m-8.9m to ridge (5.2m-5.4m to eaves). These would be 2-2.5 storey in height (for clarity, a 2.5 storey dwelling would essentially be a two storey dwelling with rooms in the attic, so usually feature dormer windows). In this case, the eaves height would be the same as the two storey dwellings, but the ridge height would be 0.3m higher at ridge height.

1.8.3 Plots 8-11: 4m-5.2m long x 9m-10.5m wide with a height of 8.4m-8.9m to ridge (5m-5.2m to eaves). These would be two storey in height.

1.9 The application pre-dates the newly introduced SAB approval regime and is therefore not subject to such requirements. However, if approved, the applicant would be required to submit a Reserved Matters application by January 2020. Failure to do so would mean the development would be subject to SAB approval.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01813	Non material amendment to DC/2009/01061 to remove conditions 6, 7 and 8 relating to code for sustainable homes.	Approved	15.11.2018
DM/2018/01814	Amendments to conditions 9 and 10 from previous application DC/2014/01185.	Approved	15.11.2018
DM/2018/01817	Discharge of condition 5 (GI) from previous application DC/2014/01185 - Landscape Management Plan	Refused	21.12.2018
DM/2018/01844	Discharge of conditions 3 (Highways Engineering Details), 10 (Levels) and 11 (Drainage Details) in relation to DC/2009/01061	Refused	21.12.2018
DM/2018/01846	Discharge of conditions 6 (Highways Agreement), 7 (Highways Surface Water Management Scheme), 9 (Estate Street Phasing and Completion Plan) and 10 (Highways Management and Maintenance Plan) in relation to DC/2014/01185.	Refused	21.12.2018

DM/2018/02062	Non-material amendment to previous application DC/2009/01061 - conditions 3, 10 and 11.	Approved	21.12.2018
DM/2018/02063	Non-material amendment to previous application dc/2014/01185 - conditions 2,3,5,6 and 7.	Approved	21.12.2018
DC/2009/01061	Residential development (outline)	Approved	26.10.2011
DC/2014/01488	Removal of conditions 6,7 and 8 relating to Code for Sustainable Homes under DC/2009/01061	Approved	17.12.2014
DC/2014/01185	Reserved matters application for 7no. dwellings and associated works on land adjoining Clearview Court granted outline permission under application DC/2009/01061, including details to discharge condition 1 (Reserved Matters) and condition 4 (Boundary Treatments).	Approved	10.01.2017

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
 SAH11 LDP Main Villages

Development Management Policies

H2 LDP Residential Development in Main Villages
 NE1 LDP Nature Conservation and Development
 DES1 LDP General Design Considerations
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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

Shirenewton Community Council - Following the meeting on 21st March, Council felt that its original concerns around sewerage, soak-aways, layout of the houses and visitor parking have been answered. However the Community Council has only had verbal assurance that the houses in plots 4, 5 and 6 will not be allowed to build anything in areas of their gardens which is outside the LDP this Council would like to understand and also have written confirmation from Monmouthshire CC on how it is proposed to restrict these property owners (and future owners) from future builds and sheds.

The materials and quality of finishes on the properties have not yet been approved by Monmouthshire CC; this Council understands that is the next stage in the process and would like to ensure that the decision taken will be sympathetic and complement the houses on the other side of the road. Likewise, it was discussed at the meeting in Usk that there would be no tall street lighting, but diffused lighting from bollards. Council would like to see that confirmed.

County Councillor Brown raised relocation of the 30mph speed sign further back along the road entering from Mounton with Highways; request that it be confirmed that the signage will be relocated.

Original Comments:

- Concerned about proposed sewerage connection to public system. The system is known to overflow. Also known problem of overcapacity on the line from Shirenewton to Pwllmeyric.
- Proposed pipework for surface water drainage needs to be examined as unrecorded beyond no.7 Clearview
- Protrusion of gardens x, y and z into farmland beyond LDP envelope is a loss of that farmland and carried the expectation that, as garden land, it will nevertheless be built upon by householders.
- Inadequate parking provision for visitors to affordable housing and communal parking area at least should be provided
- The Design Statement appears to suggest there is a bus link to Caerwent which is not correct. Bus service also been counted in both directions - there are only 3 buses to and from Chepstow every working day and one less on Saturdays
- Transport statement underestimates the number of vehicle journeys given that families have at least two cars due to lack of public transport and need to travel outside the village for shopping, medical and school facilities

Planning Policy - No objection.

Part of the site is located within the village development boundary, part is located within the LDP Main Village SAH11(xiv)(a) allocation - Land to east of Shirenewton (south of minor road) and the remainder is located within the open countryside. It is noted that the part of the proposed site located within the development boundary has an extant permission for 7 units, 6 market and 1 affordable determined under UDP policies.

With regard to the area within the SAH11(xiv)(a) allocation, the development of this part of the site complies with LDP policies S1 and H1 in principle, subject to detailed planning considerations. In order to comply with LDP policies S4 and SAH11, 3 out of the 5 units are required to be affordable.

With regard to the area within the Shirenewton Development Boundary (outside SAH11(xiv)(a) allocation), the development of this part of the site meets the requirements of Strategic Policy S1 and Policy H1 in principle, subject to detailed planning considerations.

Strategic Policy S4 relating to the provision of affordable housing is of relevance, it states that in Main Villages there is a requirement for at least 60% of the total number of dwellings to be affordable. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and should also be referred to. The Affordable Housing SPG (Section 4.4.C.2) does allow for some relaxation of the 60% requirement on sites in Main Villages that are not specifically allocated

for housing under Policy SAH11, taking into consideration the provisions of Policy DES1 criterion I).

Strictly speaking in accordance with paragraph 6.1.1 of the Affordable Housing SPG as this relates to a new application the part of the site within the development boundary should be providing a minimum of 35% affordable units. It is noted, however, that there is an extant planning permission on this part of the site and as such it would not be considered an issue to utilise the overall area of the site to provide a mixture of market and affordable units, provided at least 4 units are affordable out of the total of 11 units. Any increase above 12 units across the site, however, would result in additional affordable housing requirement. The affordable housing requirement should also be reassessed if the whole of the site is not utilised or the site is phased in any way, to ensure there is no deliberate attempt to avoid the provision of affordable housing.

With regard to the part of the site located outside of the Shirenewton Development Boundary into an area considered as open countryside, this minor encroachment into the surrounding countryside is deemed acceptable provided that it is utilised for amenity space or gardens and is not used to extend the area of the built form.

Other LDP policies would also need to be considered including S13, S17, DES1, EP1, GI1, NE1 and MV1.

MCC Ecology - No objection subject to conditions.

MCC Landscape and Urban Design - No objection subject to conditions:

The proposal seeks to develop a greenfield site within the defined urban edge of Shirenewton with 7no. two-storey and 4no. 2-2.5 storey houses with associated parking, access, garages, gardens and landscape boundary treatments. The site seeks to share the use of an access driveway to Thistledown Barn by agreement as well as creating a new access to serve plots 4-11.

The provision of a new access seeks to remove a well-established boundary hedge that forms part of the landscape character of the lane approach to Shirenewton from the east to accommodate a new footway on the edge of the highway.

The main areas of concern and information still required:

- o Due to the high LANDMAP aspect values and the elevated open position of the site an LVIA will be required in order to assess the impact the development and rooflines will have on important local receptors, the wider landscape and potentially on the nearby registered Grade 2 listed park of Shirenewton hall. The LVIA should be undertaken to the 'Guidelines for landscape and Visual Impact Assessment' 3rd Edition. Further assessment is required to address Policy LC5. To adequately demonstrate this baseline information and assess the impact against the criteria set out in policy LC5 the assessment will require supporting views and photographs
- o The general layout of the properties needs to be revisited to improve the use of space within the site for access, plots, garages and gardens, to improve the relationship between frontages and access, the relationship between properties, boundaries and wider GI networks. To also provide space for landscape and habitat mitigation within a potential SuDS scheme as appropriate. Currently the outline density, layout and frontage would have an unacceptable adverse impact on the village form, character and surrounding landscape.
- o There is concern that the proposed development has not adequately assessed the GI assets and opportunities effectively. A GI assets and opportunities plan needs to be provided to inform a GI masterplan for the site, landscape plan and a GI Management plan
- o The proposal indicates four dwellings 8-11 as a terrace which would be out of character as part of the urban edge of Shirenewton and in the context of the existing built edge and opposite development. Any development fronting the main road needs to be set back to ensure the integrity of the hedge is retained and the boundary edge can be managed appropriately.
- o The proposal indicates the removal of a species rich hedge to the north to provide a 2nd access to plots 4-11 and footway linking to the village. The boundary hedge to the north of the site provides a range of ecosystem services and needs to be protected in situ and managed accordingly to ensure the integrity of the lane and visual approach to Shirenewton is maintained. The removal can be avoided by using the existing or modifying the existing access point to highways approval and providing a change to the plot layouts. This would preserve the majority of

the hedge, remove the need for a footway which would then be internal linking to dwellings and preserve elements of the rural lane approach to the urban edge of Shirenewton.

There is scope for suitable development on the site however, the submission of a more appropriate scheme and layout informed by appropriate LVIA and GI assessments would be required. Suggest conditions to be attached to any permission and require the submission of details with reserved matters.

Aneurin Bevan Health Board - One response has been received from Mount Pleasant GP practice in Chepstow regarding this application, as follows:

The practice has applied for development of the Portskegwell Branch surgery, and are concerned about capacity at the main surgery in Chepstow pending that development, as there is no room for further staff to be sited.

Cadw - No objections to the impact of the proposed development on the scheduled monuments or registered historic parks and gardens.

GGAT - No objection.

Dwr Cymru Welsh Water - No objection.

Confirmed that they would accept foul water only flows from the site. From reviewing the submission, we note the applicant is proposing to discharge surface water through the use of SuDS and a soakaway. We are satisfied with these drainage proposals on the basis no surface water will directly or indirectly discharge into the public sewerage system. There is a public sewer running through the site. No operational development will be permitted 3m either side of the public sewer.

MCC Highways Officer – Object to the application based on the existing access that would serve three private dwellings being unsatisfactory.

Eastern Access (8 dwellings)

The proposed access is shown by a typical 'no through' residential estate access road with turning provision and access onto the adjacent county unclassified highway C61-1 in the form of a typical T junction. A footway is shown within the site and on the site frontage to provide suitable pedestrian connectivity beyond the site. Visibility splays from the junction are shown to be 2.4m x 37m to the east and 2.4m x 41m to the west. A 5 day ATC traffic speed survey data was carried out and the results are submitted in the Transport Statement which demonstrates an average speed of 21.3mph for vehicles travelling westbound and an average speed of 22.2mph eastbound. The proposed visibility splays therefore satisfy the requirements standards contained within Manual for Streets. The proposed car parking provision for each unit has been satisfactorily designed in accordance with the Monmouthshire Parking Standards. Generally the proposed access and estate road has been designed in accordance with current design practices and would appear to be designed to an adoptable standard. However, there are concerns as to whether the turning head has been designed to accommodate the turning movements of a refuse vehicle. A swept path analysis has been submitted which show the turning movements of a refuse vehicle however this only relates to movements at the junction. We would therefore request that a swept path analysis be submitted for the proposed turning head.

Existing Access (3 new dwellings plus 2 existing dwellings)

Despite achieving an acceptable means of access under application DC/2014/01185 it is noted that the access layout has reverted to the existing access arrangement to facilitate access for the 3 new and 2 existing dwellings. It should be noted that regardless of the number of additional dwellings proposed from the existing access we would expect appropriate improvements to provide a satisfactory means of access in accordance with current design standards. The existing access is unacceptable to serve the development on the grounds that it is of inappropriate size and orientation which is contrary to current design standards and highway safety requirements. We would therefore object to the access proposal on these grounds.

Active Travel

The TS states that access will be provided for pedestrians and cyclists. A link footway is to be provided along the eastern edge of the existing access and on both sides of the eastern access. Furthermore, a footway link between the two access roads will be provided. Whilst the TS makes reference to these links it is not represented on drawing '1876 PL-210 Rev. H' submitted with the application. In light of this revised drawing '1876 PL-210 Rev. J' has now been submitted which indicates the pedestrian link along the site frontage however is only shown to have a width of 1.8m which falls short of the standard width of 2m. It should be noted that the site link footway between the two access roads is still not shown.

Existing 30mph Traffic Regulation Order

The Highway Authority wish to acknowledge the local community's request for an extension to the existing 30mph speed limit traffic regulation order. However, having consulted with the Highway Authority's Traffic Engineers, there is no requirement for an extension to the 30mph speed limit as the proposed development is satisfactorily positioned within the existing 30mph speed limit. Furthermore, the 5 day ATC vehicle speed survey demonstrates that the average speed of vehicles travelling along the C61-1 westbound is 21.3mph and 22.2mph eastbound. Based on this there is no justification or requirement for an extension to the existing 30mph speed limit.

SEWBReC Search Results - No significant ecological record identified. (delete / edit as appropriate)

5.2 Neighbour Notification

Six Letters of objection have been received and one letter of observation. The main issues raised are summarised as follows:

- Confusion over number of dwellings as seven already received approval and waiting for works to commence
- under the impression that the adjacent plot was part of the adopted local development plan, so would happen in the future, as part of a gradual development.
- Plot seems considerably larger than the size in the LDP.
- Accompanying documents appear to be cut and paste - transport document refers to Tan House Pub as an amenity but has been derelict for many years.
- The existing track is gravel, and requires weekly maintenance due to vehicle movement and water run off. More vehicles (between six and fourteen depending on scheme) will greatly add to the burden.
- The new application completely ignores decisions by Monmouthshire Council regarding ridge height, layout and density of development.
- Surely a completely different application with a near 60% increase in dwellings, an additional plot, and an additional access should be considered a new application. It would appear that changes to original conditions are being sought and agreed whilst the new application has been submitted.
- Concerned 4-year-old son will have to walk through a building site to go to and from school.
- Access to my property is and will be required at all times.
- The level change at the bottom of the site compared to the road is approximately 2 metres. This is a huge change of level which will require an enormous amount of excavation to allow the access as proposed and the visual splay.
- There is a mature ancient hedge at the northern boundary which will have to be removed, causing severe reduction in habitat for flora and fauna.
- The proposals for surface water are totally unworkable. There is a spring marked on the map at the southern - uphill - end of the site, the site is waterlogged most of the year as a grass field.
- The existing gravel track leading to the two barn conversions at the top of the site turns into a stream during persistent rainfall. More hard surfaces and roof run off will create huge amounts of surface water.
- Development of this scale is inappropriate for a village of the size of Shirenewton.
- The increased traffic from 11 houses - at least 22, if not more vehicles, will create a large problem, especially on the bend of Sprout Hill.

- Discrepancies on the application form regarding diversions of Rights of Way - The applicant is well aware of the easement relating to access to the properties "Archways" and "Thistledown Barn". Also form incorrect in relation to hedges.
- Additional traffic flows onto the public highway at a junction already blind, turning and sloping, and prone to flooding and freezing in the winter. The same issues apply to the proposed new access at the north-east part of the site, which is blind at the point of egress from the site despite a suggested vision splay.
- Concern over 30mph speed limit - many cars being well inside the 30mph area before they decelerate at all, let alone to 30mph.
- Lack of a turning head ("hammerhead") at the southern end of the drive is already well established through previous outline and reserved matters.
- Heavy rain has often drained off the applicant's field onto the access track leading to localised flooding on the junction of the lane at the junction with Spout Hill
- Ridge Heights have been queried because all previous outline and reserved matters approvals have recognised that the scale and massing of 2 & 2.5 storey height plots to the southern and western sides of the site significantly affect views of the approach to village from the east.
- There will be a significant degree of shadowing and overlooking into Archways from the plot nearest to the southern boundary
- It is disappointing to have to repeat contentions on poor design and compliance considerations on this fifth iteration of the proposed development
- I think the encroachment is a little more than minor; I would say the encroachment is about 30% more than the Site Reference: SAH11(xiv)(a) Site Description: Land to east of Shirenewton (south of minor road).
- It seems pointless publishing plots of land for Local development planning when the land owner is able to increase the plot size by over 30%.
- The value of the land between agricultural green field and building plot is considerably more than 30% I suspect.
- Concerns around the scale and density and impact upon increasing road traffic at this narrow junction with limited visibility; increasing surface water drainage by urbanising the sloping site, raising the risk of flooding on the road; the loss of longstanding, species-rich hedgerow from the location which, in the last five years, has already lost significant stretches of similar hedgerow.
- The additional properties proposed will add greater pressure to the sewage network which is already at overcapacity.
- The extra houses will add to the significant pressure on parking and traffic movements around this junction.
- The site plan that is shown on the application is incorrect, in that it shows our house (number 8 Clearview) before it was extended in 2013.
- The new plans for further housing accessing onto a small county lane, will only put further pressure onto a small village and affect the sight line from my property.
- Amazed by the allocation of parking spaces to rear of affordable units providing no access to front doors.
- No provision for visitor parking on the plans
- Close to adjoining properties
- Development too high
- General dislike of proposal
- Loss of privacy
- More open space needed on development
- Appalled that the plans now include eleven dwellings on such a small plot of land so close to the village border; this is not in keeping with the character of the village.
- The local school is currently oversubscribed as previously determined and commented on by our own council; the introduction of family homes into a small village is detrimental to current local children's school places, it is my understanding that proposed residential dwellings should serve to enhance local communities not overwhelm them.
- The separation of the affordable units into two pairs of semi-detached units will be even closer to the road than before and will affect the vision splays.
- Continuing theme of trying to squeeze a quart into a pint pot.
- We note that the layout plan recognises our existing right of access and we also note the layout of plots 1 and 2 and the garages therein.

5.3 Local Member Representations

Cllr L Brown requested that the application be referred to the Planning Committee for full consideration, as it raises a number of concerns including the scale and size of the development and suitability in this particular location.

The following concerns raised are summarised as follows:

- Beyond LDP Envelope into agricultural Land:
- Parking - inappropriate tandem manner and there is a need for visitor parking here. Parking for the private houses should also be marked out for three spaces each as more than half of garages are used for storage.
- Design, materials, sizes and height of dwellings -Setting out of the plots need to reflect the design, use of materials, sizes and dwellings in relation to the street scene opposite.
- The site slopes upwards with a height difference between the land and the road, so it is important to consider the heights of the properties being proposed for all the plots and dwellings and the different height levels relative to the neighbouring properties including both properties next to the site and those across the road. The height of a neighbouring property is only 1.5 storeys. Reports in this application mention certain units being up to 2.5 storeys and that height would be out of keeping with the local area and neighbouring properties.
- Access - three of the properties will share the grit access with the neighbouring properties and there is not a sufficient turning circle for either construction, waste vehicles or emergency vehicles up this access.
- The safety of any young children accessing the existing neighbouring properties up this grit drive during the construction works of three houses needs to be fully considered particularly if large vehicles are reversing.
- SuDS and Hedging - The mention of a spring on site needs to be fully investigated as no surface water can flow into the sewerage system and springs may alter the capacity of soakaways and the land to absorb surface water. Consideration of SuDS is important and the use of porous material/ gardens for anywhere other than the location of dwellings and garages.
- Sewerage Capacity - Whilst the letter from the water board at the end of January 2019, states that the properties can be connected to the foul sewerage system but no surface water, planning officers are requested to recheck with the water board taking account of comments made here from the local member and from the community council about sewerage capacity
- In this field area, where this main sewerage pipe runs through, the manhole covers have been fenced around due to sewerage seepage.
- GP /Local Health Capacity - In addition the health board report indicates the local GP surgery is not well placed capacity wise to take on extra patients.
- Highway Safety Concerns - There are highway safety concerns in the site area with traffic in this single track narrow road close to the bend and junction. The 30mph boundary originally had a much longer clearer gap and lead into the village from its starting point and moving from a surrounding field rural area into the Shirenewton village sign which was then adjacent to the start of the housing.
- It would be appropriate for consideration be given to highway safety measures such as setting back the 30mph prior to any housing and reducing it to 20mph as Shirenewton village already has advisory 20mph speed limits in some locations. Neighbours already report near misses at this location and junction with Spout Hill and the accident statistics do not record all car damage accidents, only those with personal injuries and also do not record near misses.
- Transport Statement - Over-estimates the bus service by counting each way rather than return journeys and consequently underestimates the use of vehicles due to the lack of public transport and no shopping/medical or secondary school facilities in the village.
- The transport statement is out of date and inaccurate, the map is out of date, even the names of local roads is inaccurate as it refers to Earlswood road as opposed to Spout Hill as the local road. Also the appendix has information on Stanwell Road, Penarth.

6.0 EVALUATION

6.1 Principle of Development and affordable housing

6.1.1 Shirenewton and Mynyddbach has been identified under Policy S1 of the LDP as being a Main Village, within which small scale residential development will be allowed. Policy H1 of the LDP permits new built residential development within settlement boundaries subject to detailed planning considerations including that there is no adverse impact upon the village form and character and the surrounding landscape. The eastern section of the site is a housing allocation within the LDP - SAH11(xiv)(a) 'Land to east of Shirenewton (south of minor road)'. The site is required to provide 60% of the total number of dwellings within this area to be affordable housing units.

6.1.2 The application site is predominantly within the Shirenewton village development boundary. The western part of the site already benefits from an extant permission for 7 dwellings (DC/2019/01061) whilst the central/eastern part of the site is an allocated site for up to 5 dwellings ((SAH11(xiv)(a)). A section to the south and a strip along the eastern boundary fall outside of the development boundary but the indicative plans illustrate that no built development is proposed within this land and it would be utilised for garden areas and landscaping.

6.1.3 With the exception of the unallocated land, which is proposed as garden land, the principle of housing development on the site has already been established, given the site is predominantly within the village's development boundary. The inclusion of the unallocated land, which incidentally measures 15m x 54m, allows for a lower density development which would be more characteristic of a village form. The part of the site that is located outside of the Shirenewton Development Boundary is a minor encroachment into the surrounding countryside and is deemed acceptable given it is utilised for amenity space or gardens and is not used to extend the area of the built form. Conditions would be imposed that remove permitted development for outbuildings within these areas.

6.1.4 It is therefore considered that on balance, the principle of development is acceptable and accords with LDP policies H1 and SAH11(xiv)(a).

6.1.5 The development proposes seven private market dwellings and four affordable housing units. There is an extant planning consent (DC/2014/01061) for the eastern part of the site for seven dwellings with one of those dwellings being affordable. This application is a hybrid application which incorporates the area of the previous consent (DC/2014/01061) and the 60/40 allocated site, SAH11(xiv)(a). The applicant has proposed that seven units are private market houses and four units are affordable. On balance, given the previous extant planning consent for seven dwellings it is considered that the amount of affordable housing at the site is acceptable and the proposals would be in accordance with the requirements of Policy S4 to provide affordable housing units in Shirenewton. The Council's Planning Policy Officer has outlined that "it would not be considered an issue to utilise the overall area of the site to provide a mixture of market and affordable units, provided at least 4 units are affordable out of the total of 11 units. Any increase above 12 units across the site, however, would result in additional affordable housing requirement. The affordable housing requirement should also be reassessed if the whole of the site is not utilised or the site is phased in any way, to ensure there is no deliberate attempt to avoid the provision of affordable housing." To ensure that this does not occur, a condition relating to a phasing plan would be added to any consent. The Council's Affordable Housing Officer has reviewed the proposals and supports the proposal and the type of dwellings that are being proposed. The provision of affordable housing at this site is acceptable and does accord with the requirements of Policy S4 of the LDP.

6.1.6 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 four affordable dwellings.

