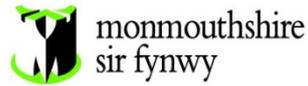


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 24 June 2019

Notice of meeting:

Planning Committee

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

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 12
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
4.1.	Application DM/2018/01984 - Erection of two detached, three-storey houses with integral garage, including access to highway, car parking and other associated works. Land Adjacent Severn Crescent, Chepstow NP16 5EA.	13 - 24
4.2.	Application DM/2019/00508 - Change of use of existing residential annex to also allow use as a holiday let. Barnfield, Penbidwal Lane, Pandy, Abergavenny.	25 - 30
4.3.	Application DM/2019/00548 - Extension to existing agricultural building. Change of use to equestrian centre for maximum of 16 horses with external manege. Latimer Farm, Earlswood Road, Earlswood.	31 - 38
4.4.	Application DM/2019/00745 - Proposed change of use from D1 to mixed use including D1, A1 retail and A2 for use of office space. Rolls Hall, Whitecross Street, Monmouth NP25 3BY.	39 - 44
5.	Monmouthshire Local Development Plan Revised Affordable Housing Supplementary Planning Guidance.	45 - 104

6.	FOR INFORMATION - The Planning Inspectorate - Appeal Decision Received:	
6.1.	Appeal decision - 72 The Close, Portskewett, Caldicot.	105 - 108
6.2.	Troy House, Monmouthshire - Welsh Minister's decision letter.	109 - 116
6.3.	Troy House, Monmouthshire - Inspector's Report.	117 - 150
7.	List of new appeals received - 24th April to 19th June 2019.	151 - 152

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon two working days before the meeting. Details regarding public speaking can be found within this agenda or is available here
<https://democracy.monmouthshire.gov.uk/documents/s5949/AMENDMENTSTOTHEPROTOCOLONPUBLICSPEAKINGATPLANNINGCOMMITTEE.pdf>

Access to paper copies of agendas and reports

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

Watch this meeting online

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

Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

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

Our Values

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

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

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

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

Purpose

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

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

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

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

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

Decision-making

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

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

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

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

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

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

Main policy context

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

Policy EP1 - Amenity and Environmental Protection

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

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

Policy DES1 – General Design Considerations

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

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

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

Supplementary Planning Guidance (SPG):

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

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

National Planning Policy

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

- Planning Policy Wales (PPW) 10 2018
- PPW Technical Advice Notes (TAN):
- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)

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

Other matters

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

Planning (Wales) Act 2015

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

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

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

Environmental Impact Assessment Regulations 2016

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

Conservation of Species & Habitat Regulations 2010

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

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

Well-being of Future Generations (Wales) Act 2015

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

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

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

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

Equality Act 2010

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

Children and Families (Wales) Measure

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

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

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

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

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

Applicants

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

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

Procedure at the Planning Committee Meeting

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

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

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

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 28th
May, 2019 at 2.00 pm**

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

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

County Councillor V. Smith attended the meeting by invitation of the
Chair.

County Councillor R. Harris left the meeting following determination of application
DM/2018/01899 and did not return.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Matthew Phillips	Head of Law/ Monitoring Officer
Louise Corbett	Strategy & Policy Officer - Affordable Housing
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors: J. Becker, L. Brown and G. Howard

1. Election of Chair

We elected County Councillor R. Edwards as Chair.

2. Appointment of Vice-Chair

We appointed County Councillor P. Clarke as Vice-Chair.

3. Declarations of Interest

County Councillor P. Clarke declared a personal and prejudicial interest pursuant to the
Members' Code of Conduct in respect of application DM/2018/01899, as he is a Director
of Capsel which is a subsidiary of Monmouthshire Housing Association. He left the
meeting taking no part in the discussion or voting thereon.

County Councillor P. Clarke declared a personal and prejudicial interest pursuant to the
Members' Code of Conduct in respect of application DM/2018/01963, as he is a Director
of the Three Salmons Hotel. He left the meeting taking no part in the discussion or
voting thereon.

County Councillor D. Evans declared a personal and prejudicial interest pursuant to the
Members' Code of Conduct in respect of application DM/2018/01899, as he is a

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 28th May, 2019 at 2.00 pm

Member of Monmouthshire Housing Association Board. He left the meeting taking no part in the discussion or voting thereon.

County Councillor M. Feakins declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01363, as he knows the applicant. He left the meeting taking no part in the discussion or voting thereon.

County Councillor R.J. Higginson declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/02053, as he is a friend of a family member of the applicant. He left the meeting taking no part in the discussion or voting thereon.

County Councillor A. Webb declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01899, as she is a member of Monmouthshire Housing Association Board. She left the meeting taking no part in the discussion or voting thereon.

4. Application DM/2018/01899 - New parking area with new footpaths, sitting and clothes drying areas. The Lawns, West End, Magor

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

In noting the detail of the application, the new scheme was considered to be a better solution. It was considered that an informative should be added to replace the dead tree in the northern corner of the site, immediately north of the proposed access.

It was proposed that application DM/2018/01899 be approved subject to the six conditions, as outlined in the report and that an informative be added to replace the dead tree in the northern corner of the site, immediately north of the proposed access.

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

For approval	-	8
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01899 be approved subject to the six conditions, as outlined in the report and that an informative be added to replace the dead tree in the northern corner of the site, immediately north of the proposed access.

5. Confirmation of Minutes

The minutes of the Planning Committee meeting held on 7th May 2019 were confirmed and signed by the Chair.

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6. Application DM/2018/01591 - Use of single dwelling as two dwelling-houses. 1 Chapel Road Abergavenny, NP7 7DN

We considered the report of the application and late correspondence which was presented for refusal for the three reasons, as outlined in the report.

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

- With regard to the Section 106 agreement, the reason for refusal was a safeguard for any subsequent appeal. If this was not attached to the application and the decision was overturned on appeal then the community sum of money could not be clawed back at a later date.
- With regard to the amenity space issue, the property has been lived in by two separate families since 2003 and live entirely separately from each other. There is no shared space other than the turning and parking areas. There is no sharing of amenity space.
- The amenity space to the rear of number one, whilst not ideal, is comparable to some of the small garden backyard spaces as seen on some new housing development sites. Therefore, it was considered that the backyard area was suitable for this property.
- The source of the flooding stems from the Cibi Brook which is approximately one kilometre to the north of the site. This is identified on the Natural Resources Wales (NRW) maps and covers in the region of 85% of the western side of Abergavenny. On a recent site that the agent had been working on, the flood consequences assessment highlighted a worst case scenario of a 1 in 1000 year event taking into account a 30% increase for climate change and had the flood water flowing at approximately 8cm in depth. The standard curb edge is 12.5cm in depth. It is believed that none of these properties would be affected because the highways network would control the flow of water. No exercise has been undertaken to look at the capture from the existing drainage. Therefore, it is believed that there is no immediate risk from flooding in this area. Monmouthshire County Council's flood engineers are in discussion with NRW regarding the diversion culverts of the Cibi Brook with a view that these flood maps be amended. Therefore, there is serious doubt regarding the accuracy of the flood maps provided by NRW.
- Based on the information presented, the applicant's agent asked the Planning Committee to consider approving the application.

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

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- With regard to the issues raised in respect of flooding, the Planning Committee has to adhere to the findings as outlined in the report by Natural Resources Wales (NRW).
- The amenity to the rear of the property is very small.
- It was considered to be an unnecessary application as both families are currently living separately.
- The whole of the land and all of the amenity space is available to the one family. If the application is approved, each of the individual parts of the property could be sold off separately which would considerably alter the dynamic at this location.
- The application does not adhere to current planning policy.
- It was suggested that the first reason for refusal be amended to indicate that it is referring to an intensification of residential development in C2 by the introduction of a separate household. The detail to be agreed by the Delegation Panel.
- Planning history of the site indicated that there had been lawful development certificates applied on the site previously to establish the property as two separate households which had been refused. This application originally began as another certificate of lawfulness. However, Planning Officers' view was that there was not sufficient evidence, hence, it becoming a full planning application.

It was proposed by County Councillor M. Powell and seconded by County Councillor P. Murphy that application DM/2018/01591 be refused for the three reasons, as outlined in the report.

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

For refusal	-	10
Against refusal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01591 be refused for the three reasons, as outlined in the report.

7. Application DM/2018/00894 - Conversion of existing outbuilding into two new 3-bedroom dwelling houses. Hatcham Barn, Cwrt William Jones, Monmouth, NP25 3AE

We considered the report of the application which was recommended for approval subject to the 13 conditions, as outlined in the report and subject to a Section 106 legal agreement.

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Planning Committee had previously considered the application on 5th March 2019. After discussions about the merits of the application, the Committee had been broadly satisfied with the proposed development but had decided to defer the application to a future meeting of the Planning Committee to enable officers to review the affordable housing contribution with the applicant.

The applicant had submitted a detailed viability appraisal of the development and officers had considered the proposals against a contribution for two dwellings, as requested by the Planning Committee. The affordable housing contribution for two dwellings would be £51,626.

The appraisal had evidenced that the scheme would not be viable for the development to provide any financial contribution towards affordable housing. The information submitted by the applicant has been scrutinised by the Council's Senior Housing Strategy & Policy Officer and Planning Officers and it had been concluded that this particular site was not able to provide a financial contribution towards affordable housing.

In noting the detail of the application, it was identified that this was a redundant commercial building. The conversion to residential properties means that it is trading and would therefore be required to be registered with HMRC as a trading entity and would fall into the category of zero VAT rating. Notwithstanding this, the omission of the VAT that the applicant's viability report had suggested needed to be paid meant that the proposal was still not financially viable.

It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Davies that application DM/2018/00894 be approved subject to the 13 conditions, as outlined in the report and subject to a Section 106 legal agreement.

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

For approval	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/00894 be approved subject to the 13 conditions, as outlined in the report and subject to a Section 106 legal agreement.

8. Application DM/2018/01963 - Ground floor change of use from A1 to A3 use. Part first floor change of use from flat to A3. Relocation of front entrance door. New sign above shop front. Penhowe Antiques, 37A Bridge Street, Usk, NP15 1BQ

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

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The Planning Committee was informed that officers consult with directly adjoining properties and erect site notices. With regard to this application, some directly adjoining properties had not received a consultation letter from the County Council. Therefore, it was suggested that the Planning Committee considers making a resolution on the application for further consultation to be undertaken with the neighbours with a view to the application being referred back to the Delegation Panel to consider any new issues that might arise.

It was noted that the applicant had offered to provide obscured glazing to the upper floor windows to help mitigate any impact, which could be implemented via an additional condition.

County Councillor V. Smith (adjoining ward Member) attended the meeting by invitation of the Chair and outlined the following points raised by local residents:

- Consultation had not being undertaken adequately to make all residents aware of the implications of the application.
- The reasons for the objections to the application are:
 - The loss of privacy – The first floor of 37a Bridge Street looks directly into the lounge of property number 8 on the opposite side of the road and the bedroom of a child in number 10. However, this matter could be addressed via the applicant installing obscured glazing.
 - There should be no opening windows on the first floor, as sound travels significantly in that enclosed street at night.
 - Opening times should be restricted. An opening time until 1.00pm is unacceptable in a small community.
 - Change of use is not consistent with other public houses on Bridge Street.
 - People stepping out from the public house onto Bridge Street late at night is a safety concern.
 - A complaint has been made to the County Council regarding the lack of consultation. However, reference had been made regarding this matter and was being addressed.

The Head of Planning, Housing and Place Shaping informed the Committee that in terms of the consultation, the legal requirement had been fulfilled in respect of this application, which is to either provide a site notice or consult adjacent neighbours. However, the Council's standard practice with regard to applications like this is to undertake both options. Therefore, additional letters will be sent as indicated, in addition to the site notice.

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

- It was promising to see re-investment returning to Usk high street and the Committee should support such re-investment.
- Support for the application was expressed subject to the conditions outlined in the report and by officers and subject to re-consultation via the Delegation Panel.
- Support was expressed for the obscured glazing as put forward by the applicant.
- The windows appear to be non-opening. However, if they were replaced, consideration would be required with regard to the wording of the condition in respect of the obscured glazing and the opening of the windows. Also, Building Regulations might be required for ventilation purposes and a means of escape. These matters could be addressed via the Delegation Panel.
- The issue regarding opening hours would be a Licensing and Regulatory Committee matter.

It was proposed by County Councillor M. Feakins and seconded by County Councillor P. Murphy that application DM/2018/01963 be approved subject to the six conditions, as outlined in the report and:

- Subject to additional consultation with adjoining properties that have not yet been consulted.
- Report to the Delegation Panel when the 21 days have expired.
- Add a further condition to ensure the first floor front windows are obscure glazed and are non-opening if Fire / Building Regulations allow.

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

In favour of the proposal	-	9
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/01963 be approved subject to the six conditions, as outlined in the report and:

- Subject to additional consultation with adjoining properties that have not yet been consulted.
- Report to the Delegation Panel when the 21 days have expired.

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- Add a further condition to ensure the first floor front windows are obscure glazed and are non-opening if Fire / Building Regulations allow.

9. Application DM/2018/01984 - Erection of two detached, three-storey houses with integral garage, including access to highway, car parking and other associated works. Land Adjacent Severn Crescent, Chepstow, NP16 5EA

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

In noting the detail of the application, the agent, in late correspondence had requested that the application be deferred to enable a financial viability appraisal to be undertaken and submitted to the Local Planning Authority.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that consideration of application DM/2018/01984 be deferred to a future meeting of the Planning Committee to enable a financial viability appraisal to be undertaken and submitted to the Local Planning Authority.

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

For deferral	-	10
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that consideration of application DM/2018/01984 be deferred to a future meeting of the Planning Committee to enable a financial viability appraisal to be undertaken and submitted to the Local Planning Authority.

10. Application DM/2018/02053 - Proposed detached dwelling. Green Acres Vinegar Hill, Undy

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

The application had originally been presented to the Planning Committee on the 7th May 2019. At this meeting, Planning Committee had resolved to defer determination of the application to allow the applicant to consider reducing the slab level of the dwelling by one metre, in order to reduce the impact of the proposal on the residential amenity of those living closest to the site.

Following consideration of the request, the Agent had declined to reduce the slab level for the reason outlined in the report.

In noting the detail of the application, the following points were identified:

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- This application was an improvement on the original drawing. However, concern was expressed regarding the height of the proposed dwelling. It was considered that the hip on the revised drawing could be further lowered and brought in closer to the dormer which would reduce the impact on the surrounding area. In response, if the ridge was lowered this would also reduce the roof pitch and therefore be reaching into the first floor accommodation.
- It was considered that the applicant had addressed the issues and that the application should be approved, as outlined in the report.
- The massing of the ridge was still at the same height as the original proposal and therefore the impact had not changed. Therefore, some reduction in the overall height of the ridge should be considered.
- Concern was expressed that altering the ridge height will significantly alter the first floor accommodation, affecting the amenity of the household.

It was proposed by County Councillor D. Dovey and seconded by County Councillor A. Davies that application DM/2018/02053 be approved subject to the seven conditions, as outlined in the report and subject to a Section 106 legal agreement.

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

For approval	-	6
Against approval	-	3
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2018/02053 be approved subject to the seven conditions, as outlined in the report and subject to a Section 106 legal agreement.

11. Application DM/2019/00075 - Addition of two extensions to existing waste transfer building to facilitate the storage of separately collected materials from household collections. Development of two covered bays in waste transfer area for tipping and storage of glass and plasterboard. No Proposed changes to civic amenity site. Five Lanes Transfer Station, A48 Tabernacle Church to Crick, Caerwent

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

In noting the detail of the application, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Feakins that application DM/2019/00075 be approved subject to the two conditions, as outlined in the report.

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

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For approval	-	10
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00075 be approved subject to the two conditions, as outlined in the report.

- 12. Application DM/2019/00093 - Change of use for a section of the building from D1 to A1. To convert part of the internal floor space of Usk Community Hub, presently used as a staff office to use as a Post Office. This will not impact on the floor space used to provide services to the public. It will involve the installation of a counter and other shop-fittings. A walk-in safe will be installed at existing store cupboards and bars will be added to one small window for security purposes. An external sign will be installed facing Maryport Street. 35 Maryport Street, Usk, NP15 1AE**

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

In noting the detail of the application the local Member for Llanybi Fawr thanked the Council for this provision. Monmouthshire County Council is the only council within the UK to put a post office into public use which is a much needed facility for the town and the surrounding area.

It was proposed by County Councillor P. Clarke and seconded by County Councillor M. Feakins that application DM/2019/00093 be approved subject to the two conditions, as outlined in the report.

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

For approval	-	10
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00093 be approved subject to the two conditions, as outlined in the report.

- 13. Application DM/2019/00463 - Change of use of woodland to archery club including the erection of a timber building. Woodland to the east of Tredilion Market Garden and north of Elms Lane, Wernddu Road, Llantilio Pertholey, Monmouthshire**

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

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In noting the detail of the application, the majority of the Committee expressed support for the application. However, concern was expressed regarding whether adequate safety precautions had been undertaken regarding the proposed change of use to incorporate archery facilities onto the site. In response, it was noted that safety was paramount with all precautions having been addressed.

It was proposed by County Councillor M. Powell and seconded by County Councillor P. Murphy that application DM/2019/00463 be approved subject to the two conditions, as outlined in the report.

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

For approval	-	9
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/00463 be approved subject to the two conditions, as outlined in the report.

14. Appeal Decision - Ty Mymwent, 2 Denbury Mews, Usk

We received the Planning Inspectorate report which related to appeal decisions following a site visit that had been made on 14th January 2019.

- Appeal A - Ref: APP/E6840/C/18/3216211 - Site: Ty Mymwent, 2 Denbury Mews, Usk.
- Appeal B - Ref: APP/E6840/C/18/3216211 – Site: Ty Mymwent, 2 Denbury Mews, Usk

We noted that:

- Appeal A - The appeal was dismissed and the enforcement notice was upheld. Planning permission was refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
- Appeal B - The appeal was dismissed.

15. Appeal Decision - Land North East of Coedr off B4521, Llanvetherine

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 6th February 2019. Site address: Land North East of Coedr off B4521, Llanvetherine.

We noted that the appeal was dismissed.

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16. Appeal Decision - Severn Farm, B4245, Portskewett

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 17th April 2019. Site address: Severn Farm, B4245, Portskewett.

We noted that the appeal was allowed and planning permission was granted for a two storey rear / side extension at Severn Farm, B4245, Portskewett, NP26 5TY in accordance with the terms of the application DM/2018/01671, dated 5 June 2018, subject to the following conditions:

1. The development shall begin no later than five years from the date of this decision.

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

2. The development shall be carried out in accordance with the following approved plans: SK1000, SK001, SK002, SK003, SK004, SK005.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area and to comply with Policy DES1 of the LDP.

The meeting ended at 3.20 pm.

Application Number: DM/2018/01984

Proposal: Erection of two detached, three-storey houses with integral garage, including access to highway, car parking and other associated works.

Address: Land Adjacent Severn Crescent, Chepstow NP16 5EA

Applicant: Mr Gary Thomas

Plans: Location Plan 708/01 - A, Block Plan 708/02 - A,

RECOMMENDATION: APPROVE

Case Officer: Mrs Helen Hinton

Date Valid: 16.04.2019

This application is presented to Planning Committee following the receipt of five or more public objections

1.0 APPLICATION DETAILS

1.1 This application was considered at the meeting of Committee held on 28 May 2019 where Members agreed to the applicant's request to defer the application to enable the issue of the financial viability to be considered, having regard to the standard policy approach to request a financial contribution to the provision of affordable housing in the area. This issue is considered in section 6.3.1 below.

1.2 Full planning permission is sought for the development of two dwellings on land adjacent to 58 Severn Crescent, Chepstow.

1.3 The plans submitted detail the development of a pair of detached dwellings, each measuring 7.5m wide, 10m deep. Due to the topography of the plot the eastern (front) elevation would be three storey in design with a maximum ridge height of 11.2m falling to 7.7m at eaves level. The western (rear) elevation would be two storeys with a maximum height of 8.6m falling to 5.0m at eaves level. Internally the accommodation would comprise a ground floor garage, utility room, storage, w.c. and hallway with an open plan kitchen-diner and living room at first floor level and 4 bedrooms a bathroom and en-suite at second floor level. Externally the dwellings would be finished with facing brickwork at ground and first floor level with dark grey coloured cedar cladding above, artificial slate or concrete interlocking roof tiles and uPVC framed windows and doors.

1.4 The dwellings would be positioned approximately 2.6m to the south of conservatory adjoining the southern (side) elevation of number 58 and 8m to the rear of the back edge of the vehicular access adjacent to the eastern boundary of the plot. Three parking spaces per dwelling would be provided to the front of each property. The plans also detail the extension of the 1.8m footway across the width of the site. A distance of 5m would be maintained between the rear elevation of the proposed dwelling and the western boundary of the plot.

Site Appraisal

1.5 The application site comprises a roughly square shaped plot measuring at its greatest 26m wide and 28m wide, positioned at the southern end of Severn Crescent. Although the site does not form part of any existing residential curtilage, it does have the appearance of a maintained domestic space with the area largely laid to lawn with various hedges, trees, a car port and various outbuildings provided within the plot.

1.6 The plot and wider area are positioned on a gradient that falls from west to east. The site is therefore set on the same gradient as number 58 to the north, is below the level of the woodland and wider amenity area to the west and is raised in relation to the residential properties 64-68 Severn Crescent and numbers 1-4 Rockwood Cottages to the north-east and south-east respectively. The land directly to the east of the site is currently undeveloped.

1.7 The dwellings closest to the site are two storeys in height, predominantly finished with rendered elevations, concrete tiled roofs and with a number of front facing gables features evident. Rockwood Cottages are more traditional, brick-faced dwellings.

1.8 The access adjacent to the eastern boundary of the site is private with a twin-tyre track finish.

1.9 The Proposals Map of the Local Development Plan identifies that the site is located within the defined development boundary of Chepstow and forms part of an Area of Amenity Importance in accordance with Policy DES2. The woodland immediately adjacent to the west (rear) is defined by the Woodland Trust as being Ancient Semi Natural Woodland and benefits from protection via a Tree Preservation Order.

2.0 RELEVANT PLANNING HISTORY (if any)

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD4 LDP Sustainable Drainage
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
DES2 LDP Areas of Amenity Importance

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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

The planning system should create sustainable places that are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the

conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Chepstow Town Council - No response received to date.

MCC Affordable Housing - A commuted sum of £61,299 toward the provision of affordable housing in the wider County is requested.

MCC Highways - raise no objection subject to conditions.

Environmental Health - no objections.

Coed Cadw/ The Woodland Trust - Objects to the proposed development on the grounds of potential damage and disturbance to an area of woodland (at grid reference: ST5355293158) designated as both an Ancient Semi-Natural Woodland (ASNW) and a Restored Ancient Woodland Site (RAWS) on Natural Resources Wales' Ancient Woodland Inventory.

MCC Tree Officer - Having visited the site in my opinion there will be minimal if any effect on the trees in the woodland. A protective fencing condition should be applied to any grant of consent to separate the wood from the development.

MCC Biodiversity - Based on the location including the proximity of the protected (TPO) woodland a preliminary ecological assessment should be submitted to inform the planning application. Reptiles may also require consideration. (Subsequent response) Sufficient information has been received to allow for a lawful planning decision. The extended phase one ecological survey has identified potential impacts on birds, reptiles and bats as a result of the proposals. A number of conditions are recommended.

Dwr Cymru/ Welsh Water - advice provided concerning the location of apparatus.

Wales and West Utilities - advice provided concerning the location of apparatus.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. Seventeen letters of representation have been received and are summarised as follows:

Design of the dwellings does not blend and they are considered out of keeping.

Extensive use of glass in the front elevation will lead to increased overlooking and loss of privacy, detrimental to amenity.

Dwellings are too large and too tall for the plot and area and will have an overbearing impact on existing properties.

Development will lead to increased overshadowing and loss of light.

Development is within an AAI [sic] boundary and will set a detrimental precedence. Consent was refused on Hughes Crescent for the same reason.

Chepstow is already gridlocked with traffic with many new developments approved or proposed adding to the congestion. Severn Crescent is a busy street of limited width and extensive on street parking which reduces the width to single carriageway. This leads to congestion and increased waiting time whilst the highway clears. The development would add to this.

Increased use of the existing private and unmade track will be detrimental to safety and amenity. Any increased damage to the surface will need to be repaired at the developer's expense

Proposal will result in loss of habitat for birds and wild life

Concerns regarding loss of green space

An oak tree to the west leans over the site

Concerns regarding the capacity and access to foul water drainage causing disruption to residents.

Gas supply for wider area crosses part of the site.

Concerns regarding landownership, right of access and whether the boundaries of the site are correctly identified

Rockwood Cottages retain right of access of the land.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

Principle of Development

6.1.1 The application seeks full planning permission for the development of two detached dwellings on land to the south of Severn Crescent, Chepstow. The Proposals Map of the Monmouthshire County Council Local Development Plan (LDP) identifies the site as forming part of an Area of Amenity Importance and located within the settlement boundary of Chepstow as identified by the LDP. Policies S1 and H1 presume in favour of new residential developments in such locations. As a result the principle of developing the site for residential purposes is considered acceptable and appropriate relative to the context, subject to the application satisfying a number of material considerations.

Good Design/ Place making

6.1.2 Following public consultation considerable concerns have been raised with regards to the mass, size, scale and design of the proposal.

6.1.3 In the first instance, despite being positioned on sloping land, it is considered that the site is capable of accommodating two dwellings of the size proposed, with adequate off street parking and sufficient and proportionate amenity space proposed without appearing as overdevelopment.

6.1.4 Based on the plans submitted, the dwellings would follow the building line established by 56 and 58 Severn Crescent. Although larger than the dwellings in the area, the reduced slab level results in the ridge and eaves height of the proposed dwellings being approximately 1.4 and 1.6m higher than those of number 58. Whilst the east to west ridge line, would be perpendicular to the principal ridge lines of numbers 56, 58, 64, 66 and 68, it is considered that the front facing gable proposed replicates the gable features and design evident in the wider area. Being mindful of the plots position at the southern end of Severn Crescent, off the main thoroughfare, it is considered that site is capable of accommodating a slightly larger and taller development that would in essence 'book end' the street. Although the land to the south of the site is within the town's development limits and could in theory be brought forward for development, it is more tightly constrained by the DES2 allocation and Tree Preservation Order.

6.1.5 Although the three storey front elevation would appear substantial and would vary in design relative to the dwelling closest to the site, in terms of fenestration design, arrangement and proportions, given the 6m fall across the site from west to east, the architect has chosen to maximise the use of the topography by reducing the slab level and by providing an integral/

undercroft style garage. Although the windows in the front elevation are large it is noted that they maximise opportunities for solar gain and views from the site. Again being mindful of the relatively screened position of the site at the end of the crescent, away from the main public vantage points and thoroughfares, it is considered that the design of the dwellings proposed would not be significantly detrimental to the overall character and appearance to warrant refusal of the application.

6.1.6 Despite the details specified, a condition requiring the submission of samples of all external materials should be applied to any grant of consent to ensure a satisfactory finish to the development.

6.1.7 While the proposed dwellings would be taller, wider and vary in design to the dwellings within the immediate context, being mindful of the location at the end of the Crescent, it is considered that the development would provide an acceptable end to the street and would not be so detrimental to the overall character and appearance of the area to warrant refusal of the application. The application is therefore considered compliant with the requirements of policies S17 and DES1 of the LDP.

