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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 4 April 2016

Notice of meeting:

Planning Committee

Tuesday, 12th April, 2016 at 2.00 pm,
County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

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5.6.	DC/2015/ 01565 - DEMOLITION OF EXISTING GARAGE BUILDINGS AND ERECTION OF TWO BESPOKE SEMI-DETACHED BUNGALOWS, CAR PARKING AND ASSOCIATED WORKS; POPLARS CLOSE, ABERGAVENNY.	113 - 120
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**Paul Matthews
Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Edwards
P. Clarke
D. Blakebrough
D. Dovey
D. Edwards
D. Evans
R. Harris
B. Hayward
J. Higginson
P. Murphy
M. Powell
B. Strong
F. Taylor
P. Watts
A. Webb
A. Wintle

Public Information

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

Access to paper copies of agendas and reports

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

Watch this meeting online

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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

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

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.

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)
- Trellech Conservation Area Appraisal (April 2012)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Draft Affordable Housing (July 2015)
- Draft Renewable Energy and Energy Efficiency (December 2014)
- Draft Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements
- Draft Primary Shopping Frontages (June 2015)

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) Edition 8 (January 2016)
- PPW Technical Advice Notes (TAN):
- TAN 1: Joint Housing Land Availability Studies (2014)
- 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 (2014)
- 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)
- 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 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.

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.

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 1999

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended by the Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2008 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.

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 can 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 letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations. The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but fewer 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, address Committee. 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.

Registering Requests to Speak

To register a request to speak, objectors/supporters must first have made written representations on the application. They must include in their representation their request to speak or subsequently register it with the Council.

Applicants, agents and objectors 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 whether the application is to be considered by Planning Committee by contacting the Planning Office, who 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 below.

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. 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.

Speakers must do this as soon as possible, between 12 noon on the Wednesday and 12 noon on the Monday before the Committee. Please leave a daytime telephone number.

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

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.
- The Chairman 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.
- Speakers may speak only once.
- Planning Committee members will then debate the application, commencing with the local member of Planning Committee.
- 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.
- 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.
- 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 particular 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.

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.

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Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 1st March, 2016 at 2.00 pm**

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

County Councillors: D. Blakebrough, D.L.S. Dovey, D. Edwards,
R. Harris, B. Hayward, J. Higginson, P. Murphy, P. Watts, A. Webb
and A. Wintle

INVITED COUNCILLORS:

County Councillors G.L. Down, P. Farley, V.E. Smith and S. White

OFFICERS IN ATTENDANCE:

Philip Thomas	Development Services Manager
Paula Clarke	Planning Applications and Enforcement Manager
Robert Tranter	Head of Legal Services & Temporary Monitoring Officer
Mark Hand	Head of Planning
Richard Williams	Democratic Services Officer
Martin Davies	Planning Policy Manager
Jo Draper	

APOLOGIES:

Councillors R. Edwards, D. Evans, M. Powell, B. Strong and F. Taylor.

1. Declarations of Interest.

County Councillor S. White declared a personal and prejudicial interest under the Members' Code of Conduct in respect of application DC/2016/00107 as she farms the land adjacent to the site. As she is the local Member and was speaking on behalf of local objectors, she had taken advice from the Head of Legal Services. She addressed the Committee but was advised to leave the meeting immediately afterwards.

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

The Vice-Chairman confirmed and signed the minutes of the Planning Committee held on 2nd February 2016.

**3. DC/2014/01533 - DETACHED DWELLING AND LAYBY PARKING SITE
ADJACENT TO LION COTTAGE, TRELLECH ROAD, LLANDO.**

We considered the report of the application which was recommended for approval subject to the 14 conditions as outlined in the report.

Councillor A. Thomas, representing Trellech Community Council, attended the meeting by invitation of the Vice-Chairman and outlined the following objections of the Community Council:

- Highway Safety concerns regarding the rural lane as it takes a considerable amount of east / west traffic across the Wye Valley linking up the Coleford

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Chepstow Road at Bigsweir Bridge. It also links traffic through Trellech onto the main routes to Abergavenny. Bigsweir Bridge is the crossing between the Forest of Dean and Monmouthshire through the centre of the Wye Valley between Monmouth and Chepstow.

- There is a blind spot at this location causing traffic issues.
- Llandogo is located in a Conservation Area as well as being located within the Wye Valley AONB and could be seen from many vantage points.
- Development had been occurring in isolation without recognising the duty to protect and enhance contributing to the ongoing decline over the previous 40 years.
- Residents living above the proposed dwelling have concerns regarding potential land slippage as building work could disturb underground water courses and could seriously jeopardise the higher properties within this location.
- There has been a history of land slippage in the area resulting in the road having to be closed for several months.
- The proposal to introduce additional parking will lead to road closure during construction and could seriously inconvenience the residents of Llandogo.

The applicant's agent, Mr. B. Spencer, attended to meeting by invitation of the Vice-Chairman and outlined the following points:

- With regard to rural safety, it is a rural lane but with the layby proposed to park vehicles in that location, it will not allow the vehicles to overlap onto the road. Therefore, it should be a highway gain.
- The Heritage Officer had concluded that conservation area would be enhanced and preserve the special character of the conservation area which complies with Planning Policy H2.
- The residents located above where the proposed works would take place would be for the management of the site to take into account and would form a small part of the works.
- Planning Officers, the Bio Diversity Officer and the Heritage Officer had recommended support for the application.

The local Member for Trellech and also a Planning Committee Member, expressed concern regarding the highway safety if this application was approved. The site inspection had revealed that the rural road was narrow and winding and considered that it was not a safe route to school.

Having considered the views expressed, some Members expressed their support for the application as it was noted at the site inspection that there was adequate room for

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vehicles to pass at this location. The design of the proposed dwelling was in keeping with the surrounding properties.

In response to a Member's question it was noted that the applicant would be willing to set back the retaining wall by a further 0.5 metre.

However, other Members expressed concern that the steepness of the site would require a considerable amount of earth to be removed to accommodate the proposed new dwelling. This was a concern as the area was notorious for land slippages.

It was noted that it was the responsibility of the developer to make the site safe for development.

Following the debate it was proposed by County Councillor P. Murphy and seconded by County Councillor D.L. Edwards that application DC/2014/01533 be approved subject to the 14 conditions, as outlined in the report and subject to the proposed retaining wall being set back by a further 0.5m.

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

For approval	5
Against Approval	4
Abstentions	2

The proposition was carried.

We resolved that application DC/2014/01533 be approved subject to the 14 conditions, as outlined in the report and subject to the proposed retaining wall being set back by a further 0.5m.

4. DC/2016/00107 - DEVELOPMENT OF 3,340 SQ M OF COMMERCIAL (B1 & B8) FLOORSFACE, STORAGE YARD, PARKING AND DEMOLITION OF EXISTING FARM BUILDINGS. LAND AT WONASTOW ROAD, MONMOUTH, NP25 5JA.

We considered the report of the application which was recommended for approval subject to the 26 conditions as outlined in the report. Also, that an additional archaeological condition should be added; an Flood Consequence Assessment (FCA) condition be added, an amendment to conditions 18 and 21 were required to allow for a Construction Management Plan (CMP); amend the drainage detail to accommodate French Drains for Model Farm.

The local Member for Overmonnow, attending the meeting by invitation of the Vice-Chairman, outlined the following points:

- She was representing a local objector to the application whose garden is frequently flooded.

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- The property has had a drainage ditch and has a soakaway. Concern was expressed that if the application was approved there may be detrimental consequences for the soakaway.
- The local land acts like a sponge collecting additional surface water.
- The drainage issues around Model Farm needed to be addressed. The Head of Planning stated that the applicant will install a new drainage pipe around Model Farm and water access will be focussed away from Model Farm.

Mr. D. Cummings, Chairman of Monmouth Chamber of Commerce and supporting the application, attended the meeting by invitation of the Vice-Chairman and outlined the following points:

- The Monmouth Chamber of Commerce were in support of the application.
- The applicant is a successful company and approval of this application would allow the company to double its workforce.
- Approval of the application will attract further businesses to the area.
- The site will provide adequate parking and landscaping.
- There is easy access to the site from the A40.

Members were informed that mechanisms would be put in place to ensure that surface water would be directed away from Model Farm. The Drainage Strategy will improve the current situation as additional water will run off into the attenuation pond.

A Planning Committee Member expressed concern that the drainage issues were being dealt with in a piecemeal fashion and that there were wider drainage issues in and around the site at Wonastow Road. Concern was also expressed that this site was designated as a B1 site in the Local Development Plan but was gradually becoming more of a B8 site. It was considered that before any further development should take place at this location a Flood Consequence Assessment (FCA) should be undertaken as flooding at this location regularly occurs at this site.

In response to the points raised it was noted that surface water drainage that would be stored in the attenuation pond would be released at a controlled rate. Currently, there was no control over surface water drainage release. The design of the proposed building reflects a high technology building.

Having considered the report and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor R.J. Higginson that application DC/2016/00107 be approved subject to the 26 conditions as outlined in the report. Also, that an additional archaeological condition should be added; an Flood Consequence Assessment (FCA) condition be added, an amendment to conditions 18 and 21 were required to allow for a Construction Management Plan (CMP); amend the drainage detail to accommodate French Drains for Model Farm.

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

In favour of the proposal	-	9
Against the proposal	-	1
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2016/00107 be approved subject to the 26 conditions as outlined in the report. Also, that an additional archaeological condition should be added; an Flood Consequence Assessment (FCA) condition be added, an amendment to conditions 18 and 21 were required to allow for a Construction Management Plan (CMP); amend the drainage detail to accommodate French Drains for Model Farm.

5. DC/2014/01065 - DEMOLITION OF BUNGALOW, PARTIAL DEMOLITION OF EXISTING POULTRY UNITS, AND PROPOSED RETAIL / COMMERCIAL DEVELOPMENT TO PROVIDE 4 UNITS, ACCESS ARRANGEMENTS, CAR PARKING AND ASSOCIATED WORKS.

We considered the report of the application which was recommended for approval subject to the 21 conditions, as outlined in the report.

The Development Services Manager informed the Committee that this application had been presented to the Planning Committee on 5th January 2016 with a recommendation for approval. Consideration of the application had been deferred with a request for the Highways Department to examine justification and practicality of a pedestrian crossing being provided on Rockfield Road via a Section 106 Agreement.

The applicant had considered that the site proposed development would not warrant the provision of a pedestrian crossing on Rockfield Road. However, as a good will gesture it had been agreed that the applicant would provide a financial contribution towards the provision of a pedestrian crossing on Rockfield Road to provide betterment to the wider area. The financial contribution was in the sum of £8000, which equated to 50% of the cost of the desired crossing.

In response to a Member's question regarding the need for a pedestrian crossing at the site, the Highways Engineer stated that the applicant's submission was robust and did not justify the position of being eligible for a crossing patrol at this site. The financial contribution in the sum of £8000 would go towards providing local road safety enhancements.

Having considered the application and the views expressed, it was proposed by County Councillor A. Webb and seconded by County Councillor R.J. Higginson that application DC/2010/01065 be approved subject to the 21 conditions, as outlined in the report and subject to a financial contribution from the applicant, in the sum of £8000, to go towards providing local road safety enhancements.

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

In favour of the proposal	6
Against the proposal	2
Abstentions	3

The proposition was carried.

We resolved that application DC/2010/01065 be approved subject to the 21 conditions, as outlined in the report and subject to a financial contribution from the applicant, in the sum of £8000, to go towards providing local road safety enhancements.

6. DC/2015/01260 - A CHANGE OF USE TO A WEDDING VENUE. DEMOLITION OF GARAGE WITHIN STABLE BLOCK AND EXTENSION BY ROOFING OVER AND ENCLOSING COURTYARD, ALTERATION OF STABLE AND COACH HOUSE BUILDINGS, CREATION OF NEW LINK BACK INTO EXISTING HOUSES TEWDRIC'S HOUSE, MATHERN ROAD, CHEPSTOW NP16 6HX.

We considered the report of the application subject to the conditions, as outlined in the report.

The local Member for Shirenewton, attending the meeting by invitation of the Vice-Chairman, outlined the following points:

- A large number of objections have been received in respect of this application.
- The January 2016 edition of Planning Policy Wales states that the substance of local views must be considered which were considered to be a material planning consideration that should be taken into account in determining an application.
- The public have overwhelmingly stated that they are against approval of the application.
- The site is not designated as an employment site within the Local Development Plan.
- There is no real business plan or proposal. There is no evidence that this proposal has been considered as a business.
- The economic benefits will be limited. Guests will not be able to remain on site overnight. Weddings tend to be one day events. There is limited accommodation for guests in the locality.
- Very few jobs will be created.
- Concern was expressed regarding the potential for such events to create noise and lead to complaints being made by local residents. Also, the noise generated would potentially disturb local livestock.

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- There are only 50 car parking spaces for a maximum of 150 guests and staff. This could lead to vehicles having to park on the lane outside of the venue.
- The road into Mathern is a narrow and dangerous lane. Traffic along this road should be discouraged.
- Signposting to the venue would direct traffic through the village of Mathern.
- The local member asked the Committee to consider refusing the application. If the Committee decided to approve it, the local Member asked that the following conditions be taken into account:
 - Traffic Management arrangements – improve the entrance and exit to the venue.
 - Fireworks to be let off no later than 10.00pm.
 - Music to cease by 11.00pm.

Members expressed their support for the application. However, some concerns were raised in respect of the traffic management arrangements

In response to the local Member's sum up regarding the suggested conditions, the Head of Planning stated that these issues were not subject to planning conditions and should be addressed via other means.

Having considered the report and the views expressed, it was proposed by County Councillor R.J. Higginson and seconded by County Councillor A.E. Webb that application DC/2015/01260 be approved subject to the conditions, as outlined in the report.

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 DC/2015/01260 be approved subject to the conditions, as outlined in the report.

7. DC/2015/01542 - THE INSTALLATION OF A FREESTANDING 7M HIGH TOTEM SIGN WESTGATE, LAND OFF MERTHYR ROAD, LLANFOIST.

We considered the application which was presented for refusal for one reason, as outlined in the report.

The majority of the Committee agreed with the officer recommendation to refuse the application. However, one Member expressed support for the application as it was

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considered that the free standing totem sign would provide advanced information to motorists.

It was therefore proposed by County Councillor D.L. Edwards and seconded by County Councillor R.G. Harris that application DC/2015/01542 be refused for the one reason, as outlined in the report.

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

For refusal	9
Against refusal	1
Abstentions	1

The proposition was carried.

We resolved that application DC/2015/01542 be refused for the one reason, as outlined in the report.

8. The Two Rivers, Hilltop, Newport Road, Chepstow.

We received the Planning Inspectorate report which related to an appeal decision following a site visit on 19th January 2016, site - The Two Rivers, Hilltop, Newport Road, Chepstow NP16 5BT.

The appeal was allowed.

9. Land Adjacent to No.1 Greenfield, Caldicot.

We received the Planning Inspectorate report which related to an appeal decision following a site visit on 5th January 2016, site - Land adjacent to No. 1 Greenfield, Caldicot, Monmouthshire, NP26 4NB.

The appeal had been dismissed.

10. Tyr Berllan, Llangwm, Usk.

We received the Planning Inspectorate report which related to an appeal decision following a site visit on 2nd February 2016, site - Tyr Berllan, Llangwym, Usk, NP15 1HB

The appeal was allowed.

11. MONMOUTHSHIRE CONSERVATION AREAS REVIEW OF DESIGNATED CONSERVATION AREAS.

We received a report in which Members were asked to endorse the Conservation Area Appraisals as amended in the light of the public consultation, with a view to them being formally adopted as SPG in connection with the Monmouthshire LDP and to note further work required including consideration of the need for Article 4 Directions and of potential new conservation areas in Abergavenny and Chepstow.

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Having received the report it was noted that Garden City was being considered as a conservation area as it was its centenary year and we as an authority should be looking to include 20th Century buildings within our conservation areas. However, it was noted that the Committee might need to adopt a pragmatic approach with a view to providing some form of protection to the area.

We resolved:

- (i) to note the officer responses to the comments received during the public consultation.
- (ii) to endorse the adoption of the amended Conservation Area Appraisals as Supplementary Planning Guidance by the Cabinet Member.
- (iii) to endorse further work regarding Article 4 Directions and to further consider an additional conservation area in Abergavenny and in Chepstow, with the necessary associated public consultation process.

12. MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN RENEWABLE ENERGY AND ENERGY EFFICIENCY SUPPLEMENTARY PLANNING GUIDANCE.

County Councillors R. Hayward, D.L. Edwards and D. Blakebrough left the meeting before consideration of this item.

We received a report in which Members were advised of the results of the consultation on Draft Supplementary Planning Guidance (SPG) on Renewable Energy and Energy Efficiency (REEE) to support the policies of the Monmouthshire Local Development Plan (LDP) and a Draft Planning Advice Note on Wind Turbine Development: Landscape and Visual Impact Assessment (LVIA) Requirements.

We resolved:

- i) to endorse the Draft REEE SPG and to recommend to the Cabinet Member accordingly, with a view to the document being formally adopted as SPG to support the Monmouthshire LDP.
- ii) to endorse the Draft Planning Advice Note on Wind Turbine Development: LVIA Requirements and to recommend to the Cabinet Member accordingly, with a view to it being formally adopted as an advice note to assist in the determination of planning applications for Wind Turbine Schemes.

13. MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN AFFORDABLE HOUSING SUPPLEMENTARY PLANNING GUIDANCE.

We received a report in which Members were advised of the results of the recent consultation on Draft Supplementary Planning Guidance (SPG) on Affordable Housing to support the policies of the Monmouthshire Local Development Plan (LDP).

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**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 1st March, 2016 at 2.00 pm**

We resolved to endorse the SPG with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP to take effect from 1st April 2016 and to recommend to Cabinet and Council accordingly.

The meeting ended at 5.05pm

**SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN
SUPPLEMENTARY PLANNING GUIDANCE
PRIMARY SHOPPING FRONTAGES**

MEETING: PLANNING COMMITTEE

DATE: 12 April 2016

DIVISION/WARDS AFFECTED: MAIN TOWNS

1.0 PURPOSE:

The purpose of this report is:

- 1.1 To advise Planning Committee of the results of the consultation exercise on the Draft Primary Shopping Frontages Supplementary Planning Guidance (SPG) to support the policy of the Monmouthshire Local Development Plan (LDP).
- 1.2 To seek Planning Committee's endorsement of the SPG, with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend to the Cabinet Member with responsibility for planning matters accordingly.

2. RECOMMENDATION:

- 2.1 To endorse the Draft Primary Shopping Frontages SPG, with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend to the Cabinet Member with responsibility for planning matters accordingly.

3. KEY ISSUES:

3.1 Background

- 3.1.1 Planning Committee endorsed the draft Primary Shopping Frontages SPG on 7 July 2015, with a view to issuing it for consultation purposes. A copy of the Committee report is attached at **Appendix A**. Subsequently, on 22 July 2015, the Cabinet Member for Environment, Public Services and Housing made the decision to issue the draft SPG for consultation.

3.2 Supplementary Planning Guidance –

- 3.2.1 Further to the report in Appendix A, Welsh Government 'Planning Policy Wales' edition 8, January 2016 describes the **role and purpose of SPG**:

"LDPs should contain sufficient policies and proposals to provide the basis for deciding planning applications while avoiding excessive detail. They should not repeat national planning policy. Selective use of supplementary planning guidance (SPG) is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP are to be interpreted and applied in particular circumstances or areas" (para 2.4.1).

"SPG does not form part of the development plan but it must be consistent with the plan and with national policy. It must derive from and be clearly cross referenced to a generic LDP policy, specific policies for places, and/or – in the case of a masterplan or site brief – a plan allocation. SPG cannot be linked to national policy alone; there must be an LDP policy or policy criterion that provides the development plan 'hook', whilst the reasoned justification provides clarification of the related national policy. The LDP should note which policies are supplemented by SPG" (para 2.4.3).

The Primary Shopping Frontages SPG clearly states the document's links to adopted LDP policy RET1 in conformity with the Welsh Government policy.

3.2.2 The revised Welsh Government guidance also outlines the **status of SPG**:

“Only the policies in the development plan have special status under section 38(6) of the 2004 Act in deciding planning applications but SPG may be taken into account as a material consideration. In making decisions on matters that come before it, the Welsh Government and the Planning Inspectorate will give substantial weight to approved SPG which derives from and is consistent with the development plan, and has been the subject of consultation” (para 2.4.4).

3.2.3 On the **process of SPG preparation** the revised Welsh Government guidance is clear that:

“...consultation should involve the general public, businesses, and other interested parties and there should be a record of how their views were taken into account before the SPG was finalised” (para 2.4.6).

“...SPG should be formally approved by resolution of the local planning authority so that it can be given due weight” (para 2.4.7).

The consultation on the draft SPG involved all groups, with approval being sought by formal resolution in conformity with the guidance.

3.3 Consultation

3.3.1 The consultation took place for 8 weeks between Friday 07 August and Friday 02 October 2015. A notice was placed in Monmouthshire Free Press on 05 August 2015 and 319 individual notifications were sent by letter and email to:

- Specific (including Town and Community Councils), General and Other consultees, as identified in the LDP Community Involvement Scheme;
- Residents who were on the LDP consultation data base and had specifically requested to be notified of the SPG;
- Agents/developers who work in the Council area.

Copies of the draft SPG and representation forms were made available in hard copy in the Council's One Stop Shops and libraries, Usk Community HUB and in electronic form on the Council's website for the entire consultation period. Publicity was given to the consultation at the beginning and towards the end of the period via the Twitter account @MCCPlanning.

3.3.2 Four responses were received in response to the consultation and are summarised, together with the Council's draft response, in the Report of Consultation at **Appendix B**. These responses included statements of support and general comments which were not considered to require any changes to the draft SPG.

3.3.3 The Report of Consultation also includes the comments made by elected Members at the July 2015 Planning Committee where the draft report was initially considered.

3.3.4 Comments included whether the boundaries of the Primary Shopping Frontages (PSFs) could be amended to reflect recent development. The PSF boundaries set out in the SPG reflect those included in the adopted LDP. It is not the role of SPG to review the PSF boundaries, but rather to work with the boundaries as existing in the adopted LDP. However, there will be the opportunity to review all the PSF boundaries under the LDP review process.

3.3.5 Further comments were made on the use of units above ground floor premises in Primary Shopping Frontages. The SPG supports LDP Policy RET1 which is restricted to ground floor premises only and it is recommended that minor amendments are made to the SPG to qualify this. It is also recommended that an additional paragraph is included to clarify that with regard to proposals for the development and change of use of premises above ground floor level in primary shopping frontages consideration will be given to LDP Policy RET2 'Central Shopping Areas' (additional paragraph 2.6). This policy seeks to encourage a diversity of uses within central shopping areas, providing that this would not harm their role/character or undermine their vitality, attractiveness and viability.

3.3.6 It was questioned how the SPG will be applied to proposals for mixed retail and non-retail uses within a single ground floor premises within primary shopping frontages for example a mixed-use gift shop and a cafe (A1/A3 uses). It is recommended that the SPG is amended to explain how such proposals will be considered. Additional paragraph 4.5 clarifies that when considering proposals for a change of use from retail use to mixed retail (A1) and non-retail (A2/A3) uses regard should first be given to whether planning permission is required i.e. whether the introduction of a non-retail use would constitute a material change of use of the premises. In instances where planning permission is required the proposal should be assessed against LDP Policy RET1.

3.3.7 The background information on the PSFs contained in Appendix A of the SPG has been updated to reflect the most recent survey data available (October 2015). This data has been incorporated into the latest Retail Background Paper, now available on the Council's website.

3.3.8 It is considered that, subject the changes recommended in the Report of Consultation, the draft document can be formally adopted as SPG to support the Monmouthshire LDP. An amended SPG, incorporating these changes is attached as **Appendix C**.

3.4 Next Steps

3.4.1 It is intended to report the revised Primary Shopping Frontages SPG, together with the results of the consultation, to the responsible Cabinet Member on 27 April 2016 with a view to seeking the formal adoption of the document as SPG to support the Monmouthshire LDP.

4. **REASONS:**

4.1 Under the Planning and Compulsory Purchase Act (2004), as amended, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are now being taken in accordance with the policies and proposals in the LDP. The Primary Shopping Frontages SPG provides further explanation and guidance on the way in which the relevant policy of the LDP (RET1 Primary Shopping Frontages) will be implemented. SPG can be a material consideration in the determination of planning applications, provided that appropriate consultation has been undertaken and that it has been approved in accordance with the Council's decision making process.

5. **RESOURCE IMPLICATIONS:**

5.1 Officer time and costs associated with the publication of the SPG document. These costs will be met from within the existing Planning Policy budget and carried out by existing staff.

6. **SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

6.1 These were considered in the report presented to Planning Committee on 7 July 2015, reproduced as Appendix A. An updated Future Generations assessment is attached to this report at **Appendix D**.

7. CONSULTEES:

- Head of Planning
- Development Management Officers

8. BACKGROUND PAPERS:

- Monmouthshire Adopted LDP (February 2014).
- MCC 'Primary Shopping Frontages Draft Supplementary Planning Guidance' (June 2015).
- Monmouthshire LDP 'Retail Background Paper', February 2016
<http://www.monmouthshire.gov.uk/app/uploads/2016/03/Retail-Background-Paper-2015.pdf>

9. AUTHOR & 10. CONTACT DETAILS:

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**SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN
SUPPLEMENTARY PLANNING GUIDANCE
PRIMARY SHOPPING FRONTAGES**

MEETING: PLANNING COMMITTEE

DATE: 07 July 2015

DIVISION/WARDS AFFECTED: MAIN TOWNS

1. PURPOSE:

- 1.1 The purpose of this report is:
To seek Planning Committee's endorsement of new Draft Supplementary Planning Guidance (SPG) on Primary Shopping Frontages, with a view to issuing for consultation.

2. RECOMMENDATIONS:

- 2.1 To endorse the Draft Primary Shopping Frontages SPG, with a view to issuing for consultation, and to recommend to the Cabinet Member for Environment, Public Services and Housing accordingly.

3. KEY ISSUES:

3.1 Background – Adopted LDP

- 3.1.1 The Monmouthshire County Council Local Development Plan 2011-2021 was adopted on 27 February 2014, superseding the Monmouthshire Unitary Development Plan (UDP), to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). The LDP contains sufficient policies and proposals to provide the basis for deciding planning applications, and for determining conditions to be attached to planning permissions, but it was necessary to ensure that it avoided excessive detail. Selective use of SPG is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP will be applied in particular circumstances or areas.

3.1.2 Supplementary Planning Guidance

LDP Wales (2005) at paragraph 5.2 states that:

'SPG does not form a part of the development plan but must be consistent with it. It may take the form of site specific guidance such as master plans, design guides or area development briefs, or thematic such as shopfront guidance or detailed car parking standards. It should be clearly cross-referenced to the relevant adopted plan policy or proposal, which it supplements, and may be issued separately from the plan. It should be made publicly available and its status made clear.'

- 3.1.3 Paragraph 5.3 of LDP Wales further emphasises that SPG can be a material consideration in the determination of planning applications, provided that appropriate consultation has been undertaken and that it has been approved in accordance with the Council's decision making process:

'While only the policies in the development plan have special status under section 38(6) of the 2004 Act in deciding planning applications, SPG may be taken into account as a material consideration. SPG should be prepared in accordance with an authority's CIS [Community Involvement Scheme]; consultation should involve the general public, businesses, and other interested parties and their views should be taken into account before the SPG is finalised. It should then be approved by a Council resolution. A statement of the consultation undertaken, the representations received and the authority's response to those representations should be made available with the approved SPG, either in an annex or a separate document. In making decisions on

matters that come before it, the Assembly Government and the Planning Inspectorate will give substantial weight to approved SPG which derives out of and is consistent with the development plan, and has been prepared consistent with the above advice.'

3.1.4 Programme for SPG Preparation

In October 2014, Planning Committee agreed a draft programme for the preparation of SPG. This identified the Affordable Housing and Green Infrastructure (GI) SPGs as first priority for preparation, with the Primary Shopping Frontages SPG as a second priority. The preparation of a consultation draft Primary Shopping Frontages SPG is consistent with this timetable and prioritisation following the consultation on the Affordable Housing SPG and the adoption of the GI SPG.