6.2 Good Design/ Place making

6.2.1 The application is for outline planning with all matters reserved, with the exception of access. As such, no architectural design details have been submitted. The applicant has submitted an indicative layout that outlines the potential footprint of the proposed dwellings and it demonstrates that appropriately sized and well-designed dwellings could be located at the site. The indicative plans have been amended following discussions with the Local Member and the Community Council to overcome initial concerns they had with the development. It is noted, that there is a mix of architectural styles, scale and form of dwellings in the area. Scale parameters have been specified which allows for a mixture of 2 - 2.5 storey dwellings. It is noted that there are two 2.5 storey dwellings directly north of the site and as such, it is not considered these would be out of context with the character of the area. They would of course need to respect the topography of the site to ensure they are not overbearing to other properties within the site or adjacent properties. Cross sections would be required as part of any future reserved matters application. It is considered that an appropriately designed housing development could be accommodated at the site that would harmonise with the character and appearance of the locality. The proposed development would be in accordance with policies S1, S4, S13, S17, DES1, EP1 and H1 of the LDP.

6.3 Impact on Amenity/ Promoting Healthier Places

6.3.1 The site is located on the edge of the village of Shirenewton, although there are a number of properties in close proximity to the site. The proposed dwellings are not considered to have an unacceptable impact on the privacy or private amenity of the neighbouring properties and would be acceptable. The application is made in outline only and the layout of the proposed development including the positioning of windows on buildings would be considered in detail at the reserved matters stage to ensure the privacy of local residents is protected. The submitted indicative layout does highlight that an appropriate development could be accommodated at the site that would not harm residential amenity. The proposed development would not harm any other party's residential amenity and would be in accordance with Policy EP1 of the LDP.

6.4 Sustainable transport issues (Sustainable Transport Hierarchy)

6.4.1 With regards to local services and facilities, Chepstow Town Centre is located within a 20 minute bus journey of the site. Two existing bus stops are located within 100m of the site boundary along the main road through Shirenewton, providing services between Cwmbran and Chepstow via Pontypool. Further bus stops are located 345m to the west of the site near the junction with Spout Hill and Crick Road. Shirenewton / Mynydd-bach is a relatively sustainable location with associated services and facilities and therefore the construction of additional housing in this location is acceptable. The proposed development also provides a footpath on the rural lane to encourage walking into the village albeit connections to the village are limited. 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 and existing infrastructure. The development promotes walking and cycling and there are good transport links to main settlements in close vicinity to the village. It is considered that the siting of housing in this location accords with the requirements of PPW Ed. 10 section 4.1.8 to support sustainable growth.

6.5 Access / Highway Safety

6.5.1 The Council's Highways Officer has provided comments on the proposals and has objected to the applicants using the existing substandard access for three private market dwellings. The Highways Officer objects to utilising the existing access that serves Archways and Thistledown Barn as it is of an inappropriate size and orientation which is contrary to current design standards and highway safety requirements. This is a private access road that is well established and the proposed development only results in an additional three units using this access point.

6.5.2 The majority of the proposed development (8 dwellings) would be accessed off a proposed new access onto the rural highway to the east of the site. This access has been designed to meet current standards and the Highways Officer has no objections to this element of the proposals. The eastern access point has been designed to meet current standards and it would not have a harmful impact on highway safety in accordance with Policy MV1 of the LDP. The proposed development has been amended several times to overcome concerns with deliverability and ensuring an appropriate scheme for the site. Although it is recognised that the existing access is substandard it is not considered to be unacceptable to use this access point for three additional properties. The amount of additional traffic movements that these properties would generate would be limited. The existing access point is well established and on balance, the Local Planning Authority considers that given it would only serve three additional dwellings its use in this development would be acceptable. The presented development provides a deliverable scheme that provides much needed affordable housing to the area. The proposals are considered to have an acceptable impact on highway safety and would be in accordance with the requirements of Policy MV1 of the LDP.

6.6 Landscape/ Visual Impact

6.6.1 This application is for outline planning consent only with the layout, scale and appearance of the development being considered at a later date. Notwithstanding this, the visual impact of the development is considered to be acceptable. The consideration of housing within the development boundary was considered as part of the LDP examination and the development would provide a built form opposite the housing at Mounton Court which would balance the form of this edge of the village. The proposed indicative layout shows an appropriate layout and there is scope for a suitable development to be accommodated at the site that would not harm the character and appearance of the rural landscape.

6.6.2 It is considered that a well-designed housing scheme could be accommodated at the site that has green infrastructure principles and is sympathetic to the site's edge of village setting. The proposals would be in accordance with the requirements of policies S13, S17, DES1, EP1 and LC5 of the LDP and this housing development would have an acceptable visual impact on the wider area.

6.7 Biodiversity

6.7.1 A preliminary ecological assessment was submitted with the application and subject to the suggested conditions the Council's Biodiversity Officer would not object to the proposals. The proposal does include the loss of a significant section of hedgerow, 43m long, to provide vision splay. The hedgerow on site is species rich and is designated as priority habitat but on balance the creation of the safe vehicular access to the site is considered to be acceptable to provide the required housing. The site can accommodate appropriate green infrastructure to mitigate for the loss of the hedgerow with a new hedgerow to be planted to provide suitable habitat along the boundary of the properties. With appropriate mitigation, the development would not have an unacceptable impact on wildlife interests and would be in accordance with Policy NE1 of the LDP.

6.8 Water (including foul drainage / SuDS)

6.8.1 The site has been designed to discharge surface water through the use of sustainable drainage systems (SuDS) and a soakaway in accordance with the requirements of Policy SD4 of the LDP. Dwr Cymru Welsh Water have not raised any objections or concerns with regards to foul drainage capacity. Local residents and the Local Member have raised concerns with the condition of the Dwr Cymru-Welsh Water pipework in the area and potential for the assets to cause pollution in the area. This is an existing issue and a matter for Dwr Cymru Welsh Water to resolve rather than being a material planning consideration. There is sewerage capacity to accommodate the additional dwellings and Dwr Cymru-Welsh Water have not objected to the proposals. There is no reason to refuse the development based on drainage grounds.

6.9 Other S106 Contributions

6.9.1 The application is a hybrid application with part of the site to the west being within the application and the allocated 60/40 site to the west. The 60/40 allocated sites are exempt from S106 financial contributions given their priority is to provide a high proportion of affordable housing. On 60/40 sites the issue of viability means they are unable to contribute to other services. As this application is a hybrid it is considered appropriate to request a proportion of S106 contributions in relation to five dwellings. This is on the basis that the two market and three affordable units would be exempt as part of the 60/40 element of the scheme, and the remaining affordable dwelling would also be exempt given that the applicant would be providing this unit. Therefore, the Local Planning Authority would be seeking a contribution of £4,173 per dwelling to carry out improvements at the village play area at Shirenewton playing field and for an off-site recreation contribution.

6.10 Response to the Representations of the Local Member

6.10.1 The site does encroach into the open countryside but as outlined in section 5.1 this is considered to be acceptable and the built form would be contained within the development boundary. Although the application seeks outline planning consent only, the applicant has provided an indicative layout which has been amended to overcome the Community Council's and Local Member's concerns in relation to the type of dwellings, tandem parking and access and turning of vehicles. The detailed design, height and materials of the dwellings would be reviewed at the reserved matters application stage. Although the proposed heights (scale parameters) outlined within the application are considered to be acceptable, the impact in particular on the amenity of neighbouring parties can be reviewed at the reserved matters stage. Section 6.4.7 outlines that the drainage of the site is considered to be acceptable and any concerns relating to the existing drainage infrastructure would be a matter for Dwr Cymru-Welsh Water to address. Dwr Cymru have outlined that there is sewerage capacity for the proposed development. Given the scale of the development, it is not considered that the development would have a significant impact on local health capacity to warrant refusing the application. The site is within the development boundary and allocated for development within the LDP. The designated speed along the highway would be a matter for the Highway Authority, and they have outlined in their comments that there is no requirement for an extension to the 30mph speed limit as the proposed development is satisfactorily positioned within the existing 30mph speed limit.

6.11 Response to the Representations of Third Parties and Community Council

6.11.1 The proposed scheme is a new development and a new application that incorporates elements of the previous consent at the site and the 60/40 element. The built form would be within the development boundary for Shirenewton and the encroachment of garden space into the open countryside is considered acceptable to achieve a more acceptable scheme as outlined in section 5.1 above. The scale of the development would be appropriate and the development would be appropriate for an edge of settlement development. Concerns over the scale and design of any subsequent dwellings would be considered as part of a reserved matters application. The applicants have outlined that surface water would be managed via soakaways and there would be no drainage into the public system. The acceptability of the proposed soakaways would be considered during any subsequent building regulations application. The maintenance of the private road that serves existing properties would be a private matter for the potential future residents and the neighbouring parties. It would not be material planning reason to refuse the application. The visual impact of the new access has been considered and the development would not harm the appearance of the area. The proposed development would not generate a significant amount of additional traffic in the area and is considered to be acceptable. The proposed access arrangements are considered to be acceptable and the development would not have an adverse impact on highway safety. The exact layout of the site would be determined during the reserved matters stage. There is no requirements for additional visitor parking within the site with the road network being able to accommodate visitor parking. The development can be designed to not have a harmful impact on the amenity of local residents.

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

6.12.1 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 In conclusion, it is considered that the development is acceptable. The principle of constructing eleven dwellings within this site is acceptable and the provision of the much-needed affordable dwellings is welcomed. The majority of the site would be served by a new access that would be designed to an acceptable standard whilst utilising the existing access for three additional properties that would not be considered to have an unacceptable impact on highway safety. The proposed development would be acceptable in terms of highway safety. The proposal would be in accordance with the relevant policies in the LDP and is recommended for approval subject to a legal agreement (for affordable housing and offsite recreation) and the conditions outlined below.

8.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

Four affordable housing units and a contribution of £4173 per dwelling for five of the properties for offsite recreation.

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

REASON: The application is in outline only.

2 (a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

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

4 No surface water 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.

5 The reserved matters application shall be accompanied by a reptile survey and appropriate mitigation strategy (including a methodology for the capture and translocation of reptiles with details of the receptor site if necessary) to be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

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

6 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

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

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

REASON: Safeguarding of protected and priority species during construction works LDP policy NE1 and the Section 7 of the Environment Act (Wales) 2016.

7 The Reserved Matters application shall be accompanied by a "lighting design strategy" to 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 protected and priority species 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.
- c) details of lighting fixtures and fittings / lighting features shall be provided including technical specifications
- d) demonstrate through the provision of appropriate lighting contour plans and technical specification that areas important for biodiversity will not be adversely illuminated by internal light spill from buildings.

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 shall any other external lighting be installed within the areas identified as being important for biodiversity under d) above without the prior written permission of 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.

8 A landscape plan shall be submitted to, and be approved in writing by, the local planning authority in conjunction with the first reserved matters application.

The plan should include the following;

-Soft landscape details shall include details of the translocation of the northern hedgerow, buffer planting of the relocated hedgerow, including planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.

-Details of biodiversity enhancements including Bat roosting and Bird nesting provision.

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

9 A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority in conjunction with the first reserved matters application.

The GI Management Plan should include the following;

a) Description and evaluation of Green Infrastructure assets to be managed to include as a minimum:

i) Green corridors

ii) Biodiversity enhancements

iii) Reptile mitigation site as necessary

b) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).

g) Trends and constraints on site that might influence management

h) Details of the body or organization responsible for implementation of the plan.

i) 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 shall be implemented in accordance with the approved details.

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

10 No development shall commence on site until the developer has entered into an Agreement with the Highway Authority for the provision of the proposed link footways for which parts are contained within the existing public highway.

Reason : To encourage active travel in accordance with PPW Ed. 10.

11 No development shall commence on site until a detailed highway surface water management scheme has been submitted to and agreed in writing by the Local Planning Authority.

Reason : To ensure that surface water is managed appropriately in accordance with Policy SD4 of the LDP.

12 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 and measures to ensure that all construction traffic will be kept on site with suitable turning facilities so that all traffic can enter and exit in forward gear for both accesses. The development shall be carried out in strict accordance with the approved CTMP only.

Reason : In order to protect residential amenity in accordance with Policy EP1 of the LDP.

13 No development shall commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development shall be completed.

Reason: - To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies EP1, DES1 and MV1 of the LDP.

14 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies EP1, DES1 and MV1 of the LDP.

INFORMATIVES

1 In satisfying condition 6, the developer is advised to see BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.

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DC/2019/00001

Residential development of 345 dwellings and associated infrastructure and landscaping

Mabey Bridge, Station Road, Chepstow

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 02/01/19

1.0 APPLICATION DETAILS

This application is presented to Planning Committee due to there being at least five objections to the proposal

1.1 The Fairfield Mabey Site in Chepstow is identified as a Strategic Development Site under Policy SAH3 of the adopted Local Development Plan. In November 2017 outline planning permission (DC/2014/01290) was granted for redevelopment of the site to create a new neighbourhood. The access into the site was considered as part of the outline. This current reserved matters application seeks residential development of 345 dwellings and associated infrastructure and landscaping. The dwellings would be a mix of two and three storey, divided into three distinct character areas. There would be three public squares including the main one in front of Brunel House which is a Grade II Listed Building. The historic slipways would be retained and part of Slipway 4 would be used as public open space. There would be a 3m wide riverside path for pedestrians and cyclists running the length of the site; between the path and the river would be a thicket hedge and a fence. The main vehicular access into the site would be from Station Road under the Railway Bridge and there would be a secondary vehicular access linking into the adjacent Osborn's Housing Site. There would be two green corridors running east west through the site containing informal play provision and a riverside park containing a community orchard, informal play opportunities and a nautical-themed play area.

1.2 The outline application site covered an area of approximately 20 ha and comprises the former Mabey Bridge engineering works, including many industrial buildings, the former shipyard made up of four slipways, the former Beaufort Quarry (covering approximately 2.6 ha), Brunel House (currently being used as offices) and an industrial area at the far north of the site leased to Forest Sand Limited and R&B Skip Hire. The current reserved matters application does not include Brunel House, the area under the rail and road bridges, Beaufort Quarry or the land identified for Affordable Housing and employment land. The size of the current application site is therefore 19 ha of which almost 9ha would be for residential development. This equates to an average density of 15.5 dwellings per acre (39 dwellings per hectare) across the site.

1.3 The site is within the Chepstow Development Boundary and has been allocated within the LDP as a Strategic Housing Site. The boundaries of the site are formed by the River Wye to the East and the main railway line to the west. The northern point of the site abuts the Brunel Bridge carrying the railway and the A48 Bridge. Beyond this is the Osborn housing site which is currently under construction. There is an existing vehicular access into the site from Station Road which passes under a Grade II listed railway bridge. The River Wye in this location is designated as a Special Area of Conservation (SAC), a Site of Special Scientific Interest (SSSI) and a RAMSAR site.

The application is accompanied by the following documents.

Composite Planning Layout

Drainage Details

Topographical Survey

Materials Layout

Parking Matrix

Street Scenes

Adoption Plan

Site Sections

Land Use plan

Building Heights Plan

Character Zones

Movement Strategy Plan

House type Booklet

Landscape Plans

Vehicle Tracking

1.4 Following negotiations with officers and in collaboration with Members of the Planning Delegation Panel, the design and layout of the scheme has been amended. There has been full re-consultation on these amendments.

2.0 RELEVANT PLANNING HISTORY

DC/2014/01290 Redevelopment of the site to create a new neighbourhood including: a range of new homes (apartments, houses and some sheltered accommodation for the elderly - use classes C2 and C3); new offices and workshops (use class B1); new commercial leisure facilities (use classes A1 and A3); the retention and flexible change of use of Brunel House to commercial, residential and / or community uses (use class A1, A3, B1, C2, D1 and D2); a network of open spaces including a new riverside linear park, footpaths, public open space and areas for informal recreation; highways infrastructure including accesses and paths; Approved 27/11/17

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 Spatial Distribution of New Housing Provision

S3 Strategic Housing Sites

S5 Community and Recreational Facilities

S7 Infrastructure Provision

S12 Efficient Resource Use and Flood Risk

S13 Landscape, Green Infrastructure and the Natural Environment

S14 Waste

S16 Transport

S17 Place Making and Design

Development Management Policies

H1 Residential Development in Main Towns

CRF2 Outdoor Recreation/ Public Open Space and Allotments

SD2 Sustainable Construction and Energy Efficiency

SD3 Flood Risk

SD4 Sustainable Drainage

LC5 Protection and Enhancement of Landscape Character
GI1 Green Infrastructure
NE1 Nature Conservation and Development
EP1 Amenity and Environmental Protection
W1 Waste Reduction by Landfill or Land Raising
MV1 Proposed Developments and Highway Considerations
MV2 Sustainable Transport Access
MV3 Public Rights of Way
MV9 Road Hierarchy
MV10 Transport Routes and Schemes
DES1 General Design Considerations
SAH3 Fairfield Mabey Strategic Site

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 Consultations Replies (initial responses)

MCC Planning Policy

The site is allocated in Policy SAH3 of the Local Development Plan for around 350 dwellings during the LDP period. It is noted the current proposal relates to 345 dwellings along with associated infrastructure and landscaping. In accordance with the outline permission (DC/2014/01290) 1.5 acres of land is provided for affordable housing.

As discussed in pre-application advice the provision of serviced employment land to 1.2 acres is considered to be acceptable, however, as noted at the pre-application discussions it would be useful if additional detail could be provided to support the planning application to demonstrate that this can accommodate 6500m² flexible working space as per the requirements of the outline permission.

Criterion b) of SAH3 of the LDP states that the serviced employment land shall include an area for four starter business units to be financed from the adjoining Osborne International redevelopment site. As noted at the pre-application meeting it has been confirmed by our solicitor that there is no obligation for the landowner to provide such a scheme within the site as they were not a signatory, the fulfilment of this part of criterion b) cannot therefore be enforced.

MCC Highways

The layout is generally acceptable but amendments are required

Layout

Generally the layout is acceptable and accords with current design principle, however at this stage I would highlight the following for further detailed consideration

The carriageway is not a constant width varying between 5.5m – 5.0m, 5.5m is required over its length. Footways are required on both sides of the prospectively adoptable highway providing a connection with the adjacent Osborne development and ensuring transport connectivity. The S106 requires a highway link and the movement plan indicates this route as a secondary route Details of connection to Osborne layout is required, Insufficient detail to determine how the junction square will operate, further detail is required to demonstrate how; Parking will be managed – the location is considered to be major attractor for residents and visitors to gain access to the river walk/coastal path. Pedestrian links from conventional footways to shared space both in the square and along the river front highway.

Parking

The principle for a reduction in parking provision is accepted in principle, but is very reliant on the overall layout design and provision of off street parking provision. Generally if parking provision is attractive to residents then it will be used, if it is not then the highway tends to be used. A balance has to be achieved between accessible off street parking and the ability for the highway to accommodate any reasonable shortfall as well able to accommodate visiting parking.

Total No. Spaces Required 1009 + 69 Visitor Parking 1078

Total No. Spaces 883 + 18 Visitor Parking = 901

Shortfall in parking = 177

The number of properties with a shortfall in parking provision is 136

The calculations s provided in the Parking Matrix appear somewhat askew, can they be revisited an adjusted as necessary and a plan provided indicating where the shortfalls are as it appears the layout has been further amended.

Network Rail

Whilst there is no objection in principle to this proposal, the developer must comply with Network Rail's engineering requirements relating to works and in the vicinity of Mill Lane rail over road bridge, also with regards to any other works which have a potential interface with the operational railway. Such requirements having been legally documented in 2011 with the then landowner.

Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

FORMER BR LAND

The development appears to be located on an area of land previously under the ownership of Network Rail. Often these sites are sold and are subject to a demarcation or covenant agreement which may include particular rights in relation to the safe operation of the railway and associated infrastructure. It must be considered when Network Rail has access rights over the development site; access must not be blocked or restricted at any time. The applicant must comply with all post sale covenants in the demarcation agreement and understand the implications this will have on the implementation of this development.

Any representations made are without prejudice to those rights and obligations and on the basis that they do not imply that Network Rail's approval under the demarcation agreement will be given for the proposed development or for any part of it.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

CHILDRENS PLAY AREAS/OPEN SPACES/AMENITIES

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railing, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should be not able to be climbed.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

NOISE

Network Rail would remind the council and the applicant of the potential for any noise/vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary. The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

METHOD STATEMENTS/FAIL SAFE/POSSESSIONS

Method statements may be required to be submitted to Network Rail's Asset Protection Engineer for prior approval of works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when

the railway is closed to rail traffic i.e “possession” which must be booked via Network Rail’s Asset Protection Engineer and are subject to a minimum prior notice period of booking of 20 weeks. The applicant will be liable for all costs incurred by Network Rail (including all possession costs, site safety supervision, asset protection presence). The applicant is reminded that Network Rail can refuse any third party works that would impact adversely on its infrastructure.

ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail’s satisfaction.

Cadw

No objection.

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the historic assets.

Outline planning consent for this development was granted to planning application 2014/01290. In responding to that application we had concerns that the development would have a significant impact on the slipways of the previous shipyard which had been determined to be of National importance and are currently in the process of being designated as scheduled monuments. Design changes to the original indicative master plan removed flood alleviation ponds from the area of the slipways in order to prevent damage to them and the detailed plan of the slipway area continues to protect them. We therefore currently have no objection to the overall current design of the proposed development: However, we are aware that various suggestions have been made for changes to the layout of the proposed development. If any of these changes are made in the vicinity of the slipways then Cadw should be re-consulted on this application.

Natural Resources Wales (NRW)

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement. We would object if the scheme does not meet this requirement.

Requirement – modifications to the proposed layout are required to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of Bats (European Protected Species).

Requirement: European Protected Species

Approval of a reserved matters application is sought for 325 dwellings with the relevant reserved matters to include appearance, landscape, layout and scale. We comment as follows.

We note that the bat house, which is located on the western boundary of the site adjacent to the railway line, is proposed to be fully enclosed by housing, with the rear gardens of the housing fronting the bat house.

We consider that the layout of the proposals is inappropriate because:

- i. Connectivity of the bat building / house to vegetated flight paths relies on the habitat on land on an adjacent property, and there is no information with the application to confirm that the applicant has the legal control of this land for the purposes of managing and maintaining that habitat to facilitate use of the bat house. There is therefore no guarantee that vegetated flight paths leading to the bat building / house will be appropriately sustained.
 - ii. The bat house is surrounded by housing making it completely inaccessible for monitoring or maintenance, both of which are requirements of the European Protected Species Licence;
 - iii. The bat building / house is surrounded by the rear gardens of housing, putting it at risk of inappropriate lighting from private properties (see our letter referenced CAS-74877-X4V7).
- In view of the above we cannot advise that that the proposals are unlikely to result in a detrimental impact to the maintenance of the favourable conservation status of the

population(s) of lesser horseshoe bats concerned. We advise that the layout of the development is revised to ensure that:

- i. the bat building / house remains linked to the River Wye corridor via an appropriate green infrastructure corridor within the site;
- ii. the bat house remains accessible for monitoring and maintenance purposes; and
- iii. lighting from the development, either street lighting or lighting from private properties, does not compromise use of the bat house, or vegetated flight paths/green infrastructure that lead off-site from it.

We therefore require modifications to the proposed layout in line with the above advice.

Other Comments

Given the proposals are situated along the river and the presence of flood defences to the North of the site we remind the applicant of the requirement for a Flood Risk Activity Permit for any works within 16m of this area

Glamorgan Gwent Archaeological Trust (GGAT)

You will recall from our previous responses to development at this site, in our letters of 2014, in response to 2014/01290; of 2016 also in response to 2014/01290 with amended plans; and of 2018 (2018/01063) in response to the submission of the Written Scheme of Archaeological Investigation, all as your archaeological advisors.