6.2 Impact on Amenity

6.2.1 As specified above, the application site forms part of a designated Area of Amenity Importance (Policy DES2 refers). The policy identifies that development in such areas will be permitted providing the application satisfies a number of criteria. At the time of inspection it was noted that the proposed plot has the appearance of a domestic space that contributes little to the wider DES2 allocation which has an intrinsic character of being undeveloped woodland to the west and south of the site. Furthermore the general public do not have a right of access to cross or use the land. Being mindful of these factors and the close proximity of the site to the built form of the area, it is considered that the development of the land would not erode or be so detrimental to the use of the wider allocation to warrant refusal of the application on such grounds.

6.2.2 During the public consultation process, concerns have been raised with regards to the detrimental impact on amenity as a result of increased overshadowing, loss of light, increased overlooking, loss of privacy and the overbearing nature of the development.

6.2.3 The position and proximity of the dwellings to the south of number 58 will inevitably generate increased overshadowing and loss of light to a conservatory that adjoins the southern (side) elevation of the property during the late morning and early afternoon. However, as the proposed dwellings would follow the building line established by number 58 and would project marginally (1m) beyond the rear elevation, it is considered that the primary accommodation and amenity space would not experience an unacceptable increased level of overshadowing. No windows are proposed in the northern elevation, overlooking number 58.

6.2.4 Whilst the land immediately to the east (front) of the site is undeveloped there are dwellings to the north-east. As such it is possible that the development could generate increased overlooking. However, this is mitigated due to: the raised height of the proposed accommodation; the reduced slab level of number 64, which would result in the principal view from the proposed dwelling being of the first floor and roof level of number 64; the existing front to front arrangement of number 64 with number 58 which already compromises privacy, and the maintenance of approximately 22m between the proposed development and number 64. It is considered that any increased overlooking generated would not be unacceptable in this context.

6.2.5 One of the objectors has identified that they have an allotment on the land to the east (front) of the site and that the development would result in increased overlooking and overbearing impact. Based on the maps of the area it is noted that a minimum distance of 24m would be maintained between the front of the proposed dwellings and the approximate position of the allotment. Given the maintenance of a hedgerow on the land to the east of the site, the fall of the land down towards the allotments and the distances maintained, it is considered that the development would not comprise or detrimentally affect the use of the allotment.

6.2.6 On the basis of the above, it is considered that the development proposed would not have a significantly detrimental impact on the residential amenity of those living closest to site. Although the development would be developed on an Area of Amenity Importance, given the maintained appearance of the land relative to the intrinsic character of the woodland (which forms the remainder of the allocation) the lack of pedestrian access and use of the site as well as its close position relative to the existing building form, it is considered that the proposal would not be significantly detrimental to the protection of the wider allocation or the residential amenity of those living closest to the site and is compliant with the requirements of policies S17, DES1, DES2 and EP1 of the LDP.

6.3 Active and Social Places

Affordable housing

6.3.1 Policy S4 of the LDP identifies that in the Chepstow area development sites with a capacity for 5 or more dwellings will make provision for at least 35% of the total number of dwellings on the site to be affordable. In this instance it is considered that the site is only capable of providing two additional dwellings. As the site has a capacity below the thresholds set out, the developer would be required to make a financial contribution towards the provision of affordable housing in the local planning authority area. Following consultation the Affordable Housing Officer has requested a commuted sum contribution of £61,299.

6.3.2 The applicant has since submitted a viability appraisal of the development and officers have considered the proposals against a contribution for two dwellings. Unfortunately, the appraisal has evidenced that the scheme would not be viable for the development to provide any financial contribution towards affordable housing. The information submitted by the applicant has been scrutinised by the Officers and it has been concluded that this particular site is not able to provide a financial contribution towards affordable housing.

6.3.3 It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should contribute to the provision of affordable housing in the local planning area although this is subject to the viability of each individual scheme. It is worth noting that the Council is currently conducting a consultation exercise on a revised Supplementary Planning Guidance (SPG) for Affordable Housing that takes account of updated evidence and to provide clarity on key elements of the SPG. Given that a full viability appraisal of the development has concluded that a financial requirement is not viable for this particular development it is recommended that the application is approved (subject to the conditions outlined in the report below) without any requirement for a financial affordable housing contribution.

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

6.3.4 Whilst access to the development is likely to be via car, it is noted that the development is located within the defined development boundary of Chepstow which benefits from good public transport connections, services and facilities within walking and cycling distance of the site. The locations should help reduce the number and impacts of car journeys associated. On the basis of the above the application is considered compliant with the requirements of policies S17 and MV1 of the LDP.

Access / Highway Safety

6.3.5 During the consultation process, numerous concerns have been raised with regards to the access to the site which would be via a private lane leading off Severn Crescent. A number of objectors have identified that they have partial ownership and right of access of the lane. As a result of the comments, the red line of the application site has been amended to adjoin with the public highway; landownership Certificate B has been provided; and notice served on all parties with an interest in the land.

6.3.6 The lane immediately adjacent to the site over which access would be gained is currently unmade, is of limited width and lacks segregated pedestrian facilities. The plans submitted indicate

that the existing pavement to the north of the site would be extended across the front of the plot with six parking spaces then provided within the plot.

6.3.7 Following consultation, Highways have raised no objection to the application noting the number of spaces, use of permeable block paving and extension of the footway is acceptable. However, being mindful of the existing limited width of Severn Crescent resulting from existing on-street parking pressures, a Construction Traffic Method Statement should be sought by condition.

6.3.8 It is acknowledged that the level of on-street parking along Severn Crescent inhibits the free flow of traffic, but given the parking provision proposed it is considered that the development would not exacerbate this matter further. On balance, the highway network within the immediate and wider area has capacity to accommodate the limited increase in traffic movements that would be generated by the proposal. Although objectors have requested clarification with regard to responsibilities for repairs to the surface of the private driveway, this would be a private legal matter which the Council cannot take into account.

6.3.8 On the basis of the above, subject to the imposition of conditions, the application is considered compliant with the requirements of policies S16 and MV1 of the LDP.

6.4 Distinctive & Natural Places

Landscape/ Visual Impact

6.4.1 The dwellings indicated would be taller and wider than many in the immediate vicinity. However, being mindful of the size of the plot, its relatively screened position at the end of Severn Crescent, and the woodland backdrop behind, it is considered that the scheme would not result in overdevelopment of the plot and would not introduce a design detrimental to the wider landscape and visual amenity. The application is therefore considered compliant with the requirements of policies S13 and DES1 of the LDP.

Green Infrastructure and Biodiversity

6.4.2 Although the site forms part of the wider Area of Amenity Importance, the site has a domestic and maintained appearance. There are semi-mature trees and shrubs on site but these do not form part of the Tree Preservation Order which covers the area to the west (rear) of the site.

6.4.3 Coed Cadw/ The Woodland Trust have raised an objection to proposal citing the potential damage and disturbance to an area of woodland designated as both an Ancient Semi-Natural Woodland (ASNW) and a Restored Ancient Woodland Site (RAWS) on Natural Resources Wales' Ancient Woodland Inventory. Following consultation the Council's Tree Officer has raised no objection and provided the following response:

“In my opinion there will be minimal if any effect on the trees in the woodland. However a protective fencing condition should be applied to any grant of consent to separate the wood from the development.”

6.4.4 Although the gardens of the proposed dwelling would be immediately adjacent to the woodland it is noted that a minimum distance of 5m would be maintained between the proposed dwelling and the boundary of the woodland, with no works to take place within the root or canopy protection zone of any tree. Subject to the imposition of a condition relating to tree protection and an enhanced landscaping plan condition to accurately indicate the position of trees and the root protection zone of the trees within 2m of the western and southern boundaries, it is considered the development proposed would not have a detrimental impact on the long term viability of the woodland or on the green infrastructure of the wider area.

6.4.5 Following concerns from the Council's Ecologist, an enhanced ecological appraisal report of the site has been submitted for consideration. The following response has been received:

"The assessment has identified potential impacts on birds, reptiles and bats as a result of the proposals. In order to safeguard reptiles, a reptile mitigation strategy will be necessary prior to the commencement of any ground clearance on site, this includes land within the blue line boundary (to the east of the site). Nesting birds are a consideration, a condition which secures timings or bird survey prior to clearance works is requested. Given the loss of nesting habitat, provision for birds should be incorporated into the proposals. The site is in close proximity to woodland and as such there are further potential impacts on foraging/commuting bats if lighting is not secured."

6.4.6 A number of conditions with regards to the above matters are recommended and considered necessary given the ecological sensitivity and woodland setting to the west of the site. Subject to the imposition of these conditions the application is considered compliant with the requirements of policies S13, GI1 and NE1 of the LDP.

6.5 Water (including foul drainage / SuDS)

6.5.1 The details submitted as part of the application indicate that foul water from the development would be connected to the existing mains sewer. As the application was received and initially made valid prior to 7th January 2019, there is no requirement for the applicant to apply for Sustainable Urban Drainage approval. However, given the lack of detailed information with regards to surface water disposal and Dwr Cymru/ Welsh Water's policy to remove such flow out of the combined system, a condition requiring drainage details to be submitted and approved prior to the commencement of development, is considered reasonable and necessary. Subject to the imposition of such a condition the application is considered compliant with the requirements of policies SD4 and EP5 of the LDP.

6.6 Response to the Representations of Third Parties

6.6.1 As outlined above the application has been the subject of 17 letters of representation which raise the following concerns:

Landownership, right of access, boundaries of the site and damage to private land

6.6.2 As part of the application, the red line of development has been extended to the public highway; landownership certificate B completed and notice served on the relevant land owners. These measures are considered sufficient to allow for the determination of the application. However, the granting of planning permission does not supersede landownership rights or overcome covenants which may in turn result in the proposal being undevelopable. Overcoming such matters and repair of any damage caused to private land would be a civil matter within which the Council could not become involved. Should it become apparent that the site is not capable of being developed in its current form a new application or Section 73 application to amend any approved plans could be submitted for consideration.

Congestion and highway safety

6.6.3 Although the flow of traffic along the immediate highway network is restricted by existing on-street parking arrangements, the plans submitted detail the development of six off street parking spaces. It is therefore considered that the proposal would not exacerbate this existing arrangement and that sufficient space would be retained to the east (front) of the site to allow all vehicles to turn and access the adopted highway in a forward gear.

6.6.4 While Chepstow can experience high levels of traffic congestion, the proposed development would be sited within walking and cycling distance of the town centre that contains a variety of goods, services and public transport options, thereby reducing the need to travel by car. Furthermore it is considered that there is capacity within the network to accommodate the small increase in the number of vehicle movements generated by the proposal.

Design, size and scale of the dwellings being out of keeping with the area

6.6.5 Although the proposed dwellings would be taller, wider and of a slightly varied design to those immediately adjacent to the site, it is considered that the design has drawn inspiration from architectural features within the immediate vicinity. Being mindful of the relatively discreet position of the site at the southern end of Severn Crescent, the maintenance of the building line and use of appropriate materials, it is considered that the development would not be significantly detrimental to the overall character and appearance of the area.

Design leading to increased overlooking and loss of privacy increased overshadowing and loss of light, detrimental to amenity

6.6.6 This has been addressed in section 6.2 above.

Capacity and access to foul water drainage

6.6.7 Following consultation, Dwr Cymru/ Welsh Water have raised no objection to the application subject to a condition preventing surface water from entering the system. It is recommended that a condition requiring full drainage details is submitted and approved. Access and connection to the public sewerage system will require a separate Section 106 agreement under the Water Industry Act 1991, and the agreement of the adjacent landowner prior to such works taking place. Such matters are outside of the control of the planning authority.

Gas supply for wider area crosses part of the site.

6.6.8 The provision of services beneath a site does not prevent the granting of planning permission. However, neither does it supersede rights with regards to such the apparatus. Should it become apparent that the site is not capable of being developed in its current form due to the location of apparatus under the site the applicant would either need to pay for a diversion of the service or submit a new application for planning permission or a Section 73 application to amend any approved plans.

Loss of habitat for birds and wild life, green space and existing constraints generated by trees to the west of the site

6.6.9 Following the submission of an extended ecological appraisal, the Council's Ecologist has confirmed that sufficient information has been submitted to allow for the lawful determination of the application. Although the development would result in the loss of habitat and green space, given the maintained and domestic nature of the site, it is considered that such loss can be appropriately mitigated through the implementation of conditions. Furthermore subject to the installation of appropriately designed and sited tree protection fencing, it is considered that the development would not have a detrimental impact on the long term viability or protected status of the adjacent woodland.

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

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

6.8 Conclusion

6.8.1 Although the application proposes the development of two dwellings on the site of a slightly larger size, scale and design to those in the immediate area, it is considered that the development would not be detrimental to the overall character, appearance or amenity to warrant refusal of the application. It is also considered that subject to conditions, the development would not have a

detrimental impact on the highway safety and free flow of traffic in the area or the green infrastructure and biodiversity value of the area.

6.8.2 The application is considered compliant with the relevant policies of the Local Development Plan and is recommended for approval subject to conditions.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

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

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

4 No development is to take place until the local planning authority has received and agreed in writing a method of protective fencing to separate the woodland from the proposed development. The fencing shall be in accordance with the guidelines within British Standard 5837:2012 - Trees in relation to Design, Demolition and Construction Recommendations. The development shall only proceed in accordance with the approved details. All protective fencing shall be retained and maintained on site until such a time that all construction and development works including landscaping have been ceased.

REASON: To ensure the protection from harm of a protected woodland in accordance with Policy S13 - Landscape, Green Infrastructure and the Natural Environment.

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

REASON: To ensure that the development is carried out in a safe and considerate manner in accordance with the requirements of policies MV1, DES1 and EP1 of the LDP.

6 No development or site/vegetation clearance of land within site ownership as illustrated on plan "ref. 708.01A Site Location Plan dated November 2018 produced by Gareth Price Architect" shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist. Details shall build upon the recommendations set out in the submitted Report: "EXTENDED PHASE ONE ECOLOGY SURVEY Land at Severn Crescent, Chepstow Dated April 2019 produced by Ecological Services Ltd" and shall include a methodology for the capture and translocation of reptiles with details of the receptor site if necessary and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.

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

7 No removal of hedgerows, trees or shrubs brambles, ivy and other climbing plants or works to or demolition of structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) in accordance with policy NE1 of the LDP.

8 Compensatory nesting bird provision shall be provided in accordance with Section 4 Recommendations and Mitigation of the submitted report "EXTENDED PHASE ONE ECOLOGY SURVEY Land at Severn Crescent, Chepstow Dated April 2019 produced by Ecological Services Ltd"

REASON: To mitigate for loss of habitat in accordance with LDP Policy NE1 and Environment Act (Wales) 2016.

9 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 attached to the buildings or be positioned in the curtilage so as to illuminate the western or southern boundary of the development site.

Reason: To safeguard roosting and/or foraging/commuting habitat in accordance with Environment (Wales) Act 2016, the Conservation of Habitats and Species Regulations 2010 and policy NE1 of the LDP.

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

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

11 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include:
Indications of all existing trees and hedgerows on the land and within 2m of the western and southern boundary;
Details of any to be trees and hedgerows to be retained,
Measures for the protection of all trees during the course of the development;
Details of all proposed external hard landscaping finishes; boundary treatment and retaining walls.

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

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 similar size and species.

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

INFORMATIVES

1 Although Network Rail offer no objection in principle, they also offer no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval. The application should be discussed with Network Rail prior to commencement.

Application Number: DM/2019/00508

Proposal: Change of use of existing residential annex to also allow use as a holiday let.

Address: Barnfield, Penbidwal Lane, Pandy, Abergavenny

Applicant: Mr James Woodier

Plans: All Proposed Plans First Floor, Floor Plan - , All Proposed Plans Second Floor, Floor Plan - , Location Plan - , Photography General Photographs - , Block Plan - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Lowri Hughson-Smith

Date Valid: 29.04.2019

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

1.0 APPLICATION DETAILS

1.1 The application site is a residential annex which is attached to a detached property, known as Barnfield, located to the south of Penbidwal Lane in Pandy. The main dwelling is traditional in character and the annex was previously a threshing barn which has recently been converted to a residential annexe under permitted development rights which were confirmed to exist in a Certificate of Lawfulness application (application reference: DM/2018/00514).

1.2 This application seeks permission to change the use of the attached residential annexe to holiday let accommodation. No physical changes are proposed internally or externally.

2.0 RELEVANT PLANNING HISTORY

Reference Number	Description	Decision	Decision Date
DM/2018/00514	A residential annexe will be created in an area of the existing house currently comprising unheated storage.	Approved	05.04.2018
DC/1997/00193	Roadside Retaining Wall With Garage Behind Incorporating Cellar/Water store.	Refused	30.04.1997
DC/2007/00432	Glazed sunroom and new porch.	Approved	16.07.2007
DC/1974/00305	Ground Floor Extension & Drive	Approved	14.03.1975

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
S11 LDP Visitor Economy
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use
T2 LDP Visitor Accommodation Outside Settlements
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Crucorney Community Council - The community council supports the application.

MCC Highways - No objections raised and stated:

'The existing dwelling and annex benefit from significant off-street parking provision and additional vehicles associated with the proposed change of use can be accommodated on site. The proposed increase in use is not deemed detrimental to the safety and capacity of the immediate local highway network.'

5.2 Neighbour Notification

No neighbour comments received.

6.0 EVALUATION

Strategic & Spatial Choices

Principle of Development

6.1 The site lies outside any village or town development boundary as defined in the Local Development Plan (LDP) and therefore, is classed as open countryside. There is a presumption against development in the open countryside unless it complies with national planning policy and/or specific local development planning policies.

6.2 In the context of the building being proposed to be used as a holiday let, the relevant policies are LDP policies H4 and T2 (the latter relates to the re-use of buildings for tourism use).

Re-Use of Buildings for a Tourism Use

6.3 Policy T2 largely mirrors the requirements of Policy H4 (conversion of outbuildings to residential dwellings in the countryside) in terms of assessing the acceptability of converting a building in the countryside. Policy H4 requires the following criteria to be met in order for the re-use of the building to be deemed acceptable:

- a) the form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building;
- b) the proposal, including curtilage and access, is in scale and sympathy with the surrounding landscape and does not require the provision of unsightly infrastructure and ancillary buildings;
- c) rebuilding works, necessitated by poor structural conditions and/ or the need for new openings in walls, should not involve substantial reconstruction, with structural surveys being required for marginal cases;
- d) the more isolated and prominent the building, the more stringent will be the design requirements with regard to new door and window openings, extensions, means of access, service provision and garden curtilage, especially if located within the Wye Valley AONB;
- e) buildings of modern and /or utilitarian construction and materials such as concrete block work, portal framed buildings clad in metal sheeting or buildings of substandard quality and / or incongruous appearance will not be considered favourably for residential conversion. Other buildings will be expected to have been used for their intended purpose for a significant period of time and particularly close scrutiny will be given to proposals relating to those less than 10 years old, especially where there has been no change in activity on the unit;
- f) the building is capable of providing adequate living space (and ancillary space such as garaging) within the structure. Only very modest extensions will be allowed and normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn; and
- g) the conversion of buildings that are well suited for business use will not be permitted unless the applicant has made every reasonable attempt to secure suitable business use and the application is supported by a statement of the efforts that have been made.

6.4 Whilst the proposed conversion meets the majority of the criteria above, on the basis of the following:

- The building is modest in size and requires no additional infrastructure beyond what is existing on site. It is in a good state of repair and capable of conversion without significant repair works (criteria a, b and c);
- No external alterations to the buildings are proposed (criterion d)
- The building has been in place for over ten years in association with the main dwelling. Whilst it is unclear what the construction of the building is, it is clad in timber and does not appear incongruous in the landscape (criterion e); and
- By virtue of the building's location within the curtilage of a residential property and its modest scale, it is not suited to a business use (criterion g).

6.5 Despite the above, it is clear from the size that the building does not provide adequate living space and does not therefore meet criterion f).

6.6 Whilst the proposal does not comply with all of the above criteria, the development can still accord with Policy T2 if either following exceptional circumstances apply:

- a) the substantial rebuild of a building within the curtilage of an existing and occupied farm property where it assists in an agricultural diversification scheme in accordance with Policy RE3
- b) the conversion of buildings of modern construction and materials provided the buildings are appropriate for residential use (e.g. not modern agricultural or factory buildings); not of substandard quality and /or incongruous appearance; and have been used for their intended purpose for a significant period of time. Particularly close scrutiny will be given to proposals relating to those buildings less than 10 years old, especially where there has been no change in activity on the unit.
- c) the conversion of buildings that are too small or are inappropriately located to provide appropriate standards of space and amenity for conversions to permanent residential accommodation but are suitable for tourist accommodation.

Of the above, criterion c) is relevant in respect of this case and allows the conversion of smaller buildings to a holiday let use, despite them being too small to be used for a permanent residential dwelling.

6.7 The conversion of the building to tourism accommodation is, based on the assessment above, in accordance with Policy T2 and therefore acceptable in principle. The acceptability is subject to the imposition of planning conditions restricting the use of the building to tourism accommodation and the assessment of other material planning considerations. The material planning considerations are:

- Good Design/Place Making;
- Impact on Amenity/ Promoting Healthier Places
- Access/Highway Safety
- Biodiversity;
- Tourism/Economic Development;
- Occupancy Restrictions.

6.8 Before concluding the report, the occupancy restrictions will be discussed in more detail.

Good Design/ Place making

6.9 The proposed building is already in place and no physical alterations are proposed within this application. The building is modest in size and attached to the main dwelling and so read in the streetscene as one unit.

6.10 The design of the building is simple in form, with the historic form of the previous threshing barn remaining intact. The finishing materials match the main dwelling and remain sympathetic to the rural setting.

6.11 The building is already in use and fully serviced by utilities, access and parking which are shared with the main dwelling. The proposal does not require any additional supporting infrastructure to function as tourist accommodation.

6.12 This application will not alter the building or require any associated works to facilitate the change of use. The proposal will have a neutral visual impact and therefore is acceptable in accordance with Policy DES1.

Impact on Amenity/ Promoting Healthier Places

6.13 The proposed development does not include any physical changes to the building and is limited to the change of use of the existing residential annex to a holiday let, which in practice are very similar in nature. Despite this and for completeness, the impact of the change of use is discussed below in more detail in respect of the closest surroundings dwellings.

6.14 The nearest dwelling is Little Penbidwal which is approximately 9m away from the site to the east, orientated at an oblique angle. Whilst this is a close relationship, the change of use to a

holiday let is not considered significantly different from the existing use and no physical changes to the building are proposed. The development is considered to have a neutral impact on Little Penbidwal.

6.15 Other dwellings in the locale include Penbidwal House and the Coach House to the north and the Meadows to the south-west, all of which are over 42m away from the application site. This is ample separation distance to ensure the proposed development will not affect the amenity of these dwellings.

6.16 It is concluded the proposed change of use would have a neutral impact on the amenity of neighbouring properties and is not unacceptable, according with Policy EP1 of the Local Development Plan.

Access / Highway Safety

6.17 The proposed holiday let accommodation will utilise the existing access which serves the main dwelling. No alteration to the access is proposed and there is ample space on site to provide parking for the main dwelling and proposed holiday let accommodation. The proposal is small scale and would result in minimal traffic generation which is not considered to be harmful to the existing highway network. The highway authority has been consulted and has raised no objection.

6.18 Given the minimal impact of the development in highway terms, the development is considered to comply with LDP Policy MV1.

Biodiversity

6.19 The application site is already in use as a residential annex and no physical works are proposed. Furthermore, during the site visit it was noted there is no enclosed attic area in the annex and it is maintained to a high standard and well lit. As such, it is not likely that the annex has biodiversity features which will be adversely affected by the development.

6.20 The proposal is not considered to have any adverse impact on ecological features and therefore accords with Policy NE1.

Tourism/Economic Development

6.21 The proposals will support the growth of tourism accommodation and also assist in the development of the rural economy as encouraged by strategic policies S10 and S11.

Occupancy Restrictions

6.22 Visitor accommodation used for permanent residential occupancy is not acceptable and therefore it must be ensured that accommodation remains for the intended tourism purpose only so that the wider economic benefits are secured in accordance with planning policy. To ensure this is the case an occupancy condition will be applied to the permission.

Well-Being of Future Generations (Wales) Act 2015

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

Conclusion

6.24 The proposed change of use of the existing annex at Barnfield to a tourism use would not cause unacceptable harm to residential amenity or the character of the wider rural landscape. As such, subject to conditions, the proposal is considered acceptable and in accordance with LDP policies S10, S11, T2, DES1, EP1, NE1 and MV1.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

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

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

4 An up to date register containing details of the names, main home address, dates of arrival and departure of occupants using the holiday accommodation shall be made available for inspection by the Local Planning Authority upon request.

REASON: To ensure the accommodation is used as holiday let accommodation only.

Application Number: DM/2019/00548

Proposal: Extension to existing agricultural building. Change of use to equestrian centre for maximum of 16 horses with external manege.

Address: Latimer Farm, Earlswood Road, Earlswood

Applicant: Mr. Raymond Williams

Plans: All Drawings/Plans Proposed Site Layout - , All Drawings/Plans Existing Site Layout - , All Drawings/Plans Elevations - , All Drawings/Plans Floor Plan - , Location Plan Site Location Plan - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young
Date Valid: 17.04.2019

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

1.0 APPLICATION DETAILS

1.1 In 2015 planning permission was granted for a new agricultural building on this site to replace a storage building that had blown down. At that time the 12 acre site supported livestock in the form of suckler cows. The building was erected larger than the approved plans and this current application seeks to regularise the development. The building measures 22.72m x 15.45m; this is 4.84m wider than the approved scheme. There is no longer livestock on the farm and the building is being used to stable horses, some belonging to the owner and some livery for other owners. The stables can accommodate 16 horses and includes an internal tack room. The application also seeks permission for an external riding manege measuring 60m x 20m. A leylandii hedge will be removed from the site and a new hedge of indigenous species planted along the north-eastern side of the manege to screen it from the road. Surface water drainage from the building and the manege would go to a soakaway. The plans show the proposed location of the manure heap to the eastern side of the stable building.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2010/00343	New agricultural livestock and storage building (revision of M/6268)	Approved	28.07.2010

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

RE3 LDP Agricultural Diversification
RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
NE1 LDP Nature Conservation and Development

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Shirenewton Community Council - pencilled drawings on the Mon CC planning portal, noted 'Not to Scale' are not professional enough.

Latimer Farm sits on land between the Earlswood Road and the ridge road to the Gaerllwyd crossroads. Planning consent was granted in 2015 for the erection of an agricultural building used for storage of agricultural machinery, hay and straw subject to the condition that where the agricultural use of the building ceases within 10 years and planning permission has not been granted for an alternative use, the building shall be removed. It was to be 22.72m (long) x 10.6m (wide), and 3.65m height to eaves and 4.96 high to ridge, constructed with a steel frame having concrete blockwork to 2.43 m height and timber Yorkshire boarding up to the eaves height. The roof was to be box profile sheeting in Juniper Green and interspersed clear Perspex roof lights, and double door width openings to both the west and east. The original building was partly destroyed by storm damage earlier in 2015 meaning there was no agricultural building of this nature on site and was therefore considered acceptable. The existing building is to be converted internally with the installation of 12 stable bays, and extended on the longer dimension by a further

5m which will add another 5 bays (17 bays, not 16 as requested on the application) plus a tack room. Therefore the existing agricultural use of the building will cease, with implications for the need for a future agricultural building. The application is phased to include change of use to equestrian centre. No information is provided on the proposed business nor the extent of the site to which it would apply - the site drawing includes the whole of Latimer Farm which therefore has the potential to become a commercial equestrian enterprise. Whilst MCC Highways has not raised objection, Councillors were concerned at the limited existing access were a substantial business to emerge. It was noted that horses are already stationed on site as they are pegged out in squares with electric fencing in the field in front of the building. It is unclear from the application whether sufficient grazing land has been set aside for the number of horses proposed.