3.1.5 Monmouthshire Town Centres

Maintaining and enhancing the vitality, attractiveness and viability of primary shopping frontages in Monmouthshire's main town centres of Abergavenny, Caldicot, Chepstow and Monmouth is a key objective of the Monmouthshire LDP. This reflects Monmouthshire's priorities in the Single Integrated Plan and also reflects the aims of national planning policy on retail and town centres.

3.1.6 Primary Shopping Frontages – National Planning Guidance

Planning Policy Wales (PPW) provides guidance in relation to support for existing town centres, advising that local planning authorities may distinguish between primary and secondary frontages and consider their relative importance to the character of the centre (*paragraphs 10.2.3-10.2.8*). Primary shopping frontages are those characterised by a high level of shopping uses, while secondary frontages contain a greater mix of commercial uses, including restaurants, banks and other financial institutions. PPW clearly states that such non-retail uses should not be allowed to dominate primary shopping areas in a way that can undermine the retail function. The guidance stresses the importance of ensuring that ground floor use class changes to non-retail uses are not permitted where they create a predominance of such uses, unacceptably dilute the shopping street frontage or undermine the vitality, attractiveness and viability of a centre. These principles are reflected in the LDP's retail planning policy framework and this draft SPG.

3.1.7 Primary Shopping Frontages - Adopted Monmouthshire LDP Policy

The adopted LDP reflects national planning policy by designating primary shopping frontages to cover those areas of the County's main town centres where shopping uses (Use Class A1) predominate. LDP Policy RET1 'Primary Shopping Frontages' sets out a criteria based approach for considering non-A1 retail use class proposals within the primary shopping frontages.

The policy gives priority to retail (A1 uses) in the town centre primary shopping frontages, seeking to protect the predominant shopping role and character of the main towns by controlling the loss of retail units in such frontages. In providing an enhanced level of protection for the most important shopping frontages in Abergavenny, Caldicot, Chepstow and Monmouth, the policy and SPG aim to ensure that development/redevelopment and change of use proposals are only permitted if they do not harm the shopping character and function of the primary shopping frontages.

3.1.8 Primary Shopping Frontages - Draft Monmouthshire SPG

The draft SPG is intended to provide certainty and clarity for both applicants and the Council. It will help to ensure consistency in decision making by setting out clear guidance on the interpretation and implementation of LDP Policy RET1. It is not the function of the SPG to revisit the LDP or change the designated the primary shopping frontage boundaries. If annual monitoring of the effectiveness of Policy RET1 identifies a need to change either the policy or the designated boundaries, this will need to be brought forward through the formal LDP review process.

3.1.9 Section 4 is the key focus of the draft SPG setting out the approach to assessing development and change of use proposals for non-retail uses within the County's primary shopping frontages. The criteria set out in Policy RET1 consider the distribution and proximity of non-retail uses within these frontages and the location / prominence of premises, including corner units and long frontages. Particular consideration is given to the interpretation of criterion c) of the policy which is concerned with the proportion of non-retail uses that the Council considers acceptable within primary shopping frontages. Percentage figures are provided for the maximum proportion of non-retail (A2/A3 uses) considered appropriate within these frontages. Given the diversity of frontages in the County, it is not considered appropriate to apply a standardised threshold across all primary shopping frontages; accordingly, the thresholds vary according to the function and character of each specified frontage.

3.2.0 Appendix A provides further background information on each of the County's primary shopping frontages, including the justification for the identified maximum thresholds for non-retail uses within these frontages and maps showing the extent of the frontages and ground floor uses (as at October 2014).

3.3 Next Steps

3.3.1 As referred to in paragraph 3.1.3 above, for SPG to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process. All individuals and organisations currently on the LDP consultation database have been given the opportunity to request to be notified on some or all SPGs that they are interested in. Following a resolution to consult, targeted notifications will be sent to those considered to have an interest in the SPG topic, including all town and community councils. A notice will be placed in the press. The consultation will also be publicised via our Twitter account @MCCPlanning. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution for the adoption of any SPG document.

4. **REASONS:**

4.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are now being taken in accordance with policies and proposals in the LDP. SPG provides further explanation and guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas.

5. **RESOURCE IMPLICATIONS:**

5.1 Officer time and costs associated with the preparation of SPG documents and carrying out the required consultation exercises. Any costs will be met from the Planning Policy budget and carried out by existing staff.

6. **SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

6.1 Sustainable Development

6.1.1 An integrated equality and sustainability impact assessment was carried out in connection with the Deposit LDP. Under the Planning Act (2004), the LDP was required, in any event, to be subject to a Sustainability Appraisal (SA). The role of the SA was to assess the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environment Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore and the findings of the SA/SEA were used to inform the development of the LDP policies

and site allocations in order to ensure that the LDP would be promoting sustainable development. SPG is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

6.2 Equality

6.2.1 The LDP was also subjected to an Equality Challenge process and due consideration given to the issues raised. As with the sustainable development implications considered above, SPG is expanding and providing guidance on these existing LDP policies, which were prepared within this framework. New SPG will be subject to integrated equality and sustainability impact assessments to ensure that informed decisions can be made. Where practicable and appropriate, consultation will include targeted involvement of those with the relevant protected characteristics.

6.2.2 Assessments of Equality Impact will be required throughout the Plan's implementation wherever there is likely to be significant impact. In this respect, the LDP will be subject to an Annual Monitoring Report that will include consideration of Equality Impacts.

7. **CONSULTEES:**

- Head of Planning
- Development Management Officers

8. **BACKGROUND PAPERS:**

- Welsh Government 'Planning Policy Wales' (Edition 7), July 2014.
- Monmouthshire Adopted LDP (February 2014).
- MCC 'Primary Shopping Frontages Draft Supplementary Planning Guidance' (June 2015).
- Monmouthshire LDP 'Sustainability Appraisal/Strategic Environmental Assessment Report' (February 2014).
- Monmouthshire LDP 'Retail Background Paper', May 2015.

9. **AUTHOR & 10. CONTACT DETAILS:**

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Draft Primary Shopping Frontages (PSF) SPG – Report of Consultation

Draft PSF SPG Consultation Responses					
Representor	Object/Support /Comment	Comment	Requested Change	LPA Response	Recommendation
Dick Cole, Abergavenny and District Civic Society	Support	1. Considers the Draft SPG provides helpful clarification of Policy RET1, particularly the provision of exceptions to the main policy which should prove flexible enough to accommodate any opportunities for town centre improvement. At the LDP Review the Society will seek policy revision that reflects WG policy and their views on how policy should respond to the changing nature of retailing and the role of town centres like Abergavenny.	1. No change requested.	1. Support noted. The LDP retail policy framework reflects the objectives of current WG retail planning policy. Of note, national retail planning policy guidance, including Technical Advice Note 4 'Retailing and Town Centres', is currently being reviewed by WG – a sustained key objective of which is to enhance the vitality, attractiveness and viability of established retail centres. The revised guidance will be considered as part of the LDP review process.	1. N/A
John Moran, Health & Safety Executive	Comment	1. No Comment	1. N/A	1. N/A	1. N/A
Mrs J O Hall, Monmouth	Comment	1. Note that Monmouth Chamber of Commerce who officiate on the sale/ letting of shop frontages in Monmouth and Monmouth Town Planning Committee have managed this project well. Therefore suggest that they be allowed to run their town as they always have done.	1. No specific change requested.	1. Comment noted. Policy RET1 of the Monmouthshire LDP applies to all Primary Shopping Frontages within the County. The sale /letting of shop frontages in Monmouth by Chamber of Trade is a separate matter. Proposals for change of use of frontages within the Primary Shopping Frontages in Monmouth would need to comply with Policy RET1 and the provisions of the SPG.	1. No change necessary.

Draft PSF SPG Consultation Responses

Representor	Object/Support /Comment	Comment	Requested Change	LPA Response	Recommendation
David Cummings, Monmouth and District Chamber of Trade and Commerce	Comment	1. Queries the accuracy of the mix and uses and vacancy rates in Monmouth town centre as reported in the July 2015 Draft PSF SPG.	1. No specific change requested.	1. The annual retail health check survey, which surveys ground floor uses and vacancy rates, was updated in October 2015 and the SPG has been updated accordingly.	1. The SPG background data has been updated to reflect the findings of the most recent retail health check (i.e. October 2015)
	Comment	2. Welcomes the low vacancy rate in Monmouth (1% compared to a Welsh average believed to be 10.5%) but considers the town centre's success in attracting visitors may be hampered by parking issues and urges support for the proposed Rockfield and Queens Head car parks. Queries if the weekend market is resulting in a loss of car parking.	2. No specific change requested.	2. Comments noted. The Rockfield car park has since been approved by Planning Committee and the Wyebridge Street car park proposal will be presented to Planning Committee in the near future.	2. No change necessary.

Draft PSF SPG Planning Committee Members' Comments 07.07.15

Member	Object/Support/Comment	Comment	Requested Change	LPA Response	Recommendation
Cllr Bob Haywood	Comment	1. Questioned whether there is anything in the SPG regarding preferences for the use of units above ground floor premises in Primary Shopping Frontages.	1. Clarification sought.	1. Comment noted. The PSF SPG supports LDP Policy RET1 Primary Shopping Frontages which applies to ground floor premises only. Minor amendments will be made to the SPG to qualify this. In addition, a new paragraph will be included in the SPG to clarify that with regard to proposals for the development and change of use of premises above ground floor level in primary shopping frontages consideration will be given to LDP Policy RET2 'Central Shopping Areas'.	1. Include additional references in the SPG to qualify that the SPG (RET1) applies to ground floor premises only. Include additional paragraph (2.6) to provide further clarification on proposals for above ground floor premises as noted.
	Comment	2. Questioned how the SPG will be applied to proposals for mixed retail and non-retail uses within a single ground floor premises in primary shopping frontages e.g. one unit comprising of a gift shop and a cafe (A1/A3 uses).	2. Clarification sought.	2. Commented noted. This issue will be given further consideration and clarified in the SPG.	2. Additional paragraph (4.5) included to explain how proposals for mixed retail /non-retail proposals will be considered.
	Comment	3. Questioned why the SPG does not make any reference to out-of-town retail development.	3. No specific change requested.	3. Out-of-town retail development is dealt with in Policy RET4 - New Retail Proposals.	3. No change necessary.
Cllr Ruth Edwards	Comment	1. Commented that the issue of security regarding residential uses above shops can be difficult.	1. No change requested.	1. Comment noted. This is not a matter that can be addressed by the SPG.	1. No change necessary.

Draft PSF SPG Planning Committee Members' Comments 07.07.15

Member	Object/Support/ Comment	Comment	Requested Change	LPA Response	Recommendation
Cllr David Dovey	Comment	1. The PSF boundaries do not include any premises beyond the Gatehouse in Chepstow, including for example Post Office, Wilkinsons, Co-op. Questioned why there is no PSF designation in this area of Chepstow town centre as this is an area of potential that shouldn't be ignored.	1. No specific changed requested.	1. The PSF boundaries set out in the SPG are based the current LDP designations. Any amendments to the PSF boundaries would need to be considered as part of the LDP review process. The area to the north of the Gatehouse in Chepstow town centre is within the Central Shopping Area and as such Policy RET2 would apply. PSF designations will be considered as part of the LDP review process.	1. No change necessary.
	Comment	2. There is an issue regarding shop front windows being a 'health hazard'.	2. No change requested.	2. Comment noted. This is not a matter that can be addressed by the SPG.	2. No change necessary.
Cllr Doug Edwards	Comment	1. Is there any significance in the way PSF1 is separated from PSF3 in Abergavenny?	1. No change requested.	1. The PSF designations in the SPG are based on the proportion of A1 and non-A1 uses at ground floor level. PSF 3 is considered to be distinct from PSF1 given the higher proportion of non-A1 uses within PSF3 which is reflected in the SPG designation.	1. No change necessary.



monmouthshire
sir fynwy

Appendix C

**Monmouthshire County Council
Local Development Plan**

**Draft Primary Shopping Frontages
Supplementary Planning
Guidance**

March 2016

Planning Policy Service

Monmouthshire County Council

County Hall, Rhadyr, Usk, Monmouthshire NP15 1GA

Tel: 01633 644429

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Appendices

- A. Monmouthshire Primary Shopping Frontages – Background Information and Maps
- B. Policy RET1 Checklist for Assessing Development and Change of Use Proposals for Non-retail Uses in Primary Shopping Frontages
- C. Sources of Advice

Front Cover Photographs Clockwise from Top Left:

Cross Street, Abergavenny

Church Street, Monmouth

Newport Road, Caldicot

St Mary Street, Chepstow

1 Introduction: Purpose of this Supplementary Planning Guidance

- 1.1 Maintaining and enhancing the vitality, attractiveness and viability of primary shopping frontages in Monmouthshire's main town centres of Abergavenny, Caldicot, Chepstow and Monmouth is a key objective of the Monmouthshire Local Development Plan (LDP) and reflects the aims of national planning policy on retail and town centres. Policy RET1 - Primary Shopping Frontages - of the Monmouthshire LDP seeks to protect the predominant shopping role and character of the main towns by controlling the loss of retail uses in the primary shopping frontages.
- 1.2 This Supplementary Planning Guidance (SPG) is intended to provide certainty and clarity for applicants and the Council in the interpretation and implementation of Policy RET1 relating to proposals for new development/redevelopment and change of use of ground floor premises in the County's primary shopping frontages from retail to non-retail uses. The SPG is a material consideration in relation to planning applications and appeals and helps guide applicants and the Council through the planning process with regard to proposals for development/redevelopment and changes of use in primary shopping frontages.
- 1.3 The SPG will assist decision making by setting out guidance on the criteria based approach for assessing proposals for non-retail use classes in the County's primary shopping frontages. In particular, it will provide clarity on the proportion of ground floor units in non-retail use that the Council considers acceptable within the specified frontages.
- 1.4 The SPG contains the following information:
- **Section 2** provides an overview of the national and local planning policy context in relation to primary shopping frontages;
 - **Section 3** explains the designation of primary shopping frontages in Monmouthshire; and
 - **Section 4** provides guidance on the interpretation and implementation of the criteria set out in Policy RET1.
 - **Appendices:**
 - Appendix A Monmouthshire Primary Shopping Frontages – Background Information and Maps
 - Appendix B Policy RET1 Checklist for Assessing Development and Change of Use Proposals for Non-retail Uses **at ground floor level** in Primary Shopping Frontages
 - Appendix C Sources of Advice

National Planning Policy

- 2.1 National planning policy on retail and town centres as set out in Chapter 10 of Planning Policy Wales (PPW, Edition 8 January 2016) favours the location of retailing, leisure and other complementary functions within town, district, local and village centres which are readily accessible and minimise the need to travel. Paragraphs 10.2.3-10.2.8 specifically provide guidance in relation to support for existing centres and advise that local planning authorities may distinguish between primary and secondary frontages in such areas and consider their relative importance to the character of the centre. Primary shopping frontages are those characterised by a high level of shopping uses, while secondary frontages contain a greater mix of commercial uses, including banks and other financial institutions, and restaurants. PPW clearly states that such non-retail uses should not be allowed to dominate primary shopping areas in a way that can undermine the retail function.
- 2.2 While national planning policy encourages diversity in town centres as a whole, it highlights the importance of ensuring that ground floor use class changes to non-retail uses are not permitted where they create a predominance of such uses, unacceptably dilute the shopping street frontage or undermine the vitality, attractiveness and viability of a centre. These principles are reflected in the LDP's retail planning policy framework and this SPG.
- 2.3 Technical Advice Note 4 Retailing and Town Centres (TAN4, 1996) provides advice on the information that can be of value in measuring the vitality, attractiveness and viability of town centres. This approach has assisted in identifying the central shopping areas and primary shopping frontages in each of the County's main town centres.

Monmouthshire Local Development Plan (LDP)

- 2.4 The Monmouthshire LDP was adopted in February 2014 and provides the planning framework for this SPG. It builds on the positive approach of previous development plans to ensure that the County's main town centres thrive as successful shopping and visitor destinations. A key objective of the LDP is to '*sustain and enhance the main County towns of Abergavenny, Caldicot, Chepstow and Monmouth as vibrant and attractive centres serving their own populations and rural hinterlands*'. This is reflected in the LDP's retail policy framework, including Strategic Policy S6 - Retail Hierarchy - which seeks to focus new retail and commercial developments in the identified retail hierarchy.
- 2.5 Policy RET1 - Primary Shopping Frontages - which this SPG supports, specifically focuses on primary shopping frontages and sets out the criteria for considering non-retail proposals within these frontages. The policy gives priority to retail (A1 uses) in **ground floor premises** of the town centres' primary shopping frontages and seeks to protect the predominant shopping role and

character of the main towns by controlling the loss of retail units within such frontages. In providing an enhanced level of protection for the most important shopping frontages in Abergavenny, Caldicot, Chepstow and Monmouth, the policy aims to ensure that development/redevelopment and change of use proposals are only permitted if they do not harm the shopping character and function of the primary shopping frontages. This SPG provides further guidance on the criteria-based approach set out in Policy RET1 to controlling non-retail uses **at ground floor level** in these key frontages.

- 2.6 With regard to proposals for the development and change of use of premises above ground floor level in primary shopping frontages consideration will be given to Policy RET2 Central Shopping Areas of the LDP. This policy seeks to encourage a diversity of uses within central shopping areas providing that this would not harm their role/character or undermine their vitality, attractiveness and viability.

Monmouthshire LDP Evidence Base

- 2.7 A number of studies/ assessments have been carried out to inform the LDP which provide valuable baseline information on the County's main towns and have assisted in identifying the central shopping areas and primary shopping frontages. These include:

- **Retail Background Paper**

This sets out the Council's annual retail 'health check' of the County's main towns which involves monitoring the diversity of uses, retailer representation/demand, vacant units, environmental quality and pedestrian flows. The most recent data available is for October 2015 and is set out in the latest Retail Background Paper dated February 2016.

- **Floorspace and Household Surveys**

These surveys are undertaken every five years and form another important element of the County's retail / town centre evidence base. The most recent floorspace and consumer surveys were undertaken in 2015, the results of which are reported in the 2016 Retail Background Paper.

- **Monmouthshire Retail and Leisure Study (Drivers Jonas Deloitte, 2009)**

Undertaken to inform the evidence base of the LDP, this study assesses the need for further retail, leisure and other main town centre uses in Monmouthshire. As part of the study, consideration was given to the suitability of existing primary shopping frontages within the main towns.

3 Designation of Primary Shopping Frontages in Monmouthshire

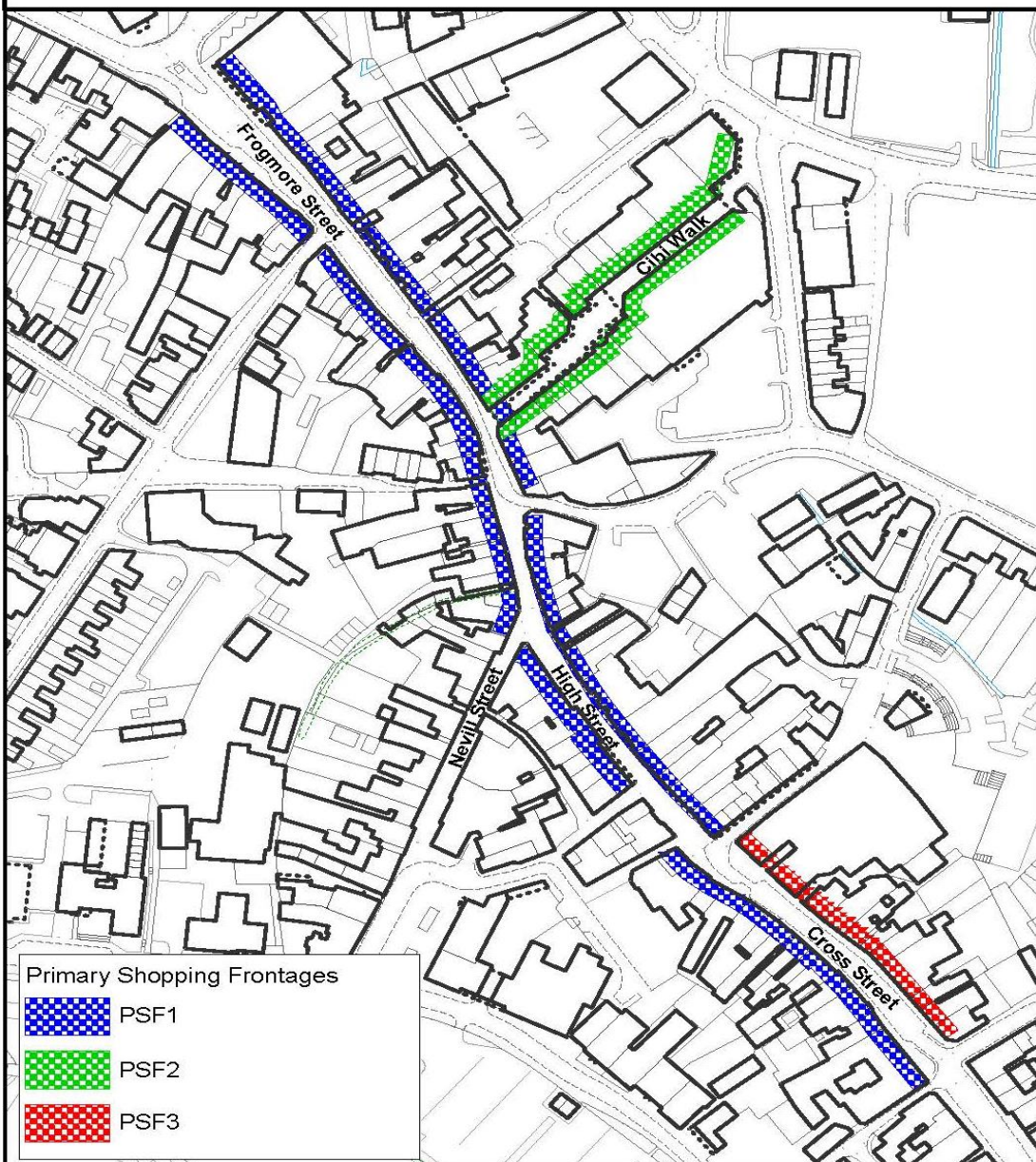
- 3.1 The designation of primary shopping frontages in the LDP is a key element of the Council's strategy to protect and enhance the vitality, attractiveness and viability of the County's main town centres. Primary shopping frontages have been designated to cover those areas of the County's main town centres of Abergavenny, Caldicot, Chepstow and Monmouth where retail uses (Use Class A1) predominate. It should be noted that primary shopping frontages relate only to the ground floor level of premises.
- 3.2 The clustering of retail uses can significantly contribute to the vitality, attractiveness and viability of the town centres. Whilst it is recognised that other non-A1 uses, such as financial and professional services and restaurants and cafés can complement and contribute to the vitality of shopping centres, there is a need to ensure that they do not reach such a level that the main retail function of a centre, or a particular frontage, is diluted and/or the vitality, attractiveness and viability of a centre is undermined. It is essential, therefore, that the retail core of the County's main centres is protected and that developments which undermine this function are resisted.
- 3.3 The designation of primary shopping frontages in Monmouthshire has been informed by consideration of the following:
- The LDP evidence base including the annual 'health check' surveys (e.g. presence of national retailers, pedestrian counts etc.) and the Monmouthshire Retail and Leisure Study. In view of the latter, one amendment was made to the Caldicot primary shopping frontage through the LDP process, whereby a number of units at the eastern end of the centre were removed from the primary shopping frontage on the basis that they did not warrant such designation.
 - The character and function of the frontages within the town centres (e.g. frontages with the greatest provision of existing shops).
 - The Council's adopted LDP retail objectives, strategy and policies.
- 3.4 Maps of the towns' designated primary shopping frontages are set out below. Further background detail on these frontages, including the maximum thresholds sought for non-retail (A2/A3) uses within these frontages, together with maps showing their extent and use class at ground floor level (at October 2015), is provided in **Appendix A** of this SPG.

Primary Shopping Frontages (PSF) in Monmouthshire

ABERGAVENTNY

PSF1	Cross Street (1-15 & The Angel Hotel), High Street, Frogmore Street and 1 Nevill Street
PSF2	Cibi Walk (1-18)
PSF3	Cross Street (51-60 & Town Hall)

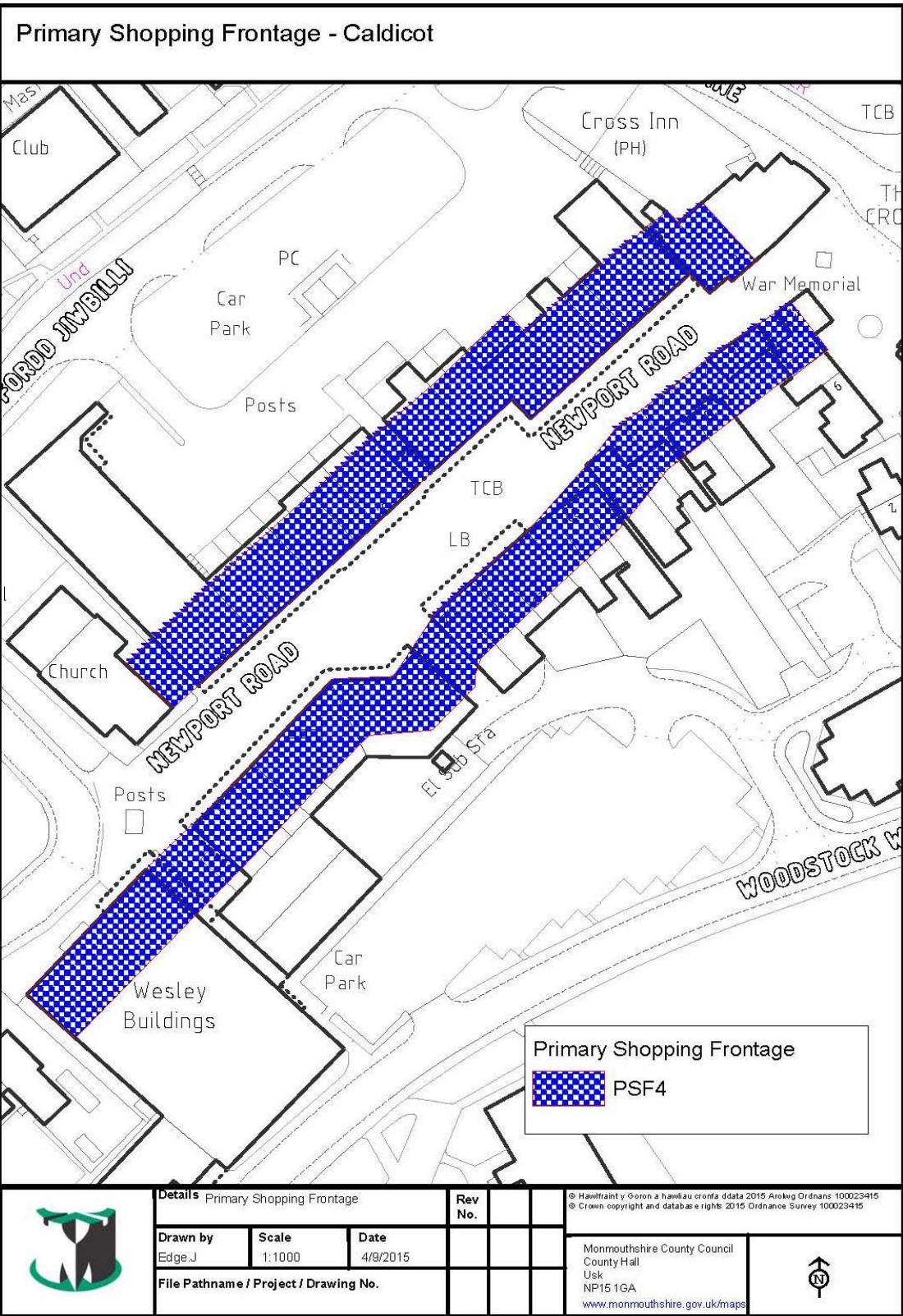
Primary Shopping Frontages - Abergavenny



	Details Primary Shopping Frontages		Rev No.		<small>© Hafwrfaith y Goron a hawliau orionfa ddata 2015 Arolwg Ordnam 100023415 © Crown copyright and database rights 2015 Ordnance Survey 100023415</small> Monmouthshire County Council County Hall Usk NP15 1GA www.monmouthshire.gov.uk/maps
	Drawn by Edge.J	Scale 1:2000	Date 2/16/2016		
	File Pathname / Project / Drawing No.				