You will also recall from these that we identified two elements of the proposed development that would require mitigation; one being the buried archaeological resource; the other the historic buildings on the site. Regarding the buildings, as we noted, these: "including a building associated with the First World War development of the site as a shipyard. The application area is significant as one of the sites chosen for the assembly of N-type ships during the First World War; demand for vessels was high following extensive loss of merchant shipping at the start of the First World War and assembly sites for prefabricated N type ships were a vital part of the nation's response to this demand." Within the recommendation section we therefore clearly stated that mitigation would be necessary in order to preserve the buildings by record: "We envisage this will take the form of detailed building recording of surviving elements of the early shipyard and associated structures" as the building forms part of the whole complex with the extant shipyard remains.

The buildings have been demolished without record, between 2017 and 2018, contrary to our detailed advice; we had contacted your Authority with this information in 2018. The WSI we approved in June 2018 also includes a section to record these buildings; and we have not received a report on this. Given that 2018 marked the centenary of the cessation of hostilities, the loss of these First World War structures without record is a loss to the Historic Environment Record.

Regarding the buried archaeological resource, our responses recommended the submission and implementation of a written scheme of investigation to mitigate the impact of the development on the buried archaeological resource. This formed part of the document we approved in 2018. We look forward to the implementation of this and the subsequent production of the report containing the results of this work.

Welsh Water

SEWERAGE

We have reviewed the submission package for the above reserved matters application, we note the applicant has submitted plans detailing the spine drainage at this site, this details on site foul and surface water drainage, while we have previously completed a foul water hydraulic modelling assessment on the surrounding sewerage system the applicant has instructed us to complete a further assessment to address levels of detriment caused by connecting the proposed development site into the surrounding sewerage system. The second hydraulic assessment is currently on going and the extent of off-site sewer reinforcement works to overcome the levels of detriment caused by the site is currently unknown.

The proposed development site is also crossed by a number of public sewer and water assets, including a sewage pumping station and a number of strategic rising sewer mains which are operating under pressure, while we have been engaging with the applicants in regards to the locations of these assets the exact locations of the rising sewer mains are yet to be determined on site, the protection zone of the sewers either side of the centreline of the sewers will depend on the location, size and depth of the assets which will in turn will influence proposed development layout.

We object to the approval of reserved matters at this time, upon the completion of the additional foul water hydraulic modelling assessment and confirmation of the exact locations of sewers assets crossing the site we will review our current position.

Gwent Police

I have looked at the available plans for the application for a residential development at the former Fairfield Mabey site and although I do not formally object, I do have reservations over the layout.

Historically, communal parking areas have proved to be problematic and on the planning layout it is clear that there are numerous parking areas to the rear of the dwellings throughout the site. There will be little to no natural surveillance from the properties over the vehicles. It is also likely that the rear garden access will become the primary entrance for the dwellings, therefore a likelihood that garden gates will remain unlocked, therefore leaving the rear entrance and sheds vulnerable to potential break ins. I would suggest where possible, parking should be to the front of properties in view of dwellings and passers-by. If the properties will be subject to DQR, and required to achieve Secured by Design then the parking arrangements will need to be reviewed in order to have that surveillance.

MCC GI Team

Our response is based upon the approach set out in our adopted LDP policies S13 - Landscape, Green Infrastructure and the Natural Environment, Policy G11- Green Infrastructure and our recently adopted GI SPG, in support of the above policies.

GI Response

We refer to our previous pre-application comments that were sent to Barratts on the 20/12/18 – these points have not been addressed in the plans submitted and proposals will need to take account of these. We have however looked at the proposals and highlight the points listed below in addition to those made previously. We reserve the right to comment further on the overall layout and details as plans are amended and evolve to take account of: site changes, additional updates to plans and comments made here and in the pre-application comments on 20/12/18. For clarity these comments only relate to the RM 2019/00001, detailed comments in relation to conditions 6 -22 will be provided separately following submission of updated plans and information as a result of these comments and surveys and assessments being currently prepared by Barratts. We will endeavour to provide some structural comments by the end of the week based on information provided to date.

Key Issues

1. We require an overall GI masterplan to be submitted not just a Planning Layout plan this will then need to support and correspond with the detailed landscape plans; there are currently inconsistencies between plans.

2. The GI Masterplan and the landscape layout plans – should include specification information about:

- The riverside park grassland areas.
- Existing grassland and vegetation.
- Clarification of vegetation east of fence and hedge.
- Treatment of bat house enclosure (see Ecology comments below).

- Pumping stations mitigation.
- Western and southern boundaries

4 Western Boundary

Details of the western boundary and green space left over from network rail buffer and /or how those areas within the NR buffer will be dealt with in terms of; stability; management and any new planting. Stability of the cliff face to be surveyed by Barratt and possibility explored with NR to using the existing retaining wall rather than erecting an additional secondary fenceline. Whilst on site it was noted that significant areas of vegetation had been cut back removing more tree planting, exposing the railway to the south of Brunel House; clarification of this entire boundary needs to be provided.

5 Street tree planting

This should be incorporated outside of private ownership along both sides of the main spine road plots 138 – 175, along plots 261- 251, plots 136 – 160, and between plots 110 and 328, these features are important as they will help reduce density, establish character, help reduce pollution, help support safer walking routes by framing visual routes, help reduce surface water, provide shade, and support health and well-being through the creation of an attractive environment thus reflecting and addressing the new approach to place-making in PPW10. They will help create connectivity to the green corridors and riverside park in what would otherwise be a hard urban environment.

6 Insets on key areas

These have not been provided see previous pre-application comments(20/12/18) for these requirements together with amendments for these areas e.g. 1 Bombardon Square, 2 Brunel Square, 3 Main green corridor play areas, 4 Natural nautical play area, 5 Informal play area David Wilson side, 6 Green Corridor up to the network rail site , 7 Green space not clearly defined alongside plots 313-320 , 8 Interface between the proposed site and the Osborn site (A48)

7 Levels

A detailed levels plan for the whole site to be provided; it was acknowledged on site that a levels plan was being prepared, this will be essential and will have a significant impact on much of the green space proposals. It was agreed on site that opportunities for raising sections of the footpath to enable vistas across the hedge/fence would be incorporated in revised plans following completion of the levels information. These elevated sections would be explored in key locations to support views out across the site towards the Bridge as a key landmark vistas.

8 All detailed landscape plans should include a key of features and relevant plant species.

9 Planting

Detailed comments on plant species to be provided following updated information however all planting should be appropriate in terms of location (e.g. fruit trees and the highway may need to be reconsidered) and as highlighted in comments dated 20/12/18 pollinator friendly species should be incorporated particularly along the riverside parkland and green corridors.

10 Revetments

Clarification required – we would like to see what is being proposed and seek the incorporation of these area seeded with appropriate mixed species grass.

11 Southern Green Corridor

The incorporation of a green corridor at the lower end of the site has not been integrated into the scheme, (see previous pre-app comments) concern is raised over the amount of accessible green space being offered across the site as a whole. The purpose of the Southern Green Corridor in the outline application was to form part of a series of connected green corridors – whilst connectivity in this was may not be deliverable, the integration of a green corridor at this lower end of the site is important to help break up the density of the development both internally and externally. Please can Barratt clarify based upon the Landscape Use Plan submitted with the RM, the total area of developable space and the total amount of accessible green space. This was previously identified as 8.4 hectares developable space and 2.6 ha for the accessible open space - has this changed?

12 Slipways

Treatment and extent of slipways needs clarifying and reflecting accurately on plan. We are happy for the slipways below the revetments to remain exposed however above the revetments we would like to see these areas top dressed with soil and include a suitable mixed species grassland. Anthony Jellard's concerns were explained on site, however it is felt that a suitable grass mesh secured to the concrete and either filled or impregnated with soil and seed would address issues of soil stability and growth. It was noted on site that a much larger area has been cleared than was originally envisaged; this will need to be reflected on the landscape plans and the overall GI Plan in terms of how this is being dealt with.

In relation to Slipway 4 an inset is required for this area identifying the detail and materials. As discussed on site the possibility of incorporating the interpretation into the slipway way was raised – this could be in the form of visual images silhouettes of shipyard workers images of the boats and machinery as well of text reflecting and connecting with the approach taken in the town centre.

Details of the fence to the bottom of slipway 4 to be provided and if absolutely required then this should form part of the visual story from the wall perhaps incorporating silhouette figures of the shipyard workers so the fence becomes part of the interpretation rather than a visual blight. Slipways 4 also offers the opportunity to seek the incorporation of existing site materials as visual reminders of the history of the site e.g. using any existing mooring bollards as seating etc. and incorporating remaining structures as features which can include interpretation.

13 All grouped parking areas along the riverside park to have hedgerows and hedgerow trees.

14 Seating, Interpretation, Street Furniture& Lighting

Details as per pre-app comments relating to seating, interpretation street furniture and cycle stands needs to be provided. A clear palette of materials including colours should be set out for the different areas to ensure continuity, this should correspond with the identified character zones. All street furniture along the riverside park should be reflective of the location, which picks up the nautical theme particularly at slipway 4 and the play areas. Incorporation of cycle stands and lighting which is appropriate to its setting and the ecological requirements will need to be addressed. Detailed comments on condition 13 to be provided separately.

15 Pumping /Water sewage treatment

The area adjacent to the central pedestrian access to be revised to take account of additional requirements; 15m buffer to be reviewed. Location of wet well to be confirmed. Odour assessment to be carried out. Concern is raised regarding ability to carry out any meaningful planting with sewages treatment works proposed immediately beneath. Suitable mitigation will be essential. All pumping stations to have suitable mitigation fencing and planting details incorporated the current proposal have not shown any.

16 Riverside park Hedge /Fence

We confirm we are happy with the proposed riverside hedge height of 1.5m as a minimum as indicated in the GI MP, please incorporate on plan as well. At key locations the hedge will be removed to allow viewing gaps – these gaps to be confirmed in conjunction with levels plan and the fence height to be lowered at these points to 1.2m. It was agreed on site that specification for the fence would be revisited we look forward to receiving alternatives designs.

17 Boundary treatment at the most southern end of the site needs to be clearly detailed.

18 Landscape treatment under the pedestrian access point and the point to the quarry needs further clarification.

19 Proposed Wales Coastal Path

To date we have had considerable support for the route to be dedicated as part of the Wales Coastal Path from the Ramblers and from the local community in Chepstow. We have made the following points on multiple previous occasions and they have still not been addressed therefore we reiterate them. To formalise this route becoming part of the Coast Path, NRW requires that it must have a permanent public right of access. This can be achieved by either dedicating the path as a public right of way or if the path is to be maintained by a management company by entering into a Local Government Act agreement. MCC would like to see this extended northwards along the river to connect to The Back though we realise there are ownership details beyond the quarry. In achieving this we need confirmation about the triangular section of land which would allow the through connection to be made.

Materials proposed for the Coastal path will need to be durable and therefore hoggin would be unsuitable; we would suggest a resin bond instead. If the authority are asked to take on the management of the coastal path we will require s106 management contribution towards this.

As stated previously four key points of access have been identified which is positive, although the deliverability of the connection with the coastal path at the quarry end needs to be clarified, Barratts were to get back to us with this information following our 2nd pre-application meeting. The 3-metre wide footpath link is acceptable as is its alignment but it should be extended in a northerly direction to meet up with the path on the Osborn's site. We can supply a plan of the Osborn's site to show the position of the footway. The site is generally permeable however much of this will be channelled through streets rather than green corridors however the riverside path is a positive contribution to this green route through. Concern however is raised about the lack of cycle access.

A footpath link is also required to the side of plot 116 linking the cul-de-sac to the main spine road.

20 It was noted a significant amount of tree work has been carried out on site – confirmation is required of further work to be undertaken.

Ecology Comments

Habitats Regulations Assessment

Work has commenced on the updated Habitats Regulations Assessment and NRW have been consulted on the scope of this. This is largely a screening exercise being undertaken to reflect changes that are proposed in this multi-stage consent. Depending on the detail of the scheme as it evolves, we do not expect to require any additional specific information from the applicant although some of the information relating to lighting strategy and GI Management Plan to be requested separately will be referred to in the screening.

Lesser horseshoe roost

We are still concerned about the isolation of the bat house and the connections between this and the vegetated railway corridor (in light of the requirement for the palisade fence) and wider green infrastructure. The applicant is advised to check the WG licence requirements relating to connections and corridors for foraging/commuting bats to and from the roost. It would be useful if we could see the detail of the licence to understand the extent of the issue. The proximity of the compensatory roost to the rear gardens of the adjacent properties (plots 63-66) is also inappropriate due to the risk for disturbance; additional measures may be needed to screen and soundproof the roost. We would not want to see mitigation secured through the demolition application process compromised by the Reserved Matters. I

acknowledge that there is a thin strip of mostly laurel adjacent to the building which would need to be enhanced, retained and maintained. Connections to this need to be enhanced and improved. The long-term management of this area will be secured via the GI Management Plan (detailed comments to follow).

Hedgehog fencing – External works plans demonstrate the locations of gaps under fences for hedgehog. Overall the access being offered is very limited. I note there are constraints to providing further dedicated access because of the layout/roads. Suggest that the area around plot 249 is looked at again to try to achieve access to this block of larger gardens. Additional access needs to be provided in the DW homes section in the south where there are more opportunities for safe movement associated with the river corridor.

Swift boxes – External works plans have been consulted to review the locations of these. Most areas seem to provide reasonable opportunities with the following exceptions:

- Sheet 2 – require additional boxes are applied/integrated to the riverbank facing plots 117, 188, 199, 126 (at least one plot)
- Sheet 4 – require additional boxes are applied/integrated to the riverbank facing plots (at least one per block of plots)
- Opportunities should be provided in the south of the site (David Wilson Homes section).

MCC Urban Design

Brunel House

The setting of Brunel House (BH) needs to be respected and emphasised.

- The square needs to be proportionate to the BH setting and visually linked. Ideally the physical connection between the building and the square needs to be accessible to all i.e. steps and ramp arrangement
- The proposed buildings to the square need to respect the quality of the BH setting, materials and elevation.
 - o New building to square to be proportionate size in relation to BH
 - o Not obstructing the BH setting i.e. aligned outside of the curtilage of the BH building
 - o No small single storey housing style abutting square or BH curtilage
 - o Natural slate roof ideally sourced from the UK
- The square also needs to be part of the linked axis to both the river frontage and the principle slip way via a principle tree lined route
- The functionality of the square needs to be addressed within the surface and boundary treatments along with feeder pillars, seats and appropriate tree planting with equal separation from the private residential surround

Slipway 4 setting and frontage

The setting for a visual frontage to the slipway and river frontage development to be denser, three floors, pitched roofs, vibrant colours with tree lined frontage.

Slipway to be a destination attraction as well as high quality interpretative space

- ‘Wharf’ design frontage to new to reflect setting using a more contemporary architectural style and balanced with branded build style
- Semi-private / semi-public space to frontage of properties. Delivery access and parking the rear with resident pedestrian and cycle access to frontage
- Slipway to include mural and artistic interpretative boundary fence
- Mutual high quality streetscape link from BH to and from slipway to be contiguous
- Low level lighting at slipway for extended use

Shared surface riverside link

The link needs to be of a high ‘accessible for all quality’, which also links with the ‘Osborne’ development to the North

- Levels between the two sites, land ownership and link alignment needs to be agreed and finalised
- Constructional details provided to ensure the proposal works , takes into account the flood bund, listed structure, alignment with highways connectivity, interface with development to the north
- Adoptable standard construction ie PCC edge, tarmac over subbase with buff (or similar) grit finish rolled into wearing course.
- Waymarked and linking with Wye valley walk
- Provision for occasional parking by visitors to the riverside frontage should be provided to ensure controlled management of external visitors to the river frontage.

5.2 Responses received after re-consultation on 17/04/19

Network Rail

We have previously provided comments on 24th January 2019, attached for convenience. Our previous consultation response is still valid, and I would request this is reflected in any conditions/advisory notes attached to the decision notice. Based on our previous comments, we have no objection to this proposal.

MCC Ecology

Based on the submission and supporting information from associated applications available, we have enough ecological information to make a lawful planning decision. Overall, the development has not delivered the high quality that we had hoped to achieve for such an ecologically sensitive location. There are many missed opportunities for maximising biodiversity through appropriate planting, etc. However, there are still many details to be worked out through other applications such as DM/2018/02091.

Revetments

The technical note provided is acknowledged and we accept the difficulty of including planting in the structures. We will seek to safeguard monitoring and restoration of the habitats within the construction areas of the revetments via planning condition (to be provided in final ecology comments). The revetment example design shown (Riverside Park Landscape Materials) illustrates gaps in the wall units which could be used by nesting birds, bats reptiles etc. which will be a positive feature. This detailed design should be secured via planning condition.

A Habitats Regulations Assessment has been undertaken to inform your planning decision. This assessment is required by Regulation 63 of The Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EDC) before the Council as the 'Competent Authority' under the Regulations grant consent for the project. In accordance with Welsh Government policy, the assessment is also made in relation to the sites listed under the 1971 Ramsar Convention.

NRW

European Protected Species

We welcome the revised CEMP entitled 'Construction Environmental Management Plan. Remediation Phase. Mabey Bridge, Chepstow (Issue 6)' by Barratt Homes and David Wilson Homes dated February 2019.

We acknowledge the inclusion of the following text on page 13 of the document under the title 'Bats': 'To avoid lighting of key areas of Green Infrastructure on site that are to provide vegetative flightpaths to/from the Bat roost, any works within these areas are to be strictly supervised by the EcoW'.

The above addresses our concerns stated in our previous response dated 14 March 2019 and as such we have no objection to the discharge of condition 21 of DC/2014/01290.

MCC Green Infrastructure Team

Our response is based upon the approach set out in our adopted LDP policies S13 - Landscape, Green Infrastructure and the Natural Environment, Policy GI1- Green Infrastructure and our recently adopted GI SPG, in support of the above policies.

Inconsistency in the plans and their scales.

The GI Master Plan should include mitigation for boundary treatments, Swales and the Thorney Hedge should have higher planting (600-900mm not 450-600mm)

Require more details of the Western Boundary.

Require further details of the street furniture

Require further details on Public Open Spaces

Require details of the palette of the lighting structures

Require details of the surface materials

Require insets of the details of all the play areas.

The levels plan does not correspond with levels for open space areas, riverside walk and play areas.

Require a new GI Management Plan

Riverside park – there should be more extensive areas of flower rich grassland areas including planting for pollinators.

Would like to see a different palette of planting for the different character areas rather than the same planting throughout the site.

The Trees need to be full canopy– avoid all columnar and fastigiate varieties

In play areas - incorporating more shade bearing trees in place of birch.

Replace Quercus Robur fastigiata koster – with full canopy Oak or lime.

E-W corridor needs to include more architectural specimens to provide a meaningful bat corridor in the long term.

None of the mitigation planting for immediately adjacent to the bat house has been specified on the landscape plan (except the laurel corridor this should be replaced with native hedge planting) . This needs to be included before approval to ensure implementation

The revetment example design shown (Riverside Park Landscape Materials) illustrates gaps in the wall units which could be used by nesting birds, bats reptiles etc. which will be a positive feature. This detailed design should be secured via planning condition.

Landscape treatment under the pedestrian access point and the point to the quarry needs further clarification. This should be shown on the landscape plans not conditioned

Require more details on the riverside path

Require a greater number of footpath links within the site.

Additional Hedgehog mitigation and Swift enhancements are welcomed

Require surface water drainage details.

MCC Highways

No objection to the overall design layout and car parking provision.

The layout is generally acceptable and accords with current design principles; however, a number of issues highlighted in previous comments prepared and made available in January 2019, have not be considered to the satisfaction of the highway authority and a number of additional issues have been identified that require resolving; require more details of the horizontal and vertical alignment to link into Osborn's and considerers that the layout of Bombardon Square will lead to residents and non-residents using the square to park to gain access to the riverside park and other recreational facilities

The number of properties with a shortfall in parking provision is 172 3-bed properties that have had the number of spaces reduced by 1 to 2 number parking spaces.

The shortfall in parking provision against the Council's Parking Standards is considered appropriate as the those properties affected will have the benefit of 2 parking spaces, the

site is being developed in what is considered a reasonably sustainable location with reasonable walking and cycling distance to local amenities and public transport, bus and rail

There are a large number of private drives being proposed that serve more than five dwellings; this may lead to problems with refuse collection once the dwellings are occupied.

There are some other issues identified relating to the adoption of the road but these are not considered critical at this stage but can be considered during the finalisation of the section 38 Highways adoption Agreement: These include where the footpath in the E-W corridor crosses the road and where pavements are inconsistent.

Dwr Cymru-Welsh Water

No objection

The addendum to the initial foul hydraulic modelling assessment has now been completed, this has demonstrated that detriment will be caused by the development site; we have designed an engineering scheme that will overcome the levels of detriment caused. The developer is going to progress with the engineering solution.

In our previous response, we also referenced a number of sewerage and water assets that are crossing the development site, including a sewerage pumping station and a number of rising sewer mains. The applicant has instructed us to complete a sewer trace on all sewer assets crossing the development site; we are currently arranging this and will inform the applicant of the results. If the assets protection zones extend into areas whereby operational development is proposed, the applicant will have to amend development design or alternatively look to divert assets under Section 185 of the Water Industry Act 1991.

Therefore, we have no objection to the approval of reserved matters attached to the above planning application.

5.3 Neighbour Notification

Letters of objection from 130 properties.

Inadequate access

Increase in traffic

Increase of pollution

Noise nuisance

Strain on existing community facilities

Putting more and more housing in everywhere is not the right way to grow a cohesive effective community

Over-development

Can it not be phased so all infrastructure and community issues be tackled and solutions found

Schools and Doctors Surgeries are at capacity

Impact on Residential Amenity

Chepstow is already choked with traffic and the Station Road area is particularly bad at all times of the day. Pollution levels would increase markedly from the extra traffic associated with this project both during the build phase and afterwards

Inadequate Public Transport Provision

The town is already at a point that it cannot cope with the increased population. Permanent traffic jams at peak times and even on the weekend there are traffic jams gaining entry to Chepstow from Lydney on the A48.

Development is too high

More open space needed on development

Potentially contaminated land

The space would get better use bringing new businesses to bring some life back into the town centre area and better serve the town in general and the future

Unless a sustainable solution to vehicle traffic and air pollution can be found there should be no further expansion to the town of Chepstow

Affect local ecology

Out of keeping with the character of the area

Inadequate parking provision

Loss of parking

No logistical support measures put in place to support local traffic routes local schools, local doctors, and public transport.

The development of new houses is a good thing but all the local infrastructure needs to be more substantial to support the amount of new people who will inhabit the houses

Bulwark corner was recently listed as the seventh most polluted area in the UK, exceeding WHO limits, this development will significantly worsen this.

MCC do not seem to want to reconsider this decision in light of this changing legal landscape regarding responsibility for traffic pollution

I have also been told by a councillor, before the original decision was passed, that if we build first this would emphasise the need for the by-pass; this does not seem to be an acceptable way to continue

How does this proposal line up with the Current Air quality issues in Chepstow, and the current level of traffic flowing through the Town.

With 901 parking spaces provided in these plans, there is no plan to relieve the current situation with regards to traffic through Chepstow up Hardwick Hill

How many of these houses will actually be affordable for first time buyers?