The proposed location of the manure heap lies close to two soakaways and the application does not address the onward dispersal of the manure nor its potential to contaminate watercourses. Councillors were aware of the planning history of a nearby racing stable, and of the growing trend for farmland to be converted to equestrian activities both private and commercial. Inevitably this trend if it continues will change the local landscape.

Council's recommendation was for refusal of the current application pending clarification of the following points, when members would be prepared to reconsider:

- What the business case is to support the application;
- How the manure heap is to be managed so as to prevent accumulation of material and contamination of the water courses;
- The extent of the site to which the change of use is intended to apply;
- Whether the land set aside for keeping the proposed number of horses is approved as sufficient by Mon CC's animal welfare officer
- Where it is proposed to store hay and machinery, as this is the present purpose of the existing building.
- Whether the Right of Way that passes through the property is affected.

MCC Highways - No objection

Vehicular access to and from the development will remain as the current arrangement, off the existing internal driveway.

Natural Resources Wales - as long as a field heap is: over 10m from a watercourse; 50m from a well, borehole or spring; being spread on own land; and CoGAP is followed as example of best practice (field heap should be moved every 12 months). If being stored on an impermeable surface; all leachate should be captured (impermeable drainage) and spread to land; and not a public health nuisance, NRW would not object to the location of the proposed location. There does not appear to be any legislation stating the heap cannot be near a surface water soakaway.

5.2 Neighbour Notification

None Received

5.4 Local Member Representations

Councillor Louise Brown

An examination of the details on the website shows that the details of this application are unclear with pencil drawings, not to scale.

In view of this being a change of use for a new equestrian enterprise, the only way to obtain the required information on the business case for this change of use and further details on this application, is to request the referral of this application to the planning committee where it can be considered more fully.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

Policy S10 of the adopted LDP supports rural enterprise it states that developments that enable the diversification of the rural economy will be permitted outside settlement boundaries where it is of a scale and type compatible with the surrounding area and will cause no unacceptably harm to the landscape. It suggested that where possible existing buildings should be re used. In this case the proposed business will assist the rural economy by providing an income for the applicant and a use for the land which would otherwise be vacant. An equestrian use is appropriate and also common in rural areas. There are many examples of similar enterprises throughout the County. The proposal would have very little visual impact on the landscape, the building is existing and the land was previously grazed by cattle rather than by horses. The manege will have an impact on the landscape but this is an activity that is common in the countryside. The manege will be set at a lower level than the road and a hedge of indigenous species will be planted between the manege and the road. The principle of an equestrian centre in this location is acceptable in policy terms.

The principle of agricultural diversification is supported by Policy RE3 of the adopted Local Development Plan (LDP). In addition Monmouthshire is becoming renowned for its equine enterprise and the Council is supportive of suitable businesses in the open countryside. Policy RE3 states that development proposals which make a positive contribution to agriculture or its diversification will be permitted subject to the following criteria:

- a) the proposed non-agricultural development is run in conjunction with, and is complementary to, the agricultural activities of the enterprise;
- b) the proposal is supported by an appropriate business case which demonstrates the link to existing business activity and the benefits of the scheme in terms of sustaining employment / the rural economy;
- c) in relation to new build, the applicant must demonstrate that there are no existing buildings suitable for conversion / re-use in preference to new build;
- d) with regard to diversification proposals for visitor accommodation, new build will only be permitted where it consists of the substantial rebuild of a building within the curtilage of an existing and occupied farm property, as specified in Policy T2;
- e) where rebuild is permitted under criteria c) and d) any rebuilding work should respect or be in sympathy with the local and traditional characteristics of the building;
- f) proposals for new built development meet the detailed criteria set out in Policy LC1;

In this case, the farming enterprise is being replaced by the equine activity as the applicant could not sustain a living from agriculture on the 12 acres that he owned. The land would be grazed by the applicants own horses; by providing livery stables the applicant is deriving some income which will benefit the local economy. The proposal does not involve any additional new buildings but rather reuses an existing agricultural building. The stable block is close enough to the residential dwelling on Latimer Farm so there is sufficient surveillance of the stables from the house; no additional accommodation would be required with the enterprise. Whilst strictly not agricultural diversification because the equine enterprise would not be supporting an existing agricultural business, it would be diversifying the rural economy in a broader way that is acceptable in planning terms. The applicant has not put forward a formal business plan but has outlined the roles of the 'DIY livery' at Latimer Farm. There are several horses already stabled and there would be a maximum capacity for 16 horses at the site. Section 5.6 of PPW 10 also supports the development of enterprises to support the rural economy: "A strong Rural Economy is essential to support sustainable vibrant communities. The establishment of new enterprises and the expansion of existing business is crucial to the growth and stability of rural areas ". The principle of an equine use in this location is acceptable in policy terms.

6.1.2 Good Design/ Place making

The agricultural building measuring 22.72m x 10.6m already has the benefit of planning permission (DC/2015/00990). It is 4.96 m high to the ridge, constructed with a steel frame with concrete blockwork and profiled sheeting, juniper green in colour. The extension runs the whole

length of the building and adds an additional 4.8m to the width. The extension is on the south-west elevation, which is the far side away from the road. The design of the extension is acceptable and is not visually prominent in the wider landscape. The finishing materials match those of the approved building. There is no difference in visual terms if the building is used to house agricultural machinery or if it is used to stable horses. The design of the building is appropriate for its use and is in keeping with the rural character of the area. The proposal therefore accords with the objectives of Policy DES1 of the LDP. PPW 10 in Section 3 refers to good design being inclusive design; the stable block could be accessed by people with disabilities issues as well as young children and the elderly. The design of the building does not impede access to these groups. The design of the building does respect the rural character of this area, its design is such that it has a good relationship with its surroundings, it is a rural enterprise building in a rural setting. The layout, form, scale and visual appearance of the building relates well to the surrounding rural landscape and therefore accords with the objectives of good design set out in PPW10.

The riding manege which would measure 60m x 20m would be surfaced in a mix of sand and fibre which is standard surface for this type of equine facility. There are many examples of these throughout the County. Around the manege would be a low post and rail fence which is appropriate in this rural setting. A hedge of indigenous, deciduous trees including Birch, Ash, Beech and Rowan would be planted between the road and the manege. This new hedge would not only help to visually screen the manege when viewed from the road, it would also replace a leylandii hedge which looks out of place in this rural setting. A riding manege is in keeping with the character of this rural landscape and the development would be in accordance with Policy LC5 of the LDP.

6.1.3 Impact on Amenity/ Promoting Healthier Places

There are several residential properties surrounding Latimer Farm. The closest, Trem Hafren, is approximately 140 metres from the manege and is set at a higher level on the opposite side of the road. There are mature hedgerows on either side of the road that will help to screen the equine activity both visually and in terms of noise. Ridge House, which is approximately 220m from the site, has a large stable complex in its grounds. Mount Pleasant is approximately 200m to the west of the site, is set at a lower level and there are two fields between the stable block at Latimer Farm and Mount Pleasant. It is proposed to locate a manure heap on a concrete base at the rear of the stable building. This would be its permanent location and this would be well over 100m from the nearest residential property. It is the applicant's responsibility to ensure that this is managed in accordance with pollution regulations. The Council's Environmental Health Officer has provided guidance on the best practice that is to be followed. Natural Resources Wales have outlined that if the manure is being stored on an impermeable surface all leachate should be captured (impermeable drainage) and spread to land. NRW would not object to the location of the proposed manure heap. NRW outlined that there does not appear to be any legislation stating the heap cannot be near a surface water soakaway. If best practice guidelines are followed in relation to the manure pile the proposed use as an equestrian centre will not result in unacceptable harm to local amenity or health and therefore it accords with the objectives of Policy EP1 of the LDP. The manure resulting from the horses stabled on site will be no greater than from the cattle that were previously kept on the site.

6.2 Active and Social Places

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

The site is not in a very sustainable location, but by their nature, livery stables such as these have to be located within the countryside. The site is not accessible by public transport; the horse owners of whom there could be up to 16 have to visit the site by car. They generally visit each day but some car sharing could be possible. If the livery stables were not located here, then horse owners may have to travel further to find a similar facility. There is a large area designated at the front of the stable building to be used for car parking. There is plenty of room within the site to accommodate the cars even if all the owners visited the stables at the same time. MCC Highways have no objection to the proposal. No alterations are required to the access into the site. The amount of traffic generated as a result of this proposal will not be great with the maximum number of movements being about 32 trips per day; the surrounding road network can accommodate this increase. When the site was used as a farm for livestock there would have been traffic generated by this use and therefore the impact on the highway network is considered Page 35 acceptable and would be in accordance with the requirements of Policy MV1 of the LDP.

6.3 Productive and Enterprising Places

6.3.1 Economic Development

The site is now being used as a DIY livery stable. This is being run as a business which contributes to the local rural economy. The site is managed by the applicant but the business does not generate much employment, given that the horse owners are responsible for the day to day care of the horses. The proposal does have some minor economic benefit to the local economy. It is thought that the horse owners are local people who do not have space to keep horses on their own land so the equestrian centre does not pull in visitors from outside the area. It does however mean that these local people do not have to travel outside the area to use such a facility.

6.4 Distinctive & Natural Places

6.4.1 Landscape/ Visual Impact

The stable building already has approval but the application seeks permission to increase the width of the building by 4.8m. This will have very little impact on the wider landscape. The whole site is partly screened by mature trees and the current screening will be enhanced by the planting of a new hedgerow within the site. PPW 10 underlines the importance of protecting and enhancing a rich and varied landscape but at the same time understanding the social and economic benefits they can provide. This site is not in a designated landscape but it is important to protect the rural landscape. The proposal for an equestrian centre is in keeping with the rural character of the area and reflects the rural landscape. The main effect of this proposal upon the landscape results from the provision of a riding manege. Policy LC5 of the LDP does allow for development provided that it does not have an adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspect. The proposal does not cause significant visual intrusion and it does not change the landscape character of the area. The proposed manege is sensitively sited within the landscape, it will not be visually prominent and is a use appropriate for its rural setting. The use is compatible with its location and harmonises with the landscape. The proposal therefore accords with the objectives of Policy LC5 of the LDP.

6.4.2 Biodiversity

The stable building is already erected and has planning permission. As a result of the equestrian use, one additional light will be placed at the entrance of the building as security for the horses. This will be controlled by motion sensor. An additional security light will not have a significant impact on biodiversity in the area. There will be no floodlighting of the riding manege. The planting of a hedge of indigenous species and removing the leylandii hedge will also have benefits for biodiversity. The fact that horses now graze the land rather than cattle will have little impact on the ecology of the area.

6.4.3 Water (including foul drainage / SuDS), Air, Soundscape & Light

The surface water from the building and the manege will go to soakaway, the position of these has been identified on the layout plan. As the building was erected in 2015 it is not subject to the Sustainable Drainage Regulations. The manege may require SAB approval and the applicant is currently discussing this with the SuDs Team of the Council. NRW have outlined they have no objection to the location of the manure and there is no legislation stating the heap cannot be near a surface water soakaway. The parking area is made of chippings which are porous.

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

6.5.1 The Local Member is concerned over the accuracy of the plans. All the drawings, although not professionally drawn do show written dimensions. The building is already erected so its size is clear. No business case has been put forward. The enterprise is up and running and there is no requirement for a rural enterprise dwelling on this site as Latimer Farm is so close to the stables. The introduction of this rural enterprise benefits the rural economy and would be in accordance with strategic policies within the LDP to support the rural economy.

6.5.2 The Community Council were concerned that there are 17 bays shown on the plan but the use is for 16 horses. This is because one of the bays is being used for the storage of hay. There is no

reason to expect that the applicant will apply for an additional agricultural building on this site given that the applicant has ceased his agricultural enterprise. There is no longer cattle on the site. The application relates to all 12 acres at Latimer Farm. The horses will be grazed where the cattle used to graze. If an application for additional stabling was to be submitted in the future this would have to be determined on its merits at that time. There is a public right of way running to the north of the farmhouse that will not be affected by this proposal. MCC Environmental Health Officers have considered the location of the manure heap with regards to the advice from DEFRA in the Code for Good Animal Practice for farmers, growers and Land Managers and NRW have also outlined that they have no objection to the proposed siting of the manure.

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

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

7.0 RECOMMENDATION: APPROVE

Conditions :

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

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

2 Access by the users of the livery stables shall only be allowed between the hours of 06:00 and 21:00 on any day.

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

3. Manure is only to be stored in the position shown on plan Drg No ... and in no other location.

REASON: TO ensure that there is no harm to the environment or any party's amenity in accordance with Policy EP1 of the LDP

4. All planting, of the new hedge and trees, shown on the approved plan shall be carried out within 6 months of this approval and any trees or plants which within a period of 5 year from this approval die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

Application Number: DM/2019/00745

Proposal: Proposed change of use from D1 to mixed use including D1, A1 retail and A2 for use of office space

Address: Rolls Hall, Whitecross Street, Monmouth NP25 3BY

Applicant: Mrs Alison Childs

Plans: Location Plan - , Floor Plans - Existing 002 - , Floor Plans - Proposed 001 - ,

RECOMMENDATION: APPROVE

Case Officer: Mr David Wong

Date Valid: 24.05.2019

This application is presented to Planning Committee as it involves a change of use of a Council owned building

1.0 APPLICATION DETAILS

1.1 The premises in question is the Rolls Hall in Monmouth. It is a Grade II Listed Building. The Rolls Hall is now known as the Monmouth Community Hub and its purpose is to bring together Council, Library, education and community services to create a single point of access for our communities. It is a multi-functional space designed for the local community.

1.2 This application is a change of use of a small area of the building from Use Class D1 to A1 (retail) (3.8m x 3m) and to change two existing office rooms to rentable office rooms (use class A2). It is noted that there would be no external and internal changes to the premises. The proposed opening hours will be the same as the Monmouth Community Hub: 08:45 hours to 19:00 hours, Monday to Friday and 09:00 hours to 13:00 hours, Saturday.

1.3 According to the submitted information, one of the roles of the Community Hub is to support and assist local businesses to prosper. Accordingly it is the intention of this application to provide small office spaces to be let on a short term tenancy basis and a small market area where local start-up businesses could showcase and sell their products.

1.4 It is envisaged that the type of businesses that would use these spaces would include but not be limited to crafts, textiles, jewellery and pre-packaged food and drink. The principle behind this is that it would give such small businesses an opportunity to test the market before committing themselves to more permanent premises with the associated costs and overheads this would entail.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2010/01062	Proposed change of use from a council office to a D1 use for the purposes of a community youth group/centre.	Approved	17.05.2011

DC/1981/01043	Use Hall For Public Dancing	Approved	11.11.1981
DC/1990/01248	Conversion Of Building For Use As A Public Library & Career Service. For Careers Service Officer.	Approved	06.02.1991

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities
S6 LDP Retail Hierarchy
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
CRF1 LDP Retention of Existing Community Facilities
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Monmouth Town Council - None received

MCC Heritage Management - None received

MCC Planning Policy - No objection as the proposed change of use for retail is small scale and the proposed office use on this location is acceptable (verbal response).

SEWBREC Search Results - Therefore, no significant ecological record identified.

Glamorgan Gwent Archaeological Trust (GGAT) – No objections given change of use and no groundworks will be undertaken.

5.2 Neighbour Notification

No responses received.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The principle of the change of use of a small area of the existing community hub to a retail use (use class A1) and two office rooms (use class A2) is considered to be acceptable. It is considered that the proposals would not have a significant impact on the existing functions of this community facility which will continue to operate and support residents of Monmouth. The proposed services will be enhanced as a result of the proposed retail and financial / professional services. Although retail use is preferred in the town centre as indicated by LDP policy, the scale of this retail space (3.8m x 3m) is small. Therefore this very modest development would not harm the vitality of the Monmouth Town Centre and would support start-up businesses. There is no policy objection to the proposed low-key office use being sited in this location. The proposed development would be in accordance with the aims of LDP policies S5 and CRF1.

6.2 Good Design/Historic Environment

6.2.1 No internal and external change to the premises is proposed. Therefore, this application is purely related to the use of the premises. There are two existing access points for members of the public, one of which is wheelchair friendly. In addition, there is existing dedicated parking provision at the rear of the premises to serve the facility. The proposed change of use would not alter the character and appearance of the Conservation Area and therefore the conservation area would be preserved in accordance with the statutory requirement and LDP policies DES1 and HE1. In addition, the features of this listed building would be preserved.

6.3 Impact on Amenity/ Promoting Healthier Places

6.3.1 This building is well located being within the Town Centre and is a popular facility for its residents who can easily reach the facility by foot, cycling or public transport. This is a facility that offers a range of services and is a 'meeting place' for the local communities, which is an essential ingredient for place making and the well-being of the community. This is embraced throughout the latest edition of Planning Policy Wales, PPW10. It is considered that the provision of enhanced services from the premises would bring benefits to the community. This application is therefore, considered compliant with the requirements of policies S17 and EP1 of the LDP.

6.4 The Welsh Language

6.4.1 The premises already provides a range of community education services and books, promoting the Welsh Language. The proposals may provide a new platform for local/ Welsh businesses to prosper as it is the intention of the Monmouth Community Hub to work with the crafts, textiles and jewellery businesses.

6.5 Access / Highway Safety

6.5.1 The site is close to the Central Shopping Area (CSA) of Monmouth which benefits from a number of bus stops and good pedestrian links to the wider area. It is considered that the proposed change of use would not generate a significant increase in the number of vehicle movements or demand for parking that could not be accommodated within the immediate area. It is therefore considered that the development would not have a detrimental impact on the highway safety and free flow of pedestrian and vehicular traffic in the area and is compliant with the requirements of policies S16 and MV1 of the LDP.

6.6 Retail & Commercial Centres/ Community Facilities

6.6.1 The building is close to but outside of the CSA of Monmouth as defined by the Proposals Map of the LDP. It is considered that the alterations and developments indicated would help increase footfall to the building but the proposed change of use is small scale and would not be likely to affect the viability and vitality of the Monmouth Town Centre. This would be in

compliance with the requirements of policies S5 and RET2 of the LDP. It is considered that this proposal would help preserve and enhance the building for the wider community, in compliance with the aims of policies S5 and CRF1 of the LDP.

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

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

6.8 Conclusion

6.8.1 It is considered that the proposed change of use of part of the Monmouth Community Hub is of a small scale. It would not harm the viability and vitality of the Central Shopping Centre of Monmouth and the existing facilities that the Monmouth Hub provides would be retained in compliance with the aims of Policy S5 of the LDP.

6.8.2 No physical alteration to the fabric of the listed building is proposed (both internal and external). Therefore, the character and appearance of this part of the Monmouth Conservation Area and the building itself (Grade II Listed) will be preserved in accordance with LDP policies DES1 and HE1.

6.8.3 The proposed change of use is small scale and will not be likely to cause a significant adverse impact upon the amenity of the neighbouring properties, in accordance with Policy EP1 of the LDP.

6.8.4 The Monmouth Community Hub is a multi-functional space, offering a range of public services. The proposal would enhance the services of the Monmouth Community Hub and provide a space for start-up and small businesses to operate. The proposals help to preserve this vital community facility for its residents, which is in accordance with the aims of LDP Policies S5 and CRF1.

7.0 RECOMMENDATION: APPROVE

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

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

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

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

3 The opening hours of the A1 and A2 uses, hereby approved, shall be restricted to 08:45 hours to 19:00 hours, Monday to Friday and 09:00 hours to 13:00, Saturday.

REASON: The approved use shall not occur at any other time without the prior approval of the Planning Authority in the interests of local amenity.

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

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SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN REVISED AFFORDABLE HOUSING SUPPLEMENTARY PLANNING GUIDANCE
MEETING: PLANNING COMMITTEE
DATE: 2nd July 2019
DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

The purpose of this report is:

- 1.1 To inform Planning Committee of the results of the recent consultation exercise regarding the revised Affordable Housing Supplementary Planning Guidance produced to provide further guidance in relation to Policy S4 of the Monmouthshire Local Development Plan.
- 1.2 To seek Planning Committee's endorsement of the SPG, with a view to it being formally adopted by Cabinet in July 2019 as SPG in connection with the Monmouthshire LDP.

2. RECOMMENDATIONS:

- 2.1 To endorse the revised Affordable Housing Supplementary Planning Guidance, with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend this to Cabinet.

3. KEY ISSUES:

Background

- 3.1 The Monmouthshire County Council LDP 2011-2021 was adopted on 27th February, 2014 to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). The Affordable Housing SPG, adopted in March 2016, was prepared to provide further clarification on the interpretation and implementation of the LDP's affordable housing policies. Since the SPG was adopted a number of issues have arisen in relation to the viability of affordable housing provision on certain types of development sites, which has triggered the need to revise the SPG. The SPG has been revised to provide guidance on how affordable housing policies will be implemented, in particular with regard to commuted sums payable on small-scale developments. The revised SPG has been informed by evidence and experience gathered over the last 2 years since the current (March 2016) SPG was adopted.
- 3.2 Planning Committee endorsed the revised Affordable Housing Supplementary Planning Guidance that is the subject of this report on 2nd April 2019, with a view to issuing it for consultation purposes. Subsequently, on 10th April 2019 the Cabinet Member for Innovation, Enterprise and Leisure took the decision to issue the SPG for consultation. A copy of the Cabinet Member Report is attached as **Appendix 1**.

- 3.3 The consultation took place for a period of 6 weeks between 11th April 2019 and 28th May 2019. This included reporting the proposed SPG to Adult Select Committee at its meeting on 30th April 2019.
- 3.4 Twelve parties commented on the SPG. These are summarised, together with the Council's response, in the Report of Consultation provided as **Appendix 2**. Generally, no significant objections were received and only a small number of minor amendments to the SPG documents are considered necessary. One concern which was raised during the consultation period related to the proposal for the Council to not seek financial contributions for barn conversions. As outlined in Appendix 2 it is considered that the build costs of new build houses and barns conversions are very different. It is much cheaper to build a new house and it has been evidenced from previous viability assessments that barn conversions are largely not viable. The purpose of the LDP barn conversion policy is to preserve traditional barns and ensure these structures to be brought back into beneficial use to preserves the character and appearance of Monmouthshire's rural landscape. This form of development is maintaining other policy objectives within the LDP. On balance, it is considered that requesting a financial contribution for single barn conversions has proven to be unviable and we will therefore seek contributions on new build development only.
- 3.5 It is considered, therefore, that the document can be formally adopted as SPG to support the Monmouthshire LDP. The revised SPG, is attached as **Appendix 3**.

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. The Affordable Housing SPG provides further explanation and guidance on the way in which Policy S4 will be implemented.

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 and Development Management budget and carried out by existing staff.

6.0 EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

- 6.1 Under the Planning Act (2004), the LDP was required to be subject to a Sustainability Appraisal (SA). The role of the SA was to address the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environmental Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. SPG is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

- 6.2 The LDP was also subjected to an Equality Challenge process and due consideration was given to the issues raised. As with the sustainable development implications considered above, SPG is expanding and providing guidance on these existing LDP policies, which were prepared within this framework.
- 6.3 In addition, a Future Generations Evaluation is attached. This includes Equalities and Sustainability Impact Assessments (attached as **Appendix 4**).

7.0 OPTIONS APPRAISAL

- 7.1 Having assessed the consultation responses, the following options were considered:
- 1) Recommend the SPG for adoption without any changes;
 - 2) Recommend the SPG for adoption with some changes based on an assessment of the feedback;
 - 3) Recommend the SPG for adoption with changes to reflect every response;
 - 4) Do not proceed with the SPG.
- 7.2 The SPG provides specific guidance on the interpretation/implementation of the LDP policy framework in relation to affordable housing. Option 4 is therefore discounted as the document will support the provision of affordable housing in Monmouthshire, a key policy objective. The consultation responses have raised a number of valid and constructive points, all of which have been considered and responded to in appendix 2. As a result, some amendments are proposed in response to the consultation (option 2).
- 7.3 Based on the reasons above, it is the preferred option (2) to formally adopt this revised SPG as amended to support the Monmouthshire LDP.

8.0 EVALUATION CRITERIA

The success of the adopted SPG will be monitored via the LDP Annual Monitoring Report. This will include a review of:

- the SPG use in decision-making and the extent to which it informs decisions and is upheld via appeal decisions;
- the amount of money collected as commuted sums;
- instances where viability is debated;
- the percentage of affordable housing secured on site and number of affordable homes secured.

9.0 REASONS:

Under the Planning Act (2004) and associated Regulations, all Local Planning Authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are being taken in accordance with policies and proposals in the LDP. This Revised Draft SPG provides guidance on the delivery of affordable housing.

10.0 RESOURCE IMPLICATIONS:

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.

11.0 CONSULTees:

- Planning Committee
- Adult Select Committee

12.0 BACKGROUND PAPERS:

Monmouthshire Adopted LDP (February 2014)

13.0 AUTHORS:

Mark Hand, Head of Planning, Housing and Place-shaping

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**SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN REVISED DRAFT
AFFORDABLE HOUSING SUPPLEMENTARY PLANNING GUIDANCE**

MEETING: INDIVIDUAL CABINET MEMBER

DATE: 10 APRIL 2019

DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

The purpose of this report is to seek Cabinet Member's endorsement of the Revised Draft Supplementary Planning Guidance (SPG) on Affordable Housing to support the policies of the Monmouthshire Local Development Plan (LDP), with a view to issuing for consultation.

2. RECOMMENDATIONS:

2.1 To endorse the Revised Draft Affordable Housing SPG and issue for consultation.

3. KEY ISSUES:

3.1 The Monmouthshire County Council LDP 2011-2021 was adopted on 27th February 2014 to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). The Affordable Housing SPG, adopted in March 2016, was prepared to provide further clarification on the interpretation and implementation of the LDP's affordable housing policies. Since the SPG was adopted a number of issues have arisen in relation to the viability of affordable housing provision on certain types of development sites, which triggered the need to revise the SPG. The Draft SPG provides guidance on how affordable housing policies will be implemented, in particular with regard to commuted sums payable on small-scale developments. The revised SPG has been informed by evidence and experience gathered over the last 2 years since the current SPG was adopted.

3.2 Selective use of SPG is a means of setting out more detailed thematic or site specific guidance in the way in which the policies of an LDP will be applied in particular circumstances or areas. The Draft Development Plans Manual Edition 3 (Welsh Government, November 2018) notes that:

'SPG does not form part of the development plan and is not subject to independent examination, but it must be consistent with the plan and with national planning policy. SPG cannot be linked to national policy alone; there must be a LDP policy or policy criterion that provides the development plan 'hook' whilst the reasoned justification provides clarification of the related national policy'

- 3.3 The Manual further states that SPG can be a material consideration in the determination of planning applications, provided that it is consistent with the development plan and appropriate consultation has been undertaken:

‘Only the policies in the development plan have special status under section 38(6) of the PCPA 2004 Act in deciding planning applications, but SPG can be taken into account as a material consideration. SPG that is derived from and is consistent with the development plan and has been the subject of consultation will carry more weight’.

- 3.4 It is proposed that the existing Affordable Housing Supplementary Planning Guidance document (March 2016) is amended as follows:

- Section 2 - The Affordable Housing Issue - data has been updated.
- Section 3 - Affordable Housing Need - data has been updated.
- Section 4A - Developments of 5 or more in Main Towns, Rural Secondary Settlements and Severnside Settlements – this section has been strengthened to clarify that:
 - Developers must take policy requirements into consideration prior to negotiating the purchase of land.
 - Where a viability appraisal is deemed necessary, this appraisal will be undertaken by the District Valuer at the expense of the developer and that the viability appraisal report will be published in the public domain.
- Section 4B – Developments of 1 – 4 dwellings in Main Towns, Rural Secondary Settlements and Severnside Settlements – this section has been amended to clarify that:
 - Single Barn conversions will now be exempt from making a financial contribution towards affordable housing. This is based on evidence of the high build costs associated with such projects. For barn conversions where there is a net increase of two to four dwellings, a financial contribution towards affordable housing will be sought.
 - Commercial conversions, e.g. flats above shops, 1 – 4 units will be exempt from making a financial contribution towards affordable housing. This is based on evidence of viability challenges associated with such projects, combined with the desire to encourage the efficient use of under-used sustainably located buildings to support housing delivery and settlement vitality.
 - Listed buildings for conversion to 1 – 4 units will also be exempt from making a financial contribution towards affordable housing due to evidence of high build costs.