CALDICOT

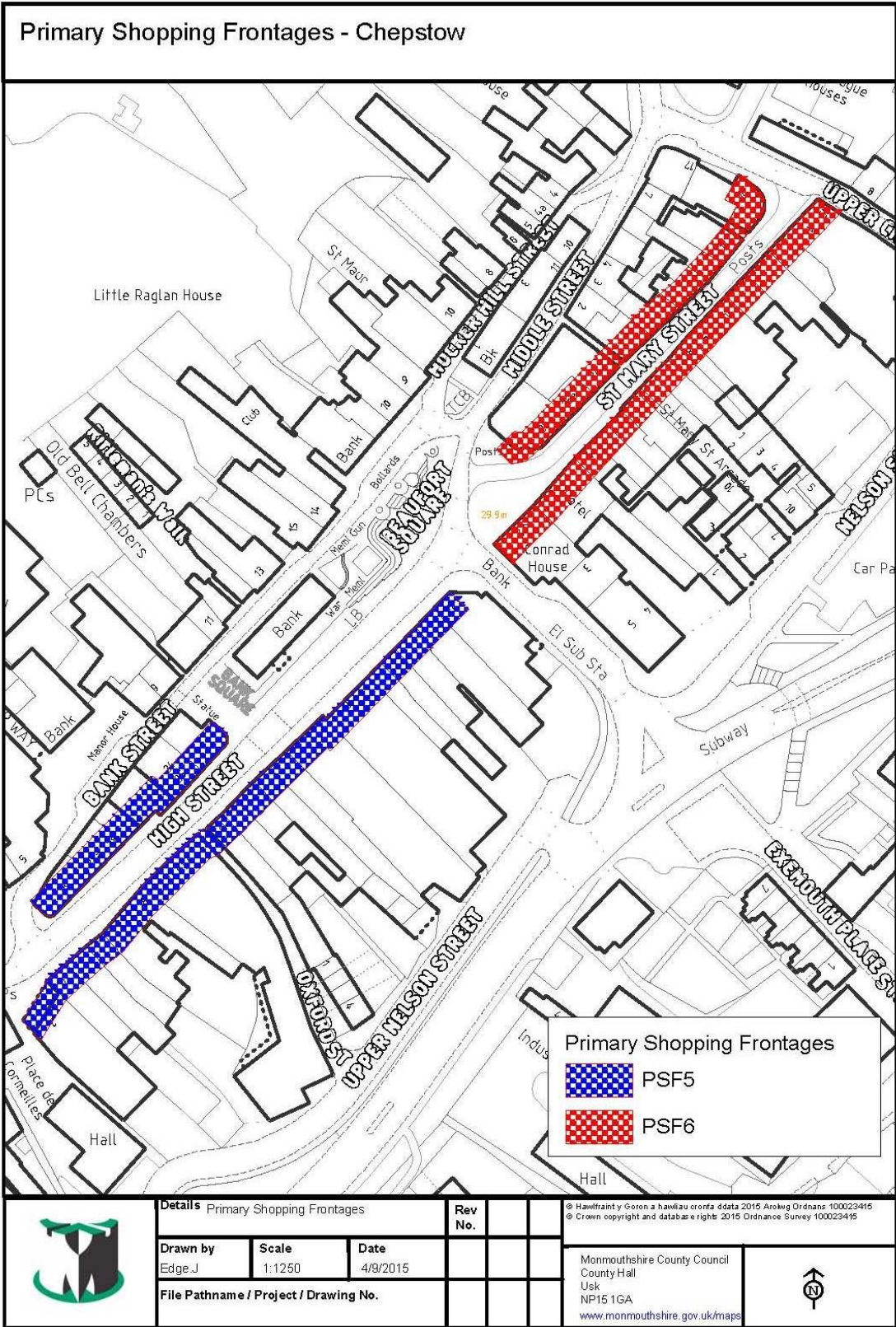
PSF4	Newport Road (7-43 & 14-Wesley Buildings)
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	Details Primary Shopping Frontage		Rev No.	<small>© Hawffraint y Goron a hawlau cronfa ddata 2015 Arolwg Ordnans 100023415 © Crown copyright and database rights 2015 Ordnance Survey 100023415</small> Monmouthshire County Council County Hall Usk NP15 1GA www.monmouthshire.gov.uk/maps
	Drawn by Edge.J	Scale 1:1000	Date 4/9/2015	
	File Pathname / Project / Drawing No.			

CHEPSTOW

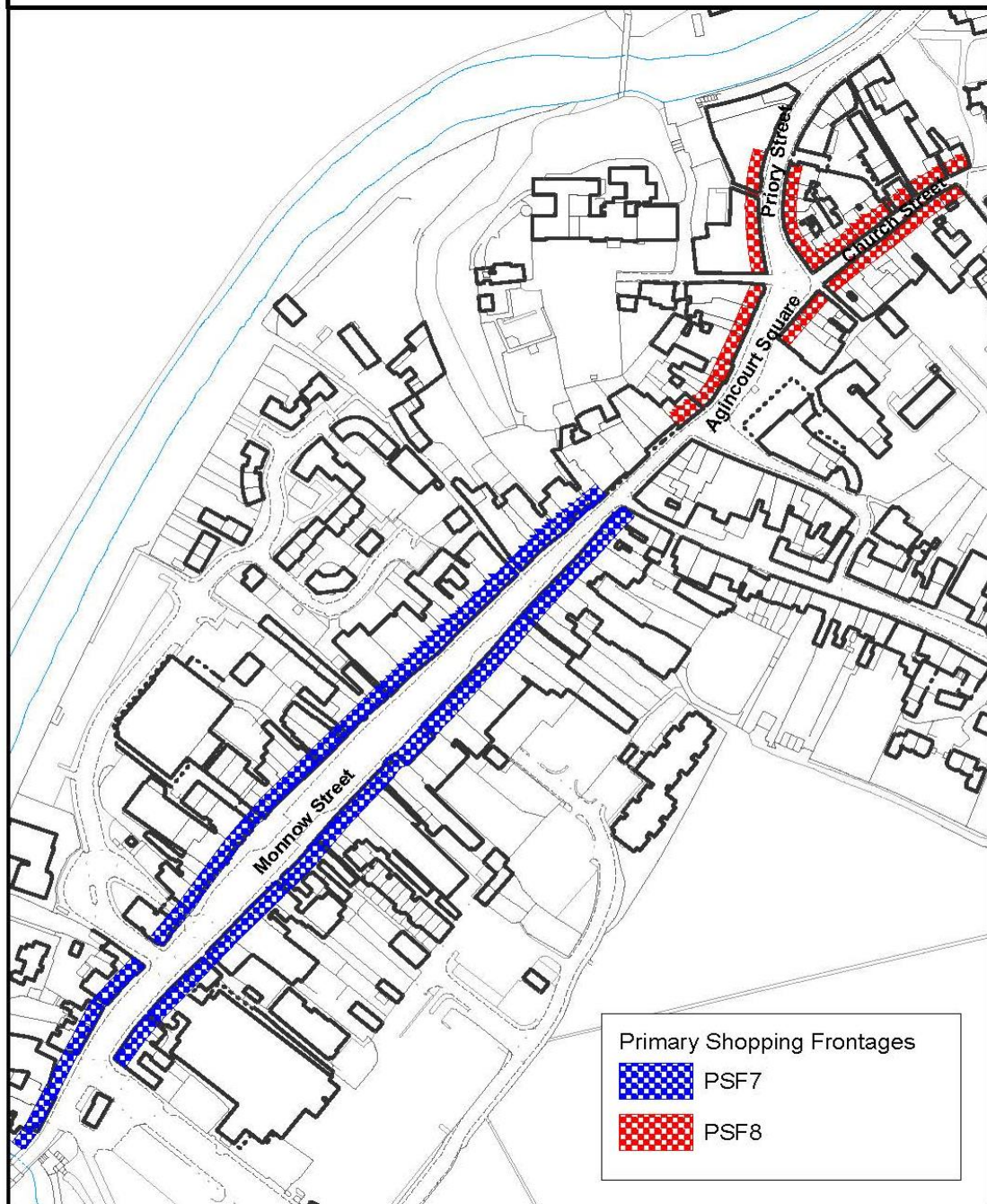
PSF5	High Street (2-29)
PSF6	St Mary Street





MONMOUTH

PSF7	Monnow Street (12-126)
PSF8	Church Street, Agincourt Square & Priory Street (1-4)

Primary Shopping Frontages - Monmouth



	Details Primary Shopping Frontages		Rev No.	<small>© Hantfrant y Gornn a hantfrant y Gornn 2015 © Crown copyright and database right. 2015 Ordnance Survey 100023415</small>
	Drawn by Edge.J	Scale 1:2300	Date 2/18/2018	Monmouthshire County Council County Hall Usk NP15 1GA www.monmouthshire.gov.uk/maps
	File Pathname / Project / Drawing No.			

4 Interpretation and Implementation of Policy RET1: The Approach to Assessing Development and Change of Use Proposals for Non-retail Uses in Primary Shopping Frontages

- 4.1 This section of the guidance provides further detail on the interpretation and implementation of the criteria set out in Policy RET1, with particular consideration given to criterion c). Primary shopping frontages have been identified in the County's main towns within which a specific criteria-based approach set out in Policy RET1 will apply when assessing proposals for new development/redevelopment and change of use from A1 to non-retail (A2/A3) uses **at ground floor level**. This approach seeks to protect the predominant shopping role and character of the main towns by controlling the loss of retail uses within the primary shopping frontages. Non-retail in the context of this policy and SPG applies to all uses outside class A1 of the Town and Country Planning (Use Classes) Order 1987, as amended and applied in Wales.

Policy RET1 – Primary Shopping Frontages

Primary Shopping Frontages are designated in Abergavenny, Caldicot, Chepstow and Monmouth as shown on the Proposals Map. Within Primary Shopping Frontages, development or redevelopment proposals for Classes A2 or A3 on ground floors, or a change of use on ground floors from Use Class A1 to Classes A2 or A3, will be permitted unless:

- a) they would create (or further extend) a continuous frontage exceeding two or more non A1 units; or
- b) they would result in the loss of A1 retail units in prominent locations, corner units or those with long frontages; or
- c) the number, frontage lengths and distribution of Class A2 or A3 uses in the frontage create an over-concentration of uses detracting from its established retail character.

Where a proposal fails to meet the above criteria, an exception may be considered provided:

- i) it can be demonstrated that the proposed use would not harm the vitality of the street frontage; or
- ii) the premises have been vacant for a least 2 years and genuine attempts at marketing the existing use have been unsuccessful.

4.2 In interpreting the criteria set out in Policy RET1, the following considerations will be taken into account:

a) Distribution and Proximity of Non-retail Uses in Primary Shopping Frontages:

Criterion a) seeks to ensure that consideration is given to the distribution and proximity of existing non-retail uses at ground floor level in primary shopping frontages. In order to prevent concentrations of non-retail uses occurring which could dilute shopping frontages and negatively impact on vitality, attractiveness and viability, no more than **two** adjacent non-retail uses will be permitted.

b) Location and Prominence of Premises in Primary Shopping Frontages:

Criteria b) seeks to prevent the loss of A1 retail units in prominent locations and corner units and those with long frontages **at ground floor level**. Such units are considered to have an important function in primary shopping frontages in maintaining vitality, attractiveness and viability and it is therefore essential that the loss of such units to non-retail (A2/A3) uses is controlled. Accordingly, it is unlikely that planning permission would be granted for any proposal in a primary shopping frontage involving development/redevelopment or a change of use from A1 retail use to a non-retail use in a prominent/corner location.

In determining whether a unit constitutes a prominent premises within a primary shopping frontage consideration should be given to the following factors:

- Is it a key /anchor store?
- Is it visually prominent? e.g. architectural quality and presence, junction location.
- Is it located in a central position within the frontage?
- Is it located immediately adjacent to transport facilities or in a key position in terms of pedestrian linkages?

Such factors should assist in establishing the importance of the premises in the shopping frontage.

This approach will also apply to proposals for development/redevelopment or a change of use to non-retail in those premises with a long frontage. For the purposes of this policy, specific consideration will be given to those units with a frontage of **10 metres** or more although the significance of a particular frontage will depend on its context.

c) Proportion of Non-retail Uses in Primary Shopping Frontages:

Criterion c) aims to prevent the number, frontage length and distribution of non-A1 uses from creating an over-concentration of non-retail uses in primary shopping frontages which can interrupt the flow of retail units, lead to 'dead frontages' and negatively impact on the established shopping role

and character of the centres. The number of existing non-retail uses within such frontages will therefore be a key factor in deciding whether to permit an additional non-retail use.

In order to avoid a concentration of non-retail uses in primary shopping frontages there will be a restriction upon the number of units in non-A1 use classes allowed within these frontages **at ground floor level**. To assist with the interpretation of this criterion, percentage figures are provided for the maximum proportion of non-retail (A2/A3) uses that the Council considers appropriate in each of the centres' primary shopping frontages. Development/redevelopment and change of use proposals which would increase the number of non-retail units to more than the identified percentages in each of the specified frontages, as set out in Tables 1-4 below and in Appendix A, are unlikely to be permitted.

Of note, A1 retail and non-retail uses within the primary shopping frontages are calculated from both the numbers of current A1 and non-A1 uses together with vacant units which were in A1 and non-A1 use prior to becoming vacant, and shops which have a valid A1 consent.

In identifying the maximum proportion of non-retail units considered appropriate in each of the primary shopping frontages, a number of factors have been taken into account including:

- The manner in which the balance of retail to non-retail (A2/A3) uses has been changing over time within a frontage;
- The contribution of the frontage to the vitality and viability of the centre as a whole;
- Existing/ baseline situation based on the centres' health check findings and Retail and Leisure Study.

The identified thresholds, as set out below and in Appendix A, are generally considered appropriate on the basis that a higher level of non-retail uses would be likely to dilute the established shopping role/character of the frontage and undermine the vitality, viability and attractiveness of the frontages and centres as a whole. Given the diversity of frontages in the County, it is not considered appropriate to apply a standardised threshold across all primary shopping frontages in all of the main towns. The thresholds therefore vary according to the function and character of the specified primary shopping frontage. Further background information on each of the frontages, including the justification for these thresholds and maps showing the extent of the specified frontages and ground floor uses (at October 2015) is provided in **Appendix A** and should be referred to accordingly.

Table 1 Abergavenny Primary Shopping Frontages – Maximum Thresholds for Non-A1 Uses

Primary Shopping Frontage		Maximum % of Non-A1 Units
PSF1	Cross Street, High Street & Frogmore Street	25%
PSF2	Cibi Walk	0%
PSF3	Cross Street (51-60 & Town Hall)	45%

Table 2 Caldicot Primary Shopping Frontage – Maximum Thresholds for Non-A1 Uses

Primary Shopping Frontage		Maximum % of Non-A1 Units
PSF4	Newport Road (7-43 & 14-Wesley Buildings)	35%

Table 3 Chepstow Primary Shopping Frontages – Maximum Thresholds for Non-A1 Uses

Primary Shopping Frontage		Maximum % of Non-A1 Units
PSF5	High Street (2-29)	25%
PSF6	St Mary Street	35%

Table 4 Monmouth Primary Shopping Frontages – Maximum Thresholds for Non-A1 Uses

Primary Shopping Frontage		Maximum % of Non-A1 Units
PSF7	Monnow Street (12-126)	25%
PSF8	Church Street, Agincourt Square & Priory Street (1-4)	35%

It should be noted that there may be circumstances where the maximum threshold for non-retail uses has already been undermined within a certain frontage. In such instances the threshold identified should be seen as an aspiration to address the existence of a weakened retail frontage and, therefore, further erosion by non-retail uses will not normally be permitted. This approach will allow for the development/redevelopment of retail uses and change of use from non-retail to retail use in order to enhance the retail function of a frontage, but importantly it would not enable a new retail use to revert to a non-retail use.

A checklist for assessing development and change of use proposals for non-retail uses in primary shopping frontages is provided in **Appendix B** and should be referred to accordingly. This enables an applicant/officer to quickly review whether a proposal is compliant with Policy RET1.

4.3 Exceptions to Criteria a) to c) of Policy RET1

Policy RET1 sets out exceptions to these criteria where a proposed development/change of use to a non-retail (A2/A3) use in a primary shopping frontage may be considered acceptable. To deal with these issues in turn:

i) The applicant can demonstrate that the proposed use would not harm the vitality of the street frontage

While there is a presumption in favour of retaining retail units within the centres' primary shopping frontages, it is recognised that complementary A2 and A3 uses can add to the vitality of a centre by attracting customers and creating additional footfall. Coffee shops and cafés in particular can complement the retail offer and add to the attractiveness and vitality of the County's historic towns which have a considerable visitor clientele. Applications for proposals for development/redevelopment and changes of use to A2/A3 uses will need to be supported by evidence that the proposed use would comply with this element of Policy RET1. For example, this could include footfall estimates (which should be akin to a retail use) and evidence to demonstrate that the proposal would bring increased vitality to the area and incorporate active ground floor frontages. In addition, it is essential that uses within these frontages are appropriate in terms of their ability to attract passing trade within general shopping hours. This could be reflected in conditions attached to a planning permission.

In instances where A2 or A3 uses are permitted in primary shopping frontages it is important to ensure that they are dispersed to maximise the benefits of diversity and create frontages which provide increased interest and pedestrian flows. It is also important that non-retail uses maintain the vitality of the street by retaining an active ground floor frontage / attractive display window.

Or

ii) The premises has been vacant for at least 2 years and there have been genuine attempts at marketing the property.

The possibility of a premises remaining vacant for an extended period of time will be a material planning consideration in determining the suitability of a proposed use class change in a primary shopping frontage. The Council will balance concerns about the loss of retail units with the desire to avoid long term vacancies that would have a detrimental impact on the vitality, attractiveness and viability of town centres. Proposals for use class changes to non-retail uses for vacant premises will need to be supported by suitable evidence to demonstrate the extent of marketing undertaken to secure a retail occupier. Marketing and advertising should normally be for a minimum of **12 months** and be of a nature that is likely to reach potentially interested occupiers. The Council may request the applicant to provide an independent retail agent's report on the potential for letting a unit. It is considered that such a flexible approach will assist in avoiding long-term

vacancies that would have a detrimental effect on the established shopping role and character of the town centres' primary shopping frontages.

A3 uses

- 4.4 Particular consideration will be given to assessing proposals for A3 uses within primary shopping frontages. While it is recognised that cafés and restaurants can complement retail uses, hot food take-away premises that are closed during the day make a limited contribution to the vitality of retail centres. Accordingly, further growth of such uses within these frontages will be discouraged. With regard to proposals for change of use from retail to A3 food and drink use, consideration will also be given to the amenity effects likely to arise from the proposed use. Conditions may be attached to a planning permission to restrict future trading to the particular use proposed and prevent an alternative use in the same use class e.g. a condition could restrict a restaurant from operating as a hot food take-away.

Mixed Retail (A1) and Non-retail (A2/A3) Uses in a Single Unit

- 4.5 When considering proposals for a change of use from retail to mixed retail (A1) and non-retail (A2/A3) uses within a single ground floor unit, regard should first be given to whether planning permission is required i.e. whether the introduction of a non-retail use would constitute a material change of use of the premises. This will be a matter of fact and degree depending on the circumstances of each case. In instances where planning permission is required Policy RET1 will apply as detailed above.
- 4.6 The above approach will be adopted in relation to all applications involving new development/redevelopment and/or change of use proposals for non-retail uses within ground floor premises of the County's primary shopping frontages. The guidance is designed to clarify the Council's approach to non-retail uses in the County's main towns and to provide clear guidance to applicants and officers in the interpretation and implementation of Policy RET1.

Appendix A

Monmouthshire Primary Shopping Frontages - Background Information and Maps

ABERGAVENTNY

PSF1 – Cross Street (1-15 & The Angel Hotel), High Street, Frogmore Street & 1 Nevill Street

These historic streets form a core primary shopping frontage within Abergavenny town centre covering High Street, Frogmore Street, the western side of Cross Street and No. 1 Nevill Street. It is a sizeable, attractive, busy area characterised by:

- A range of national comparison goods retailers including Boots, Clarks, B&M Bargains, Burtons and Fat Face.
- A number of local / independent comparison goods retailers including W.M. Nicholls department store.
- A range of supporting services including banks, building societies and several national chain and local/independent cafés, restaurants and coffee shops.
- A limited number of convenience goods retailers.

This area has a high concentration of retail floorspace and continues to be the main focus of high street retailing in Abergavenny. The presence of a range of eateries in this area means that it also has an important function in supporting the town's evening economy.

At October 2014 2015 there were 75 vacant units within this frontage, most of which were previously in retail use, with a notable number of large vacant units towards the northern end of Frogmore Street. The Council will seek to retain these key units in A1 retail use given their prominence in the street frontage.

The presence of key national chain stores, together with a range of local/independent retailers means that this area of the town centre is likely to retain its important shopping function for residents and visitors and remain the focus of retail investment/enhancement for the foreseeable future.

The 2014 2015 retail health check indicated the following findings for this primary shopping frontage:

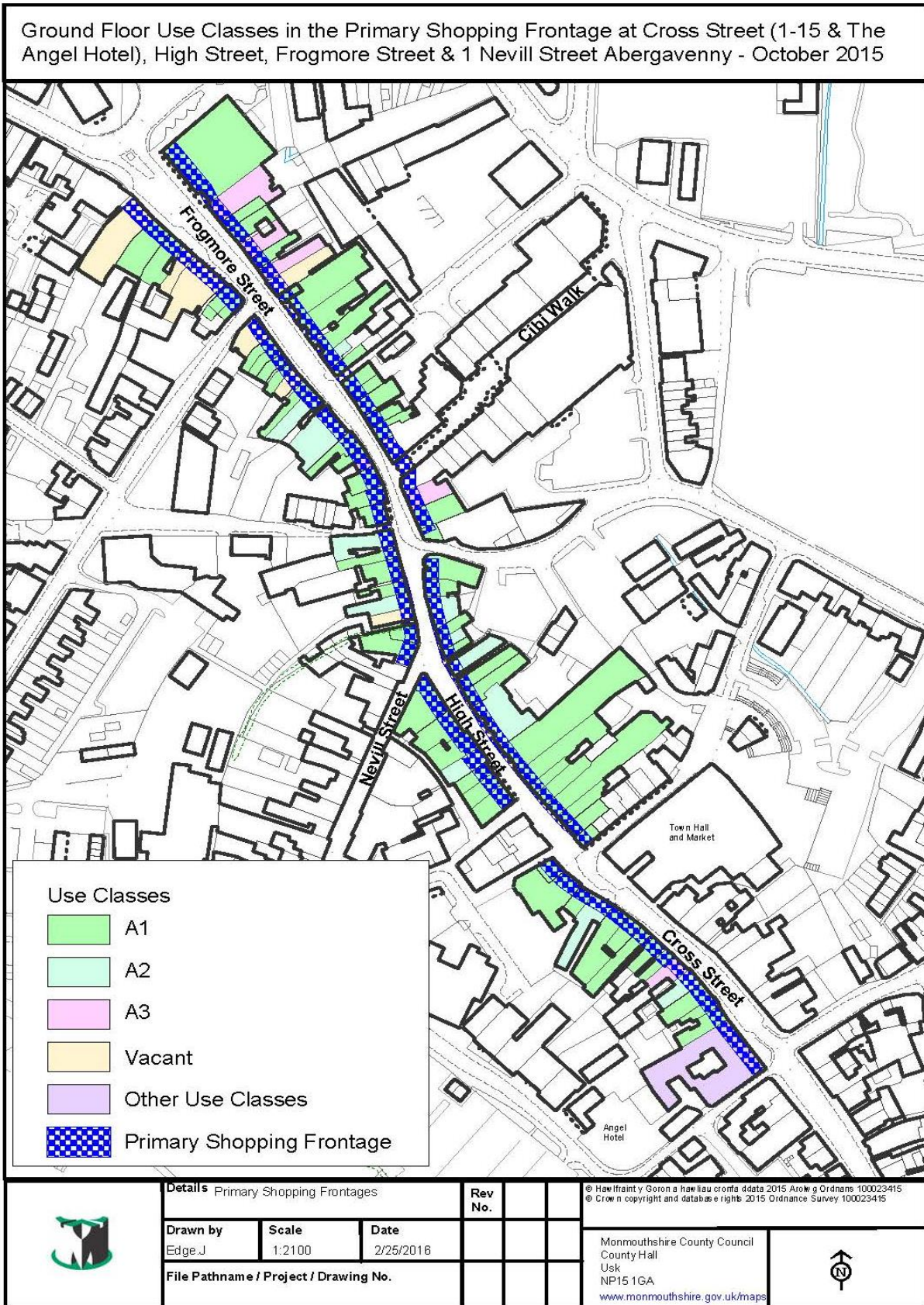
Total number of units	87
• A1 units	61 (66*) 63 (67*)
• A2 units	12
• A3 units	6 (8*) 6(7*)
• Other	1
Number of vacant units	75
Length of defined retail frontage	732 metres
Average unit length	8.4 metres
Ground floor units retail/non-retail split (%)**	76 77% A1 retail/24 23% non-retail

*Indicates situation if vacant units return to previous use class

** Figures include vacant unit's current lawful use / previous use class

This is a key shopping area with a high proportion of retail units at ground floor level. In order to maintain and enhance the vitality, viability and retail character of this frontage and centre as a whole, decisions on planning applications for new development/redevelopment and change of use to A2/A3 uses should seek to ensure that the proportion of non-A1 uses at ground floor level does not exceed the identified threshold of **25%**. This figure broadly reflects historical and current levels of non-retail uses within this frontage and recognises the importance of maintaining the retail function /character of the frontage and centre as a whole but also allows some scope for diversification. It is considered that a higher level of non-retail uses would be likely to dilute the established shopping role and character of the frontage and undermine the vitality, viability and attractiveness of both the frontage and centre as a whole.

MAP 1: Abergavenny PSF1 – Cross Street (1-15 & The Angel Hotel), High Street, Frogmore Street & 1 Nevill Street



PSF2 – Cibi Walk

This purpose built arcade situated off Frogmore Street opened in 1992 and is a key primary shopping frontage in Abergavenny town centre. Distinct from the historic retail core of Abergavenny, it is a busy shopping area characterised by:

- A range of predominantly national multiple comparison goods retailers, including WH Smith, Wilkinson, Clinton Cards, Superdrug and Thornton's.
- A number of large retail units (average unit length of 15.3 metres).
- A small number of local /independent retailers including Y Fenni Fruit and Veg.

All units in Cibi Walk were in A1 retail use at October 2014 2015 with no vacant units present which indicates that the area is vital and viable, reflecting its designation as a primary shopping frontage and its importance for high street retailing in the town centre.