Pushing up house prices

Before any more housing developments are allowed in Chepstow more primary and secondary schools need to be built.

A link road linking Thornwell Chepstow and back on further up on to the A48 Gloucestershire side needs to be built. Better, reliable and affordable public transport is needed to lower the traffic and pollution from people's commutes to surrounding cities.

Adverse impact on Tourism

It would appear that all of the community benefits proposed originally have been removed which can only suggest that this is a money making process alone with no care or conscience for the area, it will just destroy what is a lovely town.

In the recent high profile High Court decision relating to pollution as a cause of death, one of the grounds for calling a fresh inquest (and leave to apply was granted) was that permitting illegal levels of air pollution was a potential breach of human rights under Article 2 of the European Convention on Human Rights. This MUST be something that the council needs to consider. Whilst the need for more housing is recognised, this cannot be at the expense of the health and wellbeing of existing residents.

Not affordable housing, this should be social housing. Developers should be made to contribute local infrastructure, roads, schools, parks, public transport.

It will cause some significant disruption during the build.

I believe the character of our town is changing with all the development going on and object to the scale of this proposal.

I object to more 4 bedroom houses being built. Why are they being built when the size of households are becoming smaller.

Following the closure of the Bridge and the building of new houses over the river in Gloucestershire (Tutshill and Lydney) traffic flow is already not being accommodated. There are significant periods of queueing Mon-Fri at peak times and the High Beech Roundabout has already reached its limits.

This development will not support Chepstow as a key settlement, but simply add more housing, thereby increasing the problems of traffic congestion, air pollution (which is already at unacceptable, illegal levels) and strain on the existing amenities, the proposal contravenes the Council's clearly stipulated parameters as per the LDP.

The whole feel of the 'town' and 'community' is changing - we are becoming a city without further investment. The worst part is, these houses are not selling.

The developers should be forced to contribute to a bypass and local infrastructure not just public spaces that residents should automatically be entitled to anyway.

I appreciate we need housing especially affordable however I do not think these will be guaranteed. I understand the law allows for developers to pull affordable houses if they can prove they will make a loss on them and developers take advantage of this.

Why cannot all developers be forced to put solar panels and environmentally sustainable energy measures on all new builds therefore helping to contribute to the grid rather than take from it?

Light Pollution concerned that poorly shaded street lighting / external lighting will impact on my property. The site currently operations a spotlight all night which is a nuisance due to its alignment.

Construction Noise Nuisance

It is a shame that the sand wharf is not being restored as a good quality local resource. With a history of vessels such as the Balmoral using the site, it would be a great opportunity for the town's tourism to provide this resource.

Although the site needs to be developed to provide additional housing and make use of a brown field sites I have a number of concerns.

The A48 is already substantially congested throughout the day and weekends. The addition of these properties without adequate road / transport alternatives can only increase traffic problems

During periods of high demand it is difficult to safely exit the Tesco site. With increased traffic passing the site I foresee substantial impacts on the site and traffic. It is already difficult leaving the Tesco site to join in the queue of traffic onto the A48. This can only make it worse.

Dust from the site during construction is a concern, especially due to the fine nature of the river mud on the flood plain. PM2.5 and PM10 is a substantial health risk to neighbours.

Loss of Privacy, the site overlooks the end of my garden (which is at river level).

The plans make no provision for the inclusion of the proposed Wye Cycle and Pedestrian Bridge. The Welsh Assembly government prioritises healthy activity and the promotion of cycling and walking. This exclusion risks the development preventing the bridge being installed at a later date without a proper area set aside for the end on the site.

Intended upgrades to the railway station (including disabled access) are not planned until 2025. Therefore any wheelchair users will be excluded from access to the rail network.

This development, while perhaps satisfying its individual planning conditions, when combined with all the other ongoing and potential developments in Chepstow, the Caldicot area and Lydney, will significantly contribute to the current high levels of stress on local amenities and infrastructure.

These plans should not be changed from those already approved. The public spaces and pathways are essential

Where is the foot/cycle path bridge from Sedbury which was on the original plans?

Why is the coastal walk now to be made out of wood chippings which are totally unsuitable for disabled people?

Where is the parking for the railway station and access from this side to enable disabled people to get onto a train at Chepstow heading to Wales.

Where is the variety of housing proposed. These are just bog standard houses. This is a heritage site, and the designs should reflect this

The reduction in mix of housing is also of concern. How would this enhance Chepstow? The town thrives on the assortment of architecture from a touristic and general interest perspective.

Since getting planning permission Barratts have removed key community initiatives within the development such as green spaces for resident enjoyment, bike paths to join up with Severnside Quay and the mix of housing design has been reduced.

Impact on the Human Rights of the local residents

Houses will not be available for local residents but will go to outsiders.

Low proportion of affordable housing

Proposed community park (under the bridge) has now been removed completely. Where are children meant to play?

A new home for the Severn Princess - removed from original plans - this is an important part of Chepstow history.

Quarry will no longer be utilised as a community/environmental space

Maybe we need to be investing in a tram system to Bristol or a relief road that crosses the river

The Active Travel (Wales) Act: I would question how the design contributes towards the Welsh Government's aim to increase levels of walking and cycling

Letters of objection received from 12 properties following re-consultation of 17/04/19

No matter how this application is amended, it is fundamentally flawed simply because all the traffic that it creates is funnelled onto or across the A48 right in the centre of Chepstow.

There must also be doubt whether the type and size of the majority of the projected properties actually helps those local people who are anxious to own their own 'starter' accommodation.

Increased traffic congestion.

Nothing has changed since last objecting. The traffic situation is unacceptable. No extra schools and doctors. No local hospital with increase population. Access to site. I therefore object to this development being passed too. Maybe MCC should look at accommodation for the elderly as nothing has changed in Chepstow for 30 years.

Access onto Church Street will lead to traffic congestion in Lower Chepstow

Object to planned use of Hardwick Avenue to be used as a means of access and egress to heavy plant vehicles for the development of 345 Houses

Mon CC are only looking for more council tax.

Pollution on Hardwick Hill.

Insufficient Facilities in Chepstow

Will price out local residents, people from Cardiff and Bristol will move in.

No need for so many 4 bed houses

MCC not listening to the public.

Chepstow is over developed.

Chepstow requires a by-pass.

Letters of support from two properties

This seems to be a generally well-thought-through proposal. I would, however, direct your attention to the comments made by A-B Connecting Communities in their comment in support of the proposal, which I endorse

I support new affordable housing in the area but feel the developers should be made to adhere to their original plans and include open spaces and community contributions

5.4 Other Representations

Chepstow Society

How will air quality be brought under control?

The new development should be integrated into the town

Present traffic problems should not increase

Need effective protection against flood risk

Believe that the flood protection measures should extend down stream

How will this solve existing traffic congestion?

Inadequate vehicular access into the site

Traffic will use Garden City

Development is on a Brown Field Site

The layout seems acceptable
Needs to have regard to pollution from lead paint
Should consider solar panels and rain water harvesting
Runoff into the river must be controlled
Needs suitable infrastructure, schools doctors, footpaths, parking and planting.

A2B Connecting Communities

There are several considerations to put to Barratt Homes before this development takes place:

1. Discussions with Andrew Leitch Project Manager of the Mabey site and Alan Hayward 4th May 2015 and the meeting with MCC members and others; Mark Hand; John Nicholas; Sue Kingdom; Nicola Edwards, Christian Schmidt, Mark Davies, at the Chepstow Tourist Information Centre on November 22nd 2017 outlined and reinforced proposals from A-B Connecting Communities.
2. A six stage proposal was drawn up with MCC to action a continuous safe and sustainable route for non-motorised transport connecting the Severn Bridge with the Wye and Severn Valleys and the Forest of Dean.

1st Severn Bridge to NS1 site
2nd along NS1 site 3 Bridge
3rd Link Bridge
4 Bridge to start of Railway line
5 Disused Railway Line to Tidenham Tunnel
6 Tidenham Tunnel to Tintern and new Truss Bridge

3. The NDAC with Greenways are planning to submit a planning application to FoDDC at the end of January to restore the disused railway line running from the A48 to Tintern via the Tidenham Tunnel and further revisions will include the sections to connect with Wye Dean School and the Wye Link Bridge.
4. A-B Propose adding the location of the new Wye Link Bridge to the Plans for the Mabey development, in readiness for future direct funding. The cost of the bridge and upgrading the Wales Coastal Path at approximately £3 million is far lower than the cost of the proposed Chepstow bypass at £100 million. The Bridge design should be sufficiently strong to enable access for Emergency vehicles to serve the new development and Chepstow from Gloucestershire and vice versa.

This safe sustainable route with the Wye Link Bridge including the landscaping of the Riverside Park can be built well in advance of the housing. Its use by families and businesses could be well established before the extra strain on the road infrastructure of the new developments in Chepstow and surrounding areas makes itself apparent.

5. A-B also propose a new ecologically built Activity Centre as part of the development to service the proposed Shared Use Path and provide learning facilities for local school children and community groups to include:

Cycle Hire
Accessibility for Disabled users of the Route
Peregrine Viewing Hides and Falconry lessons
Cycle repair shop
Café
Art Gallery
Public space for workshops
Archaeological, Industrial, historical, ecological and conservation displays

Since its inception in 2014 A-B Connecting Communities have raised more than £20,000 in funding independently as a not for profit organisation.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 This former industrial site at Fairfield Mabey site was allocated within the LDP as a strategic housing site, following a Public Examination of the LDP. The development of this site for a mixed use development accords with national policy of developing brownfield sites as a priority and therefore accords with stated objective of paragraph 3.51 of PPW10 of using previously developed land. The site is located within Chepstow, one of the four main towns in Monmouthshire and as such it occupies a sustainable location within easy walking distance of the town centre, public transport hubs and other local facilities.

Principle of the proposed development

6.1.2 The Fairfield Mabey Site in Chepstow is identified as a Strategic Development Site under Policy SAH3 of the adopted Local Development Plan. In November 2017 outline planning permission (DC/2014/01290) was granted for redevelopment of the site to create a new neighbourhood for up to 600 dwellings. Therefore the principle of developing this site for mixed use is already clearly established. The access into the site was considered as part of the outline proposal. The principle of housing development on this site is already established and the current application seeks approval of the layout, design, appearance and landscaping of the site. The position of the access into the site is already approved. The outline permission required that 1.5 acres of land be provided for affordable housing. The area of land for affordable housing has been identified on the plan and conforms to the outline approval but will be the subject of a separate application. Similarly the development of the employment land and the conversion of Brunel House will be the subject of separate applications.

Good Design/ Place making

6.1.3 Layout

6.1.3.1 The main entrance into the site is from Station Road and down Mill Lane under the railway bridge which is a Grade II Listed Structure. It is a requirement of the outline approval that the roadway under the railway bridge will be lowered by approximately 1 metre to allow for traffic to flow in two directions and to provide for a footway beside the road. You will then enter the site adjacent to Brunel House which is also a Grade II Listed Building. In front of Brunel House will be a square measuring approximately 1,100 sq. m. The public square will enhance the setting of Brunel House and can be used for community activities and for informal recreation. The square will be surrounded by three storey dwellings that will assist in framing the Listed Building and enhancing its setting. The setting of Brunel House would be protected and it would appear as the dominant part of this square and the primary building in the public space. The formal square and its associated planting and hard landscaping would be appropriate for the setting of the listed building. PPW Ed. 10 section 6.1.10 clearly outlines that the primary material consideration is the statutory requirements to have special regard to the desirability of preserving the building and its setting and this scheme would ensure that Brunel House's setting is protected in the long term.

6.1.3.2 From Brunel Square the main access through the site will divide into two main tree lined Avenues with views to the river. The first will extend down to Bombardon Square and the other will extend down to Slipway 4. These two main avenues will have a predominance

of 2.5 and 3-storey dwellings. These roads would be key primary routes in the development and have outward views to the riverside.

6.1.3.3 The site has been divided into three distinct character areas in accordance with the requirements of the outline planning application. With 'New Chepstow' at the northern part of the site including Brunel Square and Bombardon Square. The 'Steelyard' is in the central part of the site including Slipway 4. These first two areas would be developed by Barratt Homes. The third character area would be to the south of the site towards the quarry; this would be referred to as 'Hardwick Cliffs' and would be developed by David Wilson Homes. The three areas would have distinctive design characteristics with New Chepstow and Steel Yard being more industrial in appearance with a predominance of three storey wharfside building styles including gables facing towards the road. Hardwick Cliffs would be more domestic in character, with a predominance of two storey detached properties to reflect the character of dwellings in the adjacent Garden City. There would be a common palette of materials throughout the site but there would be a graduation of material with greater use of brick in the northern parts and more render and clad-boarding towards the south of the site.

6.1.3.4 Between the housing development and the riverbank would be a riverside park which would include opportunities for informal play, a nautical themed area of play and a community orchard. In addition, the park would contain a three-metre wide multi-use cycle/footpath which would link into the footpath on the adjoining Osborn's development, under the bridges to the north and into the steps adjacent the quarry in the south. This footpath would therefore provide a footpath link from the Town Centre to Thornwell. It is hoped that this path will eventually form part of the Wales Coastal Path. The riverside park will also include opportunities for informal play and a community orchard. Between the riverside park and the riverbank there would be a 1.2m high fence with thicket planting in front. This is required for ecological reasons to protect the habitat of the River Wye and is also needed for Health and Safety reasons. However, viewing gaps would be provided in the thicket to allow users of the path to gain views of the river as they move along the riverside park.

6.1.3.5 The slipways in the central part of the site are of National Historical Importance. It is a requirement that these slipways are preserved in situ. Slipway no.4 will be restored and form part of the public realm for recreational purposes. The area will be resurfaced, interpretation material will be provided and the sides of the slipway will be repaired. Railings will be provided at the top of the side wall in front of the houses and also across the centre of the slipway above the high tide mark. The development promotes good design with a strong sense of place. The development will enhance quality of life for the residents and will add to local distinctiveness. PPW10 par. 3.9 outlines that the special characteristic of an area should be central to the design of a development. The layout has been designed to ensure that the key historical features of the site such as Brunel House and the slipways are focal points and the layout emphasises these areas. There is a clear rationale behind the layout and it is considered that good design principles have informed the layout in accordance with the requirements of section 3 of PPW10.

6.1.4 Design

6.1.4.1 Officers and Members have worked with the developers to produce a design that reflects this unique development opportunity. It is important that the proposal should reflect the site's distinctive industrial past. The overall design of the development provides a bespoke residential development and it is considered that it delivers on providing a place in which people will want to live. This is the largest single residential development in the County and as such it is important that its design and details respect the distinctive location. At the entrance to the site is Brunel Square that contributes to the setting of the Listed Brunel House. The buildings around the square will be three storey with gable roofs. The

design of the buildings around Brunel Square have an industrial (warehouse) character and contrast with the hipped roof of Brunel House to ensure that the Listed building is the dominant part of the square. The setting of the listed building would be protected and the scale, mass and design of the dwellings in the square ensure that this public realm is distinctive. The dwellings around Brunel House would be constructed with a natural slate roof to ensure the buildings are sympathetic to the Listed Building.

6.1.4.2 There will be two main avenues through the site. These will have landmark three-storey buildings at key focal points. On corner plots the dwellings will be dual aspect to ensure an active frontage is maintained in the street scene. In the Steelyard part of the site, there will be a large number of three-storey terraced properties with gabled roofs and a contemporary design. The two main avenues will have a varied roof height that provides a distinctive street scene that it is not uniform in appearance. Along the western part of the site there will be rows of terraced properties facing towards the river that would be viewed from the footpath and the public open space areas. The design of the dwellings along the main primary routes (i.e. the two avenues and the waterfront) have been carefully considered and do provide a sense of place. The row of nine terraced properties above slipway 4 are visually prominent especially as they will be in a raised position and be clearly visible when viewed from the riverside path when travelling in a southerly direction. These buildings will also create a sense of place around the public open space on the redeveloped slipway 4 and have a nautical appearance to represent the waterfront location. These prominent dwellings will be three storey with a strong vertical emphasis to reflect the setting of the slipways and create a landmark within the development.

6.1.4.3 The dwellings to the south of the site within the Hardwick Cliffs area would have a lower density and would provide a character of area that differs from the rest of the development. The alterations in the character and design of the site ensure that the site is not homogenous and its character and appearance changes when moving around the site. The layout and design of the buildings enable a scheme that is of a good standard of design that is in accordance with PPW to create sustainable and distinctive places in which people will want to live.

6.1.5 House Types

6.1.5.1 Of the 345 residential dwellings, the majority of them (244) will be three-bedroom dwellings, 22 of the units will be two-bedroom and the remaining 79 units will be four-bedroom dwellings. A booklet of house types has been produced and forms part of this application. It shows 28 basic house types with various finishing details and orientation. The house types are two, two and a half and three-storeys high with 25% of the properties being over two-storeys. The three-storey units are located within the main visual points in the northern part of the site while the more traditional two-storey dwellings are located predominantly in the Hardwick Cliffs area in the southern part of the site. FOG's are also being proposed, these are flats over garages which help to alleviate the parking pressure on the site. There is a wide range of house types including some of design that is more contemporary. The two-storey detached dwellings, which are more conventional for suburban developments, are mostly concentrated in the southern part of the site. All of the units have overhanging eaves and window reveals. Some of the windows protrude out from the elevation of the property in a more contemporary manner. Officers have been in detailed discussion with the house builders regarding the house types and those house types not considered appropriate for this scheme have been omitted. The layout and design of the whole of the site has been very carefully considered in order to provide a sense of place that reflects the site's unique historical past. The development therefore accords with the objectives of PPW10 and Policy DES1 of the LDP.

6.1.6 Finishing Materials

6.1.6.1 The choice of finishing materials has been developed to reflect the site's industrial heritage and to promote a sense of place. There will be a predominance of brick, particularly in the northern part of the site. A single brick type would be used throughout the site and a sample of this is available for Members to view. There will be render detailing on many of the properties and only four colours of render will be used throughout the site to give a sense of cohesion and all these colours are fairly muted. These would be "earth," "light blue," "stone grey" and "white". For the same reason just two types of composite timber cladding will be used: "blue grey" and "grey green." Limiting the range of finishing materials in this way but grading them though the site maintains the three distinct character areas while also allowing for an element of consistency throughout the site. The dwellings around Brunel Square will all have natural slate roofs so there will be a visual link between them and the dominating Listed Brunel House. All the other properties and the garages will have a mini Stonewold roof tile. Again, limiting the range of materials in this way will create a unique identity to the site, helping to create a sense of place. All the fascia, window surrounds and rainwater goods throughout the site will be of grey uPVC. The garage doors and other details such as the metre boxes will be of grey painted steel/ uPVC

6.1.7 Boundary Treatments

6.1.7.1 The screen walls within the residential curtilages will be of brick to match the brick on the houses themselves. Timber fences, 1.8m high, will also be used throughout the site to define plot boundaries. Along the western boundary of the site to the north, adjacent to the wharf and above the wall at slipway 4 and across the middle of slipway 4 there would be a 1.2m high estate rail. This will allow for visual permeability and is in keeping with the waterfront character of the area. This type of railing has been successfully used in other riverside locations throughout South Wales. Elsewhere along the river bank would be a 1.2m high timber post and rail fence with protective mesh; the thicket fence would be planted on the eastern side of this. This is needed for health and safety reasons and also to protect the ecology along the river bank. There will however be several gaps in strategic locations to allow for views down the river and out of the site. There will be a 1.2m high weldmesh fence located in these gaps to prevent the public falling into the riverbank. This solution provides a compromise between ecology interests and the provision of vistas out of the site in important locations. There will be revetments of stone approximately 2.3m high situated in various locations along the western boundary, this is to retain the land and prevent flooding. There is a need for a fence along the western boundary of the site where it abuts Network Rail land; the specification for this will be determined by Network Rail and is likely to be a palisade fence but the details are not yet available so this will need to be the subject of a condition. In general the boundary treatments throughout the site have been carefully considered and will be in keeping with the character of the riverside location while retaining protection for the very sensitive ecological features and for health and safety protection for the public.

6.1.8 Impact on Amenity/ Promoting Healthier Places

Sustainable Location

6.1.8.1 The location of the site itself promotes healthier living. The site is located in a very sustainable location within easy walking distance to the town centre and its many facilities. There would be less dependence on the car with the new residents being able to walk to the shops, schools and other community facilities. In addition, the site is adjacent to Chepstow Train Station and close to Chepstow bus station. The location of this development encourages walking and cycling which results in a healthier lifestyle in accordance with the active travel aspirations within PPW10.

Public Open Spaces

6.1.8.2 The Proposed Development includes 2.7ha of accessible green infrastructure. This includes:

- Two west/ east green corridors, with the northern corridor including areas for informal play;
- The creation of a riverside park which includes a community orchard, areas for informal play, and a nautical themed play area;
- A riverside path, which connects to the Osborn's development to the north and the footpath, steps adjacent to the quarry at the south.
- Three key areas of public open space, these being Brunel Square, Bombardon Square and Shipyard Plaza/Slipway 4

6.1.8.3 These public open spaces will encourage residents to enjoy outdoor activities and this will be for the benefit off all Chepstow residents not just those living in this development. There will be opportunity for walking and cycling along the riverside path as well as formal play in the nautical themed play area and more informal activities along the trim trail and green corridors. The three public open spaces will be destinations for the public to walk and cycle to. The design of the development encourages outdoor activity in the fresh air and this conforms to Welsh Government's objectives of healthier living. The orchard can promote a sense of community and active living. The recreational provision will be considered in more detail later in the report.

Impact on existing residential areas.

6.1.8.4 Owing to the location of the site with the River Wye to the east and the railway line, embankment and cliffs to the west there is very little amenity impact on existing residential communities. The properties most affected by the proposal are those in Wye Bank Road in Sedbury. The occupiers of all those dwellings have been notified of this reserved matters application and site notices have been posted in those areas. Although those properties are on the opposite side of the river they will be able to see into the site. Given the distances involved though there will be no significant overlooking or loss of outlook. Those properties may be slightly affected by dust and noise during the construction phases but the impacts of these will be mitigated by the provisions made in the CEMP and this will be controlled by condition. The residential properties in Thornwell and Bulwark are set at a much higher level and will not be impacted by the proposal. There are several properties at the end of Severn Crescent that are close to the proposed development but they are set at a much higher level and are separated from the site by the railway line. The properties in Garden City are separated from the proposed development by the railway embankment although there would be a pedestrian link under the railway line linking the proposed site with the playing fields on Hardwick Avenue. The properties on School Hill may be potentially affected by the proposal due to the increase in traffic using Station Road. However, the impact of this has been looked at in detail as part of the Transport Assessment that supported the outline application and found to be acceptable. The proposed development would not have an adverse impact on the residential amenity of any other party and would be in accordance with Policy EP1 of the LDP.

6.1.9 Sustainable Management of Natural Resources

6.1.9.1 A primary objective of PPW10 is to maintain and enhance the resilience of ecosystems and the benefits they provide. Whilst the ecological value of the site is limited, the site is ecologically sensitive due to its proximity to the adjacent River Wye that has been designated as Special Area of Conservation (SAC), a Site of Special Scientific Interest (SSSI) and a RAMSAR site. This sensitivity was considered in depth at the outline stage that

confirmed the appropriate development footprint for the site. The reserved matters application reflects this development footprint. In addition, the development of the site includes 2.7 ha of accessible open space along with 345 residential gardens. In addition to this, one of the buildings that previously occupied this site contained a bat roost. To comply with a condition of the outline approval a new bat house has been located on the site close to the car park of Brunel House. It is important that a dark, green corridor is maintained along the northern boundary of the site between the river and the bat house. The layout of the housing development has been amended at the request of NRW to reflect this and NRW now have no objections to the development provided that the provisions of the Construction Environmental Management Plan are complied with.