The reason for making these changes is that these types of developments have been considered to be unviable following detailed viability appraisals.

- Section 4B1 - the method of calculating a financial contribution towards affordable housing on small sites has been changed to make the contribution simpler to calculate and fairer to developers.

- The previous 3 Dragons Toolkit method calculated the sum per the number of bedrooms in each dwelling. As the dwellings vary considerable in size this method was not thought to be a fair and equitable way to calculate a financial contribution.
- The new method of calculation will be take the internal floor area (m²) multiplied by the Community Infrastructure Levy (CIL) rate for the area in which the development is situated and then multiply that figure by 58%, which is the percentage that a developer should fund when no social housing grant is available.
i.e. Formula: Financial Contribution = Internal Floor Area (m²) x CIL Rate x 58%

- Section 4C2 has been rewritten for simplification and clarity.

3.5 The updated SPG is attached at Appendix 1.

4 EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

4.1 Under the Planning Act (2004), the LDP was required to be subject to a Sustainability Appraisal (SA). The role of the SA was to address the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environmental Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. SPG is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

Equality

4.2 The LDP was also subjected to an Equality Challenge process and due consideration was given to the issues raised. As with the sustainable development implications considered above, SPG is expanding and providing guidance on these existing LDP policies, which were prepared within this framework.

4.3 In addition, a Future Generations Evaluation is attached. This includes Equalities and Sustainability Impact Assessments (attached as **Appendix 2**)

5 OPTIONS APPRAISAL

5.1 The options in relation to the Revised Draft SPG are to:

- 1) Endorse the Revised Draft SPG as attached for consultation.
- 2) Endorse the Revised Draft SPG for consultation with amendments.

3) Do nothing in relation to the Revised Draft SPG.

- 5.2 Option 1: endorse the Revised Draft SPG as attached for consultation. **This is the preferred option.** The SPG has been amended to take account of updated evidence and to provide clarity on key elements of the SPG, as detailed in paragraph 3.4 above. It is considered that the revised SPG will provide further clarity and importantly, maximise affordable housing provision via a pragmatic and evidenced approach, as well as making more efficient use of officer time.
- 5.3 Option 2: endorse the Revised Draft SPG for consultation with amendments. As noted above, the Revised Draft SPG has been amended to take account of updated evidence and to provide clarity on key elements of the SPG, as detailed in paragraph 3.4 above. It is not considered necessary to amend the Revised Draft SPG prior to consultation. Any comments received in response to the consultation on the Revised Draft SPG will be analysed and the document will be amended, as appropriate, prior to reporting back for Members' consideration to seek a resolution to adopt the SPG. This option should therefore be discounted.
- 5.4 Option 3: do nothing in relation to the Revised Draft SPG. The option of doing nothing would not address the need for improved guidance and clarity and approach to this policy area and should, therefore, be discounted.

Recommendation:

- 5.5 Based on the reasons above, Option 1 (to endorse the Revised Draft SPG as attached for consultation) is the preferred option.

6 EVALUATION CRITERIA

- 6.1 The success of the adopted SPG will be monitored via the LDP Annual Monitoring Report. This will include a review of:
- the SPG use in decision-making and the extent to which it informs decisions and is upheld via appeal decisions;
 - the amount of money collected as commuted sums;
 - instances where viability is debated;
 - the percentage of affordable housing secured on site and number of affordable homes secured.

7 REASONS:

- 7.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are being taken in accordance with policies and proposals in the LDP. This Revised Draft SPG provides guidance on the delivery of affordable housing.

8 RESOURCE IMPLICATIONS:

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

9 CONSULTTEES:

- Planning and Housing teams
- SLT
- Cabinet
- Planning Committee was consulted on 2nd April 2019. Planning Committee welcomed the proposed changes as a pragmatic approach to securing commuted sums from small scale developments. The proposal for viability appraisals to be made public responds to a request from elected members and is supported.

10 BACKGROUND PAPERS:

Monmouthshire Adopted LDP (February 2014)

11 AUTHORS:

Mark Hand, Head of Planning, Housing and Place-shaping

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Revised Affordable Housing Supplementary Planning Guidance - Consultation Responses				
Representor	Object/ Support/ Comment	Comment	LPA Response	Recommendation
Adult Select Committee	Support	Pleased to see exemption for small conversions 1 - 4 above shops as this will help to bring these forward.	Support noted.	No change necessary.
	Object	Concerned that large barns will now be exempt. Feel that these could make a contribution if a large profit is made by the developer. If a developer bought a barn complex and converted them individually they wouldn't have to pay a contribution.	If a developer bought a barn complex we would expect a contribution towards affordable housing from 2 upwards. If the developer sold them individually to self-builders they would be exempt under the existing and revised policy. The conversions of barns ensures that these traditional rural buildings are preserved and this also preserving the character of the open countryside thus the development is maintaining other policy objectives.	No change proposed as conversion of single barns has been evidenced to be unviable. The revised policy still requires commuted sums from 2+ conversions on a complex (i.e. the first barn is exempt).
	Comment	Could ask for a contribution for single barns over a certain size - e.g. over 150m2. Would like the proposal for larger barn conversions to be brought to Cabinet's attention.	Evidence from the previous two years has shown that single barn conversions are largely unviable. The proposed changes to the SPG seek to simplify the application of the policy so that Council resource is best focused where there is benefit. The proposed threshold would be set at an arbitrary size and would unfairly affect applicants where the barn was just over 150m2. A series of thresholds, to be more fair, would be unduly complicated for all parties. It is considered better either to exempt all single barns as in the revised policy or revert to asking for a contribution from all single barns and base this on viability. Cabinet will be made aware of all consultation responses including feedback from Adult Select Committee.	No change proposed as conversion of barns has been evidenced to be unviable.
	Comment	Could we ask for a contribution and use it as a grant to bring derelict properties back into use.	The contribution must be used to secure additional affordable housing. This could be new build or conversion or acquiring existing homes. This could include acquiring an empty home for use as an affordable home.	Section B1 is amended to clarify this.
	Comment	Why is CIL value for Severnside lower than the others - removal of tolls have lead to higher house prices in Severnside.	The CIL work was undertaken at a set point in time prior to the removal of the tolls. Additional up to date viability assessments will be undertaken as part of the Replacement LDP process.	No change necessary.
	Comment	Concerned about DV undertaking viability appraisals following site in Abergavenny being considered unviable by DV.	District Valuer Services (DVS) is the specialist property arm of the Valuation Office Agency (VOA). They provide independent, impartial, valuation and professional property advice across the entire public sector, and where public money or public functions are involved. It is considered that they are the most appropriate body to conduct the appraisal and they would provide impartial review of developments.	No change necessary
	Support	We seem to be getting hung up on barns, which are not that many, and we are being told that they are unviable. Sensible officers have looked at this and are telling us that we are wasting money trying to get blood from a stone. We need to listen to our officers. Comments will be summarised and will go forward to Cabinet. I would just endorse what is in front of me.	Support noted.	No change necessary.

Judith Doyle - Archaeological Planning Officer	Comment	The legislative framework in which the historic environment operates and the management of the historic environment should not be seen as a constraint to development but viewed together. Housing developments of any size and nature may have different impacts on the historic environment, both positive and negative and this should be noted. Developments that will require planning or listed building permission should be in consultation with us at an early stage.	Where development is proposed on a site with archaeological constraints Glamorgan Gwent Archaeological Trust (GGAT) would be consulted on the proposals and ask to provide comment. Development should not have an adverse impact on the historic environment and this amended SPG would not have an impact on the historic environment.	No change necessary.
LRM Planning on behalf of Llanarth Estates	Comment	Overall supportive of proposed amendments, however: SA.4 (Vi) - Overall development costs not known at the application stage and detailed information/studies are needed. SA.4 (Vii) - Minimal land value at which land owner will release their land for development particularly small scale sites. A6 Layout & Design - Flexibility to allow larger clusters, larger schemes will potentially require larger clusters and impact can be mitigated through innovative design. Self build - Flexibility given to self build plots and thought should be given to larger sites with an element/phase of self build. Types of affordable housing - Flexibility needed to encourage innovative ways of providing housing. E.2 Departure Apps - Unsure whether the requirement can carry weight as it is by definition not supplementary to any policy of the plan. 5.11 Formula - Feel its appropriate to use the District Valuer to arbitrate if brown & green field sites face onerous financial contributions.	It is the responsibility of the developer to ensure that they conduct necessary survey work and due diligence and that they are fully aware of the costs of bringing forward sites taking S106 contributions fully into account. Adopted policies should be fully considered prior to site purchase. Viability calculations allow for some contingencies. The same will apply for smaller scale sites. The land owner needs to be fully aware of the financial contributions that are being sought and this revised SPG will provide clear transparent guidance on this matter. There are no policy barriers to self build development in Monmouthshire. Council would encourage innovative ways of providing affordable housing and have previously approved such schemes. Larger clusters - Pepper potting is preferred as it helps create a mixed and balanced community as opposed to concentrations of the same types of housing.	No change necessary
David Addams-Williams of Llangibby Estates	Comment	60% affordable housing requirement on rural sites is a disincentive for landowners to bring forward sites and even more opportunities for developers to purchase and build out the sites. If the percentage was decreased then the number constructed would increase	9 of the 60/40 Affordable Housing sites in main villages have gained planning consent and thus it is evidenced that these types of sites are coming forward and are viable. The next LDP will review the level of affordable housing that would be required on new housing sites: this concern relates to an LDP policy which cannot be amended via SPG even if Officers agreed with the comments made.	No change necessary.
Lynne Morgan - 13 Wyelands View, Mathern	Comment	In reference to the recognised link between housing, health and well being, the proposals encourage developers to increase the number of dwellings on each site with the revised ratio of affordable housing and it's fair to assume that each new household could have 1 or 2 cars. This impacts on the road systems and as there are no plans for by-passes it would mean increased congestion which impacts on health and well being.	The policy seeks to increase the proportion of a development that is affordable housing, not increase the number of dwellings on a site. Notwithstanding this, any impact on the highway network would be a material planning consideration. Planning Officers and Highways Officers will consider if the proposed development is acceptable in terms of encouraging sustainable forms of transport and whether the development has an acceptable impact on the highway network. All applications have regard to the Well-being of Future Generations Act.	No change necessary.
South East Planning	Comment	No comment		No change necessary

Redrow	Comment	<p>Viability is affected by many factors and its often not known what the Council position is until time of application. Redrow suggests that the new paragraph vi and vii of the draft SPG are omitted. The remaining paragraph viii provides the appropriate mechanism and control for undertaking a viability assessment at planning application stage.</p> <p>Paragraph viii 1.7 - Redrow's experience is that the DV always insist that their appraisal work and advice remains confidential. It is suggested that this is clarified with the DV and Redrow would always too insist that detailed viability assessments are kept confidential.</p> <p>Paragraph ix 1.8 The statement that "The Council will expect land transactions to reflect policy, rather than the other way round" is inappropriate. Viability appraisals, including by the DV are undertaken by chartered surveyors. They need to adhere to their code of practice as set by the Royal Institute of Chartered Surveyors (RICS). It would be inappropriate for the planning system to influence this established practice and process for land valuing. A realistic and reasonable approach is required when setting out how a land value is proportioned between landowner, developer and as planning obligations.</p>	<p>Viability is a critical factor when considering proposed development and the Council encourages pre application discussions to outline site specific S106 contributions to provide certainty for developers. We will seek to liaise with the DV in relation to making their assessments public however this information would be shared with Officers and the Planning Committee in determining any applications. It is considered that it is the developer's responsibility to recognise the development costs of the site including S106 obligations and if they would need to negotiate the cost of the land to bring it forward for development.</p>	No change proposed
Redrow Continued..		<p>P.9 – B.1 Contributions factored utilising CIL rates 1.9 Whilst not applicable to Redrow as this section only relates to 1-4 unit schemes it is considered inappropriate to calculate a financial contribution based on CIL rates that have not been adopted for use. It is not understood how it can be justified and reasonable to utilise the CIL rate to calculate an affordable housing contribution. The CIL rate was devised for planning obligations that excluded affordable housing consideration. As such, there is no correlation. An affordable housing formula and alternative mechanism to secure other planning obligation contributions should be utilised.</p> <p>P. 18 – Paragraph 5.9 & 5.10 1.10 The draft SPG requires affordable homes to be transferred on a neutral tenure basis and then the following sentence refers to the aim of developing mixed and balanced communities. It is considered appropriate and reasonable for affordable housing delivery to be specific to the site and not on a neutral tenure basis. This is supported by paragraph 5.16.1 of the draft SPG that states the local need will be identified by the Council. The mix of affordable housing tenures helps in creating a mixed and balanced community. Utilising a mix of affordable housing tenures (social rented, intermediate rent and Low Cost Home Ownership) will also likely assist with viability matters.</p>	<p>CIL - The calculation of the CIL rate was conducted by an appointed external consultant and provides an evidenced based approach to the level of financial support required to provide infrastructure in these areas. The point made is noted. Although CIL has not been adopted in Monmouthshire it is considered that this evidence based work can provide rationale for the financial contribution required for affordable housing in that it reflects different levels of viability in different areas. To avoid confusion, references to CIL rate in the SPG will be changed to Commuted Sum Rate.</p> <p>Affordable Homes - tenure neutral provides the greatest long term flexibility for both future occupiers of the affordable homes and the Council/RSLs. It is acknowledged that this means all affordable homes must be designed to achieve DQR and that the %ACG is affected for the developer. The Council's wider approach will be considered as part of the LDP review.</p>	Change references to CIL Rate to Commuted Sum Rate.

Redrow Continued..	Comment	<p>As part of the revised Local Development Plan Redrow believe that there is merit in looking at utilising S106 contributions for affordable housing more strategically. Historically, within Monmouthshire and other LPAs, sites in higher value areas target greater provision of on-site affordable homes due to it being viable to do so. However, this is not necessarily where the affordable housing need is or where people on the housing register would wish to reside. Those more affluent tend to prefer not to live near those in affordable housing but equally this is true whereby those less fortunate tend to not want to live next to larger private homes. To create a balance and mix of housing some affordable housing should remain on-site but it is whether it is beneficial to generate part of the affordable housing provision as off-site contribution rather than simply request a higher percentage on-site? A direct benefit of this approach could see S106 money secured by affordable housing contribution being strategically used to greater benefit and assisting more people. A 15% (e.g. equivalent to 20 units) contribution gained from a higher value site could provide 25 units on another lower value site or refurbish 40 units in existing stock.</p>	<p>This comment could be reviewed as part of the LDP however at this stage it is considered that to ensure that we provide cohesive and mixed communities the delivery of onsite affordable housing provision is essential to provide accommodation for younger people who may be unable to access the open housing market given the high cost of homeownership in Monmouthshire. At present, the level of affordable need within the County means it is unlikely that new developments would provide 'too much' affordable housing in a location.</p>	<p>No change in the SPG. The idea will be considered further as part of the LDP review.</p>
Bovis Homes	Comment	<p>Bovis Homes considers it important to ensure the viability and deliverability of sustainable development. As such, it is sometimes necessary to undertake a viability assessment at the planning application stage. Where viability assessments are deemed necessary, Bovis Homes support an open book approach with the viability assessment being published in the public domain as set out in the Revised SPG. Bovis Homes welcomes the intention of the Revised SPG to provide more detailed guidance on viability assessments, the circumstances in which they are appropriate and how they will be assessed. However, Bovis Homes are concerned that as currently drafted the Revised SPG does not fully accord with Planning Policy Wales 10 (PPW10). Bovis recommend modification to Paragraph A4(vi) of the Revised SPG. Based on the above, Bovis Homes recommend the following modification to Paragraph A4(vi) of the Revised SPG:</p> <p>“Planning obligations and affordable housing will have an impact on land values and landowner expectations. Applicants are expected to have considered in full the overall cost of development, including the required quantifiable planning obligations required by policy and any known abnormal costs, when negotiating the purchase of land. Viability assessments will be limited to sites where there are exceptional, unforeseen circumstances outside the scope of normal market risk or where there is an overriding regeneration benefit in developing the site. Where the development plan policies and the viability evidence underpinning them is up-to-date, it will be for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. Such circumstances could include, for example, where further information on infrastructure or site costs is required or where a recession or similar significant economic changes have occurred since the plan was adopted.”</p> <p>Based on the above, Bovis Homes recommend the following modification to Paragraph A4(vi) of the Revised SPG:</p>	<p>The overall support for the proposed approach, including publication of viability appraisals, is welcomed. The suggested changes to A4(vi) have been noted. It is considered that some of the suggested changes would assist in clarifying the policy approach, others imply a far wider range of cases where viability appraisal would be appropriate (rather than it being exceptional), while other suggestions are minor changes are not considered to be significantly different in terms of outcome. As a result, the following change is proposed: Planning obligations and affordable housing will have an impact on land values and landowner expectations. Applicants are expected to have considered in full the overall cost of development, including the required policy-based planning obligations and any reasonably known abnormal costs, when negotiating the purchase of land. Viability assessments will be limited to sites where there are exceptional, unforeseen circumstances outside the scope of normal market risk, for example where a recession or similar significant economic changes have occurred since the plan was adopted, or where there is an overriding regeneration benefit in developing the site.</p>	<p>Amend A4(vi) to: Planning obligations and affordable housing will have an impact on land values and landowner expectations. Applicants are expected to have considered in full the overall cost of development, including the required policy-based planning obligations and any reasonably known abnormal costs, when negotiating the purchase of land. Viability assessments will be limited to sites where there are exceptional, unforeseen circumstances outside the scope of normal market risk, for example where a recession or similar significant economic changes have occurred since the plan was adopted, or where there is an overriding regeneration benefit in developing the site.</p>

**Monmouthshire County Council
Adopted Local Development Plan 2011-2021**

**Revised Draft Affordable Housing
Supplementary Planning
Guidance**

July 2019

Planning Policy

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1. INTRODUCTION

- 1.1 This note is one of a series of Supplementary Planning Guidance (SPG) notes that have been prepared to provide supporting information and advice on the implementation of the Council's development plan policies. This SPG is intended to offer clear guidance on the main considerations that will be taken into account by the Council when reaching decisions on planning applications and in this case how planning policy on affordable housing will be delivered in practice.
- 1.2 This SPG has been revised in order to update housing data in Sections 2 and 3 and to provide simplification and clarity with regard to a number of other areas, for example Sections 4A, 4B and 4C2. Section 4B1 has been revised following a change to the method for calculating financial contributions towards affordable housing. These changes are informed by experience and viability evidence.
- 1.3 Status
- 1.3.1 This SPG is prepared in the context of the Monmouthshire County Council Adopted Local Development Plan (LDP), February 2014.
- 1.3.2 SPG supplements the Council's development plan, with only the policies contained in the development plan having the special status afforded by Section 38 (6) of the Planning and Compulsory Purchase Act 2004. However, the Welsh Government (WG) advises that SPG may be taken into account as a material consideration in the determination of planning applications and appeals.
- 1.3.3 This SPG has been adopted following public consultation. It constitutes a material consideration to be given weight in planning decisions.

2 THE AFFORDABLE HOUSING ISSUE

- 2.1 A significant issue for Monmouthshire is the fact that house prices are high in relation to earnings so that there is a need for additional affordable housing in the County in both urban and rural areas, particularly for those that live and work here.
- 2.2 Affordability of housing is a concern throughout Wales. In October 2018 the average house price for Wales was £186,256 and the house price to earnings ratio was 6:1. By comparison, in Monmouthshire the average house price in September 2018 was £307,600 and the lower quartile house price to earnings ratio was 9:1 (Source: Hometrack 30/10/2018).
- 2.3 These figures illustrate how difficult it is for local people to purchase their first home or move into a larger home in the County when their family

circumstances change. In 2018, the full-time gross weekly pay for Monmouthshire residents was £638.50 (Males £690.90 and Females £567.50), compared to the Wales gross weekly pay of £518.60 (Males £551.90 and Females £474.10). However, the full-time gross weekly pay by workplace presents a different picture with people working in the County earning only £537.80 per week (Males £578.90 and Females £469.30), compared to the Wales figures of £509.00 per week (Males £541.60 and Females £469.50) (Source: NOMIS 30/10/18). In other words, Monmouthshire has a dual economy. The qualifications, skills and earnings of the residents are above the regional and national average, however, for those working in the area earnings are lower and employment is relatively less skilled.

- 2.4 Monmouthshire's net population growth has historically been due to inward migration: its population would otherwise decline due to there being more deaths than births. The County has a demographically imbalanced population, with an increasing proportion over 65 and over 85 year olds, and a low proportion of 20-40 year olds. With a median age of 48 and a small economically active population, the County's economic base is currently weak. The County's housing market continues to perform strongly, with house sales achieving a high percentage of the asking price, and sales being secured quickly. Properties in Monmouthshire take, on average, 4.6 weeks to sell compared to the Wales average of 10.2 weeks. Properties also achieve, on average, 95% of asking price. House prices, therefore, will remain at a level way above what local people can afford. (Source: Hometrack Housing Intelligence, September 2018)
- 2.5 The planning system is an increasingly important means of improving the supply of affordable housing for local people. Monmouthshire County Council recognises this and is keen to ensure that developers and local people have clear guidance on how its development plan policies and decisions on planning applications will operate and thereby contribute to one of the desired outcomes of the Council's Corporate Business Plan 2017 - 2022. One of the key issues within the Business Plan is 'the provision of quality housing, including affordable housing, to meet the needs of our communities and to address the needs of our changing demography'. The link between housing and health is well established and long standing. The quality of the home has a substantial impact on health; a warm, dry and secure home is associated with better health. In addition to basic housing requirements, other factors that help to improve well-being include the neighbourhood, security of tenure and modifications for those with disabilities. The benefits to health, learning and prosperity are also reflected in page 42 of Planning Policy Wales Edition 10, December 2018. Monmouthshire's Well-being Plan, April 2018 recognises the 'need to readdress the supply and mix of housing stock to ensure suitable and affordable housing is available to all demographic groups'.
- 2.6 This SPG has been prepared in the context of the most recent WG planning policy on affordable housing contained in *Planning Policy Wales Edition 10*, December 2018 and Technical Advice Note 2 *Planning and Affordable Housing*, June 2006.

2.7 Planning Policy Wales (PPW) Edition 10, December 2018

2.7.1 *PPW* provides the overarching national strategic guidance with regard to land use planning matters in Wales. Paragraph 4.2.1 states in part that ‘new housing development in both urban and rural areas should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities’.

2.7.2 Paragraph 4.2.2 of *PPW* 10 states that the planning system must:

- ‘identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures;
- ‘enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and
- ‘focus on the delivery of the identified housing requirement and the related land supply’.

2.7.3 With regard to need, paragraph 4.2.25 states: ‘A community’s need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications.’

2.8 Definitions of Affordable Housing

2.8.1 Affordable housing is defined in paragraph 4.2.25 of *PPW* 10:

‘Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers’.

2.8.2 Paragraph 4.2.26 extends this definition further noting:

‘Affordable housing includes social rented housing owned by local authorities and RSLs (registered social landlords) and intermediate housing where prices or rents are above those of social rent but below market housing rents and prices’.

These definitions of affordable housing contrast with the definition in paragraph 4.2.26 of general market housing:

‘All other types of housing are referred to as ‘market housing’, that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local authority’.

Paragraph 4.2.26 goes on to say:

‘It is recognised that some schemes may provide for staircasing to full ownership and where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing’.

2.9 Affordability

2.9.1 There is a need to define ‘affordability’. WG guidance defines this as:

‘the ability of households or potential households to purchase or rent property that satisfies the needs of the household without subsidy’ (WG TAN2, para 4.1).

The subsidy referred to in the quotation above is a subsidy on the property itself, which helps make it more affordable. There are different levels of subsidy depending on the different types of tenure, therefore creating a wide range of affordable options.

2.9.2 This should be determined in each local housing market area in an Authority’s area and would be based on such factors as ratio of household income to the price of property.

3. **AFFORDABLE HOUSING NEED IN MONMOUTHSHIRE**

3.1 The **Local Housing Market Assessment (LHMA)** commissioned by the Council in June 2010 helped inform the target of 960 affordable homes over the LDP plan period of 2011 -2021 set out in Policy S4. The recent LHMA (September 2018) shows an annual shortfall of 468 affordable homes. However, this figure should not be taken as an annual target for delivery of affordable housing as new build homes are not the total solution to the supply of affordable homes in the County. The affordable housing target remains the LDP target of 960 over the 2011-2021 plan period.

4. **MONMOUTHSHIRE’S PLANNING POLICIES ON AFFORDABLE HOUSING**

4.1 Policy S4 of the Adopted Monmouthshire LDP is the primary means of achieving the affordable housing target referred to in the above paragraph. Policy S4 sets out the thresholds at which affordable housing has to be provided and the percentage of affordable housing that will be required in each case, depending on the location of the development site.

Policy S4 – Affordable Housing Provision

Provision will be made for around 960 affordable homes in the Local Development Plan Period 2011-2021. To meet this target it will be expected that:

- In Main Towns and Rural Secondary Settlements as identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 35% of the total number of dwellings on the site to be affordable.
- In the Severnside settlements identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 25% of the total number of dwellings on the site to be affordable.
- In the Main Villages identified in Policy S1:
 - Development sites with a capacity for 3 or more dwellings will make provision for at least 60% of the total number of dwellings on the site to be affordable.
- In the Minor Villages identified in Policy S1 where there is compliance with Policy H3:
 - Development sites with a capacity for 4 dwellings will make provision for 3 dwellings to be affordable.
 - Development sites with a capacity for 3 dwellings will make provision for 2 dwellings to be affordable.
- In the open countryside developments involving the conversion of existing buildings or sub-division of existing dwellings to provide 3 or more additional dwellings will make provision (subject to appropriate viability assessment) for 35% of the total number of dwellings to be affordable.
- Development sites with a capacity below the thresholds set out above will make a financial contribution towards the provision of affordable housing in the local planning authority area.

Other than in Main Villages, in determining how many affordable houses should be provided on a development site, the figure resulting from applying the proportion required to the total number of dwellings will be rounded to the nearest whole number (where half rounds up).

The capacity of a development site will be based on an assumed achievable density of 30 dwellings per hectare.

4.2 The settlement hierarchy referred to in Policy S4 is set out in LDP Policy S1, namely:

- **Main Towns:** Abergavenny, Chepstow and Monmouth
- **Sevenside Settlements:** Caerwent, Caldicot, Magor, Portskewett, Rogiet, Sudbrook and Undy
- **Rural Secondary Settlements:** Usk, Raglan, Penperlleni and Llanfoist
- **Main Villages:** Cross Ash, Devauden, Dingestow, Grosmont, Little Mill, Llandewi Rhydderch, Llandogo, Llanellen, Llangybi, Llanishen, Llanvair Kilgeddin, Mathern, Penallt, Pwllmeyric, Shirenewton/Mynyddbach, St Arvans, Trellech, Werngifford/Pandy
- **Minor Villages:** Bettws Newydd, Broadstone/Catbrook, Brynygwenin, Coed-y-Paen, Crick, Cuckoo's Row, Great Oak, Gwehelog, Llanarth, Llandegveth, Llandenny, Llangwm, Llanover, Llansoy, Llantilio Crossenny, Llantrisant, Llanvair Discoed, Llanvapley, Mitchel Troy, Penpergwm, The Narth, The Bryn, Tintern, Tredunnoch
- **Open Countryside**

4.3 There are five types of residential development as set out in A-E that could arise in providing affordable housing under Policy S4 which need further consideration:

- A) Developments of 5 or more dwellings in Main Towns, Rural Secondary Settlements and Sevenside Settlements.
- B) Developments of 1 – 4 dwellings in Main Towns, Rural Secondary Settlements and Sevenside Settlements.
- C) Developments in Main Villages
- D) Developments in Minor Villages.
- E) Developments in the open countryside.