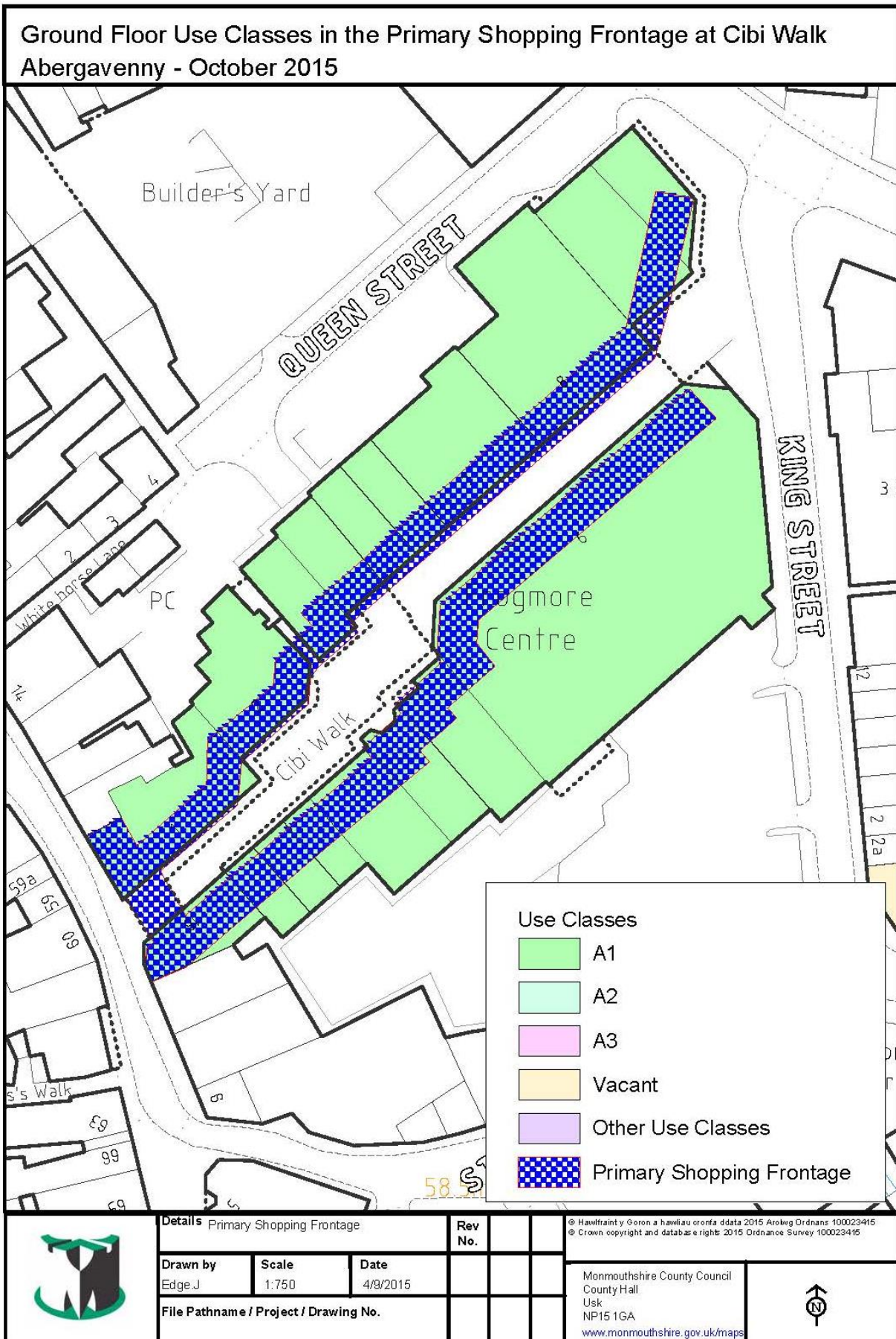
The presence of key national chain stores in mainly larger units means that this area of the town centre is likely to retain its important shopping function for residents and visitors and remain the focus of retail investment /enhancement for the foreseeable future.

The 2014 2015 retail health check indicated the following findings for this primary shopping frontage:

Total number of units	16
• A1 units	16
• A2 units	0
• A3 units	0
• Other	0
Number of vacant units	0
Length of defined retail frontage	245 metres
Average unit length	15.3 metres
Ground floor units retail/non-retail split (%)	100% A1 retail /0% non-retail

This is a key shopping area with all units in A1 retail use at ground floor level (at 2014 2015). In order to maintain and enhance the vitality, viability and retail character of this purpose built arcade and centre as a whole, decisions on planning applications for new development/redevelopment and change of use to A2/A3 uses should seek to ensure that the proportion of non-A1 uses at ground floor level does not exceed the identified threshold of 0%. This figure reflects historical and current high levels of retail uses and extremely low levels of non-retail uses within this area and recognises the importance of maintaining the retail function /character of the frontage. It is considered that the introduction of non-retail uses would be likely to dilute the established shopping role of the area and undermine the vitality, viability and attractiveness of the frontage and centre as a whole.

MAP 2: Abergavenny PSF2 – Cibi Walk



PSF3 – Cross Street (51-60 & Town Hall)

This eastern side of Cross Street is a relatively small primary shopping frontage within Abergavenny town centre comprising a diverse mix of retail and non-retail uses and is characterised by:

- A small number of retail uses including a national opticians and a few local independent retailers.
- A predominance of non-retail uses including a bank, estate agent, theatre, hotel and restaurant /café.

Whilst retail remains an important element within this frontage, it is recognised that its character and function has been subject to change with a higher proportion of non-retail uses now evident.

There were no vacant units within this frontage at October 2014 2015. Although it is no longer a focus for high street retailing, it appears to be functioning effectively with its mix of retail and complementary supporting services and supports the town's evening economy.

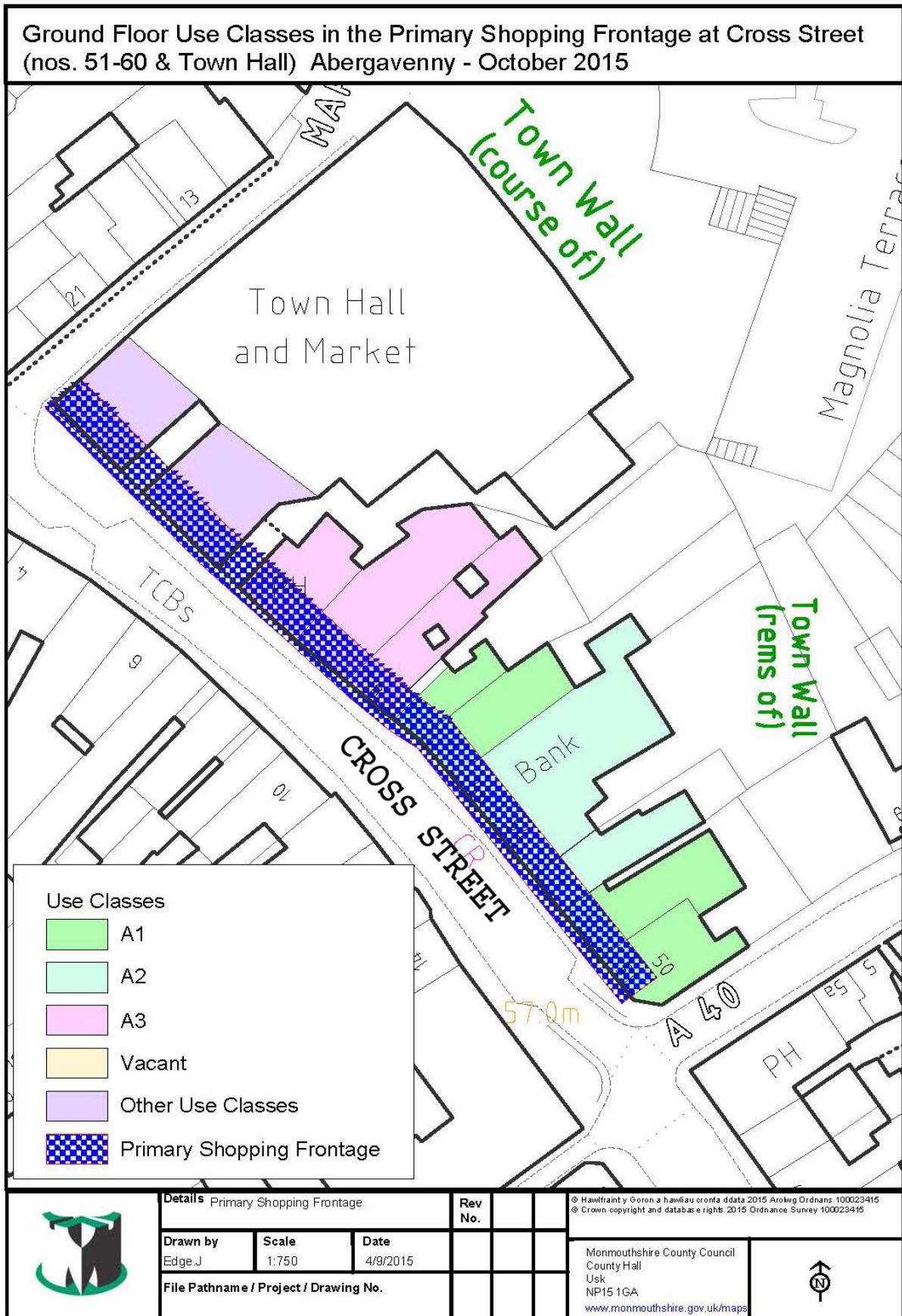
The presence of the Borough Theatre, MCC One Stop Shop and established hotel, restaurant /café together with a small range of retailers suggests that this part of Cross Street will remain an important frontage within the town centre for residents and visitors for the foreseeable future.

The 2014 2015 retail health check indicated the following findings for this primary shopping frontage:

Total number of units	11
• A1 units	4
• A2 units	2
• A3 units	3
• Other	2
Number of vacant units	0
Length of defined retail frontage	100 metres
Average unit length	9.1 metres
Ground floor units retail/non-retail split (%)	36% A1 retail /64% non-retail

In view of the mix of retail and non-retail uses within this frontage, a higher proportion of non-retail uses will be considered acceptable than in the other primary shopping frontages in Abergavenny. Accordingly, decisions on planning applications for new development/redevelopment and change of use to A2/A3 uses should seek to ensure that the proportion of non-A1 uses at ground floor level does not exceed the identified threshold of **45%**. Whilst this figure will allow sufficient scope for a flexible /diverse range of uses within ground floor premises to complement the retail offer of the centre as a whole as the area changes and develops, it is recognised that the current level of non-A1 retail uses exceeds this threshold. There is, however, an aspiration to address this situation and enhance the retail function of this frontage meaning that further erosion by non-retail uses beyond the identified threshold which could undermine its designation as a primary shopping frontage will be prevented. The identified threshold of 45%, whilst generally lower than the historical and current levels of non-retail uses within this frontage, is considered appropriate in order to meet this objective.

MAP 3: Abergavenny PSF3 – Cross Street (51-60 & Town Hall)



CALDICOT

PSF4 – Newport Road (7-43 & 14-Wesley Buildings)

This area forms the primary shopping frontage within Caldicot town centre. It is a purpose built, relatively compact, pedestrianised area which serves an important local shopping function for residents and is characterised by:

- A range of comparison and convenience goods retailers comprising of predominantly local/ independent businesses, including RSVP Greeting Cards, Chappell Pharmacy and Country Flowers.
- A small number of national retailers comprising of mainly convenience goods operators, including Waitrose and Gregg's bakery.
- A range of supporting services including banks, estate agents and several local/independent cafés and takeaways.

This area has a reasonable concentration of retail floorspace and continues to be the main focus of high street retailing in Caldicot. It is recognised that this area contains a higher proportion of non-retail uses than the primary shopping frontages of the other main towns, however, its designation as a primary frontage reflects its role as a key local retail area serving the town's residents.

There were ~~5~~ 4 vacant units within the frontage (at October ~~2014~~ 2015) constituting ~~43~~ 10% of outlets which represents an ~~notable~~ increase in the number of vacant units in the frontage in recent years. The majority of vacant units were previously in use as retail. Given that this area is the main focus for high street retailing in Caldicot the Council will seek to retain these units in A1 retail use.

The presence of a range of local/independent retailers together with a small number of national operators means that this area of the town centre is likely to retain its important local shopping function for residents and provide opportunities for local retailers. The recent development of an Asda store in close proximity should generate further linked shopping trips to this area further supporting its retail function.

The 2014 2015 retail health check indicated the following findings for this primary shopping frontage:

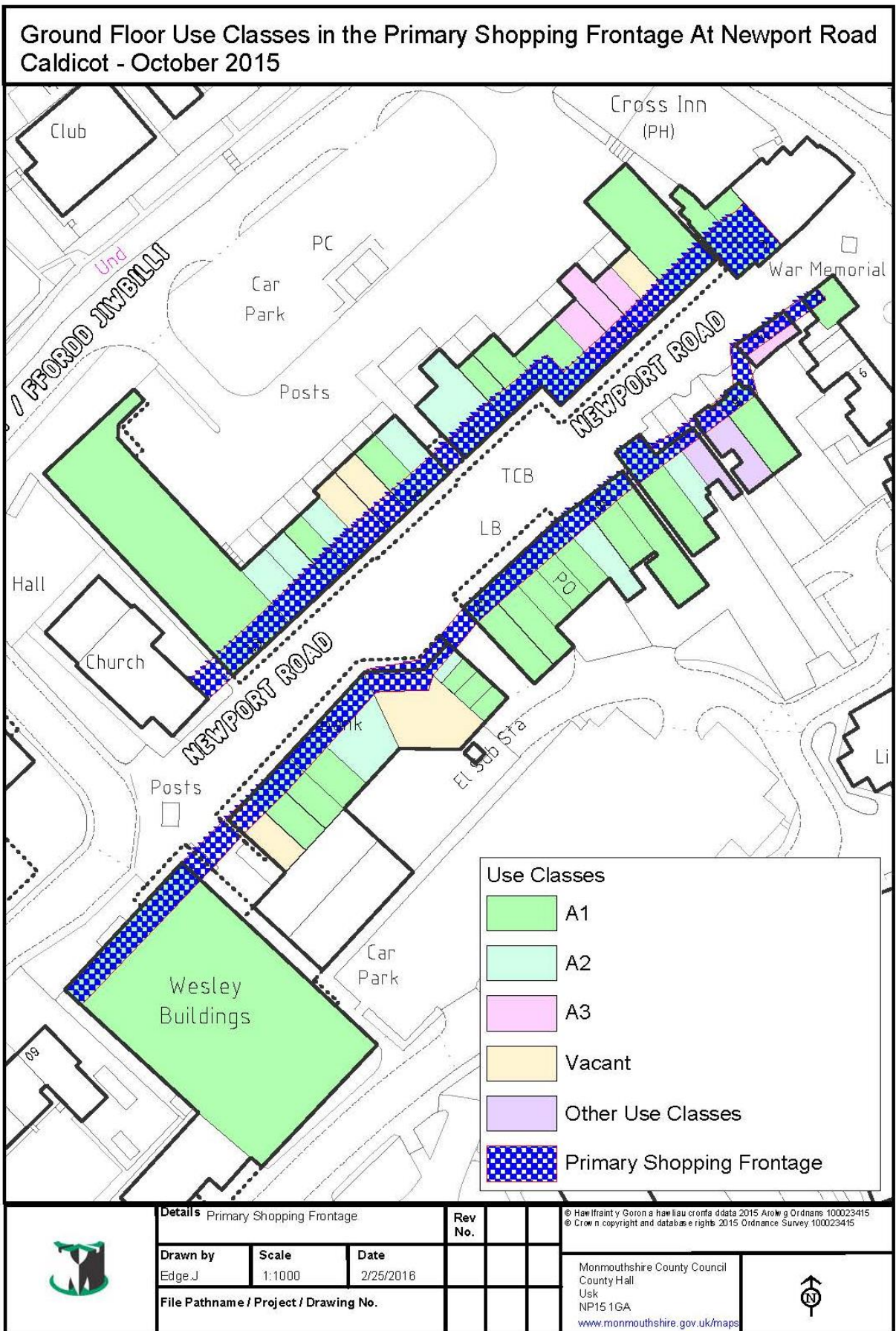
Total number of units	40
• A1 units	22 (26*) 23 (26*)
• A2 units	8 (9*)
• A3 units	4
• Other	1
Number of vacant units	5 4
Length of defined retail frontage	376 metres
Average unit length	9.4 metres
Ground floor units retail/non-retail split (%) **	65% A1 retail /35% non-retail

* Indicates situation if vacant units return to previous use class

** Figures include vacant units' current lawful use / previous use class

In order to maintain and enhance the vitality, viability and local retail function of this frontage, decisions on planning applications for new development/redevelopment and change of use to A2/A3 uses should seek to ensure that the proportion of non-A1 uses at ground floor level does not exceed the identified threshold of **35%**. This figure broadly reflects the historical and current level of non-retail uses within this primary shopping frontage and the Council's desire to prevent further erosion of retail uses beyond this level. It is considered that a higher level of non-retail uses would be likely to dilute the established important local shopping role and character of the frontage and undermine the vitality and viability of the centre.

MAP 4: Caldicot PSF4 – Newport Road (7-43 & 14-Wesley Buildings)



CHEPSTOW

PSF5 – High Street (2-29)

This historic area forms a key primary shopping frontage within Chepstow town centre. It is an attractive, busy area during the day and is characterised by:

- A range of national comparison goods retailers including Boots, WH Smith, Peacocks and Specsavers.
- A number of local / independent comparison goods retailers including Herbert Lewis department store.
- A small number of supporting services including a building society, estate agents and a restaurant.

This area contains a high concentration of comparison goods retail floorspace and is the main focus of high street retailing in Chepstow, although it is notable that evening activity is limited.

There were no vacant units within this core frontage at October ~~2014~~ 2015 which indicates that the area is vital and viable, reflecting the key shopping function of this frontage within the town centre.

The presence of national comparison chain stores, together with a range of local/independent retailers means that this area of the town centre should retain its important shopping function for residents and visitors and remain the focus of retail investment /enhancement for the foreseeable future.

The 2014 2015 retail health check indicated the following findings for this primary shopping frontage:

Total number of units	25
• A1 units	20
• A2 units	4
• A3 units	1
• Other	0
Number of vacant units	0
Length of defined retail frontage	234 metres
Average unit length	9.4 metres
Ground floor units retail/non-retail split (%)	80% A1 retail /20% non-retail

This is a core shopping area with a high proportion of retail units at ground floor level. In order to maintain and enhance the vitality, viability and retail character of this primary shopping frontage and centre as a whole, decisions on planning applications for new development/redevelopment and change of use to A2/A3 uses should seek to ensure that the proportion of non-A1 uses at ground floor level does not exceed the identified threshold of **25%**. This figure, whilst generally marginally higher than historical and current levels of non-retail uses within this frontage, recognises the importance of maintaining the retail function /character of the frontage and centre as a whole and allows some scope for diversification. It is considered that a higher level of non-retail uses would be likely to dilute the established shopping role and character of the frontage and undermine the vitality, viability and attractiveness of the frontage and centre as a whole.

MAP 5: Chepstow PSF5 – High Street (2-29)



PSF6 – St Mary Street

St Mary Street is an historic, attractive, pedestrianised shopping area within Chepstow town centre located to the south of High Street. It is characterised by:

- Predominantly local independent operators, with only 2 national operators present (namely Costa and Coffee@1)
- A range of local independent comparison goods and speciality retailers, including two antique shops and gift shop, and hair/beauty salons.
- A relatively high number of supporting services including coffee shops/cafés and restaurants, clinics and a recruitment agency.

Whilst retail, particularly in relation to local /independent and speciality operators, remains important in this frontage it is recognised the area has been subject to the growth of a diverse range of supporting services with over a third of units in non-retail use at ~~2014~~ 2015. The presence of a range of eateries in this area means that it also supports the town's evening economy.

At ~~2014~~ 2015 there ~~were~~ ~~was~~ ~~2~~ ~~1~~ vacant units within this frontage, ~~one of which was in previously use as A1 retail and the other a in D1 use (dentist).~~ Despite these vacant units, the Overall the area appears to functioning effectively with its local / independent retail offer and supporting services.

The diverse range of uses in this area suggests that it will remain an important frontage within the town centre for residents and visitors. The focus of this frontage is expected to remain on local independent shopping and complementary supporting services. It is important that any proposals for change of use do not adversely impact on the area's character and function.

The ~~2014~~ 2015 retail health check indicated the following findings for this primary shopping frontage:

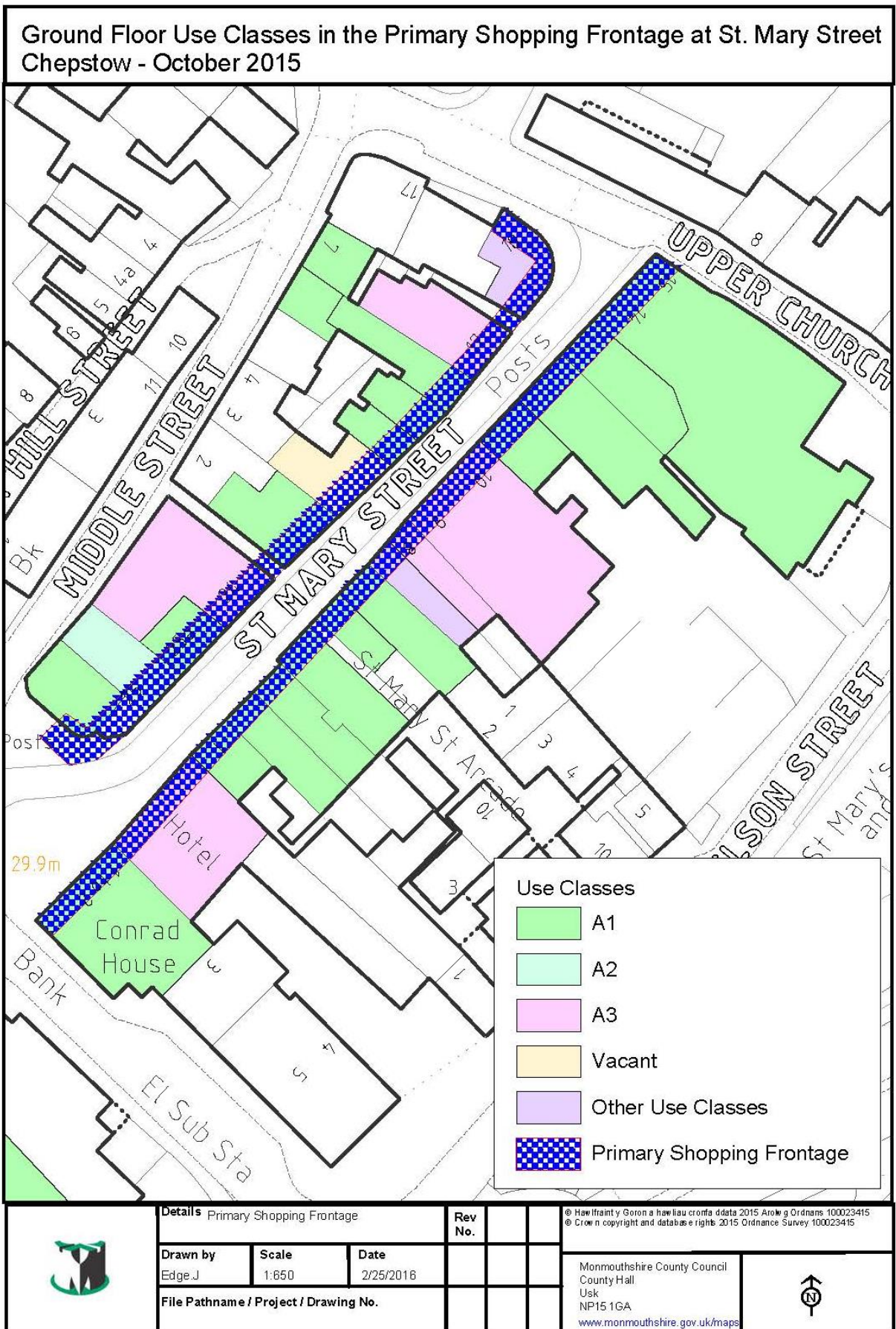
Total number of units	26
• A1 units	16 (17*) 17
• A2 units	1
• A3 units	5
• Other	2 (3*)
Number of vacant units	2 1
Length of defined retail frontage	224 metres
Average unit length	8.6 metres
Ground floor units retail/non-retail split (%)**	65% A1 retail / 35% non-retail

* Indicates situation if vacant units return to previous use class

** Figures include vacant units' current lawful use / previous use class

In view of the mix of retail and non-retail uses within this frontage, a higher proportion of non-retail uses will be considered acceptable than in the adjacent primary shopping frontage at High Street. Accordingly, decisions on planning applications for new development/redevelopment and change of use to A2/A3 uses should seek to ensure that the proportion of non-A1 uses at ground floor level does not exceed the identified threshold of **35%**. This figure broadly reflects historical and current levels of non-retail uses within this frontage. Although this will allow for a flexible /diverse range of uses within ground floor premises to complement the retail offer of the centre as a whole, the Council would not wish to see further erosion of retail uses beyond the identified threshold which could undermine its function, character and designation as a primary shopping frontage in Chepstow.

MAP 6: Chepstow PSF6 – St Mary Street



MONMOUTH

PSF7 – Monnow Street

This historic street forms a key primary shopping frontage within Monmouth town centre. It is a sizeable, attractive and vibrant area characterised by:

- A broad range of national comparison goods retailers, including White Stuff, WH Smith, Superdrug, Boots and Fat Face.
- A number of national convenience goods stores – Marks and Spencer Food Hall and Waitrose.
- A broad range of local / independent comparison goods operators including Soames Shoes and Salt & Pepper Cookshop and Gift Shop.
- A number of supporting services including banks, estate agents, coffee shops/ restaurants and public houses.

This area contains a high concentration of both national and local/independent comparison goods retail units (total of 86) and is the main focus of high street retailing in Monmouth. It is also serves an important food shopping function with the presence of Marks and Spencer Simply Food and Waitrose stores.

At the time of the 2014 ~~2015~~ retail health check, there were ~~8~~ **5** vacant units within this primary shopping frontage, ~~six~~ **three** of which were in previous use as A1 retail and two in A2/A3 uses. Despite these vacant units, the area appears to be vibrant and functioning effectively, reflecting the core retail function and character of this area within the town centre.

The presence of national comparison retailers, together with a range of local/independent operators and supporting services means that this area of the town centre is likely to retain its important shopping function for residents and visitors and remain the focus of retail investment /enhancement for the foreseeable future.

The 2014 ~~2015~~ retail health check indicated the following findings for this primary shopping frontage:

Total number of units	86
• A1 units	60 (66*) 62 (65*)
• A2 units	6 (7*) 7 (8*)
• A3 units	8 (9*)
• Other	4
Number of vacant units	8 5
Length of defined retail frontage	628 metres
Average unit length	7.3 metres
Ground floor units retail/non-retail split (%)**	77 76% A1 retail / 23 24% non-retail

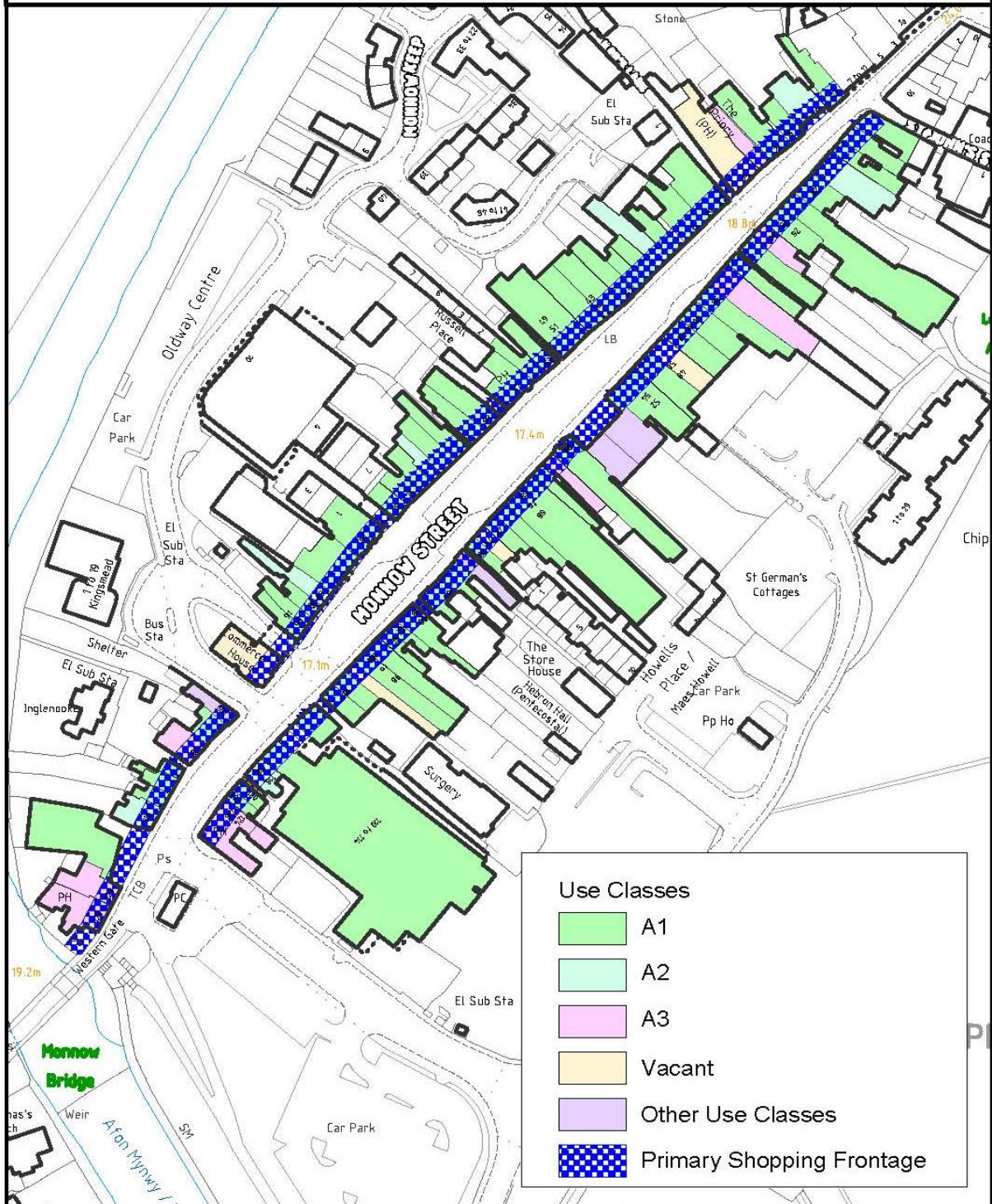
* Indicates situation if vacant units return to previous use class

** Figures include vacant units' current lawful use / previous use class

This is a core shopping area with a high proportion of retail units at ground floor level. In order to maintain and enhance the vitality, viability and retail character of this frontage, decisions on planning applications for new development/redevelopment and change of use to A2/A3 uses should seek to ensure that the proportion of non-A1 uses at ground floor level does not exceed the identified threshold of **25%**. This figure broadly reflects historical and current levels of non-retail uses within this frontage and recognises the importance of maintaining the retail function /character of this prime retail area and centre as a whole but does allow some scope for diversification. It is considered that a higher level of non-retail uses would be likely to dilute the established shopping role and character of the frontage and undermine the vitality, viability and attractiveness of the frontage and town centre as a whole.