6.2 Active and Social Places

6.2.1 Sustainable Transport Hierarchy

6.2.1.1 As stated above, this site is in a highly sustainable location. The Sustainable Transport Hierarchy for Planning outlined in PPW10 states that in relation to new development, walking, cycling and public transport are prioritised ahead of the use of private motor vehicles. The transport hierarchy recognises that Ultra Low Emission Vehicles also have an important role to play in the decarbonisation of transport, particularly in rural areas with limited public transport services. In this case, walking and cycling are being promoted. From the site, links have been put in place so that the residents can walk to the town centre via Station Road and the underpass under the A48 and can also walk to Lower Chepstow via the Osborn's Development to Lower Church Street. Residents will be able to walk to the adjacent Railway station for trains to Gloucester and Severn Tunnel junction from where they can access trains to Bristol, Newport and Cardiff. The site is also within walking distance of Chepstow Bus Station and other facilities in the town centre. The sustainability of the site was discussed in great detail via the "Green Travel Plan" at the outline stage. This site complies with the objectives of the Sustainable Transport Hierarchy.

6.2.2 Access / Highway Safety

Access into the site

6.2.2.1 The access into this site, including the junction of A48 and Station Road and the junctions of Station Road and Mill Lane were considered in detail and approved as part of the outline application. As the A48 is a trunk road, Welsh Government Transport Division were instrumental in the consideration of the access into the site. It was determined that the junction of A48 Station Road was sufficient to serve a new development of up to 449 dwellings without the need for modification. This development is well under that trigger point. Geometric improvements to increase junction capacity and improvements to the pedestrian realm including the underpass would be required after the first 100 dwellings were constructed. It is also part of the outline application that the junction between Mill Lane and Station road be modified and that Mill Lane be lowered under the railway bridge to provide for a wider, useable carriageway. All these issues relating to the access into the site have already been approved as part of the outline application.

6.2.2.2 Policy MV1 of the LDP requires that all applications that are likely to have a significant impact on trip generation and travel demands must be accompanied by a Transport Assessment (TA). A TA was submitted as part of the outline application and was carefully considered by Welsh Government Transport Division and MCC Highway Engineers. A development of up to 600 dwellings was considered acceptable whilst the reserved matters application is only for 345 units.

Internal Layout

6.2.2.3 The internal layout of the development does form part of the Reserved Matters submission and needs to be considered in detail at this stage. The main access into the site is from Station Road under the railway bridge. The primary route will then divide into two with one road leading to Bombardon Square and the other turning south and going to Slipway 4. This main route will be a tree-lined avenue. There will then be three secondary routes, one linking into the Osborn's development to the north, one going towards the quarry in the south and one in the centre of the site following the riverbank. Off these will be a series of cul-de-sacs, parking courts and private driveways. MCC Highway Engineers consider that the layout is acceptable and accords with current design principles. Furthermore, the proposed road hierarchy conforms to the parameters set out at the outline stage.

6.2.2.4 The Highway Engineers have identified some detailed issues such as the need for a safe crossing of the road by the footpath on the NE green corridor but this can be required by condition. Also identified are detailed issues to the potentially adoptable layout but these do not directly influence the planning decision and can be resolved at adoption layout approval stage. The Highway Engineer has no objection to the overall design, layout and car parking provision of the development. An adoption plan has been submitted as part of the application which indicated where the private drives will be; it must be noted that these will not be adopted and that there will be no access to these for refuse vehicles. MCC Highways have identified that there may be an issue with residents and non-residents parking cars on Bombardon Square, however planning officers do not consider this to be a serious hazard sufficient to warrant a reconfiguration of the road layout.

Parking

6.2.2.5 The adopted Monmouthshire Parking Standard require that there should be one off street parking space provided per bedroom up to a maximum of three spaces. Therefore the total number of parking spaces required for this development is 1013. The layout shows a total of 847 being provided throughout the development. Most of these spaces are being provided on driveways or parking courts although there are some detached garages being provided especially towards the southern part of the site. There is shortfall of 166 spaces throughout the site. The entire shortfall relates to the proposed three-bedroom dwellings which would have two spaces instead of the required three. It has been agreed that the shortfall is acceptable given that Mabey Bridge occupies a sustainable location being within walking distance of the town centre and public transport. There is a supermarket and train station within 250 metres walking distance of the site. There is a bus station within half a mile. Given the sustainable location it is considered that there can be some relaxation of the parking standards. It is more acceptable that the shortfall be among the three-bedroom dwellings as these are the ones most likely to have two cars (or fewer). All visitor parking will be provided informally on street. The shortfall in parking provision against the Council's Parking Standards is considered appropriate as the those properties affected will have the benefit of two parking spaces, the site is being developed in what is considered a sustainable location with reasonable walking and cycling distance to local amenities and public transport, bus and rail

6.2.2.6 Gwent Police have concerns over the number of rear parking courts as this will result in lack of surveillance of parked cars and will also leave the rear of properties vulnerable to theft. While it is agreed that rear-parking courts are less than ideal, it would compromise the design of the layout if each dwelling had to have driveways to the front. The parking courts are also generally well overlooked by the adjoining houses so surveillance is sufficiently available in these locations. Consequently, planning officers have no objection to the level and arrangement of the parking proposed.

6.2.2.7 Given the sustainable location of this development and the objectives of PPW10 to support a modal shift towards walking, cycling and public transport it is considered that the shortfall in parking provision is acceptable. Policy MV1 of the LDP states that where appropriate, new developments should satisfy the adopted parking guidelines, but for the reasons stated above, a degree of flexibility can be allowed in this case.

Footpath links

6.2.2.8 The Sustainable Transport Hierarchy in PPW10 promotes walking and cycling first saying that LPA's must ensure that new developments are highly accessible by walking and cycling (para 4.1.31) and that a development proposal, through good design and supporting infrastructure, should prioritise provision for access and movement by walking and cycling to maximise their contribution to the objectives of the Active Travel Act. In this case a multi-use 3m wide coastal path is being provided on the eastern side of the site and a long length of footpath is provided along part of the western side. In addition, there are several footpath links throughout the site including one through the northern corridor. There is permeability throughout the site and from the site to locations outside. The riverside footpath links into Lower Chepstow to the north and Bulwark to the south via the steps adjacent to the quarry. There is also an important link from the centre of the site under the railway to Garden City. These footpaths encourage active travel and also provide green corridors for wildlife and green infrastructure. Policy MV2 of the LDP supports Sustainable Transport Access stating that new developments should link into existing rights of way, walking, cycling and green infrastructure networks. The proposal accords with this policy.

Coastal Path

6.2.2.9 During the course of the application and following pressure from officers and local residents, details of the 'Riverside Path' have been amended. The path will now link up with the Riverside Walkway on the adjacent Osborn's site. The path will be 3m wide for its entire length and will be finished in a bonded resin material with concrete edging. This is a hard surface and thus the path can have a multi-use function. The path will run through an area of green space between the development and the river. At strategic points along the path the adjacent thicket will be lowered to provide views out of the site towards the river. It is intended that the path will link into the Wales Coastal Path in Bulwark at the southern end of the site via the existing steps adjacent to Beaufort Quarry. This cannot be finalised at this stage because there is a small strip of land the ownership of which cannot be identified. The developers are looking into this issue further. There is an option that in the future the riverside footpath running through the site will be adopted as part of the Wales Coastal Path. The Severn Princess will remain in situ where it is now under Brunel Bridge hopefully to be restored to its former glory by a charitable restoration group. The riverside park will run close to the site of the Princess and therefore afford views of it. To move it to a more central part of the site may cause damage to the structure. An area of land at the eastern extent of the main Avenue has been identified as a potential landing area for the cycle path over the river Wye, this is only indicative at this stage. It is not the applicant's responsibility to provide the bridge. Once final details of the cycle bridge have been commissioned the exact location will be known and provision can be made for it within the site.

6.2.3 Retail & Commercial Centres

6.2.3.1 There are no retail faculties proposed for this site. The outline application approved 1.3 acres of serviced employment land. This plan honours that by proposing land which could accommodate 6500 sq. m of commercial office development on the northern part of the site. This is likely to be in the form of several four-storey office blocks. The details of this part of the development will be the subject of a separate planning application. The current

scheme does indicate however how this amount of employment floor space, car parking and green spaces could be accommodated on the site.

6.2.4 Community Facilities

6.2.4.1 Community facilities 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. In this case, a development of 345 dwellings is not of sufficient size to support major community facilities such as a community centre or place of worship. This development however is proposing a community orchard, three public open spaces and several play areas, and these will help to provide focal points for the community and also will help to contribute to a sense of place.

6.2.5 Recreational Spaces

6.2.5.1 It is proposed that there be a large public square in front of Brunel House at the entrance to the site. This will be hard surfaced with tree planting around the edge. There would be a set of large rounded steps at the edge of square offering opportunity for informal seating. The design of these steps are based on those currently provided in Beaufort Square in the centre of Chepstow. Other seating areas would be provided in Brunel Square which is intended as an area for public congregation.

6.2.5.2 A second major area of public open space would be around slipway 4 in the centre of the site. This would contain a more formal play area with a nautical theme and seating areas. Slipway 4 would be hard surfaced with feature paving, benches and interpretation boards. A further area of informal play would be provided adjacent to the footpath crossing the northern part of the site. This will contain a trim trail and other play features. There would be green public open space for informal play on either side of the riverside path and also a community orchard.

6.2.5.3 The amount of accessible recreational open space is 2.7ha which is in excess of the volume of land required under Fields in Trust (FIT) guidance for a scheme of 345 units. Recreational spaces are vital for health, well-being, and amenity and can contribute to an area's green infrastructure. The recreational spaces provided on this site will provide places for formal and informal play, sport, healthy physical activity and places to relax in the presence of nature, thus significantly contributing to the quality of life for residents. The layout of the site provides a network of high quality, accessible green spaces and recreation spaces which will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities will promote well-being.

Play Provision

6.2.5.4 In line with the Council's policies, the requirements of PPW10 and the outline planning permission, play provision is being provided throughout the site. PPW10 recognised that recreational spaces are vital for the health, wellbeing and amenity of the nation and that they can also contribute to an areas Green Infrastructure. There will be one Local Equipped Area for Play (LEAP), three Local Areas for Play (LAP), as well as opportunities for informal play throughout the site adjacent to the footpaths. These will be provided by the developers and maintained by a management company in perpetuity. Policy CRF2 of the LDP states that proposals for new residential development should provide appropriate amounts of outdoor recreation and public open space in accordance with the FIT minimum standards and make provision for allotments. The level of provision proposed by this development exceeds those minimum standards and also exceeds the levels set out in the Fields in Trust Guidance for Outdoor Sport and Play April 2018. The informal and formal

recreational spaces form an integral part of the development. The cycle ways, footpaths and informal recreational provision will be for the benefit of adults as well as children. The public open spaces provided on the site will be integrated and provide opportunity for biodiversity enhancement, ecological connectivity and pedestrian and cycle access both within the site and also linking into adjacent residential areas. While formal allotments are not being proposed within the site, an area has been set aside as a community orchard.

6.2.5.5 In total 2.7ha of public green space is being provided within the site which is in excess of the Council's Recreation and Public Space Standards and therefore accords with the provisions of Policy CRF2 of the LDP. The public open spaces, community orchard, public squares and recreational provision will all be maintained by a private maintenance company at the occupiers' expense.

6.3 Productive and Enterprising Places

6.3.1 Economic Development

6.3.1.1 As part of the outline application it was a requirement that the site provides at least 6500m² of flexible employment use. The current proposal indicates the location of 1.3 acres of employment land at the northern part of the site. The land has to be provided and serviced as part of this current application but the detailed layout and appearance of this element will be submitted as part of a separate application. The 1.3 acre provision is acceptable, however details have been provided on the layout plan indicating that 6500m² flexible working space can be provided on the 1.3 acre site in the form of several four-storey blocks of offices and therefore the requirements of the outline permission are satisfied. Four storey units fall within the size parameters of the outline approval. Four-storey development is considered acceptable in this location given the large vertical emphasis provided by the road and rail bridges adjacent to this part of the site and also because of the design precedent set by the adjoining Osbourne's development which has four-storey apartment buildings.

6.3.2 Tourism

This development may help to promote tourism in the area especially though the riverside path which it is hoped will eventually be incorporated into the Wales Coastal Path. PPW10 recognised the importance of long distance routes as important tourism and recreational facilities and advises LPA's to adopt positive approaches to proposals that utilise previously developed or disused land for tourism uses particularly in relation to urban regeneration. This proposal to provide a section of the Wales Coastal Path through the site conforms with the objectives of PPW10 in this regard and also to the Council's aim to encourage tourism throughout the County.

6.4 Distinctive & Natural Places

6.4.1 Landscape/ Visual Impact

6.4.1.1 PPW10 advises LPA's that landscapes are valued for their intrinsic contribution to a sense of place and their special characteristics should be protected and enhanced and used to create a valued place. At the outline stage it was recognised that this site provided a unique opportunity to reflect on its interesting historical past as a shipyard and engineering works. The design and layout has been carefully considered in order to preserve the industrial heritage of the site. For this reason the setting of Brunel House, a Listed Building has been enhanced, and the design of the buildings in the focal areas have been developed to reflect the industrial buildings which once stood on this site. The layout of the site is such that it affords interesting views within the site and also out of the site. The site is visually remote from other residential areas in Chepstow so that it is less important in this case that

the design of the development reflect neighbouring areas. There is a significant amount of Green and Blue infrastructure throughout the site; this conforms to PPW10 objectives for integrated GI and recreational provision. It also significantly contributes to the visual appeal of the area. Where possible views down the river have been provided. A Green Infrastructure Master Plan has been provided as part of the application. This clearly shows the level of landscaping throughout the site. In this case, the industrial landscape is being preserved in some locations such as around Brunel House and the slipways and in other areas it is being reflected through the design of new dwellings. This all contributes to a very strong sense of place in line with the objectives of PPW10 for protecting and enhancing landscapes.

6.4.2 Coastal Areas

6.4.2.1 The site is located on a tidal estuary which has a range of ecological designations. The estuary in this location has a very large coastal range and this has been accounted for in the design of the proposal

6.4.3 Historic Environment

Impact on Heritage Assets

6.4.3.1 There is a rich industrial heritage on this site. The piers and abutments to Brunel's Wye Bridge, just beyond the application boundary at the northern end of the site are Grade II Listed. The proposal will not affect that bridge with the only development in this area being the provision of a road and footpath link into the adjacent Osborn's development. The alignment of these features will be set away from the piers. The bridge structures will be protected by fencing on either side of the road and footpath. The railway bridge at the entrance to the site is also listed and will be protected and preserved as work to lower the road is undertaken and afterwards.

6.4.3.2 Brunel House is a Grade II listed building dating back to 1851. A public square will be provided in front of the building which will help to protect its setting. The other important historical asset on the site are the slipways which were used to launch new ships as well as steel work for the first Severn Crossing. The slipways have been determined to be of national importance and are currently in the process of being designated as scheduled monuments. It is proposed to leave the slipways clear of development and to restore one and preserve the other three. The proposed development of the site includes a form of public information/interpretation to be provided to help document the history of the site. Cadw have no objection to this proposal. The proposed changes will have a slight positive direct impact on the historic structures.

6.4.3.3 It is a requirement of PPW10 that the intrinsic qualities of the natural and built environment be protected in their own right for historic, scenic, aesthetic and nature conservation reasons. In this case the proposal seeks to protect Brunel House and its setting. Brunel House will have a dominant impact on the entrance to the site by virtue of its scale and elevated position. The positioning of a large open square at the front of Brunel House surrounded by three-storey dwellings will help to protect its setting and therefore accords with the advice given in PPW section 6.1.

Archaeology

6.4.3.4 As part of the outline application GGAT requires a written scheme of investigation. This identified two elements of the proposed development that would require mitigation: one being the buried archaeological resource; the other the historic buildings on the site. Regarding the buildings, these: "including a building associated with the First World War

development of the site as a shipyard. The application area is significant as one of the sites chosen for the assembly of N-type ships during the First World War; demand for vessels was high following extensive loss of merchant shipping at the start of the First World War and assembly sites for prefabricated N type ships were a vital part of the nation's response to this demand." Because of this a detailed building recording of surviving elements of the early shipyard and associated structures was required as the building formed part of the whole complex with the extant shipyard remains.

Those buildings have now been removed from the site and according to discussions, it appears that the previous landowner did undertake a photographic record but has not collated them into a record to submit to GGAT to date.

6.4.2.5 Regarding the buried archaeological resource, the slipways, GGAT recommended the submission and implementation of a written scheme of investigation to mitigate the impact of the development on the buried archaeological resource. This formed part of the document that GGAT approved in 2018. This will be implemented as part of the development and the report containing the results of this work would be submitted following the work. There is therefore no need for any further conditions.

6.4.4 Green Infrastructure

6.4.4.1 Policy GI1 of the LDP states that development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network by retaining individual green assets where possible and integrating them into the new development where possible and also by incorporating new and enhanced green infrastructure. This stance is also a requirement of PPW10. In this case, significant GI is being provided within the site as can be seen on the submitted Green Infrastructure Plan. There are salt marsh mud flats within the boundary of the site that are being retained. Beyond these would be a post and rail fence with a thicket hedge planted on the western side. There would be areas where the thicket would be lowered to allow for views out of the site and down the river. Beyond this would be a multi-use riverside path; it is intended that this will eventually form part of the Wales Costal path. This riverside park would extend the whole length of the eastern part of the site. Towards the northern part of the site would be a green corridor running east-west. This would contain significant planting of specimen trees as well as informal recreational provision. A second corridor running east-west would be provided further south in the site, and would provide access beneath the railway bridge to the existing recreational ground in Garden City, this would also contain specimen trees. There would be an avenue of specimen trees planted along the main road through the site linking Brunel Square with Slipway 4 These trees would be planted in the highway and not in private gardens. In addition, there would be tree planting in the public realm including Brunel Square and the riverside park as well as significant planting throughout the site. Given that this was previously a built-up industrial site there will be significant enhancement as a result of this proposal.

6.4.5 Biodiversity

6.4.5.1 The site has a wide range of habitats and ecological assets. Most of the site was self-seeded scrub. There is an important block of trees running north/south along the railway embankment (this is outside the application site on land belonging to Network Rail). This band of trees provides a linear habitat for a variety of bat species. The River Wye, which forms the eastern boundary of the site, is designated as a Special Area of Conservation (SAC) principally for its population of uncommon migratory fish and otters. The banks of the river form salt marshes, mudflats and reed beds. Beaufort Quarry, adjacent to the site has been designated as a Site of Interest for Nature Conservation (SINC) and contains a wide range of wildlife. The River Wye adjacent to the site is also designated as a RAMSAR site for a variety of waterfowl. A low density population of slow worms is found throughout the

site and peregrine falcons, barn owls and other rare species are known to use the site. It is for this reason that an extensive range of ‘blue and green infrastructure’ is to be integrated into the site. A new Bat House has been built on the edge of the site close to Brunel House to compensate for the loss of roosting opportunities when the industrial buildings were demolished on the site. A Habitats Regulations Assessment was carried out for the outline application and has updated and assessed for the current application.

6.4.6 Flooding

6.4.6.1 Part of the site, the northern section and a strip of land adjacent to the river lies within Zone C2 as defined by the Development Advice Maps (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). As part of the previous outline application, the applicants submitted an Flood Consequences Assessment (FCA) that demonstrated that the consequences of flooding could be managed over the life time of the development. At the time, NRW was generally comfortable with its conclusions. The applicants have since provided details of the land raising under the bridges at the northern part of the site and NRW found these acceptable.

6.4.6.2 NRW have no objection to the current scheme on grounds of flooding but remind the applicants that given the proposals are situated along the river and the presence of flood defences to the north of the site there is a requirement for a Flood Risk Activity Permit for any works within 16m of this area. The area in the flood zone is in the northern part of the site, where the employment site is proposed and therefore does not form part of this current application. Employment land is not highly vulnerable development as defined in the TAN 15 guidance.

6.4.5.3 As part of outline submission a plan was produced (Drawing Number 7729:SK106) which showed the extent of the site that has to be raised to a level of 10.6 metres AOD (that was at the northern and southern ends of the site) and those areas where the levels were not to exceed 9.3 metres AOD, in order to allow a flood conveyance route from Chepstow. Those areas were adjacent to the river, next to the employment land, and under the two bridges at the extreme northern extent of the site. NRW approved of those and the current proposal must accord with those levels.

6.4.7 Water (including foul drainage / SuDS)

Foul Drainage

6.4.7.1 It is proposed that all the foul flows from the site would be discharged into existing public sewers which already cross the site. A hydraulic modelling assessment of the site was undertaken at the outline stage to assess the ability of the existing sewers to accommodate the proposed development. The capacity was found to be acceptable and Welsh Water confirm that, with some reinforcement work funded by the developer, the existing public sewers would be able to deal with the foul water discharged by the new development. The developers have now instructed Welsh Water to complete a further assessment to address levels of detriment caused by connecting the proposed development site into the surrounding sewerage system. The second hydraulic assessment has now been submitted and Welsh Water have no objection to the proposal. Welsh Water agree that detriment will be caused by the proposal but the detriment can be effectively managed by an engineering solution and the developers are going to progress with that solution. The foul water strategy is being considered as part of the discharge of condition application DM/2018/02091 and does not form part of the current application.

6.4.7.2 The current reserved matters application provides details the spine drainage through the site. This details on site foul and surface water drainage. The surface water management strategy is being considered via a separate Discharge of Condition application, DM/2018/02091, and details of the surface water strategy have been submitted as part of that application

6.4.8 De-risking (contamination issues)

Environmental Health Issues

6.4.8.1 There are public health issues related to the contamination of the site and disturbance from construction. The Fairfield Mabey site has been in use for heavy industry for over 100 years. During that time, buildings containing asbestos had been constructed and the soil and groundwater have been contaminated. As part of the Environmental Statement submitted with the outline application a Geo-Environmental Assessment and Contamination Report was included. MCC Environmental Health officers have reviewed this. Contamination has been identified in both soil and groundwater and further intrusive investigation will be required. In addition, the desk study identified potential sources of gas and vapour. It is anticipated that a gas and vapour sampling/monitoring regime will be necessary. Due to both the confirmed soil and groundwater contamination, the potential for further contamination elsewhere on the site, and the potential for gas and hazardous vapour generation, it is recommend that a site investigation and risk assessment procedure be undertaken by the developer in accordance with CLR11 "Model Procedures for the Management of Land Contamination". There is a requirement for ongoing monitoring of the site during the various construction phases. This is the subject of a Discharge of Condition Application. The Environmental Health Officers are satisfied that all the public health matters of contamination, remediation and monitoring can be resolved subject to conditioning.

6.4.8.2 The Environmental Statement also included a chapter on Noise and Disturbance during the construction phases. Possible temporary impacts of construction on the amenity of the neighbouring residential areas will be mitigated through planning conditions. A condition requiring the submission of a Construction Environmental Management Plan (CEMP) was also imposed to control such things as construction methods, hours of operation and phasing. This is also the subject of a separate discharge of condition application.