4.4 Specific guidance on these matters is provided on the following information sheets and the checklists in Appendix 4:

A. DEVELOPMENTS OF 5 OR MORE DWELLINGS IN MAIN TOWNS, RURAL SECONDARY SETTLEMENTS AND SEVERNSIDE SETTLEMENTS.

When an application for residential development is received in these settlements the first step in its assessment will be to:

A.1 Establish the net site area and calculate the capacity of the site based on an assumed achievable density of 30 dwellings per hectare.

- i. It is a requirement of LDP Policy DES1 criterion i) that in order to make the most efficient use of land the minimum net density of residential development should be 30 dwellings per hectare. The net developable area is defined as excluding areas taken out for other uses such as employment or which are undevelopable for one reason or another, including internal access roads and incidental open space between houses, play areas etc. Similar considerations should be taken into account when calculating the site capacity in relation to Policy S4.
- ii. The capacity of a site is calculated as a 'net' figure with the number of any existing dwellings on a site that are to be demolished, subdivided or retained subtracted from the overall capacity to give a final capacity figure for the purposes of Policy S4.

A.2 If the capacity of the site is 5 or more dwellings then the affordable housing requirement to be provided on site is calculated at 35% in Main Towns and Rural Secondary Settlements and 25% in Severnside settlements, subject to a) and b) below.

A.2.a) Should the development not be achieving 30 dwellings per hectare and it is considered that there is not a material non-compliance with Policy DES1 i) then the affordable housing requirement should be calculated on the **agreed** capacity of the site (rather than the 'theoretical' capacity of 30 dwellings per hectare).

A.2.b) In determining how many affordable houses should be provided on a development site, the figure resulting from applying the proportion required to the total number of dwellings will be rounded to the nearest whole number (where half rounds up.)

A.3 If the capacity of the development site is below the threshold of 5 dwellings then a financial contribution towards affordable housing in the local planning authority area will be required (see B)

A.4 When the threshold for affordable housing is met the following considerations will be taken into account in the implementation of Policy S4:

- i. The mix of house types, sizes and tenure should reflect local needs. (This must be established from the Council's Housing Services section on a site-by-site basis in accordance with the particular needs of the community in which the site is located).

- ii. Provision for affordable housing will be secured through Section 106 Agreements.
- iii. **Affordable housing should be provided on-site** (unless there are exceptional circumstances that justify off-site provision, as considered in paragraph 5.10 of this SPG) and should reflect the characteristics of the locality or the rest of the site.
- iv. Householder permitted development rights may be withdrawn so that control may be exercised over the enlargement or alteration of dwellings in ways that would change their affordability for future occupiers.
- v. In seeking to negotiate an element of affordable housing on a site the Council will take into account: site size, suitability, and the economics of provision; whether there will be particular costs associated with development of the site; and whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in the development of the site.
- vi. Planning obligations and affordable housing will have an impact on land values and landowner expectations. Applicants are expected to have considered in full the overall cost of development, including the required policy-based planning obligations and any reasonably known abnormal costs, when negotiating the purchase of land. Viability assessments will be limited to sites where there are exceptional, **unforeseen** circumstances outside the scope of normal market risk, for example where a recession or similar significant economic changes have occurred since the plan was adopted or where there is an overriding regeneration benefit in developing the site.
- vii. Where a site is still under option by a developer, it will **always** be expected that the policy requirements can be met, provided that the scheme is not abnormally costly or abnormally under value for the area. These costs must be reflected in the price that the developer purchases the site for so ensuring that the proposed development site is economically viable to meet the Council's affordable housing requirements. If there is any doubt about viability on a particular site, it will be the responsibility of the developer to offer the landowner a lesser price for the site, or to maximise the mix of market units on site to achieve the affordable housing policy.
- viii. Where a viability assessment is deemed necessary, the Council will require applicants to provide detailed information and supporting evidence. The level of supporting evidence required will depend upon how far the viability inputs deviate from acceptable parameters based on industry norms. Any 'assumptions' must be clearly explained and justified. An 'open book' approach is required. Any evidence relating to the viability assessment will then be independently assessed by the District Valuer, the cost of which will be borne by the developer. All viability appraisals will be published in the public domain.
- ix. General requirements:

- The Council's policy requirements should be the starting point for applicants and viability appraisals should subsequently work backwards from this. The Council will expect land transactions to reflect policy, rather than the other way round.
- Evidence should be provided to show what consideration has been given to alternatives in order to improve viability. Such measures can include altering development densities, layout and mix of market dwellings.

A.6 Layout and Design

The Council requires the '**pepper-potting**' of affordable housing, rather than provision in enclaves. **Properties for affordable housing should be in clusters of no more than 6 - 15 units, depending on the overall size of the development.** The design and materials of dwellings built to comply with affordable housing policies should be similar to that of adjoining market housing.

B. DEVELOPMENTS OF 1 – 4 DWELLINGS IN MAIN TOWNS, RURAL SECONDARY SETTLEMENTS AND SEVERNSIDE SETTLEMENTS.

It is a basic principle of Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning authority area, irrespective of whether or not the size of the development falls below the threshold for on-site provision. However, the following exemptions apply in relation to residential conversions.

Residential Conversions

- Single Barn Conversions will be exempt from paying a financial contribution due to viability. However, where there is an increase of 2 - 4 dwellings resulting from the conversion of a barn or complex of barns, a financial contribution will be sought using the calculation below and in Appendix 3.
- Commercial conversions such as flats above shops or offices involving proposals for 1 – 4 dwellings will be exempt from making a financial contribution towards affordable housing.
- Conversions of Listed Buildings for 1 - 4 dwellings will also be exempt from paying a financial contribution.

B.1 If the capacity of the site falls below the threshold (1 - 4 units) at which affordable housing is required, prior to obtaining planning permission the applicant will need to enter into a S106 agreement to pay a financial contribution towards affordable housing in the housing market in which the site is located. A standard Section 106 agreement that will be used for this purpose is set out in Appendix 2. An affordable housing contribution will be liable to be paid on completion and prior to occupation of each dwelling to which the payment relates.

- i A financial contribution towards affordable housing will have an impact on land values and landowner expectations, therefore, the Council will expect that applicants have considered in full the overall cost of development, including the required financial contribution towards affordable housing, and any abnormal costs, when negotiating the purchase of land.
- ii The required financial contribution is calculated by using the Commuted Sum (CS) Rate for each area of Monmouthshire and the internal floor space of the dwelling(s) in m². It should be noted that integral garages, as part of any scheme, would be counted within the internal space. The figure of 58% is the proportion that the landowner/developer would fund were the units to be delivered on site.

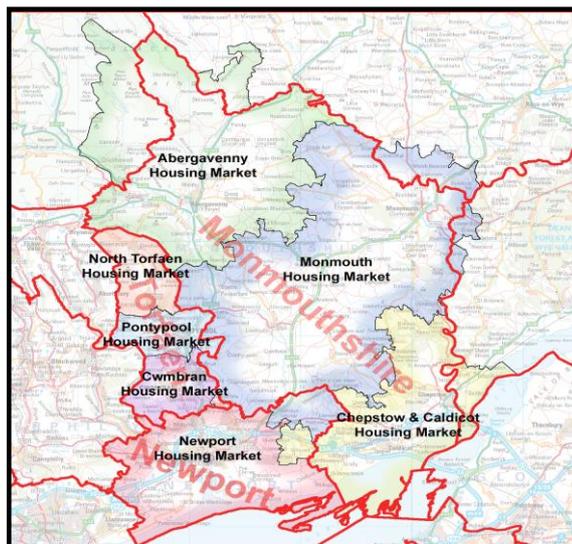
Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%

- iii The calculation can be obtained from the Council's Planning Officer. The contribution will be set at the equivalent of 35% of the agreed capacity of the site (25% in Severnside).

Commuted Sum Rates and example calculations are given in Appendix 3.

Financial contributions gathered by the Council will be used to deliver affordable housing in the Housing Market Area (HMA) from which they are collected. The Council may combine financial contribution from different sites if appropriate and will spend contributions in the way that best achieves the Council's priorities for affordable housing, which could include new build, purchasing an existing home, converting existing buildings or bringing an empty home back into use. The number of units resulting from expenditure may be more or less than the units used to calculate the contribution as dwelling types, tenure, specifications and other aspects will vary from scheme to scheme.

The map below shows the three Housing Market Areas in Monmouthshire. (Source: Monmouthshire Local Housing Market Assessment 2018)



- B.2** The Council does not wish to hinder the supply of dwellings from self-builders who could be building to meet their own needs. Therefore, **self-builders whose developments fall below the thresholds will not be required to make a financial contribution.** This is consistent with the approach set out in the Community Infrastructure Levy Regulations and the same definition of 'self-build' will be used as set out in the CIL Regulations 54A, 54B, 54C and 54D as inserted by the 2014 Regulations (see the standard Section 106 agreement in Appendix 2).

- i. If a developer wishes to make a claim for an exemption under the self-build provision then a form¹ must be submitted **prior to completion** of each dwelling to which the payment relates confirming that the dwelling is intended to be occupied by the owner of the land.
- ii. **Within 6 months of occupation** a further form must be submitted evidencing occupation by the owner. The Council will at this point agree to defer the payment for the duration of two-and-a-half years from that notification.
- iii. Any such exemption will be subject to a 'claw-back' mechanism so that **if the criteria for self-build status are not complied with within a period of three years from the occupation of the dwelling then the requirement for an affordable housing contribution will be reinstated.** Should there be compliance with the three year period, the Council will, through a variation of the Section 106 Agreement, confirm that no payment will be required on that specific dwelling.

¹ The exemption form is available in Annex C of the standard Section 106 agreement.

C. DEVELOPMENT IN MAIN VILLAGES.

C.1 Sites allocated in main villages under LDP Policy SAH11 with the specific purpose of providing 60% affordable housing.

There is a specific issue in the County relating to the provision of affordable housing in rural areas due to the limited ability of existing residents in the countryside, particularly young people, to afford housing, which restricts their ability to remain within their existing communities if they are in housing need. In order to secure the provision of essential affordable housing in rural areas, and acknowledging that 100% affordable housing rural exception sites rarely come forward, a number of housing sites have been allocated in Main Villages under LDP Policy SAH11 with the specific aim of providing affordable housing for local people.

These sites are required under Policy S4 to provide a **minimum of 60% affordable housing:**

- i. The mix and tenure of the 60% affordable housing will be based on local housing need and this information can be established from the Council's Housing Strategy Officer on a site-by-site basis in accordance with the particular needs of the community in which the site is located.
- ii. Unlike general housing sites, therefore, **when the figure resulting from applying the proportion of affordable housing required to the total number of dwellings is not a whole number, there is no rounding down, only rounding up.**
- iii. Policy SAH11 sets a maximum size of development at 15 dwellings in order to ensure that any development is of a 'village scale', in keeping with character of the settlements. This amount may be smaller in certain villages, as set out in Policy SAH11, which indicates the scale of development that is considered to be acceptable having regard to the characteristics of the village and the particular site. It is unlikely to be acceptable for these lower site capacities to be exceeded unless it can be clearly demonstrated that there is no adverse impact on village form and character and surrounding landscape.
- iv. The LDP *Affordable Housing Viability Study* confirmed that a requirement for 60% affordable housing on rural sites will enable developer contributions towards the cost of providing affordable housing as the high market values for housing in rural areas would still provide residual land values far in excess of existing agricultural land values that should be sufficient incentive to bring land forward for development. **It must be recognised that the sole purpose for allocating these sites is to provide affordable housing for local people in rural areas. Without the provision of 60% affordable housing there is no justification for releasing these sites and anticipated land values should reflect this accordingly.**

- v. It is intended that this affordable housing will be brought forward using the mechanisms set out in section 5 below. The Council recognises that there may sometimes be abnormal costs that restrict the ability of a development to provide the financial subsidy to achieve affordable housing requirement. Initially, however, there is no intention to use financial subsidy to support 60% affordable housing sites.
- vi. Given the particular circumstances of these 60% affordable housing sites, the Council will not apply its normal policy of requiring 'pepper-potting' of affordable housing throughout a development. It is recognised that the best way of developing these sites and enabling the market housing to achieve its full potential for achieving financial subsidy for the affordable housing element is to allow the market dwellings to be grouped together.
- vii. All affordable housing achieved on LDP sites in Main Villages will give priority to local residents through the Council's Rural Allocations Policy.

C.2 Other Sites in Main Villages

There is scope for infill development to take place within the Village Development Boundary as identified in the LDP, For other sites within the development boundaries of Main Villages (i.e. excluding the 60/40 allocated sites) provision of 35% affordable housing on site will be required for both new build development and conversions. However, the following exemptions apply in relation to residential conversions.

Residential Conversions

- Single Barn Conversions in Main Villages will be exempt from paying a financial contribution due to viability. However, where there is an increase of 2 - 4 dwellings resulting from the conversion of a barn or complex of barns, a financial contribution will be sought using the method set out in Section 4 B1 and Appendix 3.
- Commercial conversions such as flats above shops or offices involving proposals for 1 – 4 dwellings will be exempt from making a financial contribution towards affordable housing, although it is recognised that there will be few opportunities for such conversions within Main Villages.
- Conversions of Listed Buildings to 1 to 4 dwellings will also be exempt from paying a financial contribution.

D. DEVELOPMENT IN MINOR VILLAGES

- D.1** Policy S1 identifies Minor Villages where small scale development will be allowed in the circumstances set out in LDP Policy H3. Minor Villages are settlements that (subject to detail) are suitable for minor infill of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings. Applications relating to infill developments should also refer to the Infill Development Draft Supplementary Planning Guidance.

Infill developments in Minor Villages, consisting of 1 or 2 dwellings, will make a financial contribution towards affordable housing in the local planning authority area. This will be set at the equivalent of 35% of the number of dwellings proposed in the development. However, the following exemptions apply in relation to residential conversions in Minor Villages.

Residential Conversions

- Single Barn Conversions in Minor Villages will be exempt from paying a financial contribution due to viability. However, where there is an increase of 2 - 4 dwellings resulting from the conversion of a barn or complex of barns, a financial contribution will be sought using the method set out Section 4 B1 and Appendix 3.
- Commercial conversions such as flats above shops or offices involving proposals for 1 – 4 dwellings will be exempt from making a financial contribution towards affordable housing, although it is recognised that there will be few opportunities for such conversions within Minor Villages.
- Conversions of Listed Buildings to 1 to 4 dwellings will also be exempt from paying a financial contribution.

- D.2** Policy H3 does contain an exception that allows for planning permission to be granted for up to 4 dwellings on an infill site that demonstrably fits in with village form (including not resulting in the loss of an open space that forms an important gap or open area) and is not prominent in the landscape. As such proposals are 'exceptional' in that they go beyond the normal definition of 'minor infill', it was considered appropriate to seek a higher proportion of affordable housing than would normally be required. Policy S4, therefore, requires that in the Minor Villages identified in Policy S1 where there is compliance with Policy H3:

D.2.a) Development sites with a capacity for 4 dwellings will make provision for 3 dwellings to be affordable.

D.2.b) Development sites with a capacity for 3 dwellings will make provision for 2 dwellings to be affordable.

- i. In such cases, it would be expected that the single open market dwelling will provide cross-subsidy towards the on-site provision of the affordable housing. Each site will be subject to a viability assessment which will determine the amount of cross-subsidy required.

E. DEVELOPMENT IN THE OPEN COUNTRYSIDE

E.1 Conversion and sub-divisions

Policy S4 requires that in the open countryside developments involving the conversion of existing buildings or sub-division of existing dwellings to provide 3 or more additional dwellings will make provision for 35% of the total number of dwellings to be affordable. It is considered that this should always be the aim in dealing with applications of this type. Nevertheless, it is recognised that provision of affordable housing on site is not always practicable in such situations. It is also more difficult to estimate the capacity of a development proposal involving existing buildings in comparison with a simple area calculation.

The Council, therefore, will adopt a more flexible approach in such situations, although generally **a financial contribution towards affordable housing in the local planning authority area will still be required. This will be set at the equivalent of 35% of the agreed capacity of the site** and utilise the Affordable Housing Financial Contribution Calculator (set out in Section 4 B and Appendix 3) but careful consideration will be given to the viability and practical implications of conversion and sub-division applications in assessing the level of financial contribution required. However, the following exemptions apply in relation to residential conversions.

Residential Conversions

- Single Barn Conversions will be exempt from paying a financial contribution due to viability. However, where there is an increase of 2 - 4 dwellings resulting from the conversion of a barn or complex of barns, a financial contribution will be sought using the method set out in Section 4 B1 and Appendix 3.
- Conversions of Listed Buildings to 1 to 4 dwellings will also be exempt from paying a financial contribution.

E.2 Departure applications beyond settlement boundaries

In accordance with the decision made by Full Council on 21 February 2019 departure applications on unallocated sites are required to deliver 35% affordable housing and no negotiation will be entertained.

E.3 Rural Exceptions Policy

Policy H7 of the Adopted LDP provides a further planning policy mechanism for the provision of affordable housing in rural areas of Monmouthshire. It makes provision for the siting of small affordable housing sites in or adjoining villages on land that would otherwise not be released for residential development. **In such circumstances affordable housing should be provided on site at a rate of 100%.** Policy H7 is set out below:

Policy H7 – Affordable Housing Rural Exceptions

Favourable consideration will be given to the siting of small affordable housing sites in rural areas adjoining the Rural Secondary Settlements, Main Villages and Minor Villages identified in Policy S1 that would not otherwise be released for residential development provided that all the following criteria are met:

- a) The scheme would meet a genuine local need (evidenced by a properly conducted survey or by reference to alternative housing need data) which could not otherwise be met in the locality (housing needs sub-area);**
 - b) Where a registered social landlord is not involved, there are clear and adequate arrangements to ensure that the benefits of affordable housing will be secured for initial and subsequent occupiers;**
 - c) The proposal would have no significant adverse impact on village form and character and surrounding landscape or create additional traffic or access problems.**
- i. In seeking to identify such sites it needs to be recognised that isolated sites in the open countryside or those within small, sporadic groups of dwellings are unlikely to be acceptable. Policy H7 specifically refers to sites adjoining Rural Secondary Settlements, Main Villages and Minor Villages. Any proposals for locations other than these would be treated as ‘Departure’ applications and will need special justification. Another important consideration is the balance of the pattern of settlements in the community.
- ii. It will also be necessary to demonstrate that the scheme would meet a genuine local need. This local need would normally relate to the rural parts of the community council area in which the site is located. Evidence of local need can be established by a number of different means, including local surveys, local consultation events, other forms of primary evidence and housing register data. As with the affordable housing sites in Main Villages, the Council’s Rural Allocations Policy will apply.

E.4 Build Your Own Affordable Home Policy

Monmouthshire County Council positively encourages local people to build their own affordable home to meet their own housing needs through the rural exceptions policy. Single plot exception sites are only permitted with restrictions and the ‘Build Your Own Affordable Home’ policy will be available on the website (Link will be included in final SPG).

5. OPTIONS FOR THE DELIVERY OF AFFORDABLE HOUSING

5.1 The Council requires that affordable housing is managed by a Registered Social Landlord (RSL) zoned for development in Monmouthshire by the Welsh Government, as procedures are already in place to ensure that dwellings remain affordable in perpetuity.

5.2 Types of affordable housing.

The Council will use the following definitions of affordable housing:

- **Social rented housing** is let by RSLs to households taken from the Council's Housing Register who are eligible for social rented housing. Rents will be set at Welsh Government benchmark levels.
- **Intermediate housing** is homes for sale and rent provided at a cost above social rent but below market levels. These can include shared equity, and intermediate rent. All of these will be provided through a Registered Social Landlord (RSL).
- **Neutral Tenure** is where tenure of housing is not predetermined but can vary according to needs, means and preferences of households to whom it is offered. This incorporates the tenures described above. This arrangement gives flexibility in that it allows the tenure type of a property to change between occupiers, or even with the same occupier. So, for example, on first occupation a house might be social rented, but when that occupier vacates the property the next occupier may choose the Homebuy option. In another instance, a property might initially be rented, but if the economic circumstances of the occupier improve, they may choose to convert to Homebuy. **Neutral tenure is the delivery option preferred by Monmouthshire County Council.**
- **Specialist affordable housing** may be sought for people with specific accommodation requirements that may not otherwise be met and where a need has been identified. These can include sheltered retirement housing, adapted housing for households with a physical disability and supported housing, for example for young homeless people or people with learning difficulties.

5.3 The Council's preferred method of achieving affordable housing through Section 106 Agreements is for developers to build houses for transfer to a Registered Social Landlord (RSL). This method will ensure mixed communities where the required pepper-potting of the affordable housing units will achieve a scheme where the affordable units are otherwise indistinguishable from the owner occupied homes.

5.4 Prior to submission of a planning application developers will be expected to liaise with the Council to agree the mix of units required to meet housing need.

5.5 All affordable housing units, except for intermediate housing delivered under Policy SAH11, must be constructed to the Welsh Government's Development

Quality Requirements (DQR), which includes Lifetime Homes, or successor Welsh Government scheme. Developers' DQR Compliant house types will be checked to ensure that they meet the required standards. (See Appendix 1 for guidance).

- 5.6 The Council has a long term commissioning partnership with RSLs to secure the strategic provision of all types of housing accommodation. This covers minimum standards of service in management terms, allocation of Social Housing Grant, specialisms of the Housing Associations and the long-term allocation of housing sites. The Council's preference is for developers to work with RSLs zoned by the Welsh Government for developing in Monmouthshire and it will normally allocate each site to its preferred RSL on the basis of the RSL's development capacity, other properties in the area, rental levels and other relevant issues. Should there be a need for specialist/purpose built disabled housing, for example, and an element of social housing grant was required the Council would only be able to allocate grant to a zoned RSL.
- 5.7 The financial arrangements for the transfer of completed affordable housing units from the developer to the RSL are to be calculated using the current Acceptable Cost Guidance rates published by the Welsh Government's Housing Directorate. The percentage that the RSL can afford to pay, based on the rental income they would receive for the properties, is 42% of ACG. This leaves the landowner/developer to fund the 58% which in the past would have been covered by Social Housing Grant. The developer will then be required to sell the properties to the RSL at this percentage rate. (This percentage rate does not apply to units delivered under Policy SAH11).
- 5.8 When negotiating option agreements to acquire land for residential development, developers should take account of affordable housing requirements. The amount of Social Housing Grant (SHG) that is available to the Council is very limited and is not normally made available for the delivery of Section 106 sites. The Council's preferred financial arrangements for the provision of affordable housing, as outlined in paragraph 5.7, have been agreed following consultation with the RSLs to ensure a consistent and equitable approach that also provides certainty for developers when they are preparing their proposals.
- 5.9 Affordable housing land or dwellings that are transferred to a RSL will be used to provide affordable housing on a neutral tenure basis to qualifying persons from the Council's Housing Register.
- 5.10 To achieve the aim of developing mixed and balanced communities the Council seeks to provide affordable housing on-site. Only in exceptional circumstances will off-site provision be considered. This might occur, for instance, in situations where the management of the affordable housing cannot be effectively secured (as in sheltered retirement housing schemes). In such cases it may be possible for off-site new build housing or refurbishment/conversion of existing properties to provide a satisfactory alternative that meets the needs of the local community. Such schemes would be subject to the financial arrangements outlined in paragraph 5.7. In the

exceptional circumstances where on-site provision is not considered appropriate and off-site units cannot be delivered as an alternative site is not available, the Council will consider accepting an affordable housing contribution payment in lieu of on-site affordable housing provision. See Section 4 B.1 for information on the methodology for calculating this financial contribution and Appendix 3 for example calculations.

5.11 It is recognised that some specialist housing schemes such as Sheltered Housing may be challenging to deliver and any affordable housing contribution would be subject to viability. Should it be necessary the Council will commission an independent viability assessment, the cost of which will be borne by the developer. All viability assessments will be published in the public domain.

5.12 There are a number of people living in the County Council area that have specific housing requirements as a result of learning/physical disabilities and/or medical conditions. In certain circumstances, where particular housing needs cannot be met through use of existing affordable housing stock, new purpose built special needs units may be required. Where there is evidence of need, and it is considered appropriate by the Council, special needs housing may be provided as part of the affordable housing contribution through the involvement of a RSL to ensure that these units remain affordable in perpetuity.

5.13 It is recognised that the development costs of providing specific needs affordable housing may be higher than general needs affordable housing and therefore it may be acceptable for a lower proportion of affordable units to be provided, subject to an assessment of viability, or the provision of grant to meet those additional costs.

5.14 Affordable housing delivered under Policy SAH11

5.14.1 Affordable housing delivered under Policy SAH11 will be a mix of social rented units and intermediate housing depending on the local need identified by the Council. All units for social rent will be constructed to Welsh Government Development Quality Requirements, which includes Lifetime Homes. Intermediate housing will be constructed to a standard agreed by the Council and their RSL partners.

5.14.2 Affordable housing delivered under Policy SAH11 will be transferred to the Council's preferred RSL at 38% of Welsh Government ACG for social rented units, 50% of ACG for low cost home ownership units and 60% of ACG for intermediate rent units.

5.15 Service Charge and Ground Rents

5.15.1 Rents or purchase price are usually seen as the main measures of affordability, but the whole cost of occupation could be significantly higher where service charges and/or ground rents are also payable, for example in a block of apartments. Where there are to be service charges and/or ground

rent then these should also be set at an affordable level if properties are to be classed as affordable. If at the time of determining a planning application the level of service charge or ground rent is not known, an appropriate condition or section 106 agreement clause will be applied.

5.15.2 Where a developer intends to appoint a management company who will be responsible for the maintenance of open spaces, landscaping and/or unadopted highways, which will be paid for through a charge collected from residents, this charge will not be payable in relation to any of the affordable housing units (irrespective of affordable tenure), either by the nominated RSL or the subsequent occupants of the affordable homes.

5.16 There are currently three Registered Social Landlords zoned by the Welsh Government to operate within Monmouthshire. These are:

Melin Homes
Monmouthshire Housing Association
The Pobl Group

It should be noted that whilst these are the current zoned RSL partners in Monmouthshire, changing circumstances might result in the Council fostering different partnership links in the future and seeking approval from Welsh Government.

6. THE PLANNING APPLICATION AND SECTION 106 PROCESS

6.1 Type of Planning Application

6.1.1 Where new or additional housing is to be provided as part of a planning application on sites where the policy threshold has been exceeded affordable housing will be sought in accord with Adopted LDP Policy S4. This would apply to the following types of planning applications:

- All outline or full applications (including change of use applications, other than those exceptions listed in Section 4 i.e. single barn conversions, commercial conversions for 1 to 4 dwellings and conversions of listed buildings to provide 1- 4 dwellings)
- All renewal applications, including where there has been no previous affordable housing obligation

6.1.2 Affordable housing will be required on sites falling below the threshold if the Council considers that there has been a deliberate attempt to subdivide the site or phase the total development in an attempt to avoid the threshold. This includes conversions in barn complexes.

6.2 Negotiation and Application Process

6.2.1 The provision of affordable housing is just one of a number of issues that need to be taken into account in applications for residential development. Discussion and detailed negotiations will also need to cover such matters as design, layout, density, landscape, open space and recreation provision, education, access and other financial contributions that may be needed. Developers should refer to other LDP policies and SPG in this respect.