MAP 7: Monmouth PSF7 – Monnow Street

**Ground Floor Use Classes in the Primary Shopping Frontage at Monnow Street
Monmouth - October 2015**



	Details Primary Shopping Frontages			Rev No.	© Hawlfraint y Goron a haw liau cronfa ddata 2015 Arolwg Ordnans 100023415 © Crown copyright and database rights 2015 Ordnance Survey 100023415		
	Drawn by Edge J	Scale 1:1750	Date 2/25/2016		Monmouthshire County Council County Hall Usk NP15 1GA www.monmouthshire.gov.uk/maps		
	File Pathname / Project / Drawing No.						

PSF8 – Church Street, Agincourt Square & Priory Street (1-4)

This area is located to the north of the Monnow Street primary shopping frontage covering Church Street, Agincourt Square and part of Priory Street and comprises a mix of retail and supporting uses. It is an historic vibrant area characterised by:

- A range a predominantly local independent comparison goods retailers (focused on Church Street), with just two notable national retailers present (namely Joules and Iceland).
- A small number of local independent convenience goods operators.
- A wide range of supporting services including banks/building societies and estate agents (focused on Agincourt Square), theatre, MCC One Stop Shop, hairdressers/beauty salons, coffee shops/ cafés and restaurants.

Whilst retail remains important in this frontage, particularly for local /independent operators, it is recognised that its character and function has been subject to change with a relatively high proportion of non-retail uses now evident. The presence of a range of eateries and theatre in this area means that it also has an important function in supporting the town's evening economy.

At October 2014 2015 there were 4 vacant units within this frontage, ~~three~~ two of which were in previous use as A1 retail units and , one previously in A3 use and one previously in sui generis use. Despite the presence of these vacant units, the area appears to be vital and viable with its diverse range of local /independent retailers and supporting services.

The variety of uses in this area suggests that it will remain an important frontage within the town centre for residents and visitors. The focus of this area is expected to remain on local/independent shopping and complementary supporting services. It is important that any proposals for change of use do not adversely impact on the area's character and function.

The 2014 2015 retail health check indicated the following findings for this primary shopping frontage:

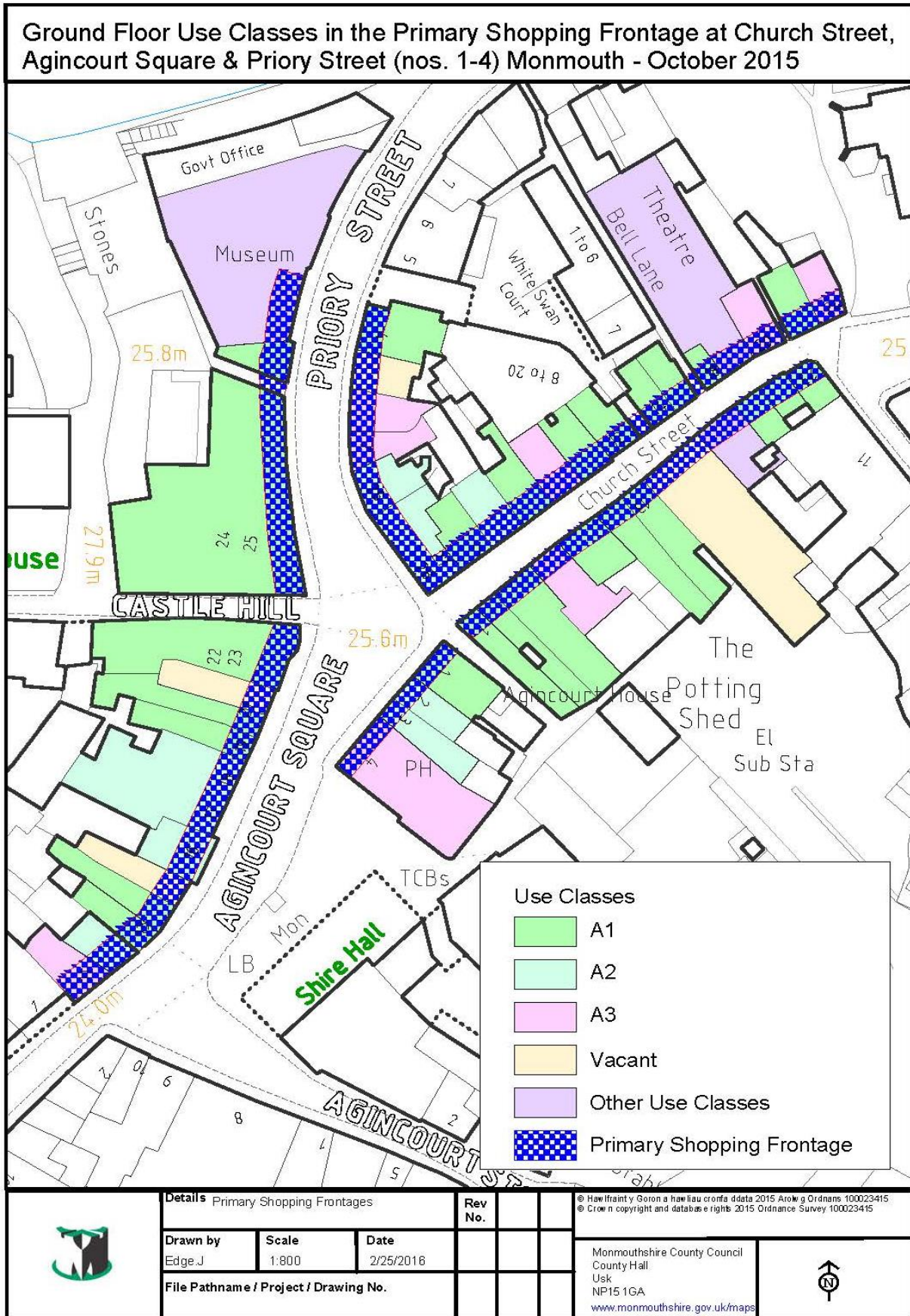
Total number of units	47
• A1 units	24 (27*) 25 (27*)
• A2 units	9 8 (9*)
• A3 units	6 7
• Other	4 (5*) 3 (4*)
Number of vacant units	4
Length of defined retail frontage	341 metres
Average unit length	7.3 metres
Ground floor units retail/non-retail split (%)**	57% A1 retail / 43% non-retail

* Indicates situation if vacant units return to previous use class

** Figures include vacant units' current lawful use / previous use class

In order to maintain and enhance the vitality, viability and character of this frontage, decisions on planning applications for new development/redevelopment and change of use to A2/A3 uses should seek to ensure that the proportion of non-A1 uses at ground floor level does not exceed the identified threshold of **35%**. Whilst this figure will allow sufficient scope for a flexible /diverse range of uses within ground floor premises to complement the retail offer of the centre as a whole, it is recognised that the current level of non-A1 uses exceeds this threshold. There is, however, an aspiration to address this situation and enhance the retail function of this frontage meaning that further erosion by non-retail uses beyond the identified threshold which could undermine its designation as a primary shopping frontage will be prevented. It is important that the area remains a focus for local independent and speciality retailers which will add significantly to both the area's and town's appeal to both residents and visitors.

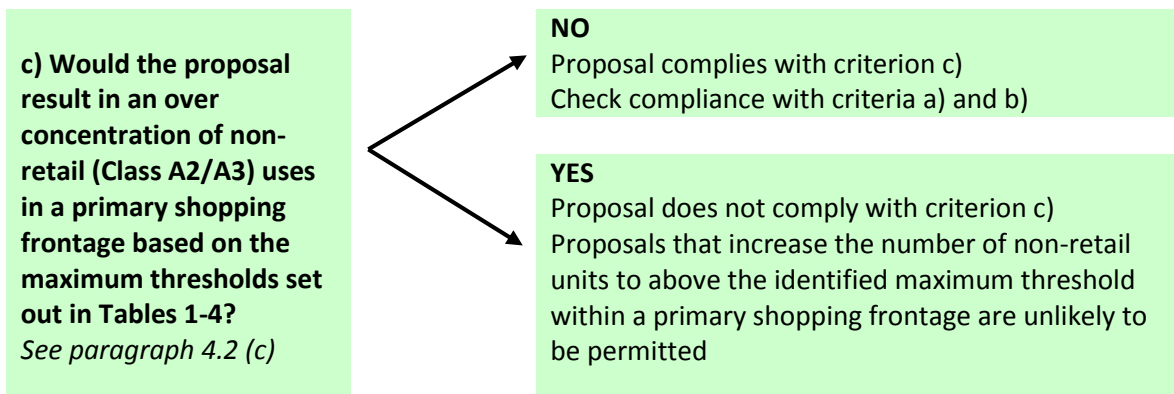
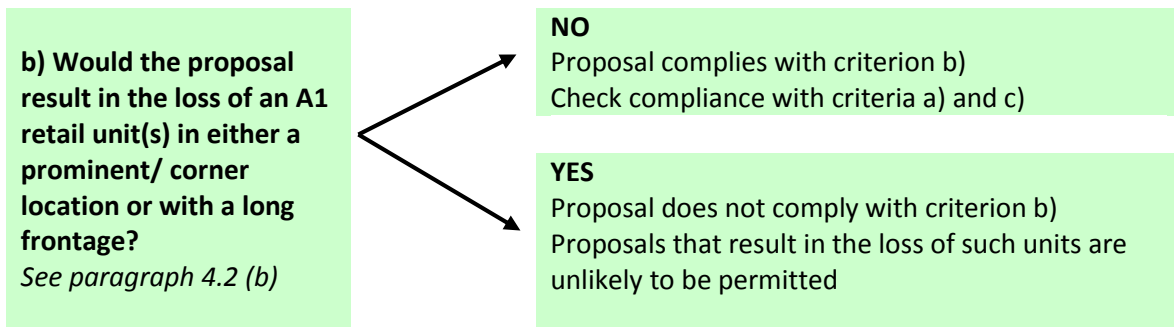
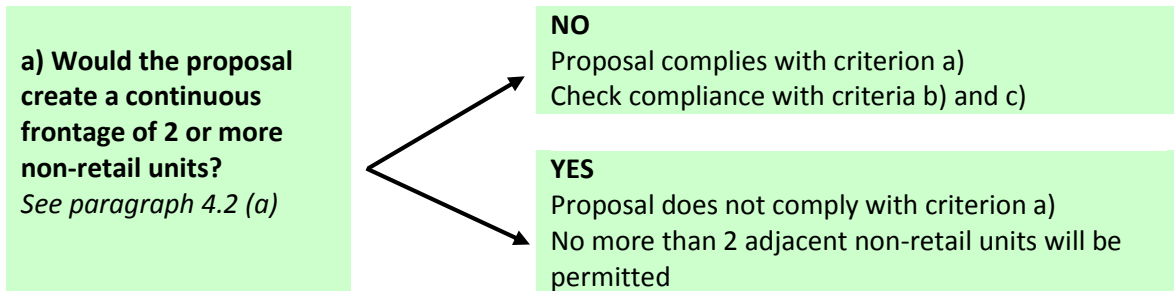
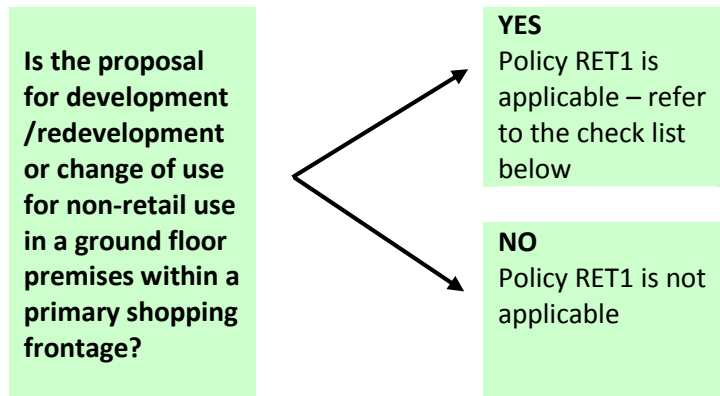
MAP 8: Monmouth PSF8 – Church Street, Agincourt Square & Priory Street (1-4)



Appendix B

Policy RET1 Checklist for Assessing Development and Change of Use Proposals for Non-retail Uses **at Ground Floor Level in** Primary Shopping Frontages

Diagram 1: Policy RET1 Checklist for Assessing Development and Change of Use Proposals for Non-retail Uses at Ground Floor Level in Primary Shopping Frontages



Exceptions to Criteria a) to c) of Policy RET1

Could the proposal be considered as an exception to the policy criteria?

(i) Can the applicant demonstrate that the proposal would not harm the vitality of the street frontage?
See paragraph 4.3(i)

NO

Exception would not apply

YES

Exception may apply subject to the submission and verification of appropriate supporting evidence

(ii) Have the premises been vacant for at least 2 years and have there been genuine attempts at marketing the property?
See paragraph 4.3(ii)

NO

Exception would not apply

YES

Exception may apply subject to the submission and verification of appropriate supporting evidence

Appendix C

Sources of Advice

For retail research and retail planning policy advice please contact:

Planning Policy Section

County Hall, Rhadyr,

Usk, Monmouthshire

NP15 1GA

Tel: 01633 644429

Email: planningpolicy@monmouthshire.gov.uk

For advice on development and change of use proposals for non-retail uses within a primary shopping frontage please contact:

Development Management Section

County Hall, Rhadyr,

Usk, Monmouthshire

NP15 1GA

Tel: 01633 644800

Email: planning@monmouthshire.gov.uk



Future Generations Evaluation

(includes Equalities and Sustainability Impact Assessments)

<p>Name of the Officer completing the evaluation Jane Coppock</p> <p>Phone no: 01633 644256 E-mail: janecoppock@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>The Local Development Plan (LDP), adopted on 27 February 2014, sets out the Council’s vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over the ten year period to 2021. Supplementary Planning Guidance (SPG) sets out detailed guidance on the way in which the policies of the LDP will be interpreted and implemented. The Draft Primary Shopping Frontages SPG specifically sets out guidance to support LDP Policy RET1 - Primary Shopping Frontages.</p>
<p>Name of Service</p> <p>Planning (Planning Policy)</p>	<p>Date Future Generations Evaluation form completed</p> <p>18/03/2016</p>

9. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive: The Draft SPG seeks to support LDP retail policy to sustain and enhance the county’s main towns, protecting the vitality, viability and attractiveness of existing town centres and to control development which would undermine this function.</p>	<p>Better contribute to positive impacts: Ensure that LDP Policy RET1 is accurately interpreted and implemented fully, measuring the effectiveness of the policy on an annual basis in the LDP AMR.</p> <p>Mitigate Negative Impacts:</p>


Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	Negative: Premises may remain vacant in the primary shopping frontages.	The Draft SPG provides detailed guidance on the interpretation and implementation of the two exceptions criteria included in Policy RET1, with specific regard to vacant premises.
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	Positive: None. Negative: None.	
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	Positive: Vibrant, vital and attractive town centres contribute and have a positive influence on health and well-being (attractive environments, encouraging/ creating opportunities for social interaction). Negative: None.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Positive: The Draft SPG seeks to support LDP retail policy to sustain and enhance the county's main towns, protecting the vitality, viability and attractiveness of existing town centres and to control development which would undermine this function.	Better contribute to positive impacts: Ensure that LDP Policy RET1 is accurately interpreted and implemented fully through this Draft SPG, measuring the effectiveness of the policy on an annual basis in the LDP AMR. Mitigate Negative Impacts: The Draft SPG provides detailed guidance on the interpretation and implementation of the two exceptions criteria included in Policy RET1, with specific regard to vacant premises.



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>Negative: Premises may remain vacant in the primary shopping frontages.</p>	
<p>A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p>Positive:</p> <p>The Draft SPG supports the implementation of the Retail policies of the LDP, which has been subject to a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) to ensure that social, economic and environmental objectives are met, thereby contributing to sustainable development and global well-being.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: The SA/SEA monitoring frameworks provide a baseline position. Future AMRs will examine LDP impacts over a longer period and evidence the emergence of any trends at different spatial scales.</p> <p>Continue to monitor LDP indicators, including retail policy indicators and targets, to inform the 2016 AMR.</p> <p>Ensure that any LDP revision is subject to appropriate SA/SEA testing.</p>
<p>A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation</p>	<p>Positive:</p> <p>The Draft SPG has a positive general impact on culture, heritage and language, with retail uses making an important contribution to the sustainability and cohesiveness of town centres by providing local shopping provision and local employment opportunities.</p>	<p>N/A</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	Negative: None.	
<p>A more equal Wales People can fulfil their potential no matter what their background or circumstances</p>	<p>Positive: The Draft SPG should bring positive benefits to Monmouthshire's residents, particularly through maintaining and increasing the availability of retail uses in the primary shopping frontages in the main towns. It makes an important contribution to the sustainability of our towns by providing local shopping provision and local employment opportunities.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that LDP Policy RET1 is accurately interpreted and implemented fully through this Draft SPG, measuring the effectiveness of the policy on an annual basis in the LDP AMR.</p>

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Long-term</p> <p>Balancing short term need with long term and planning for the future</p>	<p><i>We are required to look beyond the usual short term timescales for financial planning and political cycles and instead plan with the longer term in mind (i.e. 20+ years)</i></p> <p>The LDP covers the period 2011-21. The Draft SPG supports the implementation of the LDP. By its nature, therefore, it cannot look beyond the next five year period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations.</p> <p>The LDP retail policy framework seeks to create balanced and sustainable town centre communities, with primary shopping frontages contributing to maintain and enhance vitality and viability.</p>	<p>Ensure that the LDP and its policies have been subject to SA/SEA.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance, including retail policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review.</p>
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>The LDP was prepared through extensive engagement with a wide range of internal and external stakeholders.</p> <p>The Draft SPG has been subject to a public consultation, targeted to those who are considered to have a specific interest in the topic but also including all town and community councils, notices in the press. Individuals and organisations currently on the LDP consultation data base have been given the opportunity to request to be notified of the SPG should they wish. The consultation has also been publicised via our Twitter account @MCCPlanning.</p>	<p>LDP AMRs will provide both an annual evaluation of plan performance, including retail policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review. Any review of the LDP will be taken forward through extensive stakeholder engagement, expanding on the methods used previously.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Involving those with an interest and seeking their views</p>	<p><i>Who are the stakeholders who will be affected by your proposal? Have they been involved?</i></p> <p>The LDP was prepared through extensive engagement with a wide range of internal and external stakeholders.</p> <p>The draft SPG has been subject to consultation with Development Management colleagues, was considered by the Council's Planning Committee on 07 July 2015 and endorsed for consultation by Individual Cabinet Member Decision on 22 July 2015.</p> <p>The Draft SPG has been subject to a public consultation, targeted to those who are considered to have a specific interest in the topic but also including all town and community councils, notices in the press. Individuals and organisations currently on the LDP consultation data base have been given the opportunity to request to be notified of the SPG should they wish. The consultation has also been publicised via our Twitter account @MCCPlanning.</p> <p>A statement of the consultation undertaken, the representations received and the authority's response to those representations has been made available to Planning Committee to inform their considerations, and along with the revised Draft SPG, in line with national planning policy guidance (Planning Policy Wales, edn 8 January 2016).</p>	<p>LDP AMRs will provide both an annual evaluation of plan performance, including retail policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review. Any review of the LDP will be taken forward through extensive stakeholder engagement, expanding on the methods used previously.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The Draft SPG has been informed by the annual Retail Surveys undertaken over the past 15 years. Emerging trends have been identified with the rise of the service sector and the loss of retail function in some areas of the County's town centres. The LDP policy framework seeks to maintain and enhance retail uses within primary shopping frontages in the town centres and to control development which would undermine this function.</p>	<p>The LDP AMRs will provide both an annual evaluation of plan performance, including retail policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review.</p>
 <p>Positively impacting on people, economy and environment and trying to benefit all three</p>	<p><i>There is space to describe impacts on people, economy and environment under the Wellbeing Goals above, so instead focus here on how you will better integrate them and balance any competing impacts</i></p> <p>The Draft SPG supports the implementation of the LDP which has been subject to a SA/SEA that balances the impacts on social, economic and environmental factors.</p>	<p>The AMRs will examine the impacts of the LDP over the longer term and evidence the emergence of any trends at different spatial scales. Delivering sustainable development (social, economic and environmental) is central to the LDP.</p> <p>Continue to monitor indicators, including retail policy indicators and targets, to inform future AMRs.</p>

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	None	None	N/A
Disability	None	None	N/A

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Gender reassignment	None	None	N/A
Marriage or civil partnership	None	None	N/A
Race	None	None	N/A
Religion or Belief	None	None	N/A
Sex	None	None	N/A
Sexual Orientation	None	None	N/A
Welsh Language	None	None	N/A

4. **Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities?** For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	None	None	N/A
Corporate Parenting	None	None	N/A

5. **What evidence and data has informed the development of your proposal?**

- Monmouthshire Annual Retail Health Checks in the town centres of Abergavenny, Caldicot, Chepstow and Monmouth. The checks are undertaken by the Planning Policy Service and include pedestrian footfall counts, floorspace surveys, vacancy rates, retailer representation and diversity of uses. In addition, the 2015 survey included a consumer survey undertaken by independent consultants. The results and corresponding analysis are incorporated into an annual Retail Background Paper. The 2015 Retail Background Paper, incorporating the consultants findings, may be viewed at <http://www.monmouthshire.gov.uk/app/uploads/2016/03/Retail-Background-Paper-2015.pdf>
- Monmouthshire Retail and Leisure Study, April 2010, Drivers Jonas Deloitte. This was prepared as part of the evidence base for the LDP.

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

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This section should give the key issues arising from the evaluation which will be included in the Committee report template.

Positive – The Draft SPG seeks to support LDP retail policy to sustain and enhance the county’s main towns, protecting the vitality, viability and attractiveness of existing town centres and to control development which would undermine this function. The Draft SPG should bring positive benefits to Monmouthshire’s residents, particularly through maintaining and increasing the availability of retail uses in the primary shopping frontages in the main towns. It makes an important contribution to the sustainability of our towns by providing local shopping provision and local employment opportunities.

Future: Ensure that LDP Policy RET1 is accurately interpreted and implemented fully through use of this Draft SPG, measuring the effectiveness of the policy on an annual basis in the LDP AMR.

Negative – Premises may remain vacant in the primary shopping frontages. However, the Draft SPG provides detailed guidance on the interpretation and implementation of the two exceptions criteria included in Policy RET1, with specific regard to vacant premises.

Future: LDP AMRs will provide both an annual evaluation of plan performance, including retail policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for LDP review.

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
N/A			

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

<p>The impacts of this proposal will be evaluated on:</p>	<p>Impacts will be evaluated on a regular basis in the required LDP Annual Monitoring Report. This will be reported for political decision prior to submitting to the Welsh Government by 31 October 2016 and will be publicly available on the MCC website.</p>
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DC/2015/01204

PROPOSED DWELLING

LAND ADJACENT TO 2 LADYHILL CLOSE, USK

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones

Date Registered: 30th October 2015

1.0 APPLICATION DETAILS

1.1 This application relates to a plot of land, currently used as garden curtilage, within the residential cul-de-sac known as Ladyhill Close in Usk.

1.2 Full planning permission is sought for a two-storey detached dwelling on the plot. The two bedroom dwelling proposed would be positioned to the east of the existing dwelling with two off-street parking spaces provided to the front. The proposed dwelling would stand 6.8m to the ridge and would be 6.9m in depth. With regard to external finishes these would include concrete interlocking roof tiles, self-coloured render to the walls and uPVC doors and windows.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial Distribution of New Housing Provision

S16 – Transport

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

Development Management Policies

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

MV1 – Proposed Developments and Highway Considerations

DES1 – General Design Considerations

EP1 – Amenity and Environmental Protection

4.0 REPRESENTATIONS

4.1 Consultations Replies

4.1.1 Usk Town Council (in relation to original plans) – recommends refusal noting development would be out of character with other properties; protrudes over building line of existing properties.

Usk Town Council (in relation to amended plans) – recommends refusal noting that development is out of character and much too small a plot of ground, intrusive to neighbours.

Dwr Cymru-Welsh Water – we would request that if you are minded to grant planning consent that suggested conditions and advisory notes are applied to ensure no detriment to existing residents or the environment and to Dwr Cymru-Welsh Water's assets.

MCC Highways – The amended plans show parking for two vehicles within the site for the proposed dwelling as well as two spaces for the existing dwelling.

These spaces must be 2.6m x 4.8m each and retained in perpetuity for the off street parking of motor vehicles.

I would wish the visibility lines from each access to be drawn and protected across the whole site and retained in perpetuity.

The surface of the parking spaces must be sustainable so that no surface water drains onto the highway or into highway drainage.

Subject to the above, I would offer no adverse comment.

Wales & West Utilities – our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

4.2.1 Neighbour Notification

10 representations have been received objecting on the following grounds:

- Not in keeping with other properties.
- Would block people's sunlight.
- Main sewage pipe is directly under where the proposed dwelling is to go.
- Not in line with the existing building line.
- Very close proximity to neighbouring properties.
- Would cause further parking issues.
- Cause issues to an already struggling and ageing sewage system.
- Overlooking of my property with windows to the north-west elevation.
- Will reduce green space in the area.
- Set poor precedent.
- Supporting illustrations are misleading.
- Negative impact on sun which we receive in our front garden.
- Building works will cause health problems.

10 representations have been received in relation to the amended plans objecting on the following grounds:

- Outrageous design is even more out of keeping.
- Would overshadow our patio.
- All privacy will be gone due to the overlooking windows.
- Out of line with adjacent houses by as much as 1.5m.
- Developer has made no effort to establish the exact location of the sewer.
- Would add to considerable parking congestion.
- Danger of construction vehicles.
- Building works will cause health problems.
- Cause problems for emergency vehicles.
- Will reduce green space in area.

- Will set poor precedent for further proposals.
- Cause issues to an already struggling and ageing sewage system.

Non-material objection received:

- Could affect the current value of other houses.

4.2.2 Other Representations

Usk Civic Society - the density thus created would constitute overdevelopment at this location and would lead to further pressure on parking space in the vicinity. Furthermore it is claimed by local residents that a sewer pipe runs under part of the plot. If this is so it must necessarily restrict the location and layout of any house on this plot because of the requirements as to non-disturbance and access which would be imposed by the water utility.