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

6.5.1 The majority of the objections received from residents relate to the principle of the development. The principle of the development has already been established though the Local Plan allocation and the outline planning permission. There are however comments that are pertinent to this reserved matters application and these will be addressed here. Firstly, residents are concerned about noise and disturbance during construction. Environmental Health officers are already monitoring the site with regards to dust and noise during construction but a condition can be imposed requiring a Construction Management Plan which could control hours of operation. There are concerns that the proposal will result in over-development of the site; the outline permission made provision for up to 600 units on this site and the allocation in the LDP Policy SAH3, refers to around 350 new dwellings being provided on this site during the LDP period. The total application site measures 19 ha, whilst the net residential developable area equates to 8.9ha. This equates to an average density of 39 dwellings per hectare across the site. This density is appropriate in this urban location. There is also concerns raised about the amount of open space being provided. As can be seen from the layout plan there is up to 2.7 ha public green space is being provided and this is greater than the requirements set out on Policy CRF2 of the LDP and the Guidance from Fields in Trust.

6.5.2 Several local residents have expressed concern over the mix of housing being proposed saying that there should be more small units to cater for local first time buyers. In this case, 22 of the units will be two-bedroom dwellings. The house builder has undertaken market research and believes that the housing mix proposed meets the demand in the area. There is also concern that standard house types have been used, while this is the case the standard house have been adapted in this case to reflect the industrial past of this site and to give a more bespoke appearance to the site. The S106 agreement that was signed as part of the outline approval is still relevant and runs with the land. The communal benefits still stand except for the quarry as this was considered too dangerous and the multi-use games area (MUGA) to be provided under Brunel Bridge, that cannot be delivered as the land is not in the applicant's ownership - it belongs to Network Rail. The Affordable Housing provision and the employment land are consistent with the outline permission but they will be delivered through a separate reserved matters application(s). The time scale for their delivery has not altered from that stipulated in the S106 agreement.

6.5.3 Neighbours are concerned about light spill from the development causing disturbance to adjoining properties. All the properties surrounding the site are set at a higher level and separated from the site by either the river or the railway line, for those properties facing into the site they will inevitably be able to see lights from the development but this will be no worse than when the site was used for industrial manufacturing of steel goods.

6.5.4 The Severn Princess will be kept in situ and the riverside path will run past it affording views of the boat. It is intended that the boat be restored by a charitable organisation and this is not the responsibility of the applicants. Similarly, the developers have indicated on the layout plan a possible site for the landing of the cycle/footpath over the River Wye that is being promoted by A-B Connecting Communities. As agreed at the outline stage, the layout of the development does allow for a southern access into the station on Network Rail land, if a new car parking area was to be provided for the station.

6.5.5 It has been suggested that the construction traffic will use Hardwick Avenue in Garden City. While the road under the railway bridge is being lowered for a period of approximately 6 months construction staff working on the remediation and the road lowering will travel to the site via Garden City and the tunnel under the railway line. All heavy machinery will be brought onto the site prior to this via Station Road so that there will be no construction traffic using Garden City, only the vehicles bringing the workers to the site and then only for a period of 6 months.

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.

6.7 Conclusion

6.7.1 The principle of this development is already established via the designation within the LDP and the outline planning approval. The layout and design of this proposal provides a unique development that reflects its industrial past and promotes a strong sense of place that accords with the objectives of PPW10 and the policies of Monmouthshire LDP. The proposal will provide high quality development that reflects the distinctiveness of its location.

There would be a high proportion of Green and Blue Infrastructure within the site including the riverside path, green corridors and play provision. There is a large amount of tree planting throughout the site including a tree-lined avenue and a community orchard. The layout of the site has been carefully considered to invoke a sense of place and to provide key focal points throughout the site. The design of the dwellings and choice of finishing materials result in the proposal respecting the distinctive industrial heritage of the site and this includes preserving the setting of Brunel House.

7.0 RECOMMENDATION: APPROVE

Conditions/Reasons

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.

2. 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.

3. Prior to the construction of phase 1 of the development a Green Infrastructure (GI) Masterplan and GI Layout Plan for the pumping station area and electrical substation area shall be submitted to and approved in writing by the LPA. All works shall then be carried out in accordance with those approved plans.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy GI1.

4. Prior to the installation of the revetment structures, details of the monitoring of habitat restoration and if applicable, details of necessary intervention shall be submitted to the LPA for approval. The scheme shall monitor the condition of the habitat disturbed during the construction of the revetments and provide a scheme for reinstatement of these areas to riparian habitat which may include natural succession or intervention planting. The scheme shall thereafter be implemented within a timescale to be identified in the approved details and shall be maintained in accordance with the approved details.

Reason: to mitigate against the loss of potential supporting habitat of the River Wye SAC and European Marine Site.

5. Prior to the installation of the revetment structures, details of the 'readi rock' specification shall be submitted to and agreed with the Local Planning Authority. The specification shall reflect the treatment illustrated in Drawing AJA 2483.07 Riverside Park Landscape Materials Dated 21.03.19. The structures shall be implemented in accordance with the approved details and within a timescale that will be set out in the specification.

REASON: To ensure that it is visually acceptable and conforms with the objectives of Policy DES1 of the LDP

6. Details of the proposed fence along Network Rail land and its associated landscaping shall be agreed with the Local Planning Authority in writing before construction works commence on site and the development shall be carried out in accordance with those

agreed details 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 Policies GI1 and DES1.

7. Prior to construction work commencing on site, details of the location of all of the litterbins, seating, bollards, signage and all other street furniture shall be agreed with the Local Planning Authority in writing. The development shall be carried out in accordance with those agreed details and in accordance with a timescale to be agreed in those details, and the street furniture as agreed 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. Prior to commencement of construction works on site, an amended GI Masterplan and Management Plan shall be submitted to and agreed in writing with the local planning authority. The Management Plan shall 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 GI 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 GI objectives of the originally approved scheme. The Plan shall also indicate the timetable for the implementation of all open space, including that at Brunel Square, Bombardon Square and Slipway 4, the riverside footpath and all play areas.

The Masterplan and GI Management Plan shall be implemented in accordance with the approved details.

REASON: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies DES1, S13, GI1, NE1, EP1 and SD4, The Well-being of Future Generations Act 2015 & Environment (Wales) Act 2016 10

9. In addition to the details supplied for the one LEAP and three LAP's, details shall also be submitted showing the specification and position of six interpretation rubbing posts. The agreed layout shall be approved in writing by the LPA before construction works commence and shall be implemented in accordance with those approved plans.

Reason: to ensure compliance with Policy GI1 of the LDP.

10. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any related part of the development or in accordance with the timetable agreed with the Local Planning Authority in the revised GI Management Plan referred to in condition 10. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and LDP Policy GI1.

11. The garages, hereby approved, for each plot shall be used in a manner that does not prevent the parking of a motor vehicle within them.

Reason: To maintain an adequate level of parking provision across the site in accordance with the adopted Monmouthshire Parking Guidelines.

12. The parking provision for plots 211 and 212 shall be retained in perpetuity and shall not form part of any private garden.

Reason: To maintain an adequate level of parking provision across the site in accordance with the adopted Monmouthshire Parking Guidelines.

13. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

Reason: to ensure the development is maintained to a good standard of design, in accordance with Policy DES1 of the LDP.

14. The fence to the south end of slipway 4 shall be quayside and slipway railing only.

Reason: in the interests of the visual amenity area and to accord with Policy DES1 of the LDP.

15. The riverside footpath shall be 3m wide and constructed with a resin bond material, details of which shall be agreed in writing with the Local Planning Authority prior to any section of the riverside path being constructed. The path shall be constructed and maintained in the agreed material in perpetuity.

Reason: to provide a durable and visually attractive surface for this footpath link and to ensure the development creates a permeable layout that promotes active travel.

16. Prior to commencement of development, the developer shall display a site notice in accordance with the terms of Schedule 5A Article 24B(2) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) to inform the local planning authority and the public that a commencement of works is to start, and that all pre-commencement planning conditions have been discharged. The planning authority shall also be notified directly of this intention.

Reason: to comply with the terms of Schedule 5A Article 24B(2) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)

Informatics:

1. For the purposes of interpreting these conditions, *construction works* do not include on-site remediation works or any associated off-site highway works required to facilitate the development.

2. In relation to condition 2 above, the plots forming Brunel Square shall be finished with a natural slate, a sample of which is to be agreed under condition 2. These plots are shown on drawing Materials Layout sheet 1 of 2 – drawing no. 0653-108-1 and for clarity are Plots 63 – 66 (inclusive), 82 – 90 (inclusive) and 209 – 215 (inclusive).

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Agenda Item 4f

Application Number: DM/2019/00026

Proposal: New Dwelling with associated garage

Address: Tengboche, Glynwood Lane, Chapel Hill, Tintern

Applicant: Mr & Mrs R Nichol

Plans: Site Sections 2252_206 REV B - B, Site Plan 2252_200 REV F - F, Garage Plans 2252_204 REV C - C, Floor Plans - Proposed 2252_201 REV B - B, Elevations - Proposed 2252-202 REV C - C, Location Plan OS Plan - , Ecology Report Ecological Appraisal - Abbey Sanders Ecology February 2019 - ,

RECOMMENDATION: Approved Subject To S106

Case Officer: Mr Craig O'Connor

Date Valid: 21.01.2019

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

1.0 APPLICATION DETAILS

1.1 This application relates to the former residential curtilage of Tengboche, Glynwood Lane, Tintern. The site is located on the western periphery of Tintern in the Wye Valley Area of Outstanding Natural Beauty (AONB) and adjacent to Tintern Conservation Area. Two single lane access roads run parallel to the northern and southern boundary, with the site being accessed off Glynwood Lane to the south. The topography is such that Glynwood Lane rises from east to west whilst the northern access road, which provides access to the small terrace known as Brookside, sits at a much lower level.

1.2 The site already benefits from an extant planning permission ref DC/2012/00774, approved 11th September 2014, for a four bedroom detached dwelling (also a renewal of M/5963).

1.3 This application seeks permission for a four bedroom detached dwelling with detached single storey triple garage. The proposed changes to the scheme were considered in excess of what could be dealt with as a minor amendment and thus the agent was advised to submit a new application.

1.4 The proposed dwelling will be located more centrally within the plot (unlike the previous application which was located to the west) and will be split level to take account of the topography. As such, the living area will be on the lower ground floor with a bedroom, office, utility and snug on the ground floor and bedrooms and bathroom at first floor level. The lower ground level will have a footprint of 11.5m x 6.2m whilst at ground floor will measure 13.6m x 8.3m at its widest points. The application form states that proposed materials include brickwork, render and cladding to the walls with grey blue slate to the roof.

1.5 The garage would be located to the south-west corner of the site, in a similar position to that previously approved. Dimensions would be 9m x 6.7m with a height of 4.8m to ridge. The height of the garage will be approximately 0.8m lower than the main house. Proposed materials have been indicated as matching the main house.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/02050	Non material amendments in relation to planning permission DC/2012/00774.		
DC/2017/00846	Internal alterations, external window, external finishes and balcony alterations.		
DC/2017/00887	Re-Modelling of house and external material alterations	Approved	11.09.2017
DC/2012/00774	Renewal of M/5963	Approved	11.09.2014

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

EP1 LDP Amenity and Environmental Protection
DES1 LDP General Design Considerations
H3 LDP Residential Development in Minor Villages
HE1 LDP Development in Conservation Areas
LC4 LDP Wye Valley AONB
NE1 LDP Nature Conservation and Development

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

Tintern Community Council: Recommends approval.

MCC Senior Policy and Housing Officer: It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. The calculation of the financial contribution that will be required is £30,184.

MCC Highways: No objection subject to conditions in relation to the access (in accordance of plans), submission of a CTMP and construction of access prior to any building construction works.

MCC Ecology:

The site was identified garden and woodland which is not considered by the scheme ecologist to be semi-natural in origin. Findings included a bat roost for low numbers of whiskered bat in the wooden cabin and use of the vegetation at the site by dormouse. As such EPS licences were required for the development works and method statements for these species were required by condition.

These conditions have been discharged (18/01732) but will require updating to reflect the revised scheme, this will be a requirement of the amended EPS licence necessary for the works.

The updated assessment provides that the first stage of site clearance works under dormice and bat licences has been completed, that is the vegetation has been reduced in height and the wooden cabin removed. The remaining clearance works and revised mitigation will need to be covered by an updated EPS licence.

Please use conditions to secure mitigation for protected and priority species via compliance with the proposed plans and updated report.

The previous consent included a condition for a sensitive lighting strategy, this has not been presented as part of the new application and is still relevant, it is also a requirement of the EPS licence for bats. Please include as a condition of this consent if granted.

Natural Resources Wales (NRW):

Consider that there should not be a detriment to the maintenance of the favourable conservation status of the species present, providing that the mitigation measures set out in section 5 of the bat report are implemented. Significant concerns with the application as submitted could be addressed by providing appropriately worded conditions requiring the implementation of the mitigation measures set out in the report submitted in support of the application to be attached to any planning permission that Monmouthshire Council is minded to grant.

5.2 Neighbour Notification

Six letters of objection and one letter of concern have been received. The main points raised are:

- Concern over change in access off Glynwood Lane from original application.
- Glynwood Lane is a narrow single track lane with limited visibility as a result of the bends. With the increase in traffic that will ensue, it would be essential that the access is designed so that it can be used as a passing point.
- Long stretch of narrow access lane with no passing places
- Loss of pull-in place on this revised application
- Close to adjoining properties
- Inadequate access
- Out of keeping with character of area
- The original application detailed a 2 storey dwelling with integrated garage set into the hillside in line with the existing designs for properties on the lane (Tengboche, Shieling, Greenacres). The revised application details a 3-storey building together with a detached garage block. Does this increased height and footprint fit in with the local neighbourhood?
- Access to the site from Glynwood lane for construction materials etc. will be difficult, what arrangements are in place to ensure that the lane remains open, and to prevent damage to the environment and sensitive lane banks during construction.
- development will now overlook Sylvian Cottage to the east resulting in loss of privacy

- development too high

5.3 Other Representations

MCC Flood Risk Manager: SAB Approval not required.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 There is an extant planning permission on the site for a 4 bedroom detached dwelling with integral garage (ref DC/2012/00774) approved 11th September 2014.

6.1.2 The site lies within the Minor Village of Tintern, as defined by the Monmouthshire Local Development Plan (LDP) and is within the AONB. Policy H3 of the LDP states that "in Minor Villages planning permission will be granted for minor infill of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings...subject to detailed planning considerations, including no unacceptable adverse impact on village form and character and surrounding landscape". The site lies within the physical boundary of the village and is surrounded by residential development to the west, north and north-east. The proposal is for one dwelling and detached triple garage on the vacant site that is considered to be a gap between a number of dwellings and is therefore considered to comply with the requirements of LDP Policy H3.

6.2 Good Design/ Place making

6.2.1 The dwelling will be split level to work with the steep topography of the land and is relatively contemporary in design.

As illustrated on drawing 2252/ 202 Rev C, a split level design is proposed for the dwelling to respect the topography of the land. Design features include gables and dormers to the east and west elevation, a single storey extension at lower ground level and small balcony at ground floor. Different building lines are used to add interest. Materials include a mixture of cladding and brickwork to the walls, grey blue slate to the roof and grey windows. The retaining wall (between the single storey extension and covered porch area) will be natural stone.

6.2.2 The garage will be a single storey triple garage featuring three individual doors fronting the house. Materials will be to match the dwelling. Whilst the garage is located towards the front boundary it is set back off the road and sits comfortably in line with the adjacent property, Tengboche. The ridge line of the garage is comparable to the ridge line of Tengboche and as such, will not be out of character with the street scene. Moreover, the garage provides a level of screening to one of the gables of the dwelling which serves the office (ground floor) and bedroom (upper floor).

6.2.3 The design and scale of the proposed dwelling and garage are acceptable and are not considered to harm the character or appearance of the surrounding area or wider AONB. However, a condition will be imposed requiring samples of the proposed materials to be agreed to ensure they are respectful to the surrounding area. The development therefore accords with LDP Policies DES1 and EP1.

6.3 Impact on Amenity/Visual Impact

6.3.1 Due to the sloping nature of the site the proposed dwelling will be located at a lower level and set back from Glynwood lane. It would have a height of approximately 6.8m when viewed from the lane and appear to be two-storeys in height. The plans illustrate that the ridge height of the house would be approximately 0.6m higher than Tengeboche which is located over 22m away to the west. The garage, which would be located adjacent to the boundary of Tengeboche also sits at a lower level to road and would be approximately 0.2m lower than the ridge height of Tengeboche.

6.3.2 It is acknowledged that the garage will be more visually prominent along Glynwood Lane. However, in respect of both the house and garage, given their locations, set back from the lane, their orientation and heights being relative to the ridge line of the neighbouring property, it is not considered that the development would be incongruous. The proposal would not cause visual harm to the natural beauty of the AONB or wider landscape. The development therefore accords with LDP Policies DES1 and LC4.

6.3.3 In terms of the impact upon the properties to the north (Brookside), it is acknowledged that the proposed dwelling is higher than that previously approved and would appear 2.5 storey in height from the north due to the split level design. However, the height to eaves on this elevation is only 5.4m, with the height to apex being 9.4m as a result of the steep roof pitch. In terms of impact, the mass of the gable (closest to Brookside) is considered to be less than previously approved, with the gable having a width of approximately 7m at ground and upper floor level.

6.3.4 Furthermore, as a result of the topography of the area, the properties along Brookside to the north (also split level) are significantly lower than the site, are single storey at road level and front high level hedges. Thus, the properties are predominantly screened from the development. The proposed dwelling would look out over the ridges of the properties below and thus not cause any concerns of overlooking. Moreover, the north elevation now only proposes three high level windows; two serving the living room/kitchen at the lower floor level, which, incidentally, would be screened by the vegetation, and one high level window to the attic room.

6.3.5 Whilst the current scheme now proposes more windows and a balcony to the eastern elevation, the nearest property to the east is Sylvian Cottage which is over 27m from the site boundary (approximately 35m from the proposed dwelling) and is largely screened from the site by both its own side boundary vegetation as well as well as the existing site boundary vegetation. Additional planting is proposed to the eastern boundary and the separation distance between the properties is sufficient to not cause any unacceptable level of overlooking.

6.3.6 Similarly, windows to the west are located well over 21m away from Tengboche and are not considered to cause any unacceptable level of overlooking.

6.3.7 There is sufficient amenity space within the proposed plot to avoid overdevelopment and the proposed triple garage and turning/ parking area will provide sufficient parking to satisfy LDP policies MV1 and EP1.

6.3.8 On balance, given the level of natural screening around the site and the topography of the lane, it is considered that the proposed dwelling will not be unacceptably overbearing or have a detrimental impact upon the privacy, amenity or health of occupiers of neighbouring properties in accordance with LDP Policy EP1.

6.4 Access / Highway Safety

6.4.1 The proposed access is located slightly further west than previously approved. However, the Highways Officer has confirmed that there are no objections to the proposed access and layout. The plans illustrate that adequate provision for a minimum of three car parking spaces will be provided. As such, it is considered that the development accords with LDP Policy MV1. Conditions will be imposed to require a Construction Traffic Management Plan to ensure there is provision for on-site parking for construction vehicles and to facilitate deliveries, thus preventing vehicles blocking the single width lane.

6.5 Historic Environment

6.5.1 The site falls just outside of Tintern Conservation Area. Nevertheless, it is considered that the development will be largely screened and will not have a harmful impact upon views in or out of the Conservation Area, in line with LDP Policy HE1.

6.6 Green Infrastructure/Landscape

6.6.1 The site already benefits from mature trees and hedgerows which will be retained and enhanced with additional planting as part of application, particularly to the northern and eastern boundary. Some low level planting is also proposed to the southern boundary, along Glynwood Lane. A condition will be imposed requiring the proposed landscaping to be implemented and to control the height of any planting along the vision splay. Given the small scale of the development, the proposed landscaping is considered acceptable in line with LDP Policy GI1.

6.7 Biodiversity

6.7.1 The three tests were considered as part of the previous application for which an EPS licence was subsequently granted. The Council's Ecologist has advised that the previous conditions in relation to this were also discharged (ref DM/2018/01732). As such, the three tests are not required to be re-considered but an amended EPS licence will be necessary for the works. Conditions will be imposed requiring the works to be carried out in accordance with the mitigation proposals submitted and an informative will be added advising the applicant of their responsibility to obtain an amended EPS licence. Subject to conditions, the development is not considered to have an adverse impact upon the biodiversity on the site.

6.8 Water (including foul drainage / SuDS), Air, Soundscape & Light

The SAB Officer has advised that SAB approval of SuDS is not required.

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

6.9.1 As set out in paragraphs 6.2.3, 6.3.2 and 6.5 above, the proposed development is not considered to be out of character with the surrounding area. There are a variety of architectural styles within the area, and not dissimilar to the previous application, the proposed dwelling will be set into the hillside. Whilst the dwelling will appear two-storey from Glynwood Lane, it is only approximately 0.6m higher than the ridge of Tengboche. The nearest property to the east; Sylvian Cottage, is also a two-storey dwelling and there are mix of split level and two- storey dwellings within in the vicinity, including 'The Glyn' to the south of Glynwood Lane which is 2.5 storey. Furthermore, due to narrow lane and high stone wall behind, the separation distance from Tengboche (and with the single storey garage located between the two at a comparative height to Tengboche), the dwelling would not be viewed in the context of a 'street scene' as such.

6.9.2 The impact upon the neighbouring amenity has been discussed in length in section 6.3 above.

6.9.3 With regards to the access, it is acknowledged that Glynwood Lane is a narrow road with few passing places. However, the plans indicate that an existing 'pull in' opportunity to the southwest corner (where the existing site access is adjacent to the entrance of Tengboche) will be retained. The Highways Officer is satisfied with the proposal and a condition will require the submission of a Construction Traffic Management Plan (CTMP) prior to any works being carried out. The CTMP will require the specific environmental and physical constraints of Well Lane and adjoining highway network to be taken into account as well as requiring the provision for construction vehicles to be accommodated within the site. It will be the responsibility of the developer to ensure the appropriate sized construction vehicles are used to access the site and do not cause damage to the lane banks.

6.10 Affordable Housing

6.10.1 Developments considered under LDP Policy H3 are subject to affordable housing contributions under Policy S4. The Senior Strategy and Policy Officer has advised that a financial contribution of £30,184 towards affordable housing is required. The agent has confirmed that the development will be self-build and will therefore be exempt under the self-build provision. Notwithstanding the exemption, the applicant has agreed to enter into a S106 Agreement in the

event that the exemption lapses or the necessary supporting documentation is not submitted and thus the financial contribution will then be payable.

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

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

6.12 Conclusion

6.12.1 In conclusion, the development is acceptable and will not be harmful to the character and appearance of the area, adjacent Conservation Area or wider AONB. The siting and design of the dwelling has been carefully located so as not to have a detrimental impact upon the privacy of neighbouring properties. Sufficient parking provision and amenity space have been provided and the Highways Officer is satisfied with the proposed access arrangements subject to a condition requiring the access to be provided first and foremost in order to facilitate parking and turning for construction vehicles. The proposal is therefore considered acceptable and in accordance with LDP Policies H3, NE1, DES1, MV2, LC4, and EP1 and is recommended for approval, subject to conditions and S106.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

Affordable Housing Financial Contribution of £30,184.

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 (including groundworks and site clearance) the means of access shall be constructed in accordance with the approved plans and turning provision shall be provided to enable all delivery, construction and contractors vehicles to turn within the curtilage of the site as well as providing for on site parking.

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

4 No structure or planting exceeding 0.9 metre in height shall be placed, erected or grown in the visibility splay.

REASON: To ensure adequate visibility is provided and to ensure compliance with LDP Policy MV1.

5 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall take into account the specific environmental and physical constraints of Well Lane and the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP.