6.2.2 In implementing the affordable housing policies of the adopted development plan, the Council will seek to ensure that there is close consultation between planning, housing and legal officers concerned with the operation of these policies, as well as other external agencies, including developers and RSLs. In order to ensure that negotiations on affordable housing provision are conducted as effectively as possible, the Council will expect all parties involved to follow the procedures outlined:

Pre Application Discussions

With Planning and Housing Officers to establish the element of affordable housing required. There is a formal pre-application service which is available at a cost and which can include other Council officers from sections such as Highways and Biodiversity, dependent on the level of service required. More information is available on the Council's website using the following link: <https://www.monmouthshire.gov.uk/planning/pre-application-advice-service/>



Submission of Planning Application

The proposal should contain an element of affordable housing which meets the housing needs identified by Housing Officers, clearly identifying how the affordable housing requirements are proposed to be met, including the appropriate mix, number, type and locations of dwellings. *(It is recognised that this information might not be readily available if the application is in outline.)*



Further Detailed Negotiations where necessary

Planning Department in consultation with the Housing Department consider the local need for affordable housing (quantity and type).

Effective and early partnership between developer, RSL and the Council is critical.

The Officer report will require information on the mechanisms for providing affordable housing. This should include that the developer build and transfer to a RSL, which is the Council's preference. In order to transfer to a RSL detailed plans of dwellings would need to be confirmed as meeting their requirements.



Consideration by Council's Delegation Panel/Planning Committee as appropriate



If recommendation to approve is accepted, the Council resolve to grant planning permission subject to planning conditions and the signing of a Section 106 Agreement, including an agreed Affordable Housing Scheme.

Council's Solicitor prepares Section 106 Agreement with Developer, in consultation with RSL where necessary. Legal agreement signed by all parties.



Council issues decision on planning application.

6.3 Section 106 Agreements

6.3.1 The precise form of Section 106 Agreement will depend on the circumstances of individual cases including the ownership of the site and the terms of any obligation or agreement between the owner and a RSL. However, Section 106 legal agreements will normally include clauses setting out requirements with regard to the following issues:

- The mix of affordable housing types, sizes sought as part of the development
- The location and distribution of affordable housing within the development site
- The minimum design standards required for the affordable housing units
- The timing of the construction and occupation of the affordable housing in relation to the development of the whole site, including appropriate restrictions on general market housing occupation
- The price, timing and conditions for the transfer of the land or affordable housing to a RSL
- The arrangements regarding the future affordability, management and ownership of the affordable housing
- With outline applications (where the proposed number of dwellings is not known, but where there is a likelihood that the site threshold will be exceeded) the Agreement will ensure that the appropriate proportion of new housing will be affordable.

6.3.2 It will be necessary for the Section 106 Agreement to include appropriate long-term occupancy arrangements. The Council will require full nomination rights, which will be exercised according to the Council's allocations policy as current at the time. The key requirement is that any housing that is provided as affordable should remain in the affordable housing stock each time there is a change of occupant.

6.3.3 The flowchart set out above is unlikely to be applicable to small scale developments that fall below the affordable housing thresholds set out in Policy S4 and that, therefore, require a financial contribution. A standard Section 106 agreement has been prepared for such circumstances to ensure that there is no undue delay in the determination of the application (Appendix 2). A unilateral undertaking may also be an option if only a monetary contribution is required. This is a simplified version of a planning agreement, which is relatively quick and straightforward to complete, and is entered into by the landowner and any other party with a legal interest in the development site.

7. MONITORING AND TARGETS

7.1 As referred to in Section 3 above, the affordable housing target for the Monmouthshire LDP is 960 affordable dwellings over the plan period 2011-2021. This was based on the findings of a 2010 Update to the LHMA carried out in 2006.

7.2 The LDP estimated that the potential affordable housing provision if all sites achieve their maximum requirement is as follows:

• 35% on new sites in Main Towns and Rural Secondary Settlements	446
• 25% on new sites in Severnside settlements	242
• 60% on rural housing allocations in Main Villages	120
• 20% on large site windfalls	68
• 20% on current commitments	108
• Completions 2011 – 2013	127
• Small site windfalls	74
Total	1,185

7.3 The period for this estimate had a base date of 1 April 2013. Table 1 below shows the total dwelling completions and total affordable housing completions from this base date

Table 1 – Housing Completions since 1 April 2013

Year	Total Completions	Affordable Housing Completions
2013/14	230	36
2014/15	205	17
2015/16	234	63
2016/17	238	47
2017/18	279	84
2018/19	443	131

Source: Monmouthshire County Council Joint Housing Land Availability Studies 2013 - 2019

7.4 The Council is required to produce an Annual Monitoring Report (AMR) for the LDP that has to be published every October for the preceding financial year. The LDP monitoring framework includes a number of indicators relating to affordable housing. The AMRs are available to view on the Council's website.

Contacts

Monmouthshire County Council:

For affordable housing **planning policy** general enquiries please contact:

Planning Policy Section

Planning Policy Manager, County Hall, Rhadyr, Usk, Monmouthshire,
NP15 1GA

Tel: 01633 644827.

Email: planningpolicy@monmouthshire.gov.uk

Housing & Communities

Strategy & Policy Officer, Housing & Communities, County Hall, Rhadyr, Usk,
Monmouthshire,

NP15 1GATel: 01633 644474

E Mail: louisescorbett@monmouthshire.gov.uk

Potential developers should contact the Development Management Section:

Development Management Section

Development Services Manager, County Hall, Rhadyr, Usk, Monmouthshire,
NP15 1GA

Tel: 01633 644800. Email: planning@monmouthshire.gov.uk

Registered Social Landlords:

Melin Homes

Ty'r Efail, Lower Mill Field, Pontypool, Torfaen. NP4 0XJ

Tel: 08453 101102.

Email: peter.davies@melinhomes.co.uk

Monmouthshire Housing Association

Nant-Y-Pia House, Mamhilad Technology Park, Mamhilad, Monmouthshire,
NP4 0JJ

Telephone: 01495 761112

Email: karen.tarbox@monmouthshirehousing.co.uk

The Pobl Group

Exchange House, The Old Post Office, High Street, Newport, NP20 1AA

Tel: 01633 679911

Email: neil.barber@poblgroup.co.uk

David James

Rural Housing Enabler Monmouthshire

C/o Monmouthshire Housing Association, Nant-Y-Pia House, Mamhilad Technology
Park, Mamhilad, Monmouthshire, NP4 0JJ

Tel: 07736 098103

Email: david.james@rhe-monandpowys.co.uk

APPENDIX 1

ACG Floor Areas

APPENDIX 2

Draft Standard Section 106 Agreement for Affordable Housing Financial Contributions - Will be available in final version of SPG

APPENDIX 3

HOW TO CALCULATE FINANCIAL CONTRIBUTIONS FOR AFFORDABLE HOUSING

The required Commuted Sum (CS) Rate financial contribution is calculated by using the rates below for each area of Monmouthshire and the internal floor space of the dwelling(s) in m². It should be noted that integral garages, as part of any scheme, would be counted within the internal space. The figure of 58% is the proportion that the landowner/developer would fund were the units to be delivered on site.

Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%

Commuted Sum Rates

Severnside	-	£80/m ²
Monmouth	-	£100/m ²
Abergavenny	-	£120/m ²
Chepstow	-	£120/m ²
Rural	-	£120/m ²

The figure of 58% in the examples below is the amount that the landowner/developer would fund were the units to be delivered on site. The Registered Social Landlord (Housing Association) would fund the remaining 42%.

EXAMPLES OF AFFORDABLE HOUSING CONTRIBUTIONS

Example 1

Dwelling measuring 98m² in a rural area:

$$(\text{£}120/\text{m}^2 \times 98\text{m}^2) \times 58\% = \text{£}6,821$$

Example 2

Two dwellings (one at 98m² and one at 110m²) in Chepstow:

$$(98\text{m}^2 + 110\text{m}^2 = 208\text{m}^2)$$

$$(\text{£}120/\text{m}^2 \times 208\text{m}^2) \times 58\% = \text{£}14,476$$

Example 3

Three dwellings (one at 78m², one at 83m² and one at 94m²) in Monmouth:

$$(78\text{m}^2 + 83\text{m}^2 + 94\text{m}^2 = 255\text{m}^2)$$

$$(\text{£}100/\text{m}^2 \times 255\text{m}^2) \times 58\% = \text{£}14,790$$

APPENDIX 4
Checklist for Assessing Affordable Housing Requirements

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<p>Name of the Officer completing the evaluation Mark Hand</p> <p>Phone no: 01633 644803 E-mail: markhand@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>The Local Development Plan (LDP), adopted on 27 February 2014, sets out the Council's vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over the ten year period to 2021. Supplementary Planning Guidance (SPG) sets out detailed guidance on the way in which the policies of the LDP will be interpreted and implemented. The Affordable Housing SPG, adopted in March 2016, was prepared to provide further clarification on the interpretation and implementation of the LDP's affordable housing policies. However, since the SPG was adopted a number of issues have arisen in relation to the viability of affordable housing provision on certain types of development sites which has triggered the need to update the SPG. The SPG has, therefore, been amended to take account of updated evidence and to provide clarity on key elements of the SPG as set out in revised draft SPG. This revised draft SPG has since been issued for consultation purposes.</p>
<p>Name of Service area</p> <p>Planning (Planning Policy) and Housing</p>	<p>Date</p> <p>20/06/2019</p>

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

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	The revised Affordable Housing SPG should bring positive benefits to Monmouthshire's residents of all ages, particularly through increasing the supply of affordable housing in the County. Affordable housing makes an important contribution to the sustainability of our towns and villages by providing homes that local people on low incomes can afford to live in. It also a means of providing low cost homes for first time buyers. A commuted sum also has the potential to bring forward additional units of housing to meet the specific housing needs of vulnerable groups.	None	Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented.
Disability	The revised Affordable Housing SPG should bring positive benefits to Monmouthshire's residents, reflecting the need to ensure the provision of a wide-ranging choice of homes including meeting affordable and accessible housing needs as far as possible. Affordable housing makes an important contribution to the sustainability of our towns and villages by providing homes that local people on low incomes can afford to live in. It also a means of providing low cost homes for first time buyers. A commuted sum also has the potential to bring forward additional units of housing to meet the specific housing needs of vulnerable groups.	None	Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented.
Gender reassignment	None	None	N/A

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Marriage or civil partnership	None	None	N/A
Pregnancy or maternity	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
Poverty	None	None	N/A

2. 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. There's no need to put something in every box if it is not relevant!

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive: Promoting affordable housing assists in achieving overall prosperity of communities and their residents. The revised SPG seeks to maximise affordable housing provision via a pragmatic and evidenced approach. Affordable housing provision is essential in enabling sustainable resilient communities.</p> <p>Negative: None. The SPG has been amended to take account of updated evidence which will ensure that the viability of development is not adversely affected.</p>	<p>Better contribute to positive impacts: Ensure that guidance, as set out in the revised SPG, is accurately interpreted and implemented.</p>
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>Positive: Potential for proposals to conserve and enhance existing ecological networks/ landscape in accordance with LDP policy framework.</p> <p>Negative: Development may be located in main and minor villages where there is limited public transport and likely reliance on the use of the private car. The car usage likely to result from small scale development in rural areas is considered to be justified because it is likely to be minimal and the addition of new affordable housing makes a contribution to meeting housing needs.</p>	<p>Mitigate Negative Impacts: Ensure that biodiversity, landscape interests etc. are appropriately considered in assessing any planning application and that good standards of design, landscaping etc. are achieved.</p>
<p>A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p>Positive: The provision of appropriate affordable housing development can assist in promoting good health, independence and well-being and in bringing forward additional units of housing to meet the specific housing needs of vulnerable groups</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented.</p>

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A Wales of cohesive communities Communities are attractive, viable, safe and well connected</p>	<p>Positive:. Affordable housing makes an important contribution to the sustainability and cohesiveness of our towns and villages by providing homes that local people on low incomes can afford to live in.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented.</p>
<p>A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p>Positive: The revised SPG supports the implementation of affordable housing policies of the LDP, which has been subject to a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) to ensure that social, economic and environmental objectives are met, thereby contributing to sustainable development and global well-being.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented which will include consideration of social, economic and environmental wellbeing.</p>
<p>A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation</p>	<p>Positive: The revised SPG has a positive general impact on culture, heritage and language. In general terms affordable housing makes an important contribution to the sustainability and cohesiveness of our towns and villages by providing homes that local people on low incomes can afford to live in.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented.</p>
<p>A more equal Wales People can fulfil their potential no matter what their background or circumstances</p>	<p>Positive: The revised SPG should bring positive benefits to Monmouthshire's residents by opening up opportunities for appropriate affordable housing developments where they comply with the LDP policy framework. Affordable housing makes an important contribution to the sustainability of our towns and villages by providing homes that local people on low incomes can afford to live in. It also a means of providing low cost homes for first time buyers. A</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented.</p>

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>commuted sum also has the potential to bring forward additional units of housing to meet the specific housing needs of vulnerable groups. Housing policies, as with all LDP policies, have been subject to a Sustainability Appraisal that measures their performance against sustainability objectives, including equality measures.</p> <p>Negative: None.</p>	

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

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Balancing short term need with long term and planning for the future</p>	<p>The LDP covers the period 2011-21. The revised SPG supports the implementation of the LDP. By its nature, therefore, it cannot look beyond this period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations.</p> <p>The LDP housing policy framework seeks to balance the short term need for housing development and viability issues with the longer term need to create balanced and sustainable communities. Affordable housing makes an important contribution to the sustainability of our towns and villages by providing homes that local people on low incomes can afford to live in. It also a means of providing low cost homes for first time buyers. A commuted sum also has the potential to bring forward additional units of housing to meet the specific housing needs of vulnerable groups.</p>	<p>Ensure that the relevant guidance, as set out in the revised SPG, is accurately interpreted and implemented.</p> <p>The LDP and its policies have been subject to SA/SEA. The replacement LDP will be subject to SA/SEA.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance including affordable housing policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will help inform the evidence base for the replacement LDP.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Working together with other partners to deliver objectives</p> <p>Collaboration</p>	<p>The revised SPG has been produced in liaison with the Council’s Housing Strategy Officers following discussions regarding planning applications for affordable housing development. It has been subject to further internal consultation and external consultation. Public consultation was targeted to those who were considered to have a specific interest in the topic but also including all town and community councils. The consultation was also publicised via our Twitter account @MCCPlanning, as well as the corporate Monmouthshire Twitter account.</p>	<p>The revised SPG supports LDP affordable housing policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance, including affordable housing policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP. The Replacement LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.</p>
 <p>Involving those with an interest and seeking their views</p> <p>Involvement</p>	<p>The revised SPG has been produced in liaison with the Council’s Housing Strategy Officers following discussions regarding planning applications for affordable housing development. It has been subject to further internal consultation and external consultation. Public consultation was targeted to those who were considered to have a specific interest in the topic but also including all town and community councils. The consultation was also publicised via our Twitter account @MCCPlanning, as well as the corporate Monmouthshire Twitter account.</p>	<p>The revised SPG supports LDP affordable housing policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance, including affordable housing policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP. The replacement LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p data-bbox="152 608 293 635">Prevention</p> <p data-bbox="344 368 506 667">Putting resources into preventing problems occurring or getting worse</p>	<p data-bbox="546 256 1326 523">The requirement for revising the Affordable Housing SPG has arisen from the viability evidence on small-scale development sites which has demonstrated that affordable housing provision is not viable on certain types of development sites. The Council seeks to support and adopt a positive approach to appropriate affordable housing development and appropriate financial contributions where it is not possible to negotiate affordable housing units on site.</p> <p data-bbox="546 555 1326 778">The SPG has been amended to take account of updated evidence and to provide clarity on key elements of the SPG. It is considered that the revised SPG will provide further clarity to all stakeholders and importantly maximise affordable housing provision via a pragmatic and evidenced approach.</p>	<p data-bbox="1352 256 2096 384">The future adoption and implementation of this revised SPG will support appropriate affordable housing development where it accords with the LDP policy framework.</p>
 <p data-bbox="152 1086 293 1114">Integration</p> <p data-bbox="344 847 517 1114">Considering impact on all wellbeing goals together and on other bodies</p>	<p data-bbox="546 818 1326 914">The revised 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 data-bbox="1352 818 2096 1050">The AMRs will examine the impacts of the LDP over the longer term and evidence the emergence of any trends at different spatial scales. Delivering sustainable development (social, economic and environmental) is central to the LDP. Continue to monitor indicators, including housing policy indicators and targets, to inform future AMRs.</p> <p data-bbox="1352 1082 2096 1177">The replacement LDP will be subject to a SA/SEA that balances the impacts on social, economic and environment factors.</p>

4. Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Social Justice, Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?

	Describe any positive impacts your proposal has	Describe any negative impacts your proposal has	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Social Justice	None	None	N/A
Safeguarding	None	None	N/A
Corporate Parenting	None	None	N/A

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

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- Monmouthshire Local Development Plan (2011-2021).
- Adopted Affordable Housing Supplementary Planning Guidance (2016)
- Viability Appraisals on small sites within the County
- Local Housing Market Assessment (September 2018)

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?

Positive: The revised SPG continues to support the provision of affordable housing in Main Towns, Severnside Settlements, Rural Secondary Settlements, Main and Minor Villages, subject to compliance with the LDP policy framework. Affordable housing makes an important contribution to the sustainability of our towns and villages by providing homes that local people on low incomes can afford to live in. It also a means of providing low cost homes for first time buyers. A commuted sum also has the potential to bring forward additional units of housing to meet the specific housing needs of vulnerable groups. The provision of

affordable housing will generate positive impacts on the local economy which is essential to the well-being of local communities and residents throughout Monmouthshire.

Future: Ensure that LDP’s affordable housing policies are accurately interpreted and implemented fully through use of this revised SPG. The effectiveness of the affordable housing policies will be monitored on an annual basis in the LDP AMR.

Negative: Potential for some negative sustainability impacts where affordable housing development is located in main and minor villages where there is limited public transport and subsequent reliance on the private car, resulting in increased car use in these areas, albeit that this is likely to be minimal given the nature of small scale affordable housing development in rural areas. Therefore, the scope for such negative impacts is limited and will be carefully considered against the LDP policy framework.

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

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
Seek Planning Committee endorsement of the revised SPG with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP.	Subsequent to this, adopt the revised SPG following endorsement by Planning Committee and Cabinet	Head of Planning, Housing and Place-shaping

8. VERSION CONTROL: The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision making process. It is important to keep a record of this process to demonstrate how you have considered and built in equality and future generations considerations wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1.0	Planning Committee	02/04/2019	n/a
1.1	Individual Cabinet Member	10/04/2019	n/a
1.2	Adults Select Committee	30/04/2019	Report updated to reflect comments received at Select Committee and outcomes of community engagement undertaken.
1.3	Planning Committee	02/07/2019	As above

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 01/05/19

gan Janine Townsley LLB(Hons)
Cyfreithiwr (Nad yw'n ymarfer)

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19/ 06/ 2019

Appeal Decision

Site visit made on 01/05/19

by Janine Townsley LLB(Hons) Solicitor
(Non-practising)

an Inspector appointed by the Welsh Ministers

Date: 19/ 06 /2019

Appeal Ref: APP/E6840/A/19/3224618

Site address: 72 The Close, Portskewett, Caldicot, NP26 5SN.

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Ms Emma Reid against Monmouthshire County Council.
- The application Ref DM/2018/01784, is dated 25 October 2018.
- The development proposed is building 2 x new 2 bed semi detached houses in the garden of 72 The Close Portskewett.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal results from the Council's failure to determine the planning application within the statutory period. Although there has been no formal decision from the Council, it has considered the proposals and indicated that had it been in a position to determine the application, it would have refused permission. The Council is concerned that the proposed development would have a harmful impact on the character and appearance of the area due particularly to the size of the proposed dwellings in relation to the size of the site frontage and the details of the design, and it is also stated that the proposal fails to accord with local policy since the application was not accompanied by a legal agreement relating to a financial contribution towards affordable housing.
3. The proposal is for a pair of semi-detached dwellings to be constructed within the garden area of No. 72 The Close. The garden area of No. 72 (the appeal site) is to the side of the existing dwelling and as such has a frontage onto The Close. The proposal would effectively take up the private amenity space of No. 72, however the plans show the garden spaces of No.'s 70 and 71 would be re-aligned in order to provide amenity space for all five properties. Therefore, whilst the application refers to No. 72, the proposal would also include boundary changes to No.'s 70, 71 and 72.

Main Issues

4. Taking into account paragraph 2 above, the main issues in this appeal are; the effect of the development on the character and appearance of the area and whether the proposal complies with local policy related to affordable housing financial contributions.

Reasons

5. The site is an irregular shaped parcel of land with a road frontage of approximately 14.4m which falls within a predominantly residential area in the settlement of Portskewett. The site falls between No. 72 The Close and a vehicular access lane.

Character and Appearance

6. The character of the area is informed by the surrounding dwellings. These are a mix of architectural styles and sizes such that there is no prevailing pattern of development in the area. Whilst there is more uniformity to the south-west of the site, with the semi-detached dwellings along The Close, the immediate area departs from this uniformity with a cluster of dwellings including the site and No.'s 70-72 with higher density development, some within irregular shaped plots, sited around a green area. Similarly, to the north-east along Manor Way, there are a variety of detached and semi-detached dwellings of varying style, height and separation distances and no consistent building line.
7. The plans show a pair of semi-detached, two and a half storey dwellings. The dwellings would be positioned within 1 metre of the boundary with No. 72 The Close, and would be set back approximately 4 metres behind the building line of No.'s 70 and 72 The Close to provide car parking.
8. The plans show that the appeal dwellings would fill most of the site frontage, and particularly, would be in close proximity to No. 72 since the side elevation of the proposed development would be close to or upon the common boundary with No. 72. The side elevation of No. 72 is also close to the common boundary, and this would result in the appearance of a continuous line of development with a consequential increase in massing. This would mean that the appeal site frontage would appear overdeveloped. For these reasons, the development would fail to respect the scale and massing of other buildings at this location contrary to policy DES1 of the Monmouthshire County Council Local Development Plan (2011-2021) ("LDP").
9. Turning then to the design details, the solid to void ratio of the proposed fenestration would not align with that of the adjacent dwellings. This would result in an inconsistent and uncomfortable relationship between the existing and proposed dwellings due to this divergence of design at close proximity.
10. In relation to the roof design, from my observations, whilst the dwellings to the south-west of the site along The Close typically have hipped roofs, there is less consistency of style elsewhere in the surrounding area. Thus whilst the proposal is not for a hipped roof, this alone does not result in a departure from any particular local style. The ridge height of the appeal proposal is similar to the adjacent dwelling despite them being taller, this is due to the change in ground levels between the appeal dwellings and No.'s 70-72. Whilst the ridge line would be similar, the eaves height would be lower and the additional roof space would be used for living accommodation. This means that the roof design of the proposal would look significantly different to the adjacent dwellings. Whilst this may not in itself be visually unacceptable given the variety of roof designs in the area, it is the proximity of the proposed to No. 72 that

would result in visual jarring between the two roof designs leading to a harmful visual impact which fails to represent good design. Furthermore, the resultant almost continuous ridge line would add to the massing and reinforces my view that the appeal site would appear over developed.

11. The lack of discernible separation between the existing and proposed dwellings would result in all five dwellings being read together. However, the proximity of the proposed dwellings to the existing, coupled with these design differences would result in a visually cluttered and unsightly appearance. This would be detrimental to the overall appearance of development in the locality. Accordingly, the development fails to comply with Policy DES1 of the LDP which requires that all development should be of a high quality sustainable design and respect the local character.

Affordable Housing Contributions

12. The Council has confirmed that the appeal site falls within the Severnside area where Policy S4 of the LDP provides that on sites which fall below the threshold of 5 dwellings, a financial contribution towards the provision of affordable housing in the local planning authority area should be secured. I note that the Council's Affordable Housing Officer has calculated that a commuted sum contribution of £19,964 should be made in respect of the appeal proposal. This payment should be secured by means of a legal agreement. No such legal agreement has been provided, nor have I seen any representations from the appellant which would explain this omission. Accordingly, the appeal conflicts with policy S4 of the Monmouthshire County Council Local Development Plan.

Conclusion

13. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.
14. For the aforementioned reasons, and taking into account all matters raised, I conclude the appeal should be dismissed.

Janine Townsley

Inspector

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Julie James AC/AM
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government

Llywodraeth Cymru
Welsh Government

Eich cyf/ Your ref: 1162.08.GF
Ein cyf/ Our ref: qA1382743

Mr Graham Frecknall
Graham Frecknall Architecture and Design
9 Agincourt Street
Monmouth
Monmouthshire
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6 June 2019

Dear Mr Frecknall

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
CONVERSION OF PRE-1700 BUILDING INTO 19 APARTMENTS, DEMOLITION OF
POST 1900 STRUCTURES AND BUILDING OF 31 NEW APARTMENTS AND
GATEHOUSE AT TROY HOUSE, MITCHEL TROY, MONMOUTH, NP25 4HX
PLANNING APPLICATION NO: DC/2008/00723
FILE REF: APP/E6840/V/18/3205588**

1. Consideration has been given to the report of the Inspector, Kay Sheffield BA (Hons) DipTP MRTPI, who held a Hearing on 22 January 2019 in respect of your client's planning application, Local Planning Authority reference: DC/2008/00723.
2. On 14 June 2018, in accordance with Section 77 of the Town and Country Planning Act 1990 ("the 1990 Act"), the planning application was called in for decision by the Welsh Ministers. Under the provisions of the Government of Wales Act 2006, the power to determine applications under Section 77 of the 1990 Act has been transferred to the Welsh Ministers. These functions are within the portfolio of the Minister for Housing and Local Government and have been exercised by me as Minister.
3. In exercising their functions as part of carrying out Sustainable Development in accordance with the Well-Being of Future Generations (Wales) Act 2015 ("the WFG Act"), section 2 of the Planning (Wales) Act 2015 requires the Welsh Ministers, as a public body, to ensure the development and use of land contributes towards improving the economic, social, environmental and cultural well-being of Wales. In

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

order to act in this manner, the Welsh Ministers have taken into account the ways of working set out in section 4 of 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance' on the WFG Act through examination of the appeal by way of a Hearing in accordance with the Town and Country Planning (Hearings Procedure) (Wales) Rules 2003.

4. The Inspector held a Hearing on 22 January 2019 and a site visit was carried out on the same date. The Inspector recommends planning permission be refused. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

Main Considerations

5. In the Inspector's view, the main considerations in this appeal are (IR88):
 - whether the location of the proposed development would be appropriate having regard to flooding;
 - whether the location of the proposed development would be appropriate having regard to the open countryside; and
 - whether any harm in these respects would be outweighed by the long-term preservation of the Grade II* listed building.

Flood Risk

6. The Inspector outlines the relevant local and national planning policy framework and notes specific guidance is provided in Technical Advice Note 15, "Development and Flood Risk" (TAN 15). TAN 15 defines all residential premises as highly vulnerable development. The framework guiding planning decisions is precautionary and its first preference is to direct new development away from areas at high risk from flooding. The Inspector notes that highly vulnerable development should not be permitted in flood zone C2. There is no provision in TAN 15 whereby this unequivocal position can be offset by mitigation or the benefits which might accrue from a development (IR91).
7. Consequently, the Inspector states, as the proposed development is classed as highly vulnerable and would be located within flood zone C2, consideration of the scheme should end here. However, neither the Council nor Natural Resources Wales (NRW) has taken this approach. Instead they both pursue the course of justification and mitigation (IR92).
8. The Inspector considers the justification tests in TAN 15 (IR 93 – 97) and concludes the location of the proposed development within flood zone C has not been justified.
9. However, I consider applying the justification tests in paragraph 6.2 of TAN 15 is not required in the determination of this appeal. As the Inspector notes, "as the proposed development is classed as highly vulnerable and would be located within flood zone C2, consideration of the scheme should end here" (IR 92). The development comprises highly vulnerable development as defined by TAN 15 and is located in Zone C2 on the Development Advice Map which supplements TAN 15. Therefore, in accordance with PPW and TAN 15, the development should not be permitted. The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2.