5.0 **EVALUATION**

5.1 Principle of Development

5.1.1 The town of Usk is designated as a Rural Secondary Settlement under Policy S1 of the Monmouthshire Local Development Plan. The plot lies within the development boundary identified for the town. Policy H1 of the Local Development Plan (LDP) sets out that within said boundaries *new build residential development / redevelopment or conversion to residential, or subdivision of large dwellings or reuse of accommodation such as upper vacant floors in town centres will be permitted subject to detailed planning considerations and other policies of the LDP that seek to protect existing retail, employment and community uses.* The principle of development is therefore acceptable subject to detailed planning considerations, considered below.

5.2 Visual Impact

5.2.1 The plot forms part of the garden curtilage of No 2 Ladyhill Close, and as this is the end property it enjoys a wider frontage than others within the cul-de-sac. Whilst the subdivision of the existing garden would result in the proposal sitting within a triangular shaped plot, it is not considered that this would cause unacceptable harm to the street scene. The revised arcing 'L shaped' footprint offers an innovative solution that is considered to be in keeping with the sweeping building line within Ladyhill Close. The most forward point would be marginally in front on No 2, but within the wider context the new dwelling would provide a pleasing addition to the entrance of the cul-de-sac. Proposed external finishes are to match those of the adjoining dwellings which would facilitate its integration into the streetscene.

5.2.2 Permitted development rights to extend the dwelling, erect outbuildings and means of enclosure ought to be removed via a planning condition to ensure any future development can be managed in relation to privacy, amenity and highway safety.

5.3 Residential Amenity

5.3.1 No first floor windows are proposed at first floor level to the rear elevation, with the exception of one which would serve a bathroom. This is to be conditioned to be obscure glazed and to remain as such in perpetuity. A first floor bedroom window would be inserted into the south-east facing side gable, however given the degree of angle

involved it is not considered that this would cause unacceptable loss of privacy to the occupiers of No 25 Ladyhill.

- 5.3.2 Other concerns have been raised in relation to the loss of sunlight and overshadowing. The proposed dwelling would be positioned approximately 14m to the south of the rear of Nos 25 and 27 Ladyhill. It is therefore considered that the dwelling, standing at 6.8m, would not cause unacceptable overshadowing and would not be overbearing.

5.4 Access and Parking

- 5.4.1 There would be a new access onto Ladyhill Close that would lead directly into the off street parking spaces of the proposed house. The number of spaces is in line with the Council's adopted parking guidance by providing two spaces for the two bedroomed house proposed.

- 5.4.2 The access is considered to be acceptable. It is acknowledged that the highway bends away from the site towards the entrance of Ladyhill Close but a condition is proposed to ensure no structure, erection or planting would exceed 0.9m in height in the visibility splay.

- 5.4.3 The site would not provide a designated turning facility, however this facility is not found on other properties within Ladyhill Close where traffic speeds are very low. Whilst it is accepted that there is evidence of on-street parking within the area, the omission of a turning facility is not considered to cause unacceptable harm to highway safety. It must also be noted that as the highway is unclassified a new access in this location could currently be formed under Permitted Development rights.

5.5 Response to Consultation Replies

- 5.5.1 A number of the areas of concern have already been addressed in the preceding sections of this report. However, a number of objections have been raised in relation to the proximity to the main sewerage pipe to the position of the proposed dwelling. This would be a private matter for the applicant to address and to ensure they have the appropriate consents and agreements before starting any works.

- 5.5.2 Whilst the development would inevitably involve the loss of a degree of open green space, the plot size is considered to be commensurate with those surrounding and would be set back from the highway, similar to other properties in Ladyhill Close. As such the introduction of an additional dwelling is not considered to be out of keeping with the wider environment and the loss of part of the existing garden curtilage is considered acceptable.

- 5.5.3 It has also been stated that the proposal would set a precedent for future development proposals. Any future applications in the vicinity would be considered on their individual merits and would need to satisfy all relevant policies of the LDP.

6.0 **RECOMMENDATION: APPROVE**

Conditions:

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

3	No surface water and/or land drainage shall be allowed to connect (either directly or indirectly) with the public sewerage network.
4	The proposed development site is crossed by a public sewer with the appropriate location being marked on the attached Statutory Public Sewer Record. The position shall be accurately marked out on site before works commence and no operation development shall be carried out within 3 metres either side of the centre line of the public sewer.
5	No structure, erection or planting exceeding 0.9 metre in height shall be placed, erected or grown in the visibility splay.
6	Notwithstanding the provisions of Article 3, schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed without the prior written approval of the Local Planning Authority.
7	Notwithstanding the provisions of Article 3, schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.
8	The first floor bathroom window in the north-west elevation shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

Informatives:

Wales & West Utilities

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.

Property/ street naming and/ or numbering informative.

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DC/2015/01303

CHANGE OF USE FROM DWELLINGHOUSE TO RESIDENTIAL CARE HOME FOR UP TO SIX YOUNG PERSONS

HAZELDENE, COMMON ROAD, MITCHEL TROY COMMON

RECOMMENDATION: APPROVE

Case Officer: Jo Draper

Date Registered: 23.11.15

1.0 APPLICATION DETAILS

- 1.1 The application site comprises of a large, extended, detached dwelling with a detached annexe set in large grounds. The main house is made up of five bedrooms, kitchen/dining area, lounge and conservatory, and the annexe comprises three bedrooms and a living room area with kitchen/dining area.
- 1.2 The property is situated in Mitchel Troy Common accessed from Mitchel Troy Road to the north. The property has a driveway off the road that runs through the settlement, with a large car parking area available. The site is residential in nature to the west and open and rural to the east. Hazeldene is located approximately 0.5 miles south of Mitchel Troy village and 2.5 miles south of Monmouth.
- 1.3 Planning permission is being sought for a change of use of the site to a residential care home (Class C2). It is proposed that there will be a maximum of six young people resident at the site at any one time. Hazeldene would be a young persons' care home providing accommodation and care for up to six residents with learning difficulties.
- 1.4 The supporting information submitted with the application states that the age group would range from 9 -18 (i.e. school age) and the residents would attend local schools, appropriate to their age and education needs. Given the specific needs of the residents, their home (which is what this development would be) needs to be in a location which would provide for a calming, low stimulus environment ideal for these young people to flourish. The applicant has stated that the site has excellent and extensive amenity space which is a key feature for establishing this type of environment. Young people with learning difficulties can find it difficult to manage the auditory and visual stimuli that day to day life presents and a rural property in a safe environment is, therefore, vital. In terms of access to local services, all required services are located within relatively close proximity. A large family occupying the site would give rise to a similar pattern of use. Indeed, the young people will normally be transported to local services and facilities – e.g. school, leisure facilities in a single vehicle and will not give rise to multiple individual trips. There will be three or four staff on site during the day and two overnight to provide the appropriate level of care. The supporting information concludes that the application entails a change of use

to a small residential care home which will have no greater impact than the existing lawful planning use.

- 1.5 There are no external changes proposed to the application site. The application site is situated within the Wye Valley AONB.

2.0 RELEVANT PLANNING HISTORY

DC/2001/00172 Proposed extension, garage and new access to the existing cottage
Approved 10.05.2001

DC/2004/00553 Double garage and annexe accommodation
Approved 16.12.2004

DC/2004/01314 Construction of a stable/barn for horses on site of previously demolished barn
Approved 28.04.2005

DC/2007/01258 Conversion of existing garage and store-room into a self-contained holiday let.
Approved 28.11.2007

Adjoining site

DC/2010/00325 Erection of stable block and implement storage shed with ancillary works
Refused 12.01.2011
Appeal Dismissed 06.07.2011

DC/2015/01322 Conversion of stone stable/ barn to a specialist school (use class D1) and associated external alterations
Monahawk Barn, Hazeldene, Common Road, Mitchel Troy
- Also on this agenda

3.0 LOCAL DEVELOPMENT PLAN POLICIES

There are no policies contained within the LDP which expressly relate to the conversion of existing dwellings to small-scale care homes. However Paragraph 6.1.33 states the following:

Housing for People in Need of Care:

It is recognised that many people have housing needs that cannot be adequately satisfied by conventional housing stock. The term 'housing for people in need of care' covers a variety of residential care facilities where the special needs of particular groups can be accommodated. This includes nursing homes, sheltered housing, extra or close care housing, continuing care retirement communities or other similar types of development where an element of care is provided as part of the development. Proposals for such facilities will be assessed against the LDP policy framework and national planning policy guidance (PPW). To ensure that residents of such housing are well integrated

with the wider communities, sites for these facilities should be located within defined settlement boundaries and accessible to a range of services and facilities, such as GP surgeries and shops.

Development Management Policies

EP1 General Development Policy

DES1 General Design Policy

LC4 Development within the Wye Valley AONB

4.0 REPRESENTATIONS

4.1 Consultations Replies

Mitchel Troy Community Council: recommends refusal.

The Planning and Access (P&A) Statement 4.2.3 states that MCC does not have any policies to cover conversions of private dwellings into small care homes - class C2 residential homes. This appears to be correct and unfortunate, but other planning authorities do have such policies, and some extracts are quoted below.

North Lincolnshire:

(a) "Proposals... will have to take into account the possible impact that they will have upon adjoining residents. Wherever possible, residential care homes should be located close to schools, leisure/community facilities and other local services such as shops, healthcare and public transport all of which are needed to meet the day to day needs of residents and staff.

(b) Consideration should be given to the compatibility with the surrounding land uses

(c) It should not have a detrimental effect on the character of surrounding residential areas

(d) There should be no increase in noise, odour or disturbance."

Leeds - Guidance Note for planning permission for children's homes:

"(a) The key issues relate to the impact on the amenity of nearby occupiers. Relevant factors will include the movements to and from the premises associated with such a use ... The need for visitors on a regular basis (including emergency services). The internal fitting of the premises with fire alarms, lockable doors etc., would also be factors suggesting that a material change of use may have taken place.

(b) Assessments require careful balancing of the need to assess the amenity expectations of the residents in their communities against the need to ensure that vulnerable children are also appropriately accommodated."

- Hazeldene is set in a rural position within the Wye Valley AONB and does not have the services mentioned in the first quote. A vehicle journey would be needed each time.

- The P&A para 5.2.1 states "there are only a few immediate neighbouring properties"; but there are more than 20 immediately opposite and many more within a few hundred yards.

- The full impact of the change of use on adjoining residents has not been taken into account.
- This change of use, together with application 2015/01322 for conversion of Monahawk Barn into a school, would be the equivalent of at least 10 new dwellings on Mitchel Troy Common.
- Para 5.1.9 of the P&A statement claims the change is for "a much needed residential care service". Is there evidence of such a need within Monmouthshire?

MCC Highways: no objection

The access to the site is to be retained as existing for a residential home. The visibility as conditioned for residential must be retained and maintained for this proposed use, to safeguard the potential users as well as the users of the adjacent public highway.

The traffic generated by the care home will not be significantly increased to require substantial improvements to the existing. But there will be a change in the type of vehicle. More likely to be use of commercial vehicles for transport. Site internal amendments may be necessary in time.

Parking on site is above the minimum required for residential. And as proposed the parking would adequately support the proposal for a care home for young people. A disabled parking bay must be indicated for this commercial business. It must be noted that the young people are unlikely to be vehicle drivers and therefore all parking spaces will be for staff and visitors.

Should the care home change to adults, there may be a requirement for revisiting the parking arrangements.

MCC Social Services:

- Monmouthshire *already geographically hosts a high number of private residential children's homes* (I believe at least six) which I understand is considerably more than neighbouring authorities, and is a high number for the population size of our County. Children and young people who are placed in residential settings often have complex needs and exhibit risky behaviours around harm to self and harm to others. This places considerable pressure on statutory support services and resources within the area, particularly education, police, children's services, health and safeguarding services. Often we don't know when a young person has been placed, or what their needs are, until they present to one of the statutory agencies.
- Although we have a high number of residential placements within the area, they are *rarely used for Monmouthshire children and young people*. This is not to say that Monmouthshire CS does not use residential placements, it is just that usually we end up placing out of the County, for a number of reasons – sometimes suitability of the match between the placement and the YP and sometimes because of lack of vacancies.
- Children and YP placed in our county often come from outside the region and indeed from outside of Wales and can arrive from all over the country. It is fair to say that LAs (as we are ourselves sometimes) can be in a position whereby they are desperately searching for a placement for an YP. However, I would never-the-less question *whether placing a child in an isolated region in Wales where there are no facilities, would in most cases achieve good outcomes for*

them in their overall care planning (although for some children it might be a short-term solution). Whilst the care planning and overall responsibility for the child remains with the placing LA because of the distances involved this can leave children feeling abandoned and isolated and lacking a more responsive support service from their allocated social workers than would be expected if there were closer to home.

- The *development of further residential services is not generally in keeping with our commissioning aims within Monmouthshire* and indeed the Gwent region. We are increasingly looking to maintain complex children and young people within specialised foster care placements or at home with more intense packages of support services in place.

Dwr Cymru-Welsh Water: recommends conditions relating to drainage connection

4.2 Neighbour Notification

21 representations have been received raising the following issues, 18 objecting, 2 impartial and one letter of support from the co-owner of the property.

Objections:

- Would spoil the village
- Increase in traffic where pedestrian movement is already hazardous as there is no footpath to use
- Common Road is a dangerous highway with no footpath or street lighting close to a blind bend
- The proposal is materially different to that of a C3 residential use. The fall-back C3 use is therefore irrelevant.
- Reference is made to paragraph 6.1.3 of the Local Development Plan whereby specialist housing for people should be located within defined settlement boundaries with good access to services and amenities etc. This application is inexcusably silent on the range of services and support that will be needed. The village has no services or facilities of any kind, Mitchel Troy is identified as a minor village under the LDP, one aspect of which is its absence of community facilities. This is the wrong location for such residents that require access to further support and services.
- Noise and disturbance would be detrimental to the quiet enjoyment of the local population
- Conflict of use with local children playing in close proximity of the application site
- The Priory Group has not demonstrated a need for the use given that the Talocher school is in such close proximity
- The proposed annexe is a completely standalone building to the main house and cannot be considered as an associated annexe
- There is only 24/7 care in the annexe alone and not the main building
- The position is inappropriate sited in very close proximity to bungalows for the elderly
- All services are in Monmouth

- Concerns about the problems with the Talocher School and the difficulties that local residents experience with that site
- Increase in crime
- Increased hardstanding leading to further flooding
- Policy EP1 states 'or any identifiable risk to public health or safety'
- Representative of the Priory Group who attended the public meeting stated that the young persons are likely to be pupils who have been excluded from state schools and who have severe behavioural problems. This is unsuitable in close proximity to elderly and children on the local estate.
- The applicants are purchasing a separate lot of land adjacent to a neighbouring property which may cause impact upon neighbour amenity at a later date.
- Many of the 70 worried attendees at the recent meeting identified the number of vulnerable residents nearby (both elderly and young children) who would be placed at increased risk. To illustrate this, the Department for Education's Children's Homes Datapack (Dec. 2014) (England) shows that more than 75% of care-home residents were between 14 and 17 and predominantly (two thirds) male. The majority of placements are for less than six months, suggesting that the dwelling environment is far from similar to the "family" model claimed by the Priory Group. 9% of children on average "go missing" from children's homes (vs 1% from foster care) representing a significant drain on Police resources. This appears quite typical from a simple web search, and Police forces have often objected to such applications given increasingly limited personnel numbers. Criminal activity for children's home residents is around 20% - roughly 2-3 times greater; and rates of substance abuse are again at 13-19%, 2 -3 times greater than that of other "looked after" children (ages 13-17). Local crime statistics for the Wonastow Road area (near to the Priory's Talocher school) show significant anti-social behaviour and related crime figures. The wisdom of the Priory Group's social experiment in the placement of such facilities in rural locations is highly questionable when consideration of the lack of immediate recreational facilities and public transport is made. What exactly are these young adults going to do with their free time?

Non-material planning objection

- Devaluation of properties

Impartial responses:

- Neighbour comments are unfair – one would think that no one has ever raised a family in Mitchel Troy whilst Talocher School is responsible for the entire crime rate of Monmouth
- This application is being treated unfairly by the residents of Mitchel Troy - these are children who have a variety of issues and need care and support, not to be made to feel like criminals.
- For the people commenting that not enough details were given about the young people who would be living there - placements change and each young person would be different...also the company is surely bound by confidentiality laws so would be unable to disclose such information.
- Perhaps an even more remote location would be more suitable to minimise complaints about noise and disruption.

- I would like to make a strong point against some of the comments. Many people have said that their concerns are about young children living adjacent to the property. There is only one family with young children in close proximity and that is mine. I would appreciate it if people would remain sensible with their objections and certainly not use my family for any reason at all, especially not as an excuse to object to a proposal that we are not against. I am impartial to this proposal, Mitchel Troy is a village that seems to like to pick and choose who does and doesn't live here. I don't think the children of the proposed development will make one bit of difference.

Letter of support from co-owner of Hazeldene:

- Bring employment to the area which is greatly needed.
- Rural environment will greatly benefit the residents and be a wonderful location for an educational centre. My four children have definitely benefitted from living in these surroundings with its close proximity to town and all its amenities.
- The holiday let accommodated six guests and was regularly full to capacity, there were also six family members living in the main house and we often had relatives staying over, we never had any complaints regarding noise or disturbances, the property is sufficiently tucked away not to be a problem to neighbours.

I can remember there being objections against a family opposite with four noisy, boisterous children moving in to the area years ago, I was asked to sign a petition to have them evicted, I refused to sign the petition as they were just children wanting to play, these children have since grown up and remain in the area, they have now been fully accepted and integrated into the community and I feel the new residents via The Priory Group will also be accepted and form an important part of the community with time.

- I lived at Hazeldene from 2001 with my ex-wife for many years and she still resides at the property with our four children. Neither we nor our guests have ever had any accidents involving vehicles or access issues during all that time

4.3 Other Representations

Local Member Representations

Councillor Geoff Burrows: objects to the proposal.

5.0 **EVALUATION**

The issues that arise in the consideration of this application are the following:

5.1 Neighbour Amenity

- 5.1.1 The supporting information submitted with the application states that activity levels arising from the proposed use will be very low key and will involve a maximum of six residents at any one time. During the day residents would attend school and, therefore, daytime activity levels at the site would normally be limited. The residents of the proposal would be young persons with learning difficulties who would access the national curriculum. They would have a structured programme of education and would often be away from the site

either at school (which could be on the adjoining site proposed under DC/2015/01322 or elsewhere) or undertaking activities.

5.1.2 In land-use terms this appears very much like a large family home, but what makes it different is the perceived personalities of the young people that would occupy the site and the potential level of disruption that might arise from the behaviour of such residents. This is an unknown, variable factor and one that it is difficult to predict in the consideration of this planning application. The intensity of the use of the site will to some degree differ from that of a normal household as the level of care and support will result in a more frequently accessed site by carers and staff (this aspect is addressed separately under Parking and Access below) and is likely to lead to some additional activity compared to its use as a single dwelling. The movements caused by the three or four day time staff together with the two overnight carers would be minor and would not be significant in relation to impact on local amenity. It is considered that the proposals will create a small increase in activity at the site but this would not be harmful compared to the activity associated with the existing lawful uses of the property as a large dwelling and annex/ holiday let. Key to any impact is the effective management of the site which would be a matter for the site operator and would be outside the effective control of the planning process. The management of the site would be regulated outside the planning process by The Care and Social Services Inspectorate Wales. The management of the site would also apply to the concerns regarding perceived fears of an increase in crime. Provided the site is managed responsibly there is no reason why there should be any increase in crime or anti-social behaviour as a result of the proposal.

5.2 Parking and Access

The Monmouthshire Parking Standards supplementary planning guidance (SPG) (adopted 2013) requires one space per resident staff, one space per three non-resident staff, and one visitor space per four beds for nursing homes. This would require provision of three to four spaces and there is more than sufficient car parking available being provided. With regard to vehicular activity, this is unlikely to be significantly more than that of the traffic movements of a large family with their associated trips, together with the activity generated by the holiday let adjacent. There is no highway objection to this proposal.

5.3 Visual Impact

The application site is situated within the Wye Valley AONB, however the proposal does not involve any external works and simply entails a change of use of an existing dwelling to a small residential care home for up to six residents, with no wider implication upon the visual or landscape amenity of the surrounding designated area.

5.4 Conclusion

5.4.1 This proposal when broken down into the sub-sections as addressed above, results in there being no objection to the proposal. LDP Paragraph 6.3.33 provides:

'Housing for People in Need of Care' states that proposals for such facilities will be assessed against the LDP policy framework and national planning policy guidance (PPW) (which it has with regard to the issues addressed above). However, the text does go on to state "...to ensure that residents of such housing are well integrated with the wider communities, sites for these facilities should be located within defined settlement boundaries and accessible to a range of services and facilities, such as GP surgeries and shops". There is, however, no planning policy that addresses this directly that can be applied in this case. The reasoning behind this policy framework is to ensure that residents of such housing have access to local facilities that are recognised as being required for such uses.

5.4.2 The site would be visually acceptable and suitable vehicle access and parking can be provided, and moreover there would be no demonstrable adverse neighbour impact resulting from the proposal. With regards to the accessibility of the site to local services as identified by par. 6.1.33 above, regard has to be had to the needs of the users of the proposal who would be vulnerable young people who the care provider considers would benefit from a quiet location away from the stimuli of more urban locations. The site has been chosen by the applicants as being suitable for the needs of those young persons likely to be in its care having regard to its quiet location and extensive amenity space. It is a matter of judgement for the care providers to identify a site for their customers' needs and provided the proposal would not cause harm to material planning interests (which in this case it does not) it is not considered appropriate in this instance to require the site to be in a more accessible location closer to other amenities, given the specialist nature of this type of care.

5.4.3 In any case, the site is relatively near to local facilities in Monmouth which is a short car or minibus ride away. Indeed, there may also be children staying at the proposed care home who would utilise the specialist school proposed nearby under DC/2015/01322 provided this is granted planning permission and implemented, although it is acknowledged by the applicant that children in their care could be bussed to other schools where necessary, and the proposed care home is a stand-alone proposal that is not dependent on the nearby school development being approved and realised.

5.4.4 For clarity, the applicant's agent has advised that placements will largely be made from local authorities in the region but could also be from outside the area (e.g. a young person originally from the local area but currently residing elsewhere could be placed by their current host authority). Monmouthshire County Council would be able to place children in the care home.

5.5 Response to the representations of the Community Council

These are generally addressed above. It should be borne in mind that planning applications must be determined in accordance with the Council's adopted LDP, and that policies in adopted Development Plans from other areas of the UK are irrelevant.

6.0 RECOMMENDATION: APPROVE

1. Five years in which to commence development.
2. Development to be carried out in accordance with the approved drawings/ documents listed in the table on the decision notice.
3. Limit use to a care home for children with learning difficulties and for no other purpose within use Class C2 of the Town & Country Planning (Use Classes) Order 1987 (as amended).

DC/2015/01322

CONVERSION OF STONE STABLE/ BARN TO A SPECIALIST SCHOOL (USE CLASS D1) AND ASSOCIATED EXTERNAL ALTERATIONS

MONAHAWK BARN, HAZELDENE, COMMON ROAD, MITCHEL TROY COMMON, NP25 4JB

RECOMMENDATION: APPROVE

Case Officer: Craig O'Connor

Date Registered: 02/12/2015

1.0 APPLICATION DETAILS

- 1.1 The application seeks consent to convert the existing stone stable/ storage barn into a small school together with works to create an access, driveway and parking and turning area. The existing stone stable measures 15.6m in length and 9.6m in width and measures 6m high. The application does not propose any extensions or alterations to the form of the barn and relates primarily to the use of the building. The alterations to the main barn would be relatively minor with the glazing of existing openings and the insertion of a new opening on the western elevation. The application does not seek to alter the existing materials and the minor alterations would be of traditional construction. The proposed site plan 002 outlines the proposed access arrangement, the proposed school utilising the existing field access which would be widened to 4.5m with 70m visibility splays in both directions. The submitted plans also outline the proposed car parking arrangement.
- 1.2 The proposed change of use of the barn for educational purposes would provide a specialist education facility for pupils with learning difficulties and who would mainly reside in care homes in the local area. Pupils would travel to the school in a minibus operated by the applicant. The proposal, if approved, would be registered with ESTYN.

2.0 RELEVANT PLANNING HISTORY

DC/2010/00325 Erection of stable block and implement storage shed with ancillary works Refused January 2011 Appeal dismissed July 2011

DC/2004/01314 or M/10866 Construction of a stable/barn for horses on site of previously demolished barn Approved April 2005

Adjoining site

DC/2015/01303 Change of use from dwellinghouse to residential care home for up to six young persons; Hazeldene, Common Road, Mitchel Troy – also on this agenda

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S10 Rural Enterprise
- S13 Landscape, Green infrastructure and the Natural environment
- S16 Transport
- S17 Place making and design

Development Management Policies

- EP1 Amenity and environmental protection
- DES1 General Design considerations
- RE2 Conversion or Rehabilitation of Buildings in the Open Countryside for Employment Use
- LC4 Wye Valley Area of outstanding Natural Beauty
- NE1 Nature Conservation and development
- MV1 Proposed Developments and highway considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Mitchel Troy Community Council – recommends refusal for the following reasons:

- In the LDP Mitchel Troy Common is designated as Open Countryside, with a presumption against development.
- Traffic. The LDP does allow for the conversion of rural buildings for residential or business use where appropriate, but developments should be sustainable with a presumption against using cars. The proposed conversion would generate an unacceptable level of extra traffic on a narrow lane that already causes concern.
 - MCC Highways have asked for the splay at the drive entrance to be widened. But the entrance remains on a blind bend, with parking spaces opposite, some of which are occupied throughout the day. Local people are not aware of the gated entrance being used for a number of years.
 - The LDP also states that: *"any additional traffic created by the development must be incorporated into the existing road network without detriment to the area or highway safety"*, and *"for road safety reasons, the intensive use of narrow single carriageway country lanes with few passing places is normally undesirable site access"*.
 - Local residents carried out an informal spot survey of traffic on Common Road, which showed 202 vehicles passing between 0700 and 0930. A further traffic peak occurs when children return from school in the afternoon; at that time there are also more pedestrians, as many walk back to their homes - but there is no pedestrian footway. At an informal public meeting held in Mitchel Troy (and

attended by 60-80 local residents) a Priory Group representative said that the planned school would close at 3pm, causing additional traffic at a time when many children are already walking home on the narrow lane.

- Please could MCC undertake a formal traffic count, highlighting the daily peaks
 - If MCC is minded to give planning consent, a condition should be placed on the developers to improve the road with widening, a foot way, traffic calming and speed restriction.
- Business use. This conversion should be classed as for business use, as The Priory Group is a private company. Under planning policy H4 *"The conversion of buildings that are suited to business will not be permitted unless the applicant has made every reasonable attempt to secure other business property"*, and must be supported by a statement to that effect. Is there documentary evidence of a need for the proposed school in Monmouthshire? At the public meeting the Priory Group representative said that children from throughout South Wales, Herefordshire and Gloucestershire would attend the school.

MCC Highways Officer – no adverse comments to the proposals. The proposal offers an improved point of access with a visibility of 2.5m x 70 in each direction and positive drainage collected at a point 5m from the highway. The annotation suggests soakaways as a form of discharge. This soakaway must be conditioned to be at least 5 m away from the highway. The width of the driveway of 4.5m is an acceptable width for two vehicles to pass with care.

MCC Planning Policy Team - the site is located in the open countryside where there is a general presumption against new built development, as set out in Policy LC1. In this case, the change of use would not have any adverse visual impact in the landscape and there are no new build elements, only minor amendments such as glazing to existing openings and an additional window etc. Policy LC1 is not therefore applicable. Policy RE2 relates to the conversion or rehabilitation of buildings in the open countryside for employment use; while the proposal does not specifically relate to an employment use the criteria of this policy are considered to be of relevance and must therefore be considered. It would need to be determined why the barn is no longer required for its original purpose and in particular, whether it has been used for its intended purpose since construction. Strategic Policy S16 and Policy MV2 relate to sustainable transport access and must be considered. While it is noted there will be no more than 20 pupils at the school and that they will travel to the site by minibus/car collectively, no information is provided on the levels of staff or visitors travelling to and from the site. The site is not located in a particularly sustainable location in terms of facilities and would likely be accessible in the main by car only. Policy MV1 should also be considered relating to proposed developments and highway considerations. There is no specific policy in the LDP relating to provision of car parking; it is noted 17 car parking spaces will be provided as part of the scheme. Colleagues in the Highways Section will no doubt comment further on these matters. The site is located in the Wye Valley Area of Outstanding Natural Beauty; Policy LC4 must therefore be taken into

consideration. Policy LC5 relating to the protection and enhancement of landscape character must also be considered, along with, Policies EP1 and DES1 in relation to Amenity and Environmental Protection and General Design Considerations respectively.