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

6 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (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 within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

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

7 Prior to occupation, a lighting design strategy for biodiversity for the dwelling hereby permitted 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 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. No other external lighting, other than that approved in the strategy shall be installed without the prior written 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.

8 Mitigation shall be provided in strict accordance with the measures described in Section 5 Assessment and conclusions of the submitted report "Land adjacent to Tengboche, Tintern, Monmouthshire - Update Ecological Appraisal dated February 2019 produced by Abbey Sanders Ecology" and detailed on plans referenced "Proposed Site Plan, dwg no.2252_200d dated 13/03/2019 produced by Liddel & Associates", "Proposed Elevations dwg no.2252_202c dated 13/03/2019 produced by Liddel & Associates", "Garage Details, dwg no.2252_204c dated 13/03/2019 produced by Liddel & Associates"

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

9 Prior to construction of the dwelling hereby approved, samples of the proposed external finishes shall be agreed in writing by 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.

10 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 GI1.

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

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

INFORMATIVES

1 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

2 This planning permission does not provide consent to undertake works that require an EPS licence, the licences already granted for this site will need amending prior to any further works commencing on site.

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.

3 In satisfying Condition 11 the developer should have due regard to the hierarchical order recommended in the Welsh Government Standards for sustainable drainage. For further advice contact jameswoodier@monmouthshire.gov.uk and/or Building Control.

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Agenda Item 4g

Application Number: DM/2019/00118

Proposal: Renew outline approval DC/2012/00450 and DC/2016/00059

Address: Land opposite 5 Severn View, Caldicot

Applicant: Mr. Terence Collett

Plans: Site Layout MH-4448 - ,

RECOMMENDATION: APPROVE

Case Officer: Ms. Kate Young

Date Valid: 25.01.2019

This application is presented to Planning Committee there is an objection from a statutory consultee

1.0 APPLICATION DETAILS

1.1 This application seeks to modify a condition to increase the time for submitting the reserved matters. In effect it is a renewal of a previously approved application for a single dwelling in an area of residential curtilage. In March 2016 outline planning permission was granted, with all matters reserved for a single storey, detached dwelling on land between the bungalow, Hermes, and Shakespeare Row. The site currently forms the detached front garden of No. 5 Severn View and houses a detached garage and an area of hard standing. It is situated within the development boundary of Caldicot.

The only material change since the previous approval has been the adoption of the SPG relating to affordable housing.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/00118	Renew outline approval DC/2012/00450 and DC/2016/00059	Pending Determination	
DC/2016/00059	Renew outline approval DC/2012/00450 that expires on March 6th 2016.	Approved	08.03.2016
DC/2012/00450	Outline building plot in front detached garden	Approved	06.03.2013

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S2 LDP Housing Provision
S16 LDP Transport
S17 LDP Place Making and Design
S4 LDP Affordable Housing Provision

Development Management Policies

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

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

Caldicot Town Council – Approve.

MCC Sustainable Drainage Body: Dependent on the details this may require SAB approval.

MCC Housing: It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. The calculation of the financial contribution that will be required is £15,085

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

The Council does not wish to hinder the supply of dwellings from self-builders who could be building to meet their own needs. Therefore, such self-builders will not be required to make a financial contribution. Should this application fall into that category details of how to claim an exemption under the self-build provision are set out in B.2. of the Council's Affordable Housing Supplementary Guidance document

MCC Highways: The application is for the renewal of outline planning permission for the creation of a new dwelling.

Our highway comments to the previous application DC/2012/00450 remain unchanged in respect of this proposal therefore we would reiterate those comments as below:-

The proposal is for the existing garage associated with 5 Severn View to be demolished with the subsequent development of a new dwelling, and parking provision for the new and existing dwellings to be provided on site.

However, as noted, Severn View is a narrow private road with few formal parking places and has severely restricted turning ability. The vehicles using Severn View are also in part sharing the space with a local pedestrian route that provides effective connectivity within the neighbourhood, including connection to the busy local centre on Newport Road, as well as local schools and residential dwellings. In the interests of highway safety, we would not therefore be prepared to offer our support to this application as the additional traffic generated by the proposal will further exacerbate the existing situation.

The Highway Authority recommends that the application is refused on the grounds that any increased use of the private access road Severn View would be of detriment to highway safety at this location.

SEWBReC Search Results - No significant ecological record identified.

5.2 Neighbour Notification

None Received

6.1 EVALUATION

6.2 Strategic & Spatial Choices

Principle of Development

6.2.1 The application site which measures approximately 40 metres long by 8 metres wide is currently used as residential curtilage and contains a single garage which is accessed off Severn View. This is an outline application for a bungalow located in the centre of the plot, two car parking spaces for the existing property at the front of the site and parking provision for the proposed new dwelling would also be provided. The site is adequate to accommodate a modest bungalow and associated amenity space with a rear garden of approximately 11 metres. It is proposed to construct a bungalow to be in keeping with the modern bungalow, Hermes, on the adjoining plot. There is a concrete block wall surrounding the site. There is an extant planning permission for this development and the site is within the Caldicot Town Development boundary and therefore the principle of residential development is established. Policy S1 of the LDP allows for new residential development within the Severnside Development Boundaries. Policy H1 allows for new residential development in such locations subject to detailed planning considerations. In this area there is a mix of housing types on plots of various sizes. The site is not within a flood zone.

6.2.2 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 dwelling of the size indicated would be £15,085. This would be secured through a section 106 Legal Agreement.

Impact on Amenity

6.2.3 The levels in this area rise from south to north so that the properties 1 to 5 Shakespeare Row are set at a higher level than the application site. These properties have rear windows facing into the site, but as these are more than 15 metres from the proposed bungalow there will be no significant loss of privacy or outlook. Residential amenity should not be compromised by this proposal and at the reserved matters stage it can be ensured that there are no windows installed on the southern elevation of the property which could result in overlooking of the adjacent property, Hermes. There would be a degree of overshadowing of the rearmost part of the gardens of Shakespeare Row as a result of the position of the proposed dwelling, but in that the proposal would be a bungalow, this impact would not be so harmful as to warrant refusal

Sustainable Management of Natural Resources

6.2.4 This is an outline application so the exact size of the property is not known at this stage. It may be that SAB approval will be required, this will be known when the reserved matters are submitted. There is sufficient land available on the plot so it may be possible to accommodate soakaways for surface water.

6.2 Active and Social Places

Sustainable Transport Hierarchy)

6.2.1 This site is in an existing residential area. It is within easy walking distance to the amenities in Caldicot Town Centre. It is also positioned within walking distance of both a primary and a secondary school. The site is close to public transport links - both bus and train. The site occupies a sustainable location.

Access / Highway Safety

6.2.2 The main issue in this case is the impact on highway safety. Severn View is a narrow, no through, private road that currently serves twelve dwellings. The Council's Highway Engineer notes that Severn View has few formal parking spaces and has severely restricted turning ability. The vehicles using Severn View are in part sharing the space with a local pedestrian route that provides effective connectivity within the neighbourhood, including connection to the busy local centre as well as local schools and residential properties. Pedestrian crossings, local junctions and other vehicle access points are all located within the vicinity of the Severn View / Newport Road junction. It is noted that a section of Severn View between Masefield Road and Newport Road also forms part of a key pedestrian route and is subsequently shared with vehicles as no segregated pedestrian footway is provided. It must be decided if the traffic generated by one additional bungalow using Severn View would be so great as to compromise highway safety, especially to pedestrians. It must also be noted that the local school, West End, has now closed which has reduced the number of children using Severn View as a walkway to school. As this part of Severn View is a no-through road, children would not be using it as a 'cut-through' on their route to school and therefore should not be affected by vehicles reversing onto the road. The main part of Severn View is used by pedestrians but the increase in traffic resulting from one additional bungalow will not be so significant as to cause a danger to users of the highway. Moreover, the impact on the local road network has not changed since the previous planning approval in 2013.

Parking Provision

6.2.3 The current dwelling, 5 Severn View, has garaging for one vehicle but under the proposed plan no. 5 would have two dedicated off street parking spaces. These would have no turning facility but given the fact that this is a no-through lane which is lightly trafficked, this would not be a significant hazard to users of the highway and is arguably an improvement. Two car parking spaces would also be provided for the occupiers of the new dwelling. This is an outline application so there is no indication of the number of bedrooms to be provided. Under the currently adopted Parking Guidelines, one parking space would need to be provided for each bedroom so there may be a need for an additional space however given that this is a renewal application for a small property and the significant improvement resulting from the increase in the number of off road spaces to be provided, this is considered to be acceptable. There is sufficient space on the site to accommodate additional parking spaces, if needed.

6.4 Distinctive & Natural Places

6.4.1 This is an outline application which indicates the erection of one single storey dwelling. Detailed design will be considered as part of the reserved matters. There is a mix of house types in the area, the design of the dwelling can be such that it respects the prevailing character of the area.

Landscape/ Visual Impact

6.4.2 The proposed dwelling will not be visually prominent in the streetscene. The properties to the north of the site are set at a much higher level. The proposed property will be similar in scale and position to the property to the south. There is a row of two storey terraced properties on the opposite side of the road. These will not be seen in the same context as the proposed dwelling will be set further back in the plot.

Green Infrastructure

6.4.3 This is a relatively small site for a single dwelling within an established residential area. There is no requirement for Green Infrastructure on a single plot although a landscaping plan will be required as part of the reserved matters.

Biodiversity

6.4.4 Policy NE1 of the LDP requires consideration to be given to nature conservation interests. In this case, the garage, which is of modern construction, is to be demolished. It is considered to have low potential as a bat roost and could be demolished in any case without the need for planning permission. Subsequently an ecological survey was not requested.

Flooding

6.4.5 The site is not within an identified flood zone.

Water including foul and sustainable means of drainage

6.4.6 Details of the foul and surface water drainage will be submitted as part of the reserved matters.

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

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

6.6 Conclusion

6.6.1 There has been no significant material change in circumstances since this proposal was granted planning permission in 2016. The adopted LDP continues to be the extant plan. The impact on the neighbouring properties and highway safety remain the same as when the scheme was previously approved. The adoption of the SPG on Affordable housing means that the applicants are required to make a financial contribution towards affordable housing but this does not alter the principle of development or the detailed planning considerations.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

A financial contribution for affordable housing in the area of £15,085

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

Conditions

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

REASON: The application is in outline only.

2. (a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

2. Prior to the commencement of any works on the site the car parking provision for the occupiers of no 5 Severn View shall be laid out in accordance with the approved plan and that area shall not thereafter be used for any purpose other than the parking of vehicles.

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

Agenda Item 4h

Application Number: DM/2019/00333

Proposal: Retrospective application for the erection of a fence.

Address: 3 Canon Lane Caerwent Caldicot Monmouthshire NP26 4QQ

Applicant: Mrs. Lisa Gillespie

Plans: Photography Amended Height - , Block Plan - , Location Plan - ,

RECOMMENDATION: Approve

Case Officer: Mrs. Alison Pankhurst

Date Valid: 12.03.2019

This application is presented to Planning Committee due to the applicant being an officer of the Council

1.0 APPLICATION DETAILS

1.1 This application relates to a detached property located at 3 Canon Lane, Caerwent, which is a development of semi-detached and detached properties. The estate is a modern housing development on the outskirts of Caerwent village and permitted development rights were removed for the erection of fences, walls and enclosures to the front of the dwellings other than approved. The application has been submitted as a result of an enforcement case for the erection of boundary fencing beyond the principal elevation of the dwelling. The decorative fencing has been erected either side of the front driveway measuring approximately 1.2m in height.

1.2 However, since submitting the application and receiving numerous objections to the development the two end panels have been reduced in height to 1.09m and 0.80m (0.80m being the end panel adjacent to the highway).

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01500	Demolition of existing glass conservatory. Construction of rear single storey pitched roof extension, and first floor pitched roof extension over existing garage. Rendering to upper part of elevations.	Approved	20.11.2018
DM/2019/00333	Retrospective application for the erection of a fence.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

Development Management Policies

MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection

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

Caerwent Community Council - awaiting comments

Highways Engineer - No objection to the development. No.3 Canon View is not located on what the highway authority considers to be a bend; in fact the road alignment is considered sinuous as opposed to being a bend and Canon Lane by its alignment encourages reduced traffic speeds. The proposed fence may well reduce what residents and other traffic users have considered to be available visibility, but in fact such over provision by current day design standards is discouraged. Research carried out in the preparation of Manual for Streets found that reduced forward visibility influences and reduces traffic speed. Therefore, the highway authority do not object to the fence as erected and its retention does not represent a departure from current standards creating a danger or risk to users of the adjacent highway.

SEWBReC Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Several neighbouring properties were consulted on the application and a site notice was placed on site. Thirteen responses have been received during the consultation period.

The comments are as follows:

- Comments refer to the development being too high and obscuring the view of the road. When driving into or out of the estate you cannot see oncoming traffic. The previous hedging did not obscure the view. I am concerned there will be an accident in this area due to the obscured view. The two panels nearest the road between No. 3 and 5 should be removed or significantly lowered.
- Other comments stated that the solid fencing which has replaced natural hedging is not in keeping with local boundaries and would appear to breach local covenants. The height of the fence prevents a clear line of sight around the bend of the adjacent highway, whereby oncoming traffic can no longer be seen by traffic entering or leaving the estate. There is a clear risk of traffic

colliding if the fence height is not reduced or tapered or indeed the last panel removed completely, to afford a clear and unobstructed view of oncoming of traffic. The original natural boundary allowed an unobstructed view to satisfy safe passage of vehicles. I consider the style of fencing not to be in keeping with the character of other boundaries within the estate.

- Several other comments also set out that the fence creates an obstruction, reduces forward visibility, is hazardous for pedestrians crossing the road and forms a blind spot.
- The fence between 1 and 3 is not an issue but the fence between 3 and 5 blocks the line of site down the road. This is a concern for myself in particular as I have children who are just starting to ride their cycles on the road.

Since receiving the objections to the planning application, it was discussed with the applicant whether they would be willing to take into account the comments and make alterations to the fence panels in order to overcome the objections. Subsequently the applicant submitted photographs showing that they had in actual fact reduced the two end fence panels to try and improve visibility issues.

Following the submission of the amendment a re-consultation of interested neighbours has taken place. The re-consultation period has not yet expired but three comments have been received at the time of writing this report. Their comments are as follows:

It has been noted that the fence has been lowered and now happy as I'm concerned matter has resolved my objection.

Despite the alterations there is still an objection but note that the section of fencing abutting the edge of pavement has been lowered. However, vision splay on the bend is not significantly improved. It is still impossible to see around the bend by virtue of the fence being in place. It would seem that the only way that clear vision would be restored is for the fence panel abutting the pavement to be removed completely.

A further comment notes that the fence panel abutting the pavement has been lowered in height, although the resident would have hoped for its entire removal. It is now hoped that the action taken will result in a safer environment for both drivers and pedestrians entering and leaving the estate. It is a shame that planning permission was not sought before the fence was erected as concerns could have been addressed at this point.

6.1 EVALUATION

6.2 Principle of Development

6.2.1 A primary issue in this case is the effect of the retention of the decorative fencing to the front of the principal elevation on the visual amenity of the area. The application relates to the retention of low level fencing to the boundary of the driveway at No.3 Canon Lane, Caerwent, measuring approximately 1.2m high on both the eastern and western boundary.

6.2.2 The applicants replaced the existing planting at the front of the property with decorative panelled fencing. The property is situated close to the entrance of the estate on a quiet modern housing estate and set back from the highway. The application was submitted as a result of an enforcement case due to permitted development rights being removed for any enclosures to the front of the property.

Design/ Visual impact

6.2.3 The fence panels installed either side of the eastern and western boundary are low level convex style fencing panels and not coloured. In decorative terms they are visually pleasing and are considered to be of good design. The fencing compliments the dwelling and the large driveway. The retention of the fence is considered to have an acceptable visual impact on the site since the reduction of the two end fence panels has been implemented. The scale of the proposal

is considered to be acceptable. There are similar fences in the vicinity, but this particular cul de sac is predominantly open plan with plants to the front of the dwellings. The addition of this low level fencing, however, still gives the appearance of an open plan estate with no. 3 maintaining planting to the driveway area that softens the impact of the solid fencing. The fence is of high quality, traditional materials and decorative to compliment the style of the dwelling itself. The proposed development respects the existing form and layout of its setting and would be in accordance with Policy DES1 of the Local Development Plan.

Impact on Residential Amenity

6.2.4 A number of objections have been received as a result of the erection the decorative fencing to the eastern and western boundary of No.3 Canon Lane. The neighbours are predominantly concerned with the fence obstructing visibility whilst entering and leaving the estate and that the previous planting scheme to the front driveway did not cause any issues of this nature. The applicant responded to concerns of residents and made changes in order to overcome these issues. As a result of the objections the applicant reduced the height of the fence panelling from 1.2m in height to 1.09m, 0.9m and 0.79m accordingly, with the lowest point abutting the pavement.

6.2.5 The fencing as amended is not considered to be excessive in height and nor would it obstruct views from nearby dwellings. The fencing is considered acceptable having regards to policies DES1 and EP1 of the LDP.

6.2 Access / Highway Safety

6.2.1 Highways have commented on this application and have no objections. No.3 Canon View is not located on what the highway authority consider to be a bend, terming the road as 'sinuous' as opposed to being a bend and Canon Lane by its alignment encourages reduced traffic speeds. The fence may well reduce what residents and other traffic users have considered to be available visibility, but in fact such over provision by current day design standards is discouraged. Research carried out in the preparation of Manual for Streets found that reduced forward visibility influences and reduces traffic speed. Thus, Highways do not object to the fence as erected and its retention does not represent a departure from current standards creating a danger or risk to users of the adjacent highway. On the basis of the above it is considered that the retention of the as built development is acceptable and complies with Policy MV1 of the Monmouthshire LDP.

6.3 Historic Environment

6.3.1 The estate is located within an Area of Archaeological Sensitivity and just outside the boundary of the Caerwent Conservation Area. The site itself is a modern housing estate on the outskirts of the Caerwent Roman settlement. The fencing, by its nature, would not harm any archaeological remains. In the context of the modern housing estate, it is considered that the introduction of the fencing does not cause detrimental harm to the area and would be in accordance with Policy HE1 of the Monmouthshire Local Development Plan.

6.4 Response to the Representations of Third Parties

6.4.1 In response to the neighbour objections within the housing estate the applicant agreed to reduce the height of the two end panels in an effort to overcome the issues regarding the obstruction to visibility in the estate. A re-consultation exercise has taken place and so far three responses have been received. Although one neighbour still objects to the development, preferring that the panels be removed from the dwelling, the other two comments consider that the reduction in height will result in a safer environment for both drivers and pedestrians entering and leaving the estate.

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

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

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

6.6 Conclusion

6.6.1 Although permitted development rights were removed from the dwellings on this estate to erect fences or enclosures it is considered that the retention of the fencing to the eastern and western boundary has an acceptable visual impact since the reduction of the two end fence panels has been implemented. The scale of the proposal is not considered to be unacceptable and it is not considered to be detrimental to the character and appearance of the area. This estate is predominantly open plan with planting to the front of the dwellings but with the addition of this low level fencing it still gives the appearance of an open plan estate. No.3 still has planting to the driveway area which also softens the impact of the solid fencing whilst defining the boundary line. No.3 retains an open frontage and the low fence does not impinge on the open feel of the street. On the basis that alterations have been made in order to overcome the objections it is considered that the retention of the fencing is acceptable and complies with policies DES1, EP1, HE1 and MV1 of the Monmouthshire LDP.

7.1 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.

2 The fence panels on the eastern and western boundary shall be painted in a dark green colour within one month from the date of this permission.

REASON: In the interest of visual and residential amenity in accordance with Policy DES1 of the Monmouthshire Local Development Plan.

INFORMATIVES

1 None.

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Agenda Item 4i

Application Number: DM/2019/00352

Proposal: Twinning monument to be erected in commemoration of 30 years of twinning

Address: Gabb Square, Baker Street, Abergavenny, NP7 5BA

Applicant: Mr. Ian Vicary

Plans: Location Plan TSL001 - , All Proposed Plans Twinning Commemoration Sculpture Proposal - , All Proposed Plans Photomontage - Sheet 1, All Proposed Plans Photomontage - Sheet 2,

RECOMMENDATION: Approve

Case Officer: Ms. Lowri Hughson-Smith

Date Valid: 19.03.2019

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

1.0 APPLICATION DETAILS

1.1 The application site, known as Gabb Square, is a public open space located adjacent to the Cinema (Old Drill Hall) along Baker Street. The area is well lit and overlooked by neighbouring properties. There is a telephone box located in the northern corner of Gabb Square, which is Grade II listed.

1.2 The applicant seeks permission for a monument to signify the twinning of Abergavenny with Beaupreau, a town in France.

1.3 The monument comprises a stone base which will hold a large Welsh Slate structure with the images of birds carved into it, which are significant to the twinning relationship between Abergavenny and Beaupreau.

1.4 The measurements of the monument are:

- Height: 140cm
- Depth/Width: 112cm
- Base: 36cm (height) and 112cm (width)

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2011/00906	Installation of 4 no air-con/ heating units	Approved	24.09.2012

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S8 LDP Enterprise and Economy

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations

HE1 LDP Development in Conservation Areas

EP1 LDP Amenity and Environmental Protection

MV1 LDP Proposed Developments and Highway Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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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

Abergavenny Town Council: no objection.

Abergavenny and District Civic Society:

No objection to a monument in principle. The entire Square, including highways, should be re-designed and rearranged as funding opportunities arise.

Glamorgan Gwent Archaeological Trust: No comments received.

Heritage Officer: No adverse comments.

5.2 Neighbour Notification

Neighbour Consultations

30no. neighbours were consulted and one response was received and raised the following concerns:

- General dislike of proposal;
- Out of keeping with character of area;
- Gabb Square has no relevance to the twinning of Abergavenny;
- Area is poorly lit.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

Principle of Development

6.1.1 The application site is located in the settlement of Abergavenny and, therefore, the principle of development is established subject to relevant material planning considerations.

6.1.2 The relevant material consideration ^{Page 156} of the proposals, in the context of the Planning Policy Wales 10 and the Local Development Plan, are:

- o Good Design/ Place making

- o Impact on Amenity/ Promoting Healthier Places
- o Access / Highway Safety
- o Recreational Spaces
- o Tourism
- o Landscape/ Visual Impact
- o Historic Environment

6.1.3 Prior to concluding the report the Response to the Representations of Third Parties will be discussed.

Good Design/ Place making

6.1.4 The proposed monument is of good design and has significance in representing the twinning of Abergavenny with Beaupreau, in France. The monument will be constructed of Welsh Slate, positioned on a concrete base.

6.1.5 The monument would enhance the sense of place, encouraging the general public to visit the square, and will also enhance the public realm by providing a well-designed, meaningful monument which will attract visitors.

6.1.6 The proposed materials are high quality and considered to enhance the setting of Gabb Square.

6.1.7 The proposal accords with the principles of good design and place-making in Planning Policy 10 and complies with Policy DES1 of the Local Development Plan.

Impact on Amenity/ Promoting Healthier Places

6.1.8 The monument is modest in size and located over 19m from the closest residential properties. By virtue of the monument's design and positioning it will not result in an adverse impact on nearby residential dwellings.

6.1.9 Whilst it is expected the monument will attract members of the public to Gabb Square, this is not expected to be to a level which would cause disturbance or affect the neighbouring amenity negatively.