10. The Inspector accepts that the previous school use also constitutes a highly vulnerable development. However, that use started in the early 1990's and although such a use could be re-commenced, the Inspector notes the application has to be determined in the light of current planning policy and guidance (IR98).
11. Based on the evidence, the Inspector concludes that the proposed location of a highly vulnerable development in flood zone C2 would be contrary to PPW, TAN 15 and Policies S12 and SD3 of the Monmouthshire Council Local Development Plan (LDP) (IR99). I agree with the Inspector's conclusion on this issue.

Development in the Open Countryside

12. The proposed conversion of Troy House into apartments is supported by Policy H4 of the LDP provided certain criteria are met. The Inspector is of the view that there is no dispute the scheme would respect the character and design of the building and be in scale and sympathy with the surrounding landscape. The building has previously been in residential use and it is eminently suitable for conversion into apartments. Although the implementation of the conversion would involve significant work, the Inspector considers the scheme would provide adequate living space within the structure without the need for substantial reconstruction (IR101).
13. Limited consideration has been given to alternative uses for the site other than residential and the Inspector acknowledges less vulnerable developments may not be appropriate in this location or could harm the historic asset. Furthermore, she states that to return the listed building to beneficial use would require substantial funds which are more likely to be forthcoming from a residential rather than a business use. On balance, the Inspector is satisfied the proposed conversion of Troy House would accord with Policy H4 of the LDP (IR102).
14. Nevertheless, the Inspector states the proposal is reliant on a significant amount of new build on a site which lies within open countryside. There is a presumption in national and local planning policy against new development in the open countryside except in certain circumstances, none of which apply to the development proposed. The Inspector concludes there is no dispute the development would be contrary to PPW and Policy LC1 of the LDP (IR103).

Preservation of the Listed Building

15. The Inspector recognises that Troy House is an important listed building. Due to its composition and extraordinary retention of historic fabric, the house is architecturally important. It is also historically important because of its association with the Beaufort family. The Inspector considers the building has significant evidential, aesthetic and historical value (IR104).
16. The Inspector notes that Troy House is deteriorating. As a result, the building is classed as 'At Risk' with an elevated chance of decline (IR105).
17. The Inspector states the primary consideration for any development affecting a listed building or its setting is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. The Inspector is of the view that the architectural and historical importance of Troy House justifies an overriding need to save the building. The main objective of the application is to facilitate a new use in order to secure a sustainable future for the heritage asset and ensure its future

preservation. If no action is taken the asset will continue to deteriorate and potentially be lost (IR106).

18. The Inspector accepts that whilst in preserving a listed building the reinstatement of its original use should generally be the first option, in this instance Troy House is too large and the works required to restore it would be financially prohibitive. To return the property to its original use as a single residential dwelling is not a viable option. The Inspector is of the view that to secure the survival of Troy House and provide a sound economic future it is therefore necessary and appropriate to adopt a flexible approach when considering a new use. As evidenced by the viability report enabling development is required to fund the work necessary to restore Troy House and effectively sustain it into the future (IR107).
19. The Inspector states there is no dispute that the proposed development meets the definition of enabling development. However, for it to be appropriate, the public benefit of rescuing, enhancing or even endowing an important heritage asset must decisively outweigh the harm to other material interests. The Inspector is of the view that to ascertain if the enabling development would be acceptable regard has to be given to the tests in the Conservation Principles (IR108). The tests, as noted in PPW, are set out in the Cadw guidance, "Conservation Principles for the sustainable management of the historic environment in Wales".
20. The Inspector accepts that the proposed development would not materially harm the heritage values of the listed building. She considers that it would be a sympathetic use which would resolve the problems arising from the inherent needs of the listed building and secure its long-term future. Overall the Inspector considers the development would secure the restoration of an important historic asset which is capable of restoration and which would be beneficial to the asset and would fulfil the policy objective of preserving its special character. However, the Inspector notes this could only be achieved through significant funding which would not be available from public sources. Furthermore, a substantial income would be required to achieve a sustainable long-term future use (IR109).
21. The Inspector states that the viability report is several years old and has not been updated to reflect the present economic situation. She considers the report would need to be the subject of on-going review as more information becomes available, as the market place changes and as costs become better defined. It is therefore understandable that in recognising the extreme sensitivity of the proposals, the report concluded that to secure a viable option a larger scheme comparable to the current proposals would be required (IR110).
22. The Inspector acknowledges that there is no certainty regarding the scale of the development required to ensure the restoration of the listed building would be financially viable. There is also a distinct possibility that the scheme would need to be amended in the light of updated costings. The Inspector states for the purposes of this application a development of the scale proposed would be the minimum necessary to secure the restoration of the listed building (IR111).
23. The final test is whether the public benefit of securing the future of the historic asset through the enabling development decisively outweighs the disbenefits of breaching other public policies. The Inspector is highly aware of the condition of the building and the need to secure an alternative viable use if it is to be saved, however, the statutory requirement to have special regard to the desirability of preserving the building must be balanced against the disbenefits of breaching national and local policies in respect of flooding and development in the open countryside. Furthermore,

it is an expectation of PPW that enabling development should not give rise to significant risks, for example residential development in the floodplain. Given the Inspector's conclusions in respect of flooding and development in the open countryside she does not consider these tests are met (IR112).

24. The Inspector is aware the Council has approved an urgent works notice and work is ongoing with the owner of the building with a view to serving formal notices if necessary. She states that although to proceed along this route may secure the urgent works required to halt or slow down the deterioration of the building, it may not result in the positive action required to ensure it is restored, in line with the Welsh Government's objective to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations (IR113).
25. The Inspector states both Cadw and Glamorgan Gwent Archaeological Trust (GGAT) concluded the proposal would be likely to cause significant harm to the registered historic garden, particularly to the north and east of the house and including potential impacts on garden archaeology. Cadw and GGAT both consider an archaeological evaluation is needed prior to the determination of the application in order to establish the extent and importance of any archaeological remains and allow an appropriate programme of mitigation for the archaeological resource (IR114-115).
26. Whilst the need for further investigation is acknowledged by the Council, it does not consider it necessary for such works to be undertaken prior to the determination of the application. This may be appropriate when there is a chance that unforeseen remains might be discovered during a development. However, in the current circumstances where the potential for archaeological remains has been accepted, the Inspector does not consider this course of action would be appropriate (IR116).
27. The Inspector is not satisfied the information submitted is sufficient to fully assess the presence or otherwise of any significant archaeological remains. She considers that further archaeological evaluation is required which would enable a mitigation strategy appropriate to the significance of any archaeological assets identified to be evolved and any implications it may have for the design of the scheme to be addressed. The Inspector recognises that in the light of further investigation there is the potential that amendments may be required which could have significant implications for the financial viability of the scheme. She is of the view this is a further reason why the matter should be resolved prior to the determination of the application (IR117).
28. The Inspector acknowledges that in cases involving less significant archaeological remains it is necessary to weigh the relative importance of the archaeological remains and their settings against other factors, including the needs of the development. She accepts that the walled gardens may be of greater archaeological importance than the garden terraces affected by the proposals. However, the gardens are an integral part of Troy House and any archaeological remains could be equally important to its status as a listed building. It is acknowledged the survival of Troy House is in the balance. Nevertheless, the Inspector is not satisfied that sufficient information has been submitted to allow a full understanding of the impact of the proposals on the historic significance of the registered historic garden (IR118).

Other Material Considerations

29. In addition to the matters already addressed concerns were raised by interested parties regarding the access lane and its junction with the highway network, the effect on the economic viability of Troy farm, and water supply (IR119).

Access

30. The Inspector acknowledges that the lane is in the ownership of Troy Farm and that the occupants of Troy House only have a right of access. Whilst any improvements to the junction together with any alterations to the lane could only be carried out with the agreement of the landowners, it is a separate legal matter with no bearing on the planning application. The Inspector had no definitive evidence regarding the accuracy of the drawings or the inability of the two bridges to carry any additional traffic. Notwithstanding this, any works in this respect would form part of the carriageway construction details (IR120).
31. Concerns were raised regarding the accuracy of the Transport Statement in respect of the assessment of the likely impact of the development on traffic flows. The Inspector acknowledges that the traffic generated by the site in recent years has been significantly below the proposed use, however, the last use as a school could be re-commenced. The Inspector is therefore satisfied the Transport Assessment was correct in taking account of this use in assessing traffic flows (IR121).
32. The Inspector is satisfied that the gate across the access lane is adequate distance from the junction to give drivers enough warning that it is closed. There would also be the opportunity for drivers to pass through the gate, opening and closing it behind them. The Inspector acknowledges that whilst it may not be an ideal situation, the occupiers of Troy House have a right of access over the lane and any hindrance of that right is a legal issue separate from the planning application (IR122).

Viability of Troy Farm

33. The Inspector acknowledges that a development of the size proposed would result in a significant increase in the number of residents living near a working farm. However, she is not persuaded by the evidence this would have a significant detrimental impact on the economic viability and operational ability of Troy Farm to maintain and grow the existing farm enterprise (IR123).

Water Supply

34. Concerns were also raised in respect of water supply. The Inspector states that whilst the application form states that either a private or a mains supply is available, some residents served by the borehole have found it necessary to install mains water in order to ensure a reliable supply. The Inspector accepts the scale of the development would give rise to a significant demand for water. However, she is satisfied there is no evidence the development would be without a supply and separate legislation will demand it prior to occupation. Although further details of the proposed private plant for the disposal of foul drainage are required, the Inspector confirms there is no evidence that this method would be unacceptable (IR124).

Inspector's Overall Conclusions

35. The Inspector confirms the application site is almost entirely within flood zone C2 and the residential development proposed is classed as highly vulnerable. Although the development could be designed to satisfy section A1.14 of TAN 15, it would not completely satisfy section A1.15. Notwithstanding this, the Inspector states TAN 15 is unambiguous that highly vulnerable development should not be located within flood zone C2. Furthermore, the Inspector states policies S12 and SD3 of the LDP respectively seek to avoid inappropriate development in areas at risk of flooding and place strict control on highly vulnerable development in areas which may be liable to flooding (IR130).
36. The Inspector concludes the proposal is reliant on a significant amount of new build on a site which lies within open countryside where there is a presumption in national and local planning policy against new development except in certain circumstances, none of which apply to the development proposed (IR131).
37. Whilst the Inspector concludes the development would secure the preservation of the listed building and return it to an appropriate use, she also notes that, to do so would entail a significant amount of new build which would not meet the tests regarding enabling development. The presence of archaeological remains has not been discounted and the Inspector considers there is insufficient information to fully assess its presence or the effect of the development on it. The Inspector concludes that the proposal would therefore be likely to cause harm to the registered historic garden (IR132).
38. On balance the Inspector concludes the statutory requirement to have special regard to the desirability of preserving the listed building is outweighed by the identified harm in respect of flooding and the location of the development in the open countryside. The potential harm to the registered historic garden adds further weight against the proposal. The Inspector therefore considers that the planning application should be refused.
39. In reaching this decision the Inspector has taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. The Inspector considers the decision is in accordance with the Act's sustainable development principle, through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
40. Subject to my comments in paragraphs 6 – 39, I agree with the Inspector's conclusion's and recommendation, for the reasons given by her, to refuse planning permission.

FORMAL DECISION

41. For the reasons given, in exercise of the power referred to in paragraph 2 of this decision letter, I hereby refuse planning permission for outline planning application DC/2008/00723.
42. In reaching this decision, I have considered the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015. The decision made accords with the sustainable development principle set out in the WFG Act 2015 and the well-being objectives of the Welsh Ministers in that it contributes to the objectives

to 'drive sustainable growth and combat climate change' and 'supporting safe, cohesive and resilient communities'.

43. A copy of this letter has been sent to Monmouthshire County Council and to those persons and organisations who appeared at the Hearing.

Yours sincerely



Julie James AC/AM

Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government

Adroddiad

Gwrandawriad a gynhaliwyd ar 22/01/19

Ymweliad â safle a wnaed ar 22/01/19

**gan Kay Sheffield BA(Hons) DipTP
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08/03/2019

Report

Hearing held on 22/01/19

Site visit made on 22/01/19

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08/03/2019

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77

Application for Planning Permission

made by

Timbershore Limited

for

**The conversion of pre-1700 building into 19 apartments, demolition of
post-1900 structures and building of 31 new apartments and gatehouse**

at

Troy House, Mitchel Troy, Monmouth, Monmouthshire, NP25 4HX

Cyf ffeil/File ref: APP/E6840/V/18/3205588

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Glossary:

AONB	Area of Outstanding Natural Beauty
DAM	Development Advice Map
FCA	Flood Consequences Assessment
FFLs	Finished Floor Levels
GGAT	Glamorgan Gwent Archaeological Trust
LDP	Local Development Plan
LPA	Local Planning Authority
NRW	Natural Resources Wales
PDL	Previously Developed Land
PPW	Planning Policy Wales
SoCG	Statement of Common Ground
TAN	Technical Advice Note
UDP	Unitary Development Plan
WG	Welsh Government
WHGT	Welsh Historic Gardens Trust (Monmouthshire and Gwent Branch)
WWU	Wales & West Utilities

File Ref: APP/E6840/V/18/3205588

Site address: Troy House, Mitchel Troy, Monmouth, Monmouthshire, NP25 4HX

- The application was called in for decision by the Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers, under section 77 of the Town and Country Planning Act 1990, on 14/06/2018.
- The application is made by Timbershore Limited to Monmouthshire County Council.
- The application Ref DC/2008/00723 is dated 12/06/2008.
- The development proposed is the conversion of pre-1700 building into 19 apartments, demolition of post-1900 structures and building of 31 new apartments and gatehouse.
- The reason given for making the direction was that the application appears to be contrary to national policy relating to flood risk and the countryside and is considered to raise issues of more than local importance.
- On the information available at the time of making the direction, the following were the matters on which the Minister particularly wished to be informed for the purpose of her consideration of the application: *the relevant national and local policies as set out in Planning Policy Wales, relevant Technical Advice Notes and the Council's Local Development Plan, in particular in respect of highly vulnerable development in a C2 flood zone and allowing development in the countryside.*

Summary of Recommendation: that planning permission be refused.

Preliminary and Procedural Matters

1. Extensive pre-application discussions which centred around the need to save the Grade II* listed building took place between the parties over several years and culminated in the submission of applications for planning permission and listed building consent in 2008. Following protracted consideration of the proposal and the submission of additional information, the Council resolved in February 2018 to approve the applications. Whilst the Listed Building Consent has been issued, the size of the development and its location in flood zone C2 required the Council to notify the Welsh Government (WG) of its intentions regarding the planning application¹. The WG directed that the application would be determined by the Welsh Ministers².

2. The reasons given for the Direction are as follows:

National planning policy provides a clear policy context for development decisions in flood risk areas. It does not allow for highly vulnerable development, which includes residential dwellings, to be considered in flood zone C2. The Officer's report to the Planning Committee refers to advice provided in Technical Advice Note (TAN) 15: *Development and Flood Risk* and recognises developing residential accommodation on the site would be contrary to the advice in TAN 15. However, the report goes on to assess the application against the justification and acceptability tests set out in the TAN, which are used for assessing proposed developments for highly sensitive development in areas identified as being in flood zone C1. The acceptability tests do not apply to highly vulnerable development within flood zone C2. In this respect, the local planning authority (LPA) appears to have incorrectly assessed the application against national policy guidance.

New development in the open countryside is contrary to national planning policy, unless for a small number of exemptions such as agricultural workers. The Officer's report details how the proposed development is contrary to the strategy in the

¹ In accordance with the Town and Country Planning (Notification)(Wales) Direction, 2012

² By letter dated 14 June 2018

Local Development Plan (LDP) which generally only allows new residential development within development boundaries outlined within Policy S1 of the LDP. The report recognises that the proposed new build residential development in the countryside would be contrary to national planning policies. The LPA has identified LDP Policy LC1 as being a relevant policy consideration but has not provided a detailed assessment of how the conclusion was reached that the proposed development in the countryside can be considered acceptable as it represents enabling development which would facilitate the improvement of the listed building. Such an exception is not listed in national or local planning policies as a reason for allowing residential development in the countryside. It is not considered the LPA has provided adequate justification for departing from its own approved planning policy and national planning policy.

The record of the meeting of the Planning Committee does not demonstrate whether sufficient regard was had to relevant national or local planning policies in reaching the decision planning permission should be granted. From the evidence available, the Committee does not appear to have adequately discussed how it justified overriding national policy relating to highly vulnerable development in flood zone C2 to allow residential development. There also appears to be a conflict with the Council's own policy on development and flood risk (Policies S12 and SD3) to permit highly vulnerable development within zone C2 floodplain, similarly no evidence has been provided to demonstrate whether the outstanding objection from Natural Resources Wales (NRW) regarding the flood modelling used in the application has been resolved. The proposal is also contrary to national and local planning policies relating to development in the countryside (LDP Policy LC1) and detailed justification for overriding relevant policies has not been provided".

3. Edition 10 of Planning Policy Wales (PPW), published on 5 December 2018, replaced edition 9 with immediate effect. Regard has therefore been given to edition 10.
4. During the time the application was before the Council, the proposals evolved. Amended plans were submitted together with additional information in the form of specialist reports. The plans on which Council considered the application were confirmed to the Hearing (document 2).
5. At the Hearing, I was advised of an error recently found in the Flood Consequences Assessment (FCA). In the absence of NRW and to avoid adjourning the Hearing I discussed the error and its effect on the conclusions reached in the FCA with those present. Outside of the Hearing NRW was consulted and its responses were shared with the main parties who made further comments. I am satisfied that none of the parties with an interest in the case would be prejudiced by regard being given to the revised facts. The details of the discrepancy together with the comments made by the parties are set out in the report.

The Site and Surroundings

6. The application site is located approximately 1.2km south east of Monmouth within open countryside and the Wye Valley Area of Outstanding Natural Beauty (AONB). It is accessed via a private road from the B4293 which also serves Troy Lodge sited close to the road junction and Troy Farm whose land and main buildings are to the north and south of the application site. The access lane is in the ownership of Troy Farm and the Applicant has a right of access over it. The River Trothy, which joins the River Wye to the east, runs along the northern boundary of the site and is crossed by the access lane via two bridges.

7. Troy House is a large and imposing Grade II* listed building. The manor of Troy was first documented in 1314 and it is recorded that in AD 1502 the house was of a size and significance for Henry VII to stay there. By 1600 the land was owned by the Somerset family who made it their home until 1900. Large investments were made in the refurbishment and rebuilding of the house and its associated grounds between 1673 and 1699 when the main front block seen today was created. Surviving parts of the earlier house are contained in the present structure. The history of the property including its association with the Duke of Beaufort and the strong visual links between the north elevation of Troy House and the west and east facades of Badminton House, the ducal seat, are well documented in the reports forming part of the application³.
8. In 1904 the Sisters of the Good Shepherd took possession of the house for use as a Convent School and from 1935 it was a publicly funded residential Approved School. The school use resulted in alterations to the house and the erection of additional buildings to the south and west of it. Although student numbers were not high, they fell from the 1980's and the school finally closed in 1994. Since then the property has been vacant apart from a resident caretaker who occupies a small part of Troy House.
9. Since the school closed limited maintenance has led to a deterioration in the site and its buildings. Troy House has dry rot, the roof is in a poor state of repair with signs of water ingress which has caused significant damage particularly around the principal staircase, and 17th century plaster ceilings have started to collapse, some of the damage being irreparable. Inappropriate materials used in previous works have also contributed to the damage to the fabric of the building. Due to the threat to the future of the house it is identified as a building 'At Risk' with an elevated chance of decline.
10. The additional buildings to the west and south of the house date mainly from the 1960's and include a classroom block, hostel building, a chapel with cloisters, a theatre and laundry. These buildings are in poor condition and unsympathetically sited in relation to the listed building. They are not included in the list description and no objection has been raised to their removal as part of the scheme.
11. The gate piers at the entrance to the site from the access lane are Grade II listed buildings and the grounds are Grade II* on the Register of Parks and Gardens of Special Historic Interest in Wales. Historically there is evidence of a garden adjacent to the house from the late 17th century which comprised formal gardens with sunken terraces to the north of the house and walled compartments to the east and south east, beyond which were orchards. Today, in addition to some tree planting, the gardens comprise open lawns divided into shallow terraces by grass banks to the north of the house and by a flight of steps to the east. From the gardens there are views to the east over the surrounding landscape.
12. Also forming part of the historic garden is the large early 17th century formal walled garden which lies to the west of the access lane. This Grade II* listed building is an early garden of exceptional historic importance and great archaeological potential. However, it is outside the application site and the control of the Applicant.

³ Supporting statement for applications for planning permission and listed building consent, June 2008

Planning Policy

Monmouthshire Local Development Plan 2011- 2021

13. For the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) the development plan is the Monmouthshire Local Development Plan 2011-2021(LDP), adopted in 2014. The main parties are agreed that the policies of the LDP relevant to the case, and cited in the Direction, are Policies S12, SD3 and LC1. The proposals have been advertised as a departure from these policies. Reference was made by interested parties to Policy H4. Copies of the policies were provided at the Hearing (Document 9).
14. Policy S12 states that, amongst other things, all new development must avoid the siting of inappropriate development in areas at risk of flooding. Similarly, Policy SD3 explicitly states that proposals for highly vulnerable development or emergency services will not be permitted in areas which may be liable to flooding, unless the residential development is for the conversion of upper floors within defined settlement boundaries or the proposal is to extend an established tourism, leisure or educational establishment. It also states that proposals within a flood plain will be required to demonstrate that set criteria have been met. In particular, it is necessary to demonstrate that: the development is, or can be, protected by approved engineering works or flood protection measures; such remedial measures would not cause flooding or significantly increase the risk of flooding elsewhere; the development and any remedial measures can be sympathetically assimilated into the environment in terms of its siting, scale, design and landscaping; it does not interfere with the ability to carry out flood control works; and the nature conservation interest is protected and, where practicable, enhanced.
15. Policy LC1 makes a presumption against new built development in the open countryside unless justified under national planning policy and local policies for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural or agricultural diversification schemes or recreation, leisure or tourism. In such exceptional circumstances, new built development will only be permitted if it can be successfully assimilated into the landscape; wherever possible new buildings are sited within or close to existing groups of buildings; the design respects the character of the surrounding countryside; and there would be no unacceptable adverse impact on landscape, historic, cultural or geological heritage, biodiversity or local amenity value.
16. Subject to certain criteria Policy H4 allows the conversion and rehabilitation of buildings in the open countryside for residential use. The criteria include the need for the design of the proposal to respect the character and design of the building, be in scale and sympathy with the surrounding landscape and not involve substantial reconstruction. The more isolated and prominent the building the more stringent the design requirements will be especially if located within the AONB. The buildings will be expected to have been used for their intended purpose for a significant period of time and be capable of providing adequate living space within the structure. Finally, the conversion of buildings well suited for business use will not be permitted unless every reasonable attempt has been made to secure suitable business use.

Planning Policy Wales Edition 10

17. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales. In order to achieve the creation of

sustainable places and improve the well-being of communities, PPW states that the concept of placemaking must be embraced.

18. In respect of flooding PPW prescribes a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers⁴. It states that development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself⁵. In areas of flood plain which are currently unobstructed and where water flows in times of flood, built development should be wholly exceptional and limited to essential transport and utilities infrastructure⁶. When considering if a development in a flood risk area is appropriate, account should be taken of the ability of emergency services to respond to flood events⁷. For further policy advice on development and flood risk PPW advocates reference to TAN 15.
19. According to PPW development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access, habitat and landscape conservation. New building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.⁸
20. The planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations⁹. For historic, scenic, aesthetic and nature conservation reasons PPW requires the special and unique characteristics and intrinsic qualities of the natural and built environment to be protected in their own right.¹⁰
21. In respect of listed buildings there should be a presumption in favour of the preservation or enhancement of a listed building and its setting. For any development proposal affecting a listed building or its setting, "*the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.*"¹¹
22. Furthermore, the aim for listed buildings "*should be to find the best way to protect and enhance their special qualities, retaining them in sustainable use*". Whilst the continuation or reinstatement of its original use should generally be the first option it is accepted that this may not be viable or appropriate and "*the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future*"¹² is recognised.
23. The effect of a proposed development on a registered historic park or garden, or its setting, is a material consideration in the determination of planning applications. PPW

⁴ Section 6.6.22

⁵ Section 6.6.25

⁶ Section 6.6.26

⁷ Section 6.6.29

⁸ Section 3.56

⁹ Section 6.1.5

¹⁰ Section 6.0.2

¹¹ Section 6.1.10

¹² Section 6.1.11

advocates that "*Planning authorities should value, protect, conserve and enhance the special interest of parks and gardens and their settings included on the register of historic parks and gardens in Wales*".¹³

24. The conservation of archaeological remains and their settings is a material consideration whether or not those remains are a scheduled monument. In cases involving less significant archaeological remains PPW identifies a need to weigh the relative importance of the archaeological remains and their settings against other factors, including the needs of the development.¹⁴ Where archaeological remains are known to exist or there is potential for them to survive, PPW expects an application to be accompanied by sufficient information to allow a full understanding of the impact of the proposal on the significance of the remains.¹⁵ Where archaeological remains are affected by proposals that alter or destroy them, the decision maker must be satisfied that the developer has secured appropriate and satisfactory provision for their recording and investigation. PPW recognises that on occasions unforeseen archaeological remains may be discovered during the development. Such circumstances can be covered through an appropriate condition for a watching brief.¹⁶
25. According to PPW enabling development is "*development which can deliver sustainable heritage benefit but would usually be contrary to other objectives of national or local planning policy*"¹⁷. Such development may be appropriate if the public benefit of rescuing, enhancing, or even endowing an important historic asset decisively outweighs the harm to other material interests. However, it must always be in proportion to the public benefit it offers.¹⁸
26. Direction is given in PPW¹⁹ to the tests in the Cadw guidance *Conservation Principles for the sustainable management of the historic environment in Wales* (the Conservation Principles) which set out when enabling development might be acceptable. Development will only be justified if it can be demonstrated that:
- i. It will not materially harm the heritage values of the historic asset or its setting;
 - ii. It avoids detrimental fragmentation of management of the asset;
 - iii. It will secure the long-term future of the asset and, where appropriate, its continued use is a sympathetic purpose;
 - iv. It is necessary to resolve problems arising from the inherent needs of the asset, rather than the circumstances of the present owner or the purchase price paid;
 - v. Sufficient subsidy is not available from any other source;
 - vi. The amount of enabling development is the minimum necessary to secure the future of the asset and its form minimises harm to other public interests; and
 - vii. The public benefit of securing the future of the historic asset through such enabling development decisively outweighs the disbenefits of breaching other public policies.²⁰
27. According to the Conservation Principles, if the decision maker concludes that a scheme of enabling development meets all the tests, permission should only be granted if:

¹³ Section 6.1.18

¹⁴ Section 6.1.25

¹⁵ Section 6.1.26

¹⁶ Section 6.1.27

¹⁷ Section 6.1.30

¹⁸ Section 6.1.31

¹⁹ Footnote 113

²⁰ Conservation Principles Section 49

- i. The impact of the development is precisely defined at the outset;
- ii. The achievement of the heritage objective is securely and enforceably linked to the enabling development;
- iii. The place concerned is repaired to an agreed standard or the funds to do so are made available as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation; and
- iv. The planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

In addition to these tests PPW has introduced a further test: the need to ensure the enabling development does not give rise to significant risks, for example residential development in the flood plain²¹.