MCC Biodiversity Officer - the site has been subject to a hedgerow assessment including consideration of protected species. Monahawk Barn, Hazeldene, Monmouth- Hedgerow assessment (Ref – A092818) dated 10th March 2016 produced by WYG environment. The assessment is considered sufficient to make a planning decision. The hedgerows surveyed were not found to be ecologically important as specified in the Hedgerow Regulations 1997 but do provide habitat for protected species. There are no adverse comments to the proposals subject to the proposed conditions being imposed on any consent outlining that the work needs to be conducted in accordance with the submitted method statement and that a landscaping scheme is submitted.

Dwr Cymru-Welsh Water – no objections subject to the outlined conditions and informatives.

Gwent Police – No objections to the proposals. The development should be developed in accordance with the Secured by Design ‘New Schools 2014’ guide.

4.2 Neighbour Notification

There have been 17 letters of objection to the proposals which have outlined the following comments: -

- The public access road is single track with a 60mph speed limit and inadequate for the proposed use with no pedestrian access path along the road
- The access point and additional traffic would increase the risk for accidents with the access already being sited on a blind bend
- The road is already used by pedestrians who have to negotiate hazards with care hazards; this additional traffic would increase the risk to highway safety.
- The increase in volume of traffic on Common Road would be unacceptable; additional traffic would cause significant problems
- Common Road is not wide enough and has few parts along its length where a large vehicle may safely pass another
- The increased vehicle activity would increase noise and light pollution in the area
- Concerns over the future use of the building as the owner’s priorities change over time
- Concerns over vandalism, verbal abuse and anti-social behaviour from the users of the educational facility
- The facility is not required for local purposes as the students would come from neighbouring counties; the need for local provision is misleading
- The siting of the school in Mitchel Troy Common is inappropriate

- The application is not clear as to the type of person that would utilise this facility; concerns over anti-social behaviour
- Concerns over the crime rate increasing in the area given this and adjoining application for a care home
- Why is there a need for another school and residential unit given the Talocher site is so close?
- Amenity impact of the development on neighbouring properties
- The development would be incongruous with the area and would have a profound impact on the character and appearance of the Wye Valley Area of Outstanding Natural Beauty contrary to Policy LC4 of the Local Development Plan (LDP).
- A previous application at the site for a stable block was refused and dismissed at appeal due to poor access, landscape impact, neighbour impact and visual impact on the Wye Valley AONB
- The visual amenity of the neighbouring properties would be harmed
- The loss of the mature hedgerow for the creation of the visibility splay would be unacceptable and harm the character of the rural area
- The car park area is visually detrimental to the appearance of the Wye Valley AONB.

Other objections raised are not material planning considerations, such as the concern regarding property prices.

There was one letter of support received for the application from a co-owner of Hazeldene that outlined the following: -

- Bring employment to the area which is greatly needed.
- Rural environment will greatly benefit the residents and be a wonderful location for an educational centre. My four children have definitely benefitted from living in these surroundings with its close proximity to town and all its amenities.
- The holiday let accommodated six guests and was regularly full to capacity, there were also six family members living in the main house and we often had relatives staying over, we never had any complaints regarding noise or disturbances, the property is sufficiently tucked away not to be a problem to neighbours.
I can remember there being objections against a family opposite with four noisy, boisterous children moving in to the area years ago, I was asked to sign a petition to have them evicted, I refused to sign the petition as they were just children wanting to play, these children have since grown up and remain in the area, they have now been fully accepted and integrated into the community and I feel the new residents via The Priory Group will also be accepted and form an important part of the community with time.
- I lived at Hazeldene from 2001 with my ex-wife for many years and she still resides at the property with our four children. Neither we nor our guests have ever had any accidents involving vehicles or access issues during all that time

4.3 Other Representations

No response to date

4.4 Local Member Representations

No response to date

5.0 **EVALUATION**

5.1 Principle of development

5.1.1 The existing stone barn which is utilised for a stable was given consent in 2005 and was constructed in accordance with the approved plans as outlined in M/10866. The application seeks to change the use of the stable block for an educational use (Use Class D1) for a small school for pupils with learning difficulties and who may reside in care homes in the local area. Policy RE2 of the Local Development Plan (LDP) outlines that proposals for the conversion of existing buildings into an employment use would be permitted subject to certain criteria. The proposed educational use would provide a level of employment for teachers and associated workers at the site and provide a community educational facility that would benefit pupils with specialist requirements. The existing building would not be altered significantly and could accommodate the proposed use with only minor alterations to the fenestration. The impact of the proposed change of use on the building itself would be minimal and its impact on the rural landscape would not be significantly different from the existing impact. Accordingly, the proposed change of use would be in accordance with criteria a), b), c) and f) of Policy RE2 of the LDP. The existing stone barn has been utilised for its intended purposes for more than five years and the proposed change of use would provide employment and educational uses within the open countryside to the benefit of local communities and vulnerable people who need support. The proposed change of use is considered to be in accordance with criterion d) of Policy RE2 of the LDP.

5.1.2 The proposal would utilise an existing field access and the application also seeks to make alterations to create a gravel hardstanding parking and turning area to serve the proposed small specialist school. The hardstanding area would have an impact on the visual amenity of the rural landscape as it would be relatively large and introduce a level of urbanisation to the area, but on balance it is considered that this impact could be mitigated sufficiently with an appropriate landscaping scheme to screen and soften the appearance of the proposed parking area. If consent was granted it would be on the condition that the car parking area is of gravel construction only involving no markings to identify car parking spaces, with an informal approach being considered appropriate. A firmer surface may be required for the disabled spaces and this can be discussed through a further discharge of condition application. The car parking area would be enclosed with timber post and rail fence which is appropriate for this rural location and in addition to this an extensive landscaping scheme would be required to screen and soften the car parking area. It is considered that if the area was sensitively softened with landscaping it would have an acceptable visual impact on the area and as a result the proposal including curtilage and access, would be in scale and sympathy with the surrounding landscape in accordance with criteria e) of Policy RE2 of the

LDP. The alterations to the existing access would be relatively minor and the existing hedgerow would be conditioned to be translocated to ensure that the character and appearance of this rural area would be retained. The proposed development would harmonise with the largely rural landscape subject to these mitigation measures and would not have an unacceptable visual impact on the character and appearance of the area. The proposed development is considered to be in accordance with the objectives of Policy RE2 of the LDP in that the scheme involves the sympathetic conversion of a building for employment use without having an unacceptable impact on the characteristics of this semi-rural area.

5.1.3 Although Mitchel Troy Common is considered to be within the open countryside in relation to settlement planning purposes, the site is close to the main road network to Monmouth and the wider area and the site is not considered to be particularly isolated. The school would be a specialist facility that would care for vulnerable pupils to meet their education requirements and, on balance, it is considered that the proposed change of use would be in accordance with some of the wider objectives of the LDP “by providing, protecting and enhancing community facilities and open spaces to assist in promoting sustainable communities in Monmouthshire.” The principle of the proposed change of use of the existing stone barn into a small-scale specialist school to provide employment and education to pupils with specific needs is considered to be acceptable and would be in accordance with the requirements of Policy RE2 of the LDP.

5.2 Visual impact of development and impact on the Wye Valley Area of Outstanding Natural Beauty (AONB)

5.2.1 The existing stone barn is not particularly prominent within the wider area given the location of the woodland area to the east, the topography of the site and surrounding area and the mature hedgerows along the boundaries of the site. It is not considered that the proposal would have an unacceptable visual impact on the area to warrant refusing the application. The barn is set back from the adjacent road and surrounded by woodland to the east. It is of traditional form, scale and construction involving traditional materials. The proposed alterations to the stone barn would be minimal and the structure’s visual appearance would be relatively unchanged. The insertion of windows and glazing would not have an unacceptable impact on the building or the area and sympathetic timber openings would harmonise with the locality. The main alterations within this application relate to the creation of the car parking area and the alterations to the access both of which have been evaluated in 5.1, above. The proposed gravel hardstanding area would be enclosed with a simple post and rail timber fence and providing that an extensive landscaping scheme is submitted it is considered that its impact on the wider area would be acceptable. Subject to the submission and implementation of a landscaping scheme at the site it is not considered that the development would have a detrimental impact on the wider area. In this sense, the proposal development would respect the existing form, scale, siting, massing, materials and layout of its setting in accordance with the objectives of Policies EP1 and DES1 of the LDP.

5.2.2 The site lies within the village of Mitchel Troy Common which is semi-rural in character. Given that the site is located in close connection to the built environment of the village, together with the natural screening in the area and the topography of the area the proposed development would not have any unacceptable effects on the wider landscape which lies within the Wye Valley AONB. The proposed development would be viewed in connection with the village and given the scale of the development its impact on the natural beauty of the Wye Valley would be minor. The proposed development would result in the existing mature hedgerow being translocated to the east to provide acceptable visibility splays in both directions. The character of the semi-rural settlement would be retained with the translocation of the mature hedgerow and the insertion of the grass verge (not uncharacteristic of the area) which would also improve visibility in the area. The visual impact of the proposed access alterations are not considered to be detrimental to the character of the area and would improve highway safety in the area. The proposed development would not be detrimental to the character and appearance of the Wye Valley AONB and would be in accordance with Policy LC4 of the LDP.

5.2.3 An application for a stable block at the site was previously refused and dismissed at appeal under application DC/2010/00325 but this refusal was based on the landscape impact of additional buildings on the site and the cumulative impact of the additional buildings with the existing stable that is part of this application. This application is materially different and relates to the conversion of an existing building, and it has been assessed that the landscape impact is acceptable as outlined above in section 5.1 and 5.2.

5.3 Access and highway safety

5.3.1 The proposed school would utilise an existing field access point with improvements to its visibility splay with the moving of the existing hedgerow line as outlined on the submitted site plan 002. The proposed access point is considered to be acceptable and provides the required visibility in both directions along the road. The scheme has been amended since the original submission to improve the access to ensure that it was in accordance with the Council's Highways Officer's comments. The alterations to the existing access point would have an acceptable visual impact and the access is considered to be appropriate for this rural location and would not have a detrimental impact on highway safety. The proposed development would be for a small-scale specialist school and the applicants have outlined that pupils would be transported to the site predominantly using a minibus. The application is providing car parking facilities for staff and also for people to drop pupils at the site. The applicant has provided adequate parking provision in accordance with Monmouthshire's Supplementary Parking Standards allowing for four spaces for teaching staff, one space for two ancillary staff members, one space for a commercial vehicle, five spaces for visitors and four for potential pupils. Although it is not appreciated that the pupil's spaces would be utilised given that pupils would mainly travel to the site visa minibus. Given the limited scale of the specialist school it is not considered that it would result in a significant amount of additional traffic within the area to warrant refusing the application. The school would predominantly generate traffic during certain times of the day

and only in term time. As the majority of pupils would be transported by minibus traffic movements would not be excessive. The Council's Highways Officer has reviewed the application, including the traffic statement and has no objection to the traffic implications of the development. Given that the proposed school would mainly use a minibus to transport pupils to the site this would reduce the need for cars and would be a more sustainable method to transport children to the site. This mode of transport would have a reduced impact on the road network and would be in accordance with the objective of Policies S16 and MV2 to encourage sustainable forms of transport. The proposed development would not create significant and unacceptable additional traffic growth, provides sufficient parking in accordance with the County's Parking Guidelines and offers an adequate access point. As such, the development would be in accordance with Policies S16, MV1 and MV2 of the LDP.

5.4 Residential amenity

5.4.1 The proposed small-scale specialist school would not have an unacceptable impact on the residential amenity of the neighbouring properties. There are no immediate neighbours of the site and therefore the development would not result in any overlooking issues and nor would it adversely affect the privacy of any party. The proposed development would be in accordance with Policy EP1 of the LDP.

5.5 Response to Mitchel Troy Community Council

5.5.1 Mitchel Toy Common is designated as a minor village as outlined with Policy S1 of the LDP and there is a presumption against new build development within the open countryside as outlined in Policy LC1. However this application seeks to convert an existing building into a small-scale specialist school and relates to the change of use of an existing structure; there is no new built development. As outlined in section 5.1 above, the principle of the proposed development is considered to be acceptable and the development would be in accordance with the spirit of Policy S5 and Policy RE2 of the LDP. The amount of traffic generated by this specialist school is considered to be acceptable in relation to the existing road network. The proposed access is considered to be acceptable and the development is not considered to have an unacceptable impact on highway safety. The Highways Officer has reviewed the proposed development and has not objected to the development. There is no substantive highway reason to refuse the application on highway safety grounds. The proposed development would generate employment and such a facility can also provide benefits to society. Evidence has not been submitted to outline the need for the specialist school, although it is considered that the proposed use is acceptable in planning terms and the development would utilise an existing building to the benefit of society. It would be a private business decision to site the school in this location and the applicants consider that there is a need within the area to site a specialist school in this location. Utilising the existing building for this type of use is considered to be acceptable and would be in accordance with Policy RE2 of the LDP.

5.6 Response to objections

5.6.1 As outlined in section 5.3 the proposal would not have an unacceptable impact on highway safety and would be acceptable. There is no substantive reason to refuse the application on highway safety grounds. The Highways Officer has no adverse comments to the proposals. The change of use of the building would not result in an unacceptable level of noise or light pollution. There would be a condition on any consent to ensure that there are no lights on the existing building. The priorities of the private company may change over time but this would be the subject of further potential planning applications. Concerns over anti-social behaviour in the area are not considered to be fair or reasonable in this instance and are based on conjecture. The Town & Country Planning system manages the land-use of the site only while the applicants/ site operator would have to ensure that the site is managed in a way that means the users of the school do not cause anti-social behaviour in the locality. Gwent Police have been consulted on the proposals and have no objections to the proposed use. The applicants have outlined that pupils would be from the surrounding area. However if pupils were to be enrolled at the proposed school from neighbouring counties this would not be unacceptable. The proposed development would not have an unacceptable impact on the residential amenity of any of the neighbouring parties. The impact of the proposed development on property prices in the area would not be a material planning consideration when considering this application. As outlined in section 5.2 the proposed conversion of the existing barn into a small-scale school would not have a detrimental impact on the character and appearance of the rural landscape which lies within the Wye Valley AONB. An extensive landscaping scheme would be a condition of any consent to ensure that the visual appearance of the proposed car parking area is not detrimental to the area. The access proposals including the replacement of the hedgerow at the access point have been discussed above. An application for a stable block at the site was previously refused and dismissed at appeal under application DC/2010/00325 but as outlined in 5.2.3 this application materially different and relates to the conversion of an existing building, and it has been assessed that the landscape impact is acceptable as previously outlined in section 5.1 and 5.2.

6.0 **RECOMMENDATION: APPROVE**

Conditions

1. Standard 5 years in which to commence development.
2. The development shall be constructed in accordance with the approved plans.
3. Prior to the hereby approved school coming into beneficial use the hereby approved access shall be constructed in strict accordance with Drg No 002.
4. No structure or erection or planting exceeding 0.9 metre in height shall be placed, erected or grown in the visibility splay
5. All windows and door frames shall be of softwood painted a colour to be agreed in writing by the Local Planning Authority and remain as such in perpetuity.
6. All rainwater goods shall be of cast metal and matt painted and remain as such in perpetuity.

7. Land drainage run-off shall not be permitted to discharge either directly or indirectly into the public sewerage system
8. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
9. Foul water and surface water discharges shall be drained separately from the site
10. Notwithstanding the hereby approved plan Drg. 002 the existing mature hedgerow shall be translocated to the line of visibility outlined on Drg. 002. The translocation shall be conducted in strict accordance with Monmouthshire's Translocation Hedgerow guidelines. If the hedge is not successful the a native mixed hedge in accordance with Monmouthshire Hedge Planting guidance notes shall be planted within the visibility splay of the hereby approved access up to the proposed field gate.
11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping , which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development. The Landscaping 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.
 - Schedule of works for the translocation of the hedgerow, location thereof, protection measures, monitoring, aftercare and maintenance.The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter. Any deviation from the details shall be agreed with the Local Planning Authority prior to the commencement of that deviation.
12. 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 a similar size and species.
13. No development shall take place until full details 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.
14. Notwithstanding the Town and 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 attached to or be positioned in the curtilage so as to illuminate the elevations of the building.
15. No clearance of areas suitable for breeding birds eg hedgerows, scrub and trees, shall take place between 1st March and 31st August to avoid unlawful disturbance. However, clearance may take place during these months when preceded by a search for nesting birds and if necessary, mitigation has been implemented in accordance with details to be approved in writing by the Local Planning Authority before works commence on site.

16. The works will be carried out in accordance with the recommendations and method statement for hedgerow translocation provided by the document titled 'Monahawk Barn, Hazeldene, Monmouth- Hedgerow assessment (Ref – A092818) dated 14th March 2016' produced by WYG Environment.
17. 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 at the site without the prior approval of the Local Planning Authority.
18. Notwithstanding the provisions of Article 3, Schedule 2, Part 32 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 extensions or other alterations shall take place at the site without the prior approval of the Local Planning Authority.
19. The premises shall be used for the approved purpose only, that is as a specialist school and for no other purpose including any other purpose in the same use class (Use Class D1) of the Town and Country Planning Order 1987(as amended) or any subsequent order that modifies or revokes that order.
20. Prior to the commencement of development full details of foul drainage and surface water drainage shall be submitted and agreed in writing with the Local Planning Authority.

DC/2015/01350

CHANGE OF USE FROM USE CLASS A1 (RETAIL) TO USE CLASS A3

UNIT 5 WESLEY BUILDINGS, NEWPORT ROAD, CALDICOT

RECOMMENDATION: APPROVE SUBJECT TO s.106 AGREEMENT

Case Officer: David Wong

Date Registered: 08/12/2015

1.0 APPLICATION DETAILS

- 1.1 The property (Unit 5 Wesley Buildings) is within the Central Shopping Area (CSA) of Caldicot and as such Policy RET1 of the Local Development Plan would apply. This application seeks permission for a change of use from an A1 (shop) to A3 uses (food and drink). No external alterations are proposed.
- 1.2 The property is within the Central Shopping Area of Caldicot, and is well served by local bus services. There are several bus stops located within easy walking/cycling distance to and from the site. In terms of parking, there is off-street parking available at the rear of the premises for deliveries and staff parking. In addition, there is ample public car parking provision within close proximity of the premises.

2.0 RECENT RELEVANT PLANNING HISTORY

DC/2015/00771 – (Unit 11) Change of use, from use class A1 to use class A3. Approved 08/09/2015

DC/2014/00661 – (Unit 7) Change of use from use class A1 to A3. Approved 02/09/2014

DC/2008/01331 – (Units 1-4 and 14-15) Change of use from classes A1, A2 and B1 to class A3. Approved 23/01/2009

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S6 – Retail Hierarchy

Development Management Policies

RET1 – Primary Shopping Frontage

RET2 – Central Shopping Area

4.0 REPRESENTATIONS

4.1 Consultations Replies

Caldicot Town Council - recommends refusal: too many take-aways in town centre.

Dwr Cymru-Welsh Water - no objection; grease trap shall be installed prior to the commencement of the approved use.

MCC Planning Policy - The site was previously an A1 retail outlet within a Primary Shopping Frontage in the Central Shopping Area (CSA) of Caldicot and as such Policy RET1 of the Local Development Plan would apply.

In this instance the premises in question is located between an Estate Agent and a Bank, both A2 uses, and a change of use to A3 would thus be contrary to criterion (a) of the policy as it would create a continuous frontage of three non-A1 uses. The unit is located at an angle to the rest of the row of shops and as such is quite prominent and with a frontage of nearly 12 metres has one of the longest frontages in the centre. A change of use to A3 of this unit would thus be contrary to criterion (b) of the policy. In addition, if this unit were to undergo a change of use to A3 the proportion of non-A1 uses would increase to 37%, taking it above the maximum proportion considered appropriate.

Given the above, criteria a) to c) are not complied with therefore, although an exception to this may arise when it can be demonstrated that the premises have been vacant for at least 2 years and genuine attempts at marketing the existing use have been unsuccessful. In this case the premises have been vacant for 3 years and it is noted that marketing evidence has been provided; nevertheless there are concerns. In the supporting text to the policy it states that particular consideration will be given to assessing proposals for A3 uses within primary shopping frontages as whilst it is recognised that cafes and restaurants can complement retail uses, hot food take-away premises that are closed during the day make a limited contribution to the vitality of the centre. The application doesn't state the type of A3 use proposed in this instance and, as a change of use to A3 could lead to a hot food take-away locating to the premises, this would need to be a consideration in assessing this application

SEWBREC Search Results - No significant ecological record identified.

4.2 Neighbour Notification

No objections received

4.3 Other Representations

The Caldicot Town Team – recommends approval as a restaurant would be a welcome addition catering for a different market and demographic than a regular take away outlet would. Letting out a larger unit within the town would bring visual improvements to the town centre, making the environment look more appealing and more vibrant. Based on the fact that the unit has been empty for a number of years with very little interest, this application should be approved. the property style does not suit most retail companies due to its obscure floor plan layout so would perhaps be better suited to an application for a change of use.

5.0 EVALUATION

5.1 Principle of the proposed change of use

- 5.1.1 The site is presently an A1 retail outlet within a Primary Shopping Frontage in the Central Shopping Area (CSA) of Caldicot and therefore Policy RET1 of the Local Development Plan would apply.
- 5.1.2 Under criterion a) of policy RET1, Primary Shopping frontages, a change of use from an A1 to an A3 use will be permitted unless it creates or further extends a continuous frontage exceeding two or more non-A1 units. In this instance the premises in question is located between an Estate Agent and a Bank, both A2 uses, and so a change of use to A3 would be contrary to criterion (a) of the policy as it would create a continuous frontage of three non-A1 uses.
- 5.1.3 Under criterion b) of the policy a change of use would be permitted providing it does not result in the loss of an A1 retail unit in a prominent location, a corner unit or a unit with a long frontage. In this instance the unit is located at an angle to the rest of the row of shops and as such is quite prominent and with a frontage of nearly 12 metres has one of the longest frontages in the centre. A change of use to A3 of this unit would thus be contrary to criterion (b) of the policy.
- 5.1.4 Under criterion (c) of the policy such a change of use would be permitted unless the number, frontage lengths and distribution of Class A2 or A3 uses in the primary shopping frontage create an over-concentration of such uses detracting from its established retail character. The Primary Shopping frontage Supplementary Planning Guidance assists with the interpretation of this criterion. Percentage figures are provided for the maximum proportion of non-retail (A2/A3) uses that the Council considers appropriate in each of the centres' primary shopping frontages. For Caldicot this figure is given as 35% of non-A1 uses; this level broadly reflects the historical and current level of non-retail uses within this primary shopping frontage and the Council's desire to prevent further erosion of retail uses beyond this level. It is considered that a higher level of non-retail uses would be likely to dilute the established important local shopping role as well as the character of the frontage and undermine the vitality and viability of the centre. If this unit was to undergo a change of use to an A3 use the proportion of non-A1 uses would increase to 37%, taking it above the maximum proportion considered appropriate.
- 5.1.6 Given the above, the proposal does not comply with policy RET1. However, there is an exception to this policy where the premises have been vacant for at least two years and genuine attempts at marketing the existing use have been unsuccessful. In this case the premises have been vacant for three years and it is noted that marketing evidence has been provided. Therefore, the exception

is applicable. However, in the supporting text to the policy it states that particular consideration will be given to assessing proposals for A3 uses within primary shopping frontages as whilst it is recognised that cafes and restaurants can complement retail uses, hot food take-away premises that are closed during the day make a limited contribution to the vitality of the centre. The application does not state the type of A3 use proposed in this instance and, a change of use to A3 in general could lead to a hot food take-away locating within the premises.

5.1.7 A history search of Wesley Buildings reveals that planning permissions have been granted for A3 uses at units 1, 7 and 11. The applicant's agent confirms that permission at no.1 has expired as no A3 use is in operation. However, the permission at nos. 7 and 11 are still 'live'. Therefore, these premises can still become A3 uses. These units, however, are under the same ownership as the site of the current application. Therefore, a legal agreement may be drawn up to 'swap' permissions. The agent has confirmed that the applicant would be willing to exchange the A3 permission from No.7 to No.5. Therefore, the percentage of non-A1 uses along this part of the primary shopping frontage would then be within the 35% limit required in criterion (c) of Policy RET1. This swap is achievable via a legal agreement, to which the agent has agreed. In addition, the applicant would be content with a condition restricting the property to a coffee shop/café/restaurant within use class A3, and not a general A3 permission. Therefore, with these measures in place, the proposal is considered to be acceptable under the exception allowed within Policy RET1 of the LDP.

5.2 Amenity

5.2.1 As the proposal is now for a more limited range of uses - a café, restaurant or coffee shop – but would exclude a hot food takeaway that might trade at much later hours, it is not considered necessary to apply an hours of opening condition. Such controls would in any case be exercised by the Council's Licensing function.

5.3 Design Appearance

5.3.1 No external alterations are proposed.

5.4 Economic Development Implications

5.4.1 There is no indication of how many staff are likely to be employed in respect of this proposal. However, the Council's Planning Policy Team confirms that the premises have been vacant for at least three years. Thus, approval of the application would help to find a fresh use for this unit, providing more prospects for employment.

5.5 Response to the Representations of the Town Council

5.5.1 Caldicot Town Council objected to this application on the basis that there are too many takeaway facilities in the town. However, as explained above, the

exception element of Policy RET1 is applicable as the premises have been vacant for three years and it is noted that marketing evidence has been provided. In addition, the agent has confirmed that the applicant would be willing to exchange the A3 permission at no.7 Wesley Buildings for approval of the current application at no.5 (these premises being under the same ownership). Furthermore, the applicant is willing to accept a condition restricting the approved use to a coffee shop/café/restaurant within use class A3. It is therefore concluded that this proposal would be acceptable under the exception allowed within Policy RET1 of the LDP.

6.0 RECOMMENDATION: approve subject to a s.106 agreement requiring the applicant not to implement planning permission DC/2014/00661 at 7 Wesley Buildings

Conditions

1. 5 years in which to commence development
2. Compliance with the approved plans
3. The use hereby approved shall be restricted to a coffee shop/café/restaurant only and for no other purpose within use class A3 of the Town & Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking and re-enacting that Order with or without modification.
4. The hereby approved use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Informative:

Please refer to letter from Welsh Water, dated 18/12/2015 for more information.

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DC/2015/01528

ERECTION OF A DETACHED DWELLING

GLEN USK MAIN ROAD UNDY

RECOMMENDATION: APPROVE

Case Officer: Nia Morrison

Date Registered: 4th February 2016

1.0 APPLICATION DETAILS

1.1 This full planning application relates to land to the rear of Glen Usk, Undy, a semi-detached two storey dwelling located within Magor and Undy's development boundary and also within an Archaeologically Sensitive Area (ASA). The application site level is 49.70m Above Ordnance Survey Datum (AOD) and is a rectangular shape measuring approximately 19m in width by approximately 64m in length. To the north-east boundary of the site are the rear gardens of numbers 7-10 Rectory Gardens and to the south-west of the site is the detached house, Fairfield Cwrt, which was a new build in the rear garden of Fairfield (the adjoining semi-detached dwelling to Glen Usk). To the rear of the site is the mainline railway line. The site had been cleared of trees /shrubs at the time of the site visit (4th February 2016).

1.2 It is proposed to erect a detached two storey 4 bedroom dwellinghouse within the rear of the plot adjacent to the existing neighbouring property Fairfield Cwrt. The proposed dwelling measures approximately 13m in width by 11m in depth by 8.4m to the ridge height. It is noted that the property has been amended to feature a lean-to element on the north-east elevation in order remove the first floor element of this part of the property. The two storey element of the proposed dwelling would now measure 9.5 in width.

1.3 Access to the site is proposed off Main Road (the B4245) via the existing access point which serves Glen Usk. A shared driveway with Glen Usk is proposed, to serve both Glen Usk and the proposed dwelling and the driveway is to be constructed with self-draining block paviers. Three parking spaces for Glen Usk are proposed and four spaces would be available for the proposed dwelling.