6.1.10 The proposal accords with the requirements of Policy EP1.

6.2 Active and Social Places

Access / Highway Safety

6.2.1 The proposed monument is set back from the road, separated by on-street parking spaces. Road users will not, therefore, be distracted by the proposal ensuring highway safety is unaffected.

6.2.2 The proposal accords with Policy MV1 of the Local Development Plan.

Recreational Spaces

6.2.3 Whilst Gabb Square is not a typical green space, it is an informal open space with landscaping, seating and lighting, and offers recreational benefits in an otherwise densely developed area. The proposal will enhance the recreational benefits by introducing a feature to the Square which has cultural significance to Abergavenny.

6.2.4 The proposal is considered to fully meet the aims of PPW 10 in terms of improving recreational spaces and enhancing their cultural benefits.

6.3 Productive and Enterprising Places

Tourism

6.3.1 The purpose of the monument is to signify the twinning relationship between Abergavenny and Beaupreau and, therefore, will inevitably have a tourism draw. The proposal is deemed to

fully accord with Policy S8 of the LDP and aligns with the goals in terms of tourism contained in PPW 10.

6.4 Distinctive & Natural Places

Visual Impact

6.4.1 As discussed above, the monument is well-designed and the proposed materials are high quality. Its scale and positioning, along the southern boundary of Gabb Square, will ensure the monument would not be incongruous in the streetscene. It is, however, still visible to the general public which, given the nature of the proposal, is essential.

6.4.2 The monument would have a positive visual impact and enhance the public realm with Gabb Square and meets the requirements of policy DES1.

Historic Environment

6.4.3 The proposed monument is located within the Conservation Area and, therefore, must meet the requirement of Policy HE1. Policy HE1 requires development in the Conservation area to meet the following criteria:

- a) preserve or enhance the character or appearance of the area and its landscape setting;
- b) have no serious adverse effect on significant views into and out of the Conservation Area;
- c) have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape;
- d) use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and
- e) pay special attention to the setting of the building and its open areas.

6.4.4 The monument is modest in size and located in a suitable area to ensure it can be seen by the general public without appearing out of place. There would be no adverse impacts in terms of views in and out of the Conservation Area or in respect of the appearance of the streetscene.

6.4.5 The proposed materials are sympathetic to the Conservation Area and appropriate in the setting.

6.4.6 The Heritage Officer has assessed the proposals and has raised no concerns in terms of its impact.

6.4.7 The proposal accords with Policy HE1 and would improve the cultural significance of Gabb Square which is considered a benefit to the Conservation Area.

6.4.8 The proposed monument would be in close proximity to the Grade II listed telephone box. It is not considered the proposal will affect the setting of the telephone box given it is located 30m away and modest in scale. The Heritage Officer does not consider the proposals will negatively affect the telephone box.

Archaeology

6.4.9 The site lies within an archaeologically sensitive area.

6.4.10 The nature of the proposed development, which would not require any intrusive ground works, is not considered likely to have a harmful impact in terms of archaeology and GGAT raised no objection to the application and did not recommend a planning condition in relation to potential archaeological resource.

6.4.11 Given the nature of the development, there is no likely harmful impact on archaeological remains. The proposal accords with relevant planning policy, namely Chapter 6 of PPW10.

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

6.5.1 The following concerns have been ~~raised by~~ ^{Page 158} a local resident:

General dislike of proposal

6.5.2 The proposals are considered attractive and well designed, as discussed in relation to Good Design/ Place Making above.

Out of keeping with character of area

6.5.3 The proposals are in keeping with the area and would not be out of character or incongruous in the setting. It is also concluded the proposal is acceptable in terms of the impact on the conservation area, as discussed above.

Gabb Square has no relevance to the twinning of Abergavenny

6.5.4 This is not a material planning consideration. The monument is, however, relevant to Abergavenny given its twinning relationship and Gabb Square is considered by the applicant to be the most suitable location.

Area is Poorly Lit

6.5.5 The area is well-lit with street lighting.

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.

6.7 Conclusion

6.7.1 The proposals meets the requirements of PPW10 and accords with the relevant policies of the Local Development Plan, including Policy DES1, Policy HE1 and Policy EP1.

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.

Agenda Item 4j

Application Number: DM/2019/00362

Proposal: Proposed internal alterations and external amendments to South West corner.

Address: Caldicot Library, Woodstock Way, Caldicot, NP26 5DB

Applicant: Monmouthshire County Council

Plans: Location Plan Location Plan - , Elevations - Proposed PL001 - , Floor Plans - Proposed A9469/02 - A,

RECOMMENDATION: APPROVE

Case Officer: Mrs Helen Hinton

Date Valid: 08.03.2019

This application is presented to Planning Committee as it involves alterations to a Council owned building

1.0 APPLICATION DETAILS

1.1 The application seeks full planning permission for extensions and alterations to the Caldicot Library building.

1.2 The plans submitted in support of the application detail the following alterations:

External -

* Development of a new entrance lobby in the north-western corner of the building to replace an existing right angled window feature. The new entrance would measure at its greatest 7.4m wide, 3.4m deep with a maximum height of 2.4m which would fit beneath the existing roof canopy overhang. The lobby would be fully glazed.

* Removal of existing raised planters adjacent to the north-western corner of the building to facilitate the provision of a new level access with drop kerb and tactile paving as required and erection of a 2.5m high screen panel, constructed from a low level wall with cedar louvre panel above, to the south of the new entrance.

* Removal of two existing windows in the western elevation and development of a 2.3m wide, 0.6m deep, 2.4m high, bay window feature;

* Installation of a wrap around brise soleil on parts of the northern, western and southern elevation;

* Replacing parts of the existing brick finish with render panels and timber cladding on parts of the northern and western elevations;

* Provision of new landscaping adjacent to the western and part of the southern elevation and a bench seat

Internal-

* Development of a number of enclosed offices, interview rooms, conference/ meeting rooms and staff facilities;

* Removal of the existing internal glazed lobby, adjacent to the southern elevation opening

Site Appraisal

1.3 The building the subject of the current application comprises a detached, single storey building, located within the Central Shopping Area and development limits of Caldicot. The building is positioned to the south-east of the primary retail frontage and to the north-west of the Asda supermarket.

1.4 Vehicular access is gained via Woodstock Way to the south-west, with a pedestrianised area to the south-east of the building linking with Asda and Chepstow Road.

1.5 The building is finished externally with brick-faced elevations, a concrete tile roof and powder coated aluminum frame windows and doors. Pedestrian access to all of the facilities is currently gained via a set of double doors in the southern elevation.

1.6 The building is a multi-use space, currently accommodating the library, council enquiries, housing benefits and council tax advice departments, community education facilities, gateway credit union and various advice and drop-in sessions.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/00362	Proposed internal alterations and external amendments to South West corner.	Pending Determination	
DC/2017/00177	Non material amendments in relation to planning permission DC/2015/00233 (materials)	Approved	09.03.2017
DC/2015/00233	Public realm and pedestrian linkage improvement works.	Approved	07.05.2015

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

RET2 LDP Central Shopping Areas
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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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

Caldicot Town Council - Recommends approval

SEWBReC Search Results - No significant ecological record identified.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice.

No objections or representations have been received.

6.1 EVALUATION

6.2 Strategic & Spatial Choices

Strategic Planning/ Development Plan context/ Principle of Development

6.2.1 The application seeks full planning permission for a number of external and internal alterations to the existing Caldicot Library building. The building is located within the central shopping area (CSA) and development limits of Caldicot as defined by the proposals map of the Monmouthshire County Council Local Development Plan (LDP).

6.2.2 The works proposed as part of the application constitute one of the strategic schemes proposed as part of the Caldicot Town Centre Regeneration Programme which seeks to unlock new economic opportunities in the south-east Severnside area. After a full assessment of priority towns by Cardiff Capital Region, Caldicot has been identified as a key priority for the region. This is in response to growth opportunities recognised via the confirmation to abolish the Severn Bridge

Tolls in December 2018, its centricity, road infrastructure and close proximity to the high growth border areas of the South West and the 'Midlands Engine'.

6.2.3 Although the library building already serves as a multi-use facility/ service space, the alterations indicated also seek to facilitate the development of a local enterprise and co-working space within Caldicot's Community Hub which will enhance access for residents, visitors and employees to local services and advice and also support existing and new businesses in the town.

6.2.4 Being mindful that the works would provide enhanced community facilities within the established settlement and CSA which in turn would help attract, encourage and maintain footfall to the benefit of the CSA's vitality, attractiveness and viability, the principle of development is considered acceptable and compliant with the requirements of policies S5 and RET2 of the LDP.

Good Design/ Place making

6.2.5 Public access to the building is currently gained via a set of double doors in the southern elevation adjacent to the pedestrianised part of Woodstock Way and the side elevation of Asda. Although there are a number of large feature windows around the building, it is not immediately apparent where the principal access is located. It is therefore considered that the additional entrance in the western elevation would address Woodstock Way and the parking area to west and in turn may make the building more legible and inviting to use.

6.2.6 The alterations indicated are considered de minimis in their overall scale and impact. Although the works would introduce new materials, these are considered to be in-keeping with the overall palette of material in the wider area and the vision of the CSA as a whole. The application is therefore considered compliant with the requirements of policies S17 and DES1 of the LDP.

Impact on Amenity

6.2.7 It is considered that the alterations proposed as part of the development would help update the external appearance and attractiveness of the building and make the centre a key venue for accessing information and services. It is felt that the provision of enhanced facilities and services from the premises would bring benefits to the vitality and general amenity of the building and wider area. The application is therefore considered compliant with the requirements of policies S17 and EP1 of the LDP.

The Welsh Language

6.2.8 The building already provides a number of community education services. However the alterations proposed would enhance meeting and conference room facilities which could in turn be used to provide education courses including those for Welsh learners.

6.2.9 The future well-being of the Welsh language is dependent upon a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities and places. It is felt that the alterations proposed in conjunction with the wider regeneration scheme could help facilitate and foster these provisions and in doing so could contribute to the use of Welsh language within the area.

6.2 Active and Social Places

Access / Highway Safety

6.2.1 Although the application seeks de-minimis alterations to the external fabric of the building, the internal alterations and intensified use of the building could generate increased trips to the site. Being mindful of the scale of the extensions and alterations proposed, the site's location within the CSA which benefits from a number of bus stops, good pedestrian links to the wider area and the existing parking provision in close proximity, it is considered that the development proposed would not generate a significant increase in the number of vehicle movements or demand for parking that could not be accommodated within the immediate area. The provision of enhanced facilities and services at the site, in conjunction with the building's location within the CSA may encourage users to make multi-location visits as part of the one trip. It is therefore considered that the development would not have a detrimental impact on the highway safety and free flow of pedestrian and vehicular traffic in the area and is compliant with the requirements of policies S16 and MV1 of the LDP.

Retail & Commercial Centres

6.2.2 The building is located within the CSA of Caldicot as defined by the proposal map of the LDP. It is considered that the alterations and developments indicated would help increase footfall to the building which in turn could transfer into the CSA to the benefit of the viability and viability of the area, in compliance with the requirements of policies S5 and RET2 of the LDP. It is considered that the alterations to the building indicated would help preserve and enhance community and recreational facilities for the wider community, in compliance with the requirements of Policy S5 of the LDP.

6.3 Productive and Enterprising Places

Economic Development and Tourism

6.3.1 It is considered that development and alterations proposed would make an efficient use of the building and provide enhanced facilities and services for residents. The inclusion and signposting of The Hub in association with the more visible entrance would provide a more attractive offer for tourists seeking a centralised and single point of access for advice and information.

6.4 Distinctive & Natural Places

Landscape/ Visual Impact

6.4.1 It is considered that the alterations to the external appearance of the building would help visually update the premises and would make use of a palette of materials already in use throughout the area and proposed as part of the wider regeneration works. It is felt that the use of a consistent palette of colours, texture and materials can help provide a visual consistency and flow between buildings to the benefit of the wider landscape and visual amenity of the area, in compliance with the requirements of policies S13, EP1 and DES1 of the LDP.

Green Infrastructure and biodiversity

6.4.2 Although the development may result in alterations to the eaves of the building with the insertion of the new entrance, brise soileil and bay window, being mindful of the well maintained status of the building, the internal arrangement of the building, with parts of the accommodation being open to the roof and the site location in the centre of Caldicot with a lack of connecting green infrastructure, it is considered unlikely that the development and alterations proposed would have a detrimental impact on a protected species or the biodiversity value of the site. The application is therefore considered compliant with the requirements of policies S13 and NE1 of the LDP.

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

6.5.1 Following consultation Caldicot Town Council has recommended approval of the application.

Following direct neighbour notification and the erection of a site notice, no public objections or representations have been received.

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.

6.7 Conclusion

would not have a beneficial impact on the character and appearance of the application site and wider area and would not have a detrimental impact on the highway safety and the free flow of traffic in the area. It is considered that the intensified use of the building to provide additional and enhanced community facilities would be beneficial to residents and visitors to the town, and in turn could have a beneficial impact on the vitality and viability of the CSA, within which the site forms part.

6.7.2 On the basis of the above, the application is considered compliant with the relevant policies of the Monmouthshire County Council Local Development Plan and is recommended for approval subject to conditions.

7.1 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 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.

Agenda Item 4k

Application Number: DM/2019/00440

Proposal: Two outdoor classrooms and a polytunnel.

Address: The Dell Primary School, Welsh Street, Chepstow, NP16 5UQ

Applicant: Mr Steve King

Plans: Location Plan OS Site Location Plan - , Site Layout Proposed Location - Outdoor Classroom 1 - , Site Layout Proposed Location - Outdoor Classroom 2 - , Elevations - Proposed Elevation Side - , Elevations - Proposed Elevation Front - , Elevations - Proposed Floor plan - , Elevations - Proposed Polytunnel - Elevation - , Floor Plans - Proposed Polytunnel - Plan - ,

RECOMMENDATION: APPROVE

Case Officer: Mrs. Helen Hinton

Date Valid: 27.03.2019

This application is presented to Planning Committee as the application involves development within the grounds of a primary school.

1.0 APPLICATION DETAILS

1.1 The application seeks full planning permission for the development of two outdoor classroom buildings and a polytunnel at the Dell Primary School, Welsh Street, Chepstow.

1.2 Each outdoor classroom building would measure 7.3m wide, 3.65m deep (including roof overhang) with a pitched roof with a maximum height of 3m. The buildings would be finished with stained timber elevations and a corrugated panel sheeted roof. The front elevation of each building would contain two sets of outward opening double doors.

1.3 Building one would be positioned in the northern part of the site adjacent to the boundary, to the north-west of an existing de-mountable building. Building two would be positioned in the southern part of the site, adjacent to the boundary, to the west of an existing caravan and enclosed garden area.

1.4 The proposed polytunnel would measure 2m wide, 3m deep with a curved roof design with a maximum height of 2m. The poly tunnel would be positioned in the southern part of the site, adjacent to the boundary, to the east of the caravan, enclosed garden area and proposed outdoor classroom.

1.5 Schedule 2, Part 32 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended), grants schools permitted development rights for; "The erection on the site of any school, college, university or hospital of any building required for use as part of or for a purpose incidental to the use of, the school, college, university or hospital as such, as the case may be."

The above is subject to a number of restrictions and conditions. In this instance it is considered that the buildings and structure proposed require planning permission as:

- (c) The cumulative total cubic content of buildings erected on a particular site (other than the original school buildings) would exceed 250 cubic metres; and
- (d) The buildings erected would be within 20 metres of the boundary of the site.

Site Appraisal

1.6 The application site forms part of school grounds associated with The Dell Primary School, Chepstow. The school site as a whole has an area of 1.7 ha and is located within the northern part of Chepstow, immediately adjacent to the B4293 (Welsh Street), to the west of the Chepstow Castle, a Scheduled Ancient Monument, and to the north-west of the town centre.

1.7 The main school building is located centrally within the site with a number of demountable class room buildings to the north, hard surface playgrounds provided to the north-west and south and a large playing field to the east. There are a number of small timber sheds and outbuildings located around the grounds. The boundaries of the site are defined by a combination of stone walls and metal mesh fencing.

1.8 The school site as whole is located within the settlement development limits and the Conservation Area of Chepstow. The land immediately adjacent to the northern boundary of the site forms part of the Pierce, Alcove and Piercefied Woods Site of Special Scientific Interest and is also protected by a Tree Preservation Order.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2003/00790	Siting Of Single Demountable Building.	Approved	31.07.2003
DC/2003/00789	Siting Of Double Demountable Building.	Approved	31.07.2003
DC/2012/00944	Erection of 3 6m Flagpoles.	Approved	21.02.2013
DC/2003/00466	Siting Of Single Demountable Building.	Refused	18.07.2003
DC/2003/00467	Siting Of Double Demountable Building	Refused	18.07.2003
DC/2009/00270	1/ Control kiosk to be installed 2/ New vehicle access track through the Dell Primary School 3/ New fencing work along access track and security compound (Revised Scheme)	Approved	18.05.2009

DC/1994/00507	Proposed Siting Of Double Demountable Classroom.	Approved	17.06.1994
DC/1992/00009	Extension To Provide Two Classrooms Cloakroom And Hard Play Area.		13.03.1992
DC/2008/01383	1. A Welsh Water control kiosk to be installed (engineering operations/works below ground). 2. A new vehicle access track through the Dell Primary School grounds. 3. New fencing along access track and security compound.	Refused	11.02.2009

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S15 LDP Minerals

S17 LDP Place Making and Design

Development Management Policies

GI1 LDP Green Infrastructure

NE1 LDP Nature Conservation and Development

EP1 LDP Amenity and Environmental Protection

DES1 LDP General Design Considerations

DES2 LDP Areas of Amenity Importance

HE1 LDP Development in Conservation Areas

HE2 LDP Alterations to Unlisted Buildings in Conservation Areas

CRF3 LDP Safeguarding Existing Recreational Facilities and Public Open Space

M2 LDP Minerals Safeguarding Areas

MV1 LDP Proposed Developments and Highway Considerations

4.1 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

4.1.1 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.

4.1.2 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: response not yet received.

Environmental Health - No objections.

Cadw – response not yet received.

SEWBReC Search Results - No significant ecological record identified.

5.2 Neighbour Notification

The application has been advertised by the erection of a site notice. No objections or representations have been received.

6.1 EVALUATION

6.2 Strategic & Spatial Choices

Strategic Planning/ Development Plan context/ Principle of Development

6.1.2 The application seeks full planning to provide two outdoor classrooms and a polytunnel within the grounds of The Dell Primary School to be used for purposes associated and ancillary to the main school. Given the existing and established use of the site and the incidental nature of the development, the principle of developing structures that could be used to provide a varied educational environment is considered acceptable.

Good Design/ Place making

6.1.3 The developments proposed are considered to be of a size, scale, and design that are subservient and subordinate to the main school building. It is considered that the position of the buildings, adjacent to the northern and southern boundaries away from the principal access to the site and school building, together with the external materials of the proposed structures, would reinforce their ancillary and secondary nature and use. The application is therefore considered compliant with the requirements of policies S17 and DES1 of the LDP.

Impact on Amenity

6.1.4 Although the structures would be partially visible from the public highway to the west of the site, a minimum distance of 33m would be maintained between the closest proposed building and the public highway (Welsh Street) to the west. Given the distances proposed, the grouping of the structures with existing outbuildings and structures and the existing landscape screen that would be retained around the site as a whole, it is considered that the developments proposed would not have a detrimental impact on the character, appearance or amenity of the Conservation Area or wider area and is compliant with the requirements of policies S17, DES1 and HE1 of the LDP.

The Welsh Language

6.1.5 Although primarily an English medium education provider, Welsh is taught as a second language as part of the School's curriculum. It is considered that the developments proposed could broaden students' experience and exposure to the Welsh language by providing a varied learning environment to the benefit of the language's development in the County as a whole.

6.2 Active and Social Places

Access / Highway Safety

6.2.1 Care has been taken to ensure that all parts of the developments proposed have been located away from the existing on site parking facilities and access to the public highway, in the interests of public safety. Although the proposed developments would be used to provide

alternative learning environments, the structures would not generate increased student places and would not therefore generate any increased off street parking demand or increased traffic movements to and from the site. Being mindful that the development would not affect existing on site parking provision, the application is therefore considered compliant with the requirements of Policy MV1 of the LDP.

Recreational Spaces

6.2.2 The playing fields to the east of the main school building are allocated as an area of amenity importance in the LDP. As a result care has been taken to ensure that the developments have been sited close to the boundaries to ensure the structures do not have a detrimental impact on the usability of the school playing fields or compromise their role as a venue for formal and informal sport or general recreation, in compliance with the requirements of Policy DES2 of the LDP.

6.3 Distinctive & Natural Places

Landscape/ Visual Impact

6.3.1 Although the buildings would be partially visible from the public highway (Welsh Street, B4293) to the west of the site, a minimum distance of 33m would be maintained between the closest structure and the pavement. Given the size, scale, position, design and external finish of the structures proposed, it is considered that the developments would appear as ancillary and subservient structures associated with the school and in light of the landscaping that would be maintained around the northern, eastern and southern boundaries of the site, it is considered that the developments would not have a detrimental impact on the landscape or visual amenity of the area. The proposal is therefore considered compliant with the requirements of policies S17, DES1, EP1 and HE1 of the LDP.

Historic Environment

6.3.2 The school site as whole is located within the Chepstow Conservation Area with the closest structure being positioned 111m to the west of Chepstow Castle which is a Scheduled Ancient Monument (SAM). As specified above, it is considered that the developments proposed would appear as ancillary and subservient structures associated with the school and would not have a detrimental impact on the distinctive qualities of the Conservation Area. Although the polytunnel would in theory be visible from the SAM, it is considered that the size and scale of the developments; distance maintained between the structure and the boundary of the SAM and the mature landscaping maintained between the school boundary and the SAM, would prevent the proposal from having a detrimental impact on the setting, appearance special qualities or amenity of the SAM. The application is therefore considered compliant with the requirements of Technical Advice Note 24: The Historic Environment

Green Infrastructure and biodiversity

6.3.3 The belt of trees immediately adjacent to the northern boundary of the site form part of a Tree Preservation Order (TPO) and the Piercefield Woods Site of Special Scientific Interest. However, all these allocations are outside of the school boundary, with no trees affected or to be removed as part of the development. It is therefore considered that the proposal would not have a detrimental impact on the green infrastructure or biodiversity value of the site and its environs, and is compliant with the requirements of policies S13, GI1 and NE1 of the LDP.

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

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

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

6.5 Conclusion

6.5.1 The three structures proposed would be ancillary and incidental to the main school. It is considered that their size, scale, design and external materials, in conjunction with their position, would emphasise their visual subservience and would prevent the buildings from having a detrimental impact on the character, appearance of amenity of the wider area.

6.5.1 Although the structures would be partially visible from the SAM and are located in the Conservation Area, it is considered that the developments would not have a detrimental impact on the setting, appearance special qualities or amenity of the SAM or the wider Conservation Area.

6.5.2 Although located immediately adjacent to a TPO and a SSSI, it is considered that the proposal would not have a detrimental impact on the green infrastructure or biodiversity value of the site or adjacent designations. It is also considered that the proposal would not have a detrimental impact on the highway safety and free flow of traffic in the area.

6.5.3 On the basis of the above, the application is considered compliant with the relevant policies of the Monmouthshire County Council Local Development Plan and is recommended for approval subject to conditions.

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.

New Appeals 23.03.2019 to 23.04.2019

Local Ref	Appeal Site Address	Reason for Appeal	Appeal Type	Date Lodged
DM/2018/01610	24 Belgrave Road Abergavenny Monmouthshire NP7 7AL	Against a refusal	Written Representations	16.04.2019

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