2.0 RELEVANT PLANNING HISTORY

M06211 – Outline application for one new dwelling (land to the rear of Fairfield)
Appeal allowed 01.02.2002

M07579 – New House (land to the rear of Fairfield)
Approved 19.11.2002

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 Spatial distribution of new housing provision
S2 Housing provision
S12 Efficient resource use and flood risk
S13 Landscape, green infrastructure and the natural environment
S17 Place making and design

Development Management Policies

H1 Residential development in Main Towns, Severnside Settlements and Rural Secondary Settlements
DES1 General Design considerations
EP1 Amenity and environmental protection
NE1 Nature conservation and development
SD2 Sustainable construction and energy efficiency
SD3 Flood risk
SD4 Sustainable drainage
MV1 Proposed development and highway considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Magor with Undy Community Council – recommends refusal.

The following observations were made:

- The rear garden plot of Glen Usk in which this 'in-fill' dwelling is proposed seems adequate in size.
- The adjacent property Fairfield already has a rear garden in-fill dwelling, and therefore this newly proposed dwelling would not appear to be out of place.
- The sides of the proposed dwelling – on the first floor, which overlook Rectory Gardens (to the East) are obscure glazing, and there do not appear to be any opening overlooking and Fairfield/Fairfield Cwrt (to the West).
- Item 16 of the Planning application states that there are no trees or hedges on the proposed development site. Council do not believe that this statement is correct. It goes on to say that there are no trees or hedges on the land adjacent to the proposed development site that could cause influence to the development of might be important as part of the local landscape character. The Community Council recommend that before any decision is made on this application that the Planning Authority need to check this statement in order to ensure whether a full tree survey is required.
- The section of the B4245 where the joint access is proposed is of considerable concern. The B4245 is one of the busiest, if not the busiest road in the County. There have been numerous accidents along this stretch of the road (both reported and unreported) and some time ago resulted in a traffic island being installed as a traffic calming feature at the nearby junction with Manor Chase. The application states that there will be a possible seven (7) vehicles using the access point. The Community Council believe that Highways department need to seriously consider whether the proposed increase to the width of the access point, and the visibility splays is sufficient for this section of the B4245 and ask

that the applicant revisit and reconsider the said proposals ensuring that every effort is made for ease of access/egress to the site and for the safety of cyclist and pedestrians.

At present, the Community Council feel they cannot recommend approval of this application until such time that they are satisfied that every effort has been made to ensure the safety of pedestrians and cyclists following the B4245 route, and until such time that the Planning Authority visits the issue of whether a full tree survey is required. That said, the Community Council will be please to re-consider the application at a future date.

Welsh Water - requests conditions in relation to foul and surface water discharges. Attention is also drawn to an advisory note that the applicant may need to apply to Dwr Cymru/ Welsh Water to connect to the public sewer.

MCC Highway Officer - initially required further information in relation to the visibility splays and width of the access and materials and gradient of the driveway. These were subsequently submitted on the Drwgs. 1462 10B and 1462-11. Following receipt of these drawings Highways have no adverse comments to make (confirmed in email correspondence 15.03.2016).

Glamorgan Gwent Archaeological Trust - no objections. The Trust requests the application of an informative.

Network Rail - no objection in principle; the consultee provided some advisory notes in relation to the protection of the adjoining Network Rail land.

4.2 Neighbour Notification

Six neighbouring households have submitted representations raising the following issues, which are summarised below:

- Overdevelopment of the plot
 - The footprint of the house is over dominant compared to the existing house to the front of the site (Glen Usk).
- Impact on residential amenity
 - The rear facing bedroom windows will overlook our rear garden and give a view into our conservatory (No.7 Rectory Gardens).
 - The front facing windows will overlook our rear garden and conservatory (No. 9 & 10 Rectory Gardens).
 - The building will create overshadowing and loss of light into our rear garden and conservatory (No.7, 8 & 9 Rectory Gardens).
 - There will be considerable shadow cast into our garden and living room (No.8 Rectory Gardens). This will be at its worst in the afternoon in the winter, reaching a peak at the winter solstice. There is an attached illustration indicating this. The existing hedgerow throws a large shadow over the garden. The proposed building will be almost 5 times higher and for a period put our whole garden and part of the house into deep shade.

- Our house (No. 8 Rectory Gardens) will look right onto the side elevation of the proposed development and affect our visibility from the main habitable rooms of our house.
 - The proposed dwelling will have a dominating and overbearing presence on the amenity of occupiers of No.8. This is illustrated with an enclosed photograph of 'before' and a super impression of 'after'. The steep pitch of the lean to roof and the blue/black colour of the slates will exacerbate the situation.
 - There are no indications of the colour of the rendered areas to the proposed house, however even if this is white, the times of day when the sun is behind the building will leave it looking quite dark.
 - The peaceful enjoyment of our garden will be affected. The Council needs to consider the Human Rights Act, Protocol 1, Article 1 where it states that a person has the right to peaceful enjoyment of their possessions, which includes home and other land. Article 8 states that a person has the substantive right to respect for their private family and life.
- Highway concerns
 - Main Road is the busiest B road in the County of Monmouthshire.
 - Although there is a limit of 30mph on this stretch of road, traffic does approach often in excess of this speed limit. With hazardous bends either side of the entrance the increased vehicle access would present a real danger.
 - Widening the entrance and the increased vehicle movements would create a hazard to both pedestrians and traffic, particularly for children on their way to Undy Primary School. The wider driveway would be immediately in front of the traffic calming measures installed to aid the safe crossing of the highway.
- Adverse impact on local amenities
 - The proposal would put additional strain on an overloaded mains sewerage system.
 - The loss of trees and hedgerows would have an adverse effect on the wildlife in the vicinity. This is also apparent that in the course of the application the applicant has cleared the site and removed further trees before a decision has been granted.
 - The proposal includes turning and parking for a minimum of six vehicles resulting in a substantial increase in air and noise pollution for all adjoining properties in Rectory Gardens.
 - Concern that the border on the western side of the plot will be heavily damaged by the removal of trees and hedging.
 - Should the application be approved it is requested the council consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of works more bearable.
- Visual amenity
 - The design is not in keeping with adjacent Fairfield Cwrt and the adjacent dwellings in Rectory Gardens. The dwelling should have red/brown roof tiles and not the proposed black/blue.

4.3 Local Member Representations

None Received.

5.0 **EVALUATION**

- Principle of the proposed development
- Visual impact
- Residential amenity
- Highway considerations
- Other considerations

5.1 Principle of the proposed development

The site is within Magor and Undy's development boundary, within which there is a general presumption in favour of new residential development. LDP Policy H1 states however that the principle of residential development is subject to detailed planning considerations and other policies of the LDP that seek to protect the amenities of the area. The main detailed planning considerations for this application are: design, form and amenity of the surroundings and the need to protect existing residential privacy and amenity. These planning considerations will be assessed in the ensuing sections.

5.2 Visual amenity

In terms of the visual impact of the proposal, it is considered that the application site has a good sized plot measuring 19m by 64m, and there is sufficient space for a dwelling within the site, which is surrounded by a variety of properties and architectural styles. In terms of its size the dwelling has been designed to have a similar footprint and height as the adjacent property, Fairfield Cwrt. The proposed dwelling would be set back away from the public highway, Main Road, and therefore the proposal is not considered to have a prominent visual presence within the surrounding street scene. Although proposed materials of blue/black slates for the roof differ from some of the red/brown roof tiles of neighbouring properties, it is not considered that this visual difference in roofscape will harm the street scene. As mentioned, there are a variety of different properties within the area with different roof materials - for instance, the semi-detached property, Fairfield, has a blue/black roof slate finish.

5.3 Residential amenity

The main concern in relation to this application is the impact it will have upon the surrounding residents, in particular the residents of No.8 Rectory Gardens, whose rear back garden immediately adjoins the north-east boundary of the site and the position of the proposed dwelling is set to the immediate rear of their garden. There will be a blank gable end wall with a lean to addition set approximately 2.7m away from their boundary hedge. Although it is acknowledged that the location of the proposed dwelling will change the outlook of the occupiers of No. 8, unfortunately there is no right to a view and this is built up area of Magor within the development boundary where residential

housing is to be expected. It is also acknowledged that there will be some overshadowing to the rear garden area of No. 8, particularly in the late afternoon and early evening. On balance however this overshadowing is not considered to have a significant, harmful impact based on the surrounding density and the important consideration that the proposed dwelling has been designed with a single storey lean-to element on the elevation facing no.8 (the north-east side) which will lessen the overbearing and overshadowing impact upon No 8's rear garden. The distance between the nearest part of the rear of no. 8 would be 10m to the side elevation of the single storey lean-to element of the proposed dwelling and 13.5m to the two storey gable element of the proposed dwelling which is what would normally be acceptable on a modern housing layout when accommodating dwellings with a side elevation facing towards a primary elevation of another dwelling (which features main habitable room windows).

Although residents refer to 'The Human Rights Act, Protocol 1, Article 1' the consideration of this application takes into account the effect of the proposal on local residential amenity. While acknowledging residents' concerns, it is considered that the harm caused to local amenity by the proposal is not so significant as to prohibit the adjoining occupiers' peaceful enjoyment of their property or their privacy.

In terms of overlooking impact the first floor window to the south-western side elevation is to serve an en-suite bathroom and would be obscure glazed. Although there would be some view from the first floor rear windows into the rear gardens of Fairfield Cwrt and Rectory Gardens it is not considered to exacerbate, or be out of character with, the existing overlooking situation in respect of neighbouring dwellings in the area, where there is inevitably some overlooking due to the proximity of properties to each other. The impact from the proposed windows would not involve direct overlooking but would rather be at an oblique angle into the rear garden areas of Fairfield Cwrt and No.7 Rectory Gardens which is considered acceptable in this location.

With regards to the first floor windows to the front of dwelling, there is sufficient distance between these windows and the rear windows of Glen Usk (21m) for there to be an acceptable impact. This situation is similar to the impact of the front windows of Fairfield Cwrt upon Fairfield.

5.4 Highway considerations

In relation to highway matters, there is no objection in principle from the Council's Highway Officer. In terms of increased traffic congestion, the additional vehicle movements caused by one additional house would be insignificant and would not warrant a refusal for this reason.

Visibility splays are sufficient and parking can be achieved for at least three vehicles for the proposed dwellinghouse and three spaces are proposed for the existing Glen Usk property which meet the adopted Council parking standards. Concerns in relation to the control of surface water have been addressed and

a condition will ensure the proposed driveway will be constructed in permeable self-draining paviers as indicated on drawing 1462-11.

5.5 Other considerations

In terms of the loss of orchard trees to the site, a condition will also request a further planting plan is submitted prior to any work commencing, in order to help compensate for the loss of trees that were removed prior to the application being submitted. A condition will ensure that the existing hedgerow on the north-east boundary of the site, which is an attractive feature, will remain.

A Construction Method Statement (CMS) is requested as a condition to the consent to ensure building works throughout the construction period will respect neighbouring properties.

5.6 Response to the Community Council's representations

In response to the Community Council's concerns regarding highway safety and the lack of consideration of the existing trees, MCC Highways have been consulted on the application and they are satisfied that the proposal will not result in any undue safety concerns upon pedestrian and vehicle movements using the B4235. Although it is unfortunate that the site was cleared of the existing trees a condition will require further tree planting and landscaping as mitigation.

6.0 RECOMMENDATION: APPROVE

Conditions

1. 5 year time limit
2. In accordance with the approved plans
3. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - v) the times for the delivery of building materials and the local routes to be used.
4. No development shall commence until a planting scheme to compensate the loss of the previous trees that have been removed from the site has been submitted and agreed in writing with the local planning authority.
5. PER02 – Permitted development rights removed - Part 2 (means of enclosure)
6. PER03 – Permitted development rights removed - Part 1 (extensions and outbuildings)

7. No surface water shall be allowed to connect, either directly or indirectly to the public sewerage network.
8. The Finished Floor Level of the dwelling hereby approved shall be 49.90m Above Ordnance Datum (AOD) as stated on the approved plan 1462-10B
9. The existing hedgerow on the north east boundary of the site shall be retained as stated on the approved plan 1462-10B. If the hedgerow dies, it shall be replanted with a similar species.

Informatives

Please see the attached guidance in relation to building on land adjoining to Network Rail land.

GGAT informative

Dwr Cymru Informative

House name/ numbering informative

DC/2015/01565

DEMOLITION OF EXISTING GARAGE BUILDINGS AND ERECTION OF TWO BESPOKE SEMI-DETACHED BUNGALOWS, CAR PARKING AND ASSOCIATED WORKS

POPLARS CLOSE, ABERGAVENNY

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Registered: 08/01/2016

1.0 APPLICATION DETAILS

- 1.1 This application seeks the demolition of existing garage buildings and the erection of two bespoke detached dormer bungalows, car parking and associated works. The proposed dwellings would be constructed and managed by Monmouthshire Housing Association and would therefore be for people in need of affordable housing only.
- 1.2 Unit 1 would comprise three bedrooms and Unit 2 would have two bedrooms. Both units would be suitable for use by wheelchair users. The units are proposed to be one and a half stories in height.
- 1.3 Five parking spaces for the dwellings and seven visitor parking spaces are proposed. Due to the limited size of the application site, there are limited opportunities for landscaping. However, there will be areas of soft landscaping on the site in the form of private rear gardens and some tree planting which will be a betterment on the existing site that is wholly hard surfaced.
- 1.4 The application is presented to Committee at the request of the Council's Planning Applications Delegation Panel the members of whom were concerned about the proximity of the gable-end of proposed bungalow unit 2 to existing gardens and houses on Poplars Close which are at a lower level to the application site.
- 1.5 In response to the Panel's concerns the ridge height of the main part of the proposed dwellings have been reduced by 0.865m and the lower part by 0.442m.

2.0 RELEVANT PLANNING HISTORY

DC/2014/01436 - Demolition of a 1969-built sheltered-residential block. Approved 2014.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

S1 – Spatial Distribution of New Housing Provision
S4 – Affordable Housing

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

H3 – New Residential Development within Main Towns
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
NE1 – Nature Conservation and Development
MV1 – Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Responses

Llantilio Pertholey Community Council – recommends approval.

Dwr Cymru-Welsh Water – the proposed new development would be sited on top of a 150mm foul sewer where it may result in damage to the public infrastructure and/or our ability to maintain it. We therefore object. It may be possible to overcome the objection if the developer applies under Section 185 of the Water Industry Act to divert the public sewer.

MCC Highways – The proposal was the subject of a preliminary meeting when highway issues were discussed and would appear to have been amended accordingly. There are several points of access from the existing carpark that have been retained in the design. Parking numbers have been retained as visitor parking, however at a reduced number compared with the number of garages. My concern here is that if there is a shortfall of parking spaces, on street parking may become an issue. The pre-application comments requested an audit survey of the existing garage use; you must therefore satisfy yourself that the parking provision would adequately replace the existing situation with no detriment to the highway.

I would confirm, that as this access will serve more than two dwellings for access, that this authority will not be requesting adoption of the same. It will remain a private roadway/access.

Recommendation: no adverse comments.

MCC Biodiversity and Ecology – there is sufficient ecological information to make a lawful planning decision. There are no objections subject to a condition requiring bat roosting and bird nesting provision.

4.2 Neighbour Consultation Responses

Two representations received. Object on the following grounds:

- Loss of vehicular access to rear boundary of nos. 50, 52 & 54 Poplars Close which we have a legal right to.
- Overlooking of garden of no. 52 Poplars Close.

- MHA are already having to divert the sewer to enable the houses to be built, therefore they could divert it to the north of the site for make the build more central.

5.0 EVALUATION

5.1 Principle of Development

5.1.1 The site is within the development boundary of Abergavenny, within which new residential development is acceptable in principle under Policy S1 of the Local Development Plan.

5.2 Visual Amenity

5.2.1 The site is part of Poplars Close which has a distinct character made up of former Local Authority terraced housing and bungalows. The housing along Park Road is the closest to the proposed site access and these are made up of two storey dwellings in render of various colours with red brick sides and darker tiled roofs. All properties have porches and some stone detailing. The properties along Poplars Road are detached and built from red brick with tiled roofs and small porches over the front doors. The majority of the properties have hipped roofs and are set back from the road with front gardens and either on-street parking or parking within the front garden area.

5.2.2 The scale and form of the proposed dwellings would complement the existing character of the area. Materials are to be red brick, render and pitched tiled roofs to match the surrounding palette of materials. A variety of roof heights are proposed as well as a porch of the north elevation to add architectural interest and it is considered that the proposed new dwellings would be in keeping with the existing appearance and character of the area.

5.3 Residential Amenity

5.3.1 The siting of the proposed dwellings has been carefully considered so as to minimise the impact of the development upon the amenity of the surrounding residential properties. The layout is simple in form with the building sat broadly in a southerly yet largely central position within the plot.

5.3.2 To the south, the gable of proposed Unit 2 lies adjacent to the side boundary of nos. 50 & 52 Poplars Road but has been designed with only one window at ground floor level on this elevation with a 1.8m high close boarded timber fence on the boundary to prevent any overlooking. To the northern side, the façade of the building is well in excess of 21 metres from the side boundary of no.43 Poplars Close and is also separated by boundary treatments and soft landscaping.

5.3.3 The eastern elevation of the building is orientated east over the landscaped garden area beyond which are the rear gardens of no.23 Greystone Crescent. Only non-habitable room windows are proposed at first floor level and a 1.8m

high close boarded timber fence is also proposed in this location to separate the rear gardens of each proposed property.

5.3.4 The western elevation originally comprised two dormer windows (one bedroom and one bathroom) which faced the courtyard area but the bedroom window would also have had views of the bottom end of the garden of no. 52 Poplars Road at a 45 degree angle. To prevent overlooking this has been changed to a roof light which would then prevent direct views across to the neighbour's well used garden area.

5.3.5 On balance therefore, it is not considered that there will be any overlooking of existing properties or gardens that would cause a significant loss of privacy as a result of the development and the scale and location of the proposed dwellings mean that it is unlikely that the development will have an overbearing impact on any of the neighbouring properties.

5.4 Access and Parking

5.4.1 Due to the low density of development, it is proposed to retain and utilise the existing relatively narrow access to the site as a shared pedestrian and vehicular surface. A courtyard area within the site will allow sufficient space for vehicles to turn so that they can enter and leave the site in a forward gear.

5.4.2 Eleven car parking spaces have been provided which meets the requirements of the Monmouthshire Parking Guidelines. Domestic waste can be stored and collected from the kerb side.

5.4.3 The existing pedestrian access points to the adjacent residential properties are to remain as part of the proposal. The loss of a (private) legal right to vehicular access mentioned by a neighbour is not a material planning consideration.

5.4.4 The existing garages were constructed in the 1960s/70s and are not as large as those now recommended in the Council's parking guidelines. They would not be large enough to park a larger family car on a regular basis. It is understood from the accompanying Planning Statement that four of the thirteen garage spaces are regularly in use to park a car while the others are vacant or used for domestic storage. Thus, the loss of four lock-up garages would not have a significant impact on local parking conditions in surrounding streets. Furthermore, there is no way to enforce the use of the garages for the parking of vehicles only and therefore their removal is not considered to cause a significant loss of local off-street parking.

5.4.5 It is not therefore considered that the proposed development will have an adverse impact on highway safety.

5.5 Biodiversity Considerations

5.5.1 An Ecological Appraisal and Code for Sustainable Homes Report have been undertaken at the site above and are of a suitable standard and is sufficient to inform the scheme. These have been undertaken by a suitably qualified

ecologist, and are of an appropriate age with a follow up assessment made within the last year.

5.5.2 The site is predominantly hardstanding consisting of a car park and a row of garages; there are small patches of ruderal vegetation of common and widespread species. There is no suitable bird breeding habitat on the site and there is negligible potential for the site to support bats or be used as a foraging area.

5.5.3 A Code for Sustainable Homes Ecology report was carried out as part of the assessment; the total credits given to the proposal is 5. The report highlights opportunities for enhancement within the ecological appraisal and code for sustainable homes assessment which would be in accordance with LDP Policy NE1 and the Council's duty under the Natural Environment and Rural Communities Act 2006 to have regard for Biodiversity. A planning condition is recommended to support this.

5.6 Drainage and Location of the Buildings within the Site

5.6.1 The siting of the building is determined by the location of the public sewers that meet at an existing manhole to the north east of the site. As part of the development it is proposed to divert a 22.5m long section of the sewer around the buildings under a Section 185 agreement with Welsh Water and provide an easement. This overcomes Dwr Cymru Welsh Water's objection. However, the Council's Delegated Panel and a neighbouring resident have questioned the positioning of the proposed new dwellings within the plot and would like to see the buildings moved further to the north, away from nos. 50 and 52 Poplars Close which are set down at a lower level to the application site.

5.6.2 Three recorded Dwr Cymru-Welsh Water (DC-WW) foul sewers and one unrecorded foul sewer converge on the north of the site. These sewers serve approximately 80 existing residential dwellings. There are existing 6m DC-WW easements to these sewers in place. These easements dictate that the proposed residential properties are located to the south of the existing easements as shown on the current planning drawing.

5.6.3 A study was carried out by the developer to determine whether the building can be located any further north. However, four separate Welsh Water foul sewers would need to be diverted around the proposed building whilst maintaining the 6m easements to the diverted sewers. This has proved to be impractical due to space restrictions as the hydraulics of the existing foul sewers would be compromised below acceptable standards due to the extended length of drainage runs causing significantly reduced pipe gradients and possible future blockages of the sewers. Also, the 6m DC-WW easements would be significantly reduced to an unacceptable standard for future maintenance. Therefore, it is considered unfeasible to relocate the proposed residential buildings further north than shown on the current drawing. The location of the nearest gable to nos. 50 & 52 Poplars Road which has been reduced to 6.8m high is considered acceptable in this instance. The gable would be 14m from the main back wall of no. 52 and although that existing property is set at a lower

level than the proposed dwelling, the new dwelling would be located to its north and would not reduce natural light to the dwelling in Poplars Road. Neither would it be so large as to appear unacceptably overbearing to no. 52 while no. 50 is off-set so that the effect on that dwelling would be reduced.

6.0 RECOMMENDATION: APPROVE

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	Prior to the commencement of works a scheme detailing the provision of integrated bat roosting and bird nesting provision within the scheme as outlined in the submitted Pure Ecology, Poplars Close, Abergavenny, Monmouthshire, Ecological Appraisal and Code for Sustainable Homes Report, December 2015 shall be submitted to the Local Planning Authority for written approval. The agreed scheme shall be implemented in full.
4	Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the buildings or in the curtilage until an appropriate lighting plan which includes lighting type and specification, protecting roosting and foraging/commuting habitat for bats has been agreed in writing with the LPA.

Informatives:

Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows, or buildings where birds are nesting. The nesting season for most bird species is between March and August inclusive.

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

The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the

Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.

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Appeals - Detail Report

Report Parameters:

Report Requested By:	
Report Date:	21-Mar-2016 at 17:46
Sort Sequence:	

Total Applications Found:	3
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Planning Objects Associated to Appeal

Associated Planning Objects:				
Object	Linked	UniqueReference	Description	Type

Appeal Details

Local Reference:	DC/2015/00868	DOE Reference 2:	/16/3144803
DOE Reference 1:	E6840/A		
Appeal Type:	Written Representation		
Appeal Application Type:			
Reason For Appeal:	Against a Refusal		
Appeal Received Date:	03-Mar-2016		
Appeal Description:	Erection of a detached bungalow.		
Site Address:	Land Adjacent to 42 Castle Oak, Usk, NP15 1SG		

Appeal Decisions

Appeal Decision Type:	
Appeal Decision Text:	
Appeal Decision Qualifier:	
Appeal Decision Level:	
Appeal Legal Agreement:	N
Date Signed:	
Appeal Decision Date:	

Appeal Conditions				
Type:	No:	Text	Effect Date:	Deact. Date:

Appeal Decision History			
Status:	Decision Type:	Dec. Date:	

Other Details / Audit

Team: DC Case Officers	Officers Name: Andrew Jones	E-Mail Address: andrewjones3@monmouthshire.gov.uk	
Telephone Number: 01633 644808	Fax Number: 01633 644800		
Unclear Plans: N	No Plans Available: N	Major/Key Proposal: N	
Unclear Records: N	No Plans: N	Private Road: N	
Created On: 03-Mar-2016	Created By: KEECHM	Updated On: 03-Mar-2016	Updated By: HAZARDGA
Data Source:	Import Block: N	Checked: N	Deactivated Date:

Notes:

Note ID:					
User Group:		CON29 Question:			
Summary:					
Text:					
Create On:		Created By:			
Updated On:		Updated By:			
Deactivated Date:		Checked:			
Links:					
Local Reference:	Checked:	Created On:	Created By:	Updated On:	Updated By:

Planning Objects Associated to Appeal

Associated Planning Objects:

Object	Linked	UniqueReference	Description	Type
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Appeal Details

Local Reference:	DC/2015/01019	DOE Reference 2:	/16/3144474
DOE Reference 1:	E6840/A		
Appeal Type:	Informal Hearing		
Appeal Application Type:			
Reason For Appeal:	Against a Refusal		
Appeal Received Date:	01-Mar-2016		
Appeal Description:	Full planning permission for the proposed erection of a single dwelling.		
Site Address:	The Mount, Parc Road, Coed-Y-Paen, Monmouthshire, NP4 0SY		

Appeal Decisions

Appeal Decision Type:	
Appeal Decision Text:	
Appeal Decision Qualifier:	
Appeal Decision Level:	
Appeal Legal Agreement:	N
Date Signed:	
Appeal Decision Date:	

Appeal Conditions

Type:	No:	Text	Effect Date:	Deact. Date:
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Appeal Decision History

Status:	Decision Type:	Dec. Date:
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Other Details / Audit

Team: DC Case Officers	Officers Name: Kate Bingham		
Telephone Number: 01633 644810	Fax Number:	E-Mail Address: katebingham@monmouthshire.gov.uk	
Unclear Plans: N	No Plans Available: N	Major/Key Proposal: N	
Unclear Records: N	No Plans: N	Private Road: N	
Created On: 01-Mar-2016	Created By: KEECHM	Updated On: 01-Mar-2016	Updated By: PLUMBG
Data Source:	Import Block: N	Checked: N	Deactivated Date:

Notes:

Note ID:					
User Group:	CON29 Question:				
Summary:					
Text:					
Create On:	Created By:				
Updated On:	Updated By:				
Deactivated Date:	Checked:				
Links:					
Local Reference:	Checked:	Created On:	Created By:	Updated On:	Updated By:

Planning Objects Associated to Appeal

Associated Planning Objects:

Object	Linked	UniqueReference	Description	Type
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Appeal Details

Local Reference:	E15/229	DOE Reference 2:	15/3141535
DOE Reference 1:	E6840/C		
Appeal Type:	Public Inquiry		
Appeal Application Type:			
Reason For Appeal:	Against an Enforcement Notice		
Appeal Received Date:	22-Feb-2016		
Appeal Description:	Alleged Unauthorised Works		
Site Address:	Whitemill Works, Usk Road, Mynydd Bach, Monmouthshire, NP16 6DD		

Appeal Decisions

Appeal Decision Type:	
Appeal Decision Text:	
Appeal Decision Qualifier:	
Appeal Decision Level:	
Appeal Legal Agreement:	N
Date Signed:	
Appeal Decision Date:	

Appeal Conditions

Type:	No:	Text	Effect Date:	Deact. Date:
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Appeal Decision History

Status:	Decision Type:	Dec. Date:
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Other Details / Audit

Team: DC Enforcement	Officers Name: Karen Bury		
Telephone Number: 01633 644815	Fax Number:	E-Mail Address: karenbury@monmouthshire.gov.uk	
Unclear Plans: N	No Plans Available: N	Major/Key Proposal: N	
Unclear Records: N	No Plans: N	Private Road: N	
Created On: 22-Feb-2016	Created By: KBURY1	Updated On: 22-Feb-2016	Updated By: KBURY1
Data Source:	Import Block: N	Checked: N	Deactivated Date:

Notes:

Note ID:					
User Group:	CON29 Question:				
Summary:					
Text:					
Create On:	Created By:				
Updated On:	Updated By:				
Deactivated Date:	Checked:				
Links:					
Local Reference:	Checked:	Created On:	Created By:	Updated On:	Updated By:

End

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