Technical Advice Note 15: Development and Flood Risk

28. According to the Development Advice Map (DAM), referred to in TAN 15, the majority of the site lies within flood zone C2 with only the south western corner falling within flood zone A. Whilst TAN 15 classifies flood zone A to be at little or no risk of fluvial or tidal/coastal flooding, flood zone C2 is areas of flood plain without significant flood defence infrastructure where, subject to the justification test, only less vulnerable development should be considered. Highly vulnerable development should not be considered in this zone²². Less vulnerable uses are defined as general industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, mineral extraction sites and associated processing facilities, excluding waste disposal sites. Highly vulnerable development includes all residential premises (including hotels and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development (e.g. power stations, chemical plants, incinerators), and waste disposal sites.²³
29. Although allowing residential development in areas at high risk of flooding can result in a traumatic impact on people's lives, TAN 15 acknowledges that some flexibility is necessary to enable the risks of flooding to be addressed. It recognises the negative economic and social consequences if policy were to preclude investment in existing urban areas and the benefits of reusing previously developed land. Nevertheless, TAN 15 expects new development to be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue.
30. To justify the location of new development in flood zone C the tests outlined in sections 6 and 7 of TAN 15 must be applied whilst recognising that highly vulnerable development should not be permitted in zone C2. All other development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. The section 6 tests are that the development will only be justified if it can be demonstrated that:
 - i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement²⁴;

or

²¹ Section 6.1.32

²² TAN 15 Figure 1

²³ TAN 15 Figure 2

²⁴ TAN 15, page 8, footnote 1 states that regeneration initiatives will be comprehensive, multi-approach, and form part of an integrated suite of initiatives which have been subject to public consultation. Local authority strategy will be the development plan for the area.

- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
and
 - iii. It concurs with the aims of PPW and meets the definition of previously developed land; and
 - iv. The potential consequences of a flooding event for the particular type of development have been considered and, in terms of stipulated criteria contained in sections 5 and 7 and appendix 1 of TAN 15, found to be acceptable.²⁵
31. Where development is justified in flood zones C1 and C2 it will be in the knowledge that those developments will flood and will need to be planned accordingly. Section 7 of TAN 15 therefore deals with the assessment of flooding consequences. Whether a new development should proceed or not will depend on whether the consequences of the flooding of that development could be managed down to a level which is acceptable for the nature and type of development being proposed. TAN 15 stresses that it would not be sensible for people to live in areas subject to flooding (even in two storey buildings) where timely flood warnings cannot be provided and where safe access and egress cannot be achieved.²⁶
32. Where development is justified the assessment can be used to establish whether suitable mitigation measures can be incorporated within the design to ensure that the development is as safe as possible and there is minimal: risk to life; disruption to people living and working in the area; potential damage to property; impact of the proposed development on flood risk generally; and disruption to natural heritage.²⁷
33. Therefore, before deciding whether a development can take place an assessment which examines the likely mechanisms which would cause the flooding, and the consequences of those floods for the development, must be undertaken. The assessment should be appropriate to the size and scale of the development.²⁸
34. The presence of protection measures does not eliminate risk completely and certain developments are more vulnerable than others. The advice of NRW on the flooding consequences for the type and nature of the development proposed, will enable the planning authority to arrive at a judgement on the acceptability of the flooding consequences. Protection measures must be capable of being implemented at the appropriate stage as part of the development and, where necessary, long term maintenance must be provided for.²⁹
35. Appendix 1 of TAN 15 explains how the potential consequences of a flooding event should be assessed and provides guidance on the technical requirements for undertaking such an assessment. It explains that there are certain flooding consequences which may not be considered acceptable for certain developments. For instance, in view of the traumatic impact of flooding on people's personal lives it is not sensible to allow residential development in areas which flood frequently. It is advised that development should be designed to be flood free during the 1% fluvial flood (i.e. that fluvial flood with a 100 to 1 chance of occurring in any year) and the 0.5% tidal/coastal flood (i.e. 200 to 1 chance in any year event). There is therefore a

²⁵ TAN 15 Section 6.2

²⁶ TAN 15 section 7.2

²⁷ TAN 15 section 7.3

²⁸ TAN 15 section 7.4

²⁹ TAN 15 section 7.5

frequency threshold of flooding below which flooding of development should not be allowed. Indicative guidance is provided as to what that frequency threshold could be for different types of development in terms of annual probability of occurrence; for residential development the threshold frequency for fluvial flooding is 1%.³⁰

36. Beyond the threshold frequency proposed development would be expected to flood under extreme conditions. However, even with adequate mitigation it may not be sensible to allow some developments to take place. For instance, it would not be sensible for developments to be built in areas where the velocity and depth of floodwaters was life threatening or could cause structural damage to buildings and infrastructure. Indicative guidance is provided on tolerable conditions for different types of development; for residential development the maximum depth of flooding for the property and access is 600mm³¹. However, this figure is not prescriptive, therefore each site must be considered individually and a judgement taken in the context of the particular circumstances which could prevail at that site.
37. Letters to Chief Planning Officers from WG dated 9 January 2014 and from NRW dated 4 March 2015, clarify flood risk matters set out in TAN 15 and elsewhere. The letter from WG emphasises that section 6.2 of TAN 15 identifies that highly vulnerable development (e.g. housing) should not be permitted in zone C2.

Planning History

38. The planning history of the site is set out in the joint statement submitted by the Council and the Applicant. It is noted that although a change of use to offices and an administrative centre was granted in 1979 and 1984 the permissions were not implemented. The last known use of the site is therefore as a residential school.

The Proposals

39. The aim of the development is to secure the restoration of the listed building and ensure its sustainable occupation in the future. It is proposed to convert Troy House into 19 residential apartments arranged over four floors: 6 on the ground floor, 5 on the first and second floors and 3 in the attics. Some of the units would be spread over two floors. Whilst the original scheme was for 23 units in the house, this was reduced to 19 during the application process by the omission of four units within the attic to the front part of the house. This amendment secured the retention of the existing layout and historic fabric of the attic. It would provide storage space for the residents.
40. Enabling development comprising 31 apartments is proposed in two large L-shaped wings detached from but close to the east and west elevations of the main house. Whilst the western wing would replace existing buildings on the site, the eastern wing would encroach into an area of the garden currently devoid of built development. Both wings would be a mix of three and four storeys, in keeping with the overall height of the listed building. The proposals also include the construction of a gatehouse with associated outbuilding on land adjacent to the entrance into the site from the access lane. This property would bring the total number of units on the site to fifty-one.
41. Parking would be provided in the northern part of the site; the access lane and its junction with the B4293 would be improved, including the introduction of a footway, and landscaping of the site is proposed.

³⁰ TAN 15 section A1.14

³¹ TAN 15 section A1.15

Other Agreed Facts

42. According to the Statement of Common Ground (SoCG) the main parties are agreed that following further ecological surveys NRW do not raise any objection in respect of bats. Furthermore, as demonstrated by the Transport Assessment and Road Safety Audit the proposed use would be similar to the current lawful use as a school.
43. Regarding the location of the buildings within flood zone C2, it is agreed that the FCA demonstrates that the proposals would not meet section A1.14 of TAN 15. However, following further consideration of the matter in the light of the discrepancy found in the FCA, the parties are agreed that the development could be designed to meet section A1.14 of TAN 15.
44. Although the evidence, particularly regarding flooding, identifies harm, the parties agreed the harm is mitigated and justified by the preservation of the listed building.

The Case for the Council and the Applicant

45. A joint statement of case relating to the matters identified in the Direction was submitted by the Council and the Applicant and presented jointly to the Hearing. All other matters are addressed in the Officer's Report. The implications for the scheme in respect of the discrepancy found in the FCA was given verbally to the Hearing and subsequent correspondence are also addressed.
46. The application was considered as a departure from the LDP as it proposed new built development in the open countryside and is contrary to planning policies in relation to flooding. The application was advertised accordingly.

Desirability of preserving the heritage asset

47. Troy House is one of the most important listed buildings in Monmouthshire. It is one of a small number of highly graded large country houses, set in its own registered garden, with a smaller walled garden to the immediate west of the house. The current house is an enlargement and redevelopment of a former medieval property.
48. The main objective of the development is to ensure the long-term preservation of Troy House, a nationally important historic asset, in accordance with the requirements of PPW³². The heritage value of the building and its current poor condition carry significant weight in balancing the planning considerations of the site. The importance of the asset fully justifies the overriding need to save the building in the manner proposed and it is appropriate and correct for this to be the primary consideration in the determination of the application.
49. The continuation or reinstatement of its original use as a single residential dwelling should generally be the first option in seeking to protect and enhance the special qualities of Troy House and return it to a sustainable use. However, due to its size, this is no longer viable either financially or practically. Therefore, in performing its statutory function it was appropriate and necessary for the Council to be flexible when considering a new use for the building, as recognised by PPW.³³
50. Troy House is identified as being "At Risk" with an elevated chance of decline. Whilst some routine maintenance works are undertaken, it is getting to the point where

³² Section 6.1.10

³³ Section 6.1.11

materials need to be replaced if the historic fabric of the building is to be retained. The matter is of such concern to the Council that it has given its approval for an urgent works notice and work has started with the owner with a view to serving formal notices if necessary. The lack of any development at the site would result in the heritage asset falling further into disrepair and potentially being lost for future generations.

New build in the open countryside

51. The new build enabling development is contrary to the strategy in Policy LC1 of the LDP which generally only allows new residential development within development boundaries unless justified under national planning policy. New build residential development in the open countryside of the type proposed is contrary to national planning policy.
52. However, it is considered that this scheme, which involves a significant amount of demolition as well as new build, would meet the tests for enabling development. Although contrary to the objectives of other national and local policies, the proposals would deliver substantial heritage benefits. The new build is required to fund the work necessary to restore and preserve the large grade II* listed building. Without the potential for the building to become economically sustainable it will decline further. Failure to progress the positive action proposed would be contrary to the WG objective to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations.
53. Troy House is undoubtedly an important historic asset. At present it is capable of restoration which would be beneficial to the asset and fulfil the policy objective of preserving its special character. However, this is only achievable with significant funding which, given the current climate, is not available from public sources. The building is substantial in size and would require an equally substantial income to achieve a sustainable long-term future use. Listed building consent has been granted for the carefully designed scheme for the conversion of the house. Whilst it would result in the separation of the management of the asset, this is justified by the size and current condition of the building, not the aspirations of the developer. Despite encroaching into a previously undeveloped area of the registered garden, the development would not substantially harm the resulting value of the asset.
54. The enabling development is fundamental to ensuring that the renovation of Troy House can take place. Although the viability assessment concludes for an option to be viable a larger scheme than that proposed may be necessary³⁴, this could be achieved through a reconfiguration of the number and size of the units and not increased scale of the new build. Notwithstanding this, the proposed development is the most viable option to secure the long-term future of the historic asset and its continued use for a sympathetic purpose. It is also essential for the provision of finance to convert the listed building. The introduction of new build enabling development to secure the restoration of the listed building is therefore not only acceptable but, on balance, necessary and the minimum necessary to achieve this aim.
55. The planning balance and national planning policy is weighted in favour of the preservation of the listed building. Enabling development is a legitimate planning tool which provides justification for the proposed development. Notwithstanding being contrary to the principle of development in the open countryside, the proposals would

³⁴ Preliminary Viability Appraisals, 9 November 2015 section 5.1, Cooke & Arkwright

accord with the criteria set out in Policy LC1 of the LDP. The enabling development is designed to be respectful of the listed building. It is carefully detailed to match the wings of other large country houses of its type, is mostly contained in an area close to the existing building that has already been built on and would not be an incongruous feature in the wider landscape.

56. There may be a degree of harm to the registered garden by the encroachment of the east wing in an area of the garden which is currently not built on. Although a Resistivity Survey concluded that there were no remains in this area of the site which would be adversely affected, the results were not accepted by Cadw as the survey was not undertaken by a recognised professional. Notwithstanding this, it is the walled garden which is of greater archaeological significance. It has been previously suggested that five investigative trenches are required in specified locations to ascertain the extent and importance of any archaeological remains within the application site, this is a matter which could be addressed by condition. On balance it is considered that there is appropriate policy justification to warrant a departure from Policy LC1 of the LDP.

Flooding

57. The proposed residential development is a highly vulnerable use which, according to TAN 15, should not be permitted in flood zone C2. However, the previous long-term use of the site was a school which is also classed as a highly vulnerable form of development. It is therefore considered that the proposals could be supported subject to the consequences of flooding being fully assessed and found to be acceptable.
58. Whilst not normally applied to highly vulnerable development, it is considered pragmatic and prudent to address the justification tests set out in section 6 of TAN 15 as part of this application and review the consequences of flooding for the site. The alternative would be not to apply the tests and not review the consequences at the site. However, in accordance with PPW, the primary material consideration for this development is the preservation of the listed building.
59. With regard to the justification tests, the development would be part of a key regenerative initiative to restore and renovate the heritage asset which is quickly falling into disrepair. The site is previously developed land. The new build would predominantly be located on the site of existing buildings with an element of the enabling development located within the garden. The proposed development is reasonably required to ensure that the renovation of the listed building occurs and the social and heritage benefits of bringing the asset into beneficial use are recognised. On balance it is considered that the development would be in accordance with the justification tests set out in TAN 15.
60. Initially NRW was not satisfied that the proposals would meet the requirements of section A1.14 of TAN 15 for the 1:100 year event plus climate change. However, on closer examination of the evidence it has been found that there are numerous and contradictory reports and drawings in respect of the finished floor level (FFL) of Troy House. Furthermore, as demonstrated by the submitted ground floor survey plan and report (document 11) the FFL of 17.910m AOD quoted in the FCA is incorrect. It was taken from a survey point outside the building. Consequently, a new GPS survey of the property has been undertaken.
61. The survey confirmed that the FFL across the ground floor of Troy House fluctuates. At its lowest it is 18.09m AOD. This applies to one room with the remainder of the ground floor being at higher levels. When compared against the predicted flood level

of 18.12m AOD during a 1:100 year plus climate change event, there is the potential for this area to flood to a depth of 0.03m. However, given the solid construction of the walls and the lack of openings, the risk of water ingress in such a flood event would be extremely low. Furthermore, the refurbishment of Troy House would require new insulation and flooring to be laid across the ground floor. Consequently, it would be possible to ensure a minimum FFL of 18.20m AOD is achieved throughout the ground floor. This would be above the predicted flood level in a 1:100 year plus climate change event and section A1.14 of TAN 15 would be met. Whilst the matter could be addressed by condition and the Council is satisfied such works would not harm the heritage asset, the Listed Building Consent would have to be revisited.

62. Whilst the new buildings to east and west of the main house would be flood free in this event scenario, other parts of the site would flood. Although the access would flood to a depth of 120mm, this would not prevent safe access and egress for emergency vehicles and an evacuation route via higher ground from Troy House and the east and west wings has been identified. Moreover, the floor levels in the gatehouse could be raised to avoid the 20mm flood depth anticipated in the FCA.
63. The site would flood in a 1:1000 plus climate change extreme event. Based on a proposed minimum FFL of 18.20m AOD the maximum flood depth in Troy House would be 1.26m. Whilst the remainder of the site and buildings would flood to lesser and greater depths, all would exceed the tolerances given in section A1.15 of TAN 15. However, as the guidance is indicative not prescriptive, each site must be considered individually, and a judgement taken in the context of the circumstances which could prevail at the site. Account should therefore be taken of the flood mitigation proposed which includes flood warnings, an emergency flood plan, limited entrances for flood water ingress, the extant use as a school and the safeguarding of a heritage asset.
64. The proposed evacuation route would be via the higher ground in the south west part of the site and onto the adjoining land of Troy Farm and a route to the west. Occupants of the ground floor apartments in Troy House would evacuate the building via an internal route taking the main staircase to the second floor, along a corridor and down a secondary staircase to the ground floor before egressing the building. The Council's Emergency Planning Manager is satisfied that subject to a fully detailed plan being in place and all owners being aware of the risks, the risk to life from flooding would be abated. These matters could be satisfactorily addressed by condition.
65. The velocity, rate of rise and speed of inundation of the flood waters were not assessed as part of the FCA. However, during discussion at the Hearing the professional opinion was given that an extreme event would result from the flooding of the River Wye during which the flood waters would rise slowly, inundating Monmouth before reaching the site over a period of approximately 53 hours, having first entered the grounds and the car park after approximately 30 hours and 47 hours respectively. The primary access would be unsafe, Monmouth would be an island and the recommended advice would probably be that residents should stay on site.
66. The Council accepted that the principle of residential development in flood zone C2 is in direct conflict with TAN 15. There is also conflict with Policies S12 and SD3 of the LDP. However, given that the site has been used historically for a highly vulnerable form of development and the proposals would ensure an important heritage asset is preserved, the Council is supportive of the proposals.
67. In reaching this conclusion the Council was mindful of alternative proposals that might enable the restoration of the listed building. Although less vulnerable developments

are allowed in flood zone C2, the Council believes a less vulnerable form of development in accord with the requirements of TAN 15 and Policies S12 and SD3 of the LDP would harm the character and appearance of the listed building. Furthermore, for the building to be saved the development needs to ensure that the high costs associated with its preservation are achieved. The viability of the scheme would not warrant other less vulnerable forms of development, therefore not allowing the proposed development would effectively sterilise the site and result in the loss of a building that is of national importance. The proposals have been scrutinised by the Council for over ten years and being finally accepted as the only way of saving the listed building.

Well-Being of Future Generations (Wales) Act 2015

68. The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered. The application has several specific constraints and concerns and significant weight has been given to ensure that the listed building is preserved, and in doing so would preserve the social and cultural well-being of Wales in the long term by restoring a significant heritage asset.

Representations made by Interested Parties

69. The Planning Inspectorate received written representations from NRW, Cadw, Glamorgan Gwent Archaeological Trust (GGAT), Welsh Historic Gardens Trust (Monmouthshire and Gwent Branch), Wales & West Utilities, Agri Advisor and Peter Carroll. Representatives of Agri Advisor and the Welsh Historic Gardens Trust contributed to the discussion at the Hearing together with several Members of the Council. The written representations received in response to the Council's earlier consultations, site and press notices and neighbour notifications are summarised in the Officer's Report to Committee.

Natural Resources Wales

70. Although NRW was satisfied that the flood modelling used to inform the FCA was appropriate, it found that the proposal would not meet the technical criteria in Appendix 1 of TAN 15 and therefore considered that the consequences of flooding had not been demonstrated to be acceptable. However, following clarification of the floor levels by the Applicant (document 11) and the assurance that water ingress into the building in a flood event would be extremely low, NRW confirmed that subject to the FFL being set to a minimum of 18.20m AOD, Troy House could be designed to meet the criteria in A1.14 of TAN 15.
71. NRW recommended that the floor levels within the gatehouse be raised by a minimum of 20mm. It was content that this could be addressed by condition. Nevertheless, due to the surrounding ground levels, the property could be surrounded by flood water in a 1:100 year plus climate change event.
72. Some of the wider areas of the site including the car parks were still at risk of flooding during a 1:100 plus climate change event and the whole development and the access would be above the 600mm threshold set out in A1.15 of TAN 15. The velocity, rate of rise and speed of inundation had not been assessed and NRW was therefore unable to comment on these matters. Although it is noted that the FCA had identified an escape route, the site is only covered by the flood alert for the Rivers Wye and Monnow and is not covered by a specific warning area.

73. NRW recognises that it may not be feasible to set FFLs above the predicted flood level. In addition, if the car parks were to be designed to be flood free there would be the potential to increase flooding elsewhere which would need to be fully assessed and appropriate mitigation proposed. It recommended that advice be sought in respect of emergency plans and procedures and measures to address structural damage that may result from flooding as these matters are outside the remit of NRW.

Cadw

74. Although the development would not have an adverse impact on the listed building, Troy House, and no scheduled monuments would be affected, the proposal would be likely to cause significant harm to the registered historic garden, particularly to the north and east of the house and including potential impacts on garden archaeology. The proposed east wing would be a major intrusion into the lawned terrace; the lawns and entrance drive to the north would be replaced by a multiplicity of surfacing and subdivision of the area for car parking which would not accord with its historical simplicity. Further change would be caused by the gatehouse in a location where there is no historical evidence of such a feature.
75. Currently buried elements of the registered park and garden are located within the proposed development area and it is not known how well preserved these features are. The lack of modern development to the east and north of the house suggest that their archaeological potential is high. The survival of remains of the early garden at Troy House is significant in furthering the understanding of the development of its gardens and grounds and the wider understanding of gardens of this period in Wales.
76. An archaeological evaluation of the development area would establish the extent and importance of any archaeological remains within it and would allow an appropriate programme of mitigation for the archaeological resource to be determined. This programme may require extensive archaeological excavation to be undertaken or the redesign of the development. This could have significant financial implications and have a direct impact on the viability of the development. It is a matter which should be resolved prior to the determination of the application.

The Glamorgan-Gwent Archaeological Trust

77. The physical nature of the archaeological resource is complex and extensive, relating to earlier major phases of activity including a medieval manor house and associated features; a 16th century house, gardens and associated features; and later 17th century activity. The nature and extent of the archaeological resource and the impact of the proposed development on it are unknown. To allow the impact of the works to be understood and suitable mitigation to be proposed, the significance, nature and extent of the archaeological resource need to be known. An archaeological evaluation should be undertaken prior to the determination of the application.

Welsh Historic Gardens Trust (Monmouthshire and Gwent Branch)

78. Welsh Historic Gardens Trust commented that the site had undergone a sharp deterioration during the long-running planning process. It expressed support for the approval of the application and looked forward to the remaining element of the registered garden being safeguarded and re-connection with the original landscape being achieved. WGHT also considered that surveys of the site would lead to increased knowledge and understanding of the archaeology and environmental significance of the registered garden and the wider designed landscape. Such evidence would be crucial in informing the conservation of the remaining garden and

would encourage greater research and debate on the evolution and value of this vanishing part of Wales's cultural landscape.

Wales and West Utilities

79. Wales and West Utilities provided documentary evidence in respect of the location of its equipment in the area. It offered no comments on the substance of the proposals.

Agri Advisor representing Irving Long of Troy Farm

80. The objections to the proposal raised by the late Graham Long have been maintained by his son, Irving Long. Troy Farm, an organic dairy farm with a herd of up to 400 cattle, has been in the family for over 50 years. The access lane is in the ownership of the farm and whilst the owners of Troy House have a right of use, they do not have the authority to do works to it. Furthermore, the dimensions of the lane shown on the submitted drawings are inaccurate, the Transport Assessment was incorrectly based on the previous school use, no account had been taken of accidents at the junction with the B4293 and no structural assessment of the two river bridges has been made.
81. Movement of the dairy herd for milking necessitates the closure of gates across the access lane a short distance from its junction with the B4293. These twice daily closures can be for up to four hours at a time. The significant increase in vehicles using the lane generated by the development would increase the risk of incidents in respect of livestock and drivers turning off the B4293 with limited visibility of any backlog of vehicles on the lane. It would also have a significant detrimental impact on the economic viability and operational ability of Troy Farm.
82. The Viability Report, which dates from 2015, fails to take account of enhanced building regulation requirements. Furthermore, potential difficulties in securing mortgages and insurance due to the site being liable to flood may make the properties difficult to sell. The proposed evacuation route via Troy Farm and to the east is unsuitable as it has a rough stone surface and a steep incline which makes it impassable even by tractors in bad weather conditions. The legal rights of Troy House to use this route were also raised. Notwithstanding this, the development would be contrary to TAN 15.
83. The water supply for Troy House comes from a borehole on Troy Farm and is shared with other neighbouring properties, some of whom have found it necessary to install mains water to ensure a reliable supply. The development would significantly increase the need for a clean and reliable water supply which may not be met by the bore hole. The proposals make no provision for the installation of mains water. Moreover, foul drainage would be to a sewage plant within the flood plain.
84. The alterations and additions to the listed building would be substantial. They would not only damage the integrity of the building but would harm the character of the area and place pressure on local services.

Mr P Carroll (owner of Troy House)

85. There is no known flooding of Troy House in living memory. Those concerned with building the property would have satisfied themselves that there had been no flood experience in the past. This wholly minimal risk could easily be dealt with by a low wall or even sand bags over the course of a few days or weeks.

86. Troy House and Troy Farm have been present for centuries. The 20th century buildings surrounding the house would be replaced by buildings more compatible with the house and their footprint would be similar to the present buildings.
87. The Council has considered all aspects of the development over the last ten years. There is no known acceptable alternative which would secure the future of this unique nationally and architecturally important listed building as well as easing housing supply by the provision of approximately 50 dwellings.

Conclusions

[The numbers in square brackets denote the preceding paragraphs on which my conclusions are based.]

88. Having regard to the available evidence and the matters on which the Welsh Ministers wish to be informed, the main issues in this case are whether the location of the proposed development would be appropriate having regard to flooding and the open countryside; and whether any harm in these respects would be outweighed by the long-term preservation of the Grade II* listed building. [2]

Flood risk

89. The site is bounded to the north by the River Trothy, which flows eastwards towards Monmouth and the River Wye. Although no significant flooding of the site has been reported, the majority of the application site is within flood zone C2. [6, 28, 43, 85]
90. The proposed development would total 51 residential units. Of these 19 would be within the listed building, Troy House, a further 31 would be split between two new purpose-built wings to the east and west of the house. The gatehouse, close to the entrance into the grounds from the access lane, would provide the final unit. [39, 40]
91. The general approach of national policy, as set out in PPW and supported by TAN 15, is to be cautious in respect of new development in areas at high risk of flooding. The framework guiding planning decisions is thus precautionary and its first preference is to direct new development away from areas at high risk from flooding. TAN 15 classifies all types of residential development as highly vulnerable. It also states categorically that highly vulnerable development should not be permitted in flood zone C2. There is no provision in TAN 15 whereby this unequivocal position can be offset by mitigation or the benefits which might accrue from a development. This is reiterated in the letter from WG. [18, 28, 37]
92. Consequently, as the proposed development is classed as highly vulnerable and would be located within flood zone C2, consideration of the scheme should end here. However, neither the Council nor NRW in its consultation responses have taken this approach. Instead they both pursue the course of justification and mitigation. [18, 28]
93. TAN 15 advises that development, other than highly vulnerable development, may be permissible in flood zone C subject to it being justified and provided the assessed consequences of flooding are acceptable. The first justification test is that a zone C location is necessary to assist a local authority regeneration initiative or strategy, or to contribute to key employment objectives. TAN 15 defines regeneration initiatives as comprehensive, multi-approach and forming part of an integrated suite of initiatives which have been subject to public consultation. A local authority strategy is clarified as the development plan for the area. The objective of the development is to secure the future of a listed building identified as being at risk, in line with national

- legislation and planning policy which seeks to protect heritage assets. [29-30, 32-33, 59, 70]
94. Although the site meets the definition of previously developed land, PPW adopts a precautionary approach of positive avoidance of development in areas of flooding and development is guided by TAN 15 to locations at little or no risk from flooding. Since the site is almost entirely within an area of floodplain without significant flood defence infrastructure, the development would not be completely consistent with the aims of PPW and would not meet the second justification test. [18, 29-30, 32, 59, 70]
95. The final justification test is that the potential consequences of a flooding event have been considered and found to be acceptable. The methodology and data on which the FCA was based and the recent clarification of the floor levels have been supported by NRW. The FCA concluded that whereas in a 1:100 year plus climate change event the apartments within Troy House and the new east and west wings would be flood free, the gatehouse together with part of the access lane and the car parks would flood. It is acknowledged that if the floor levels were raised by 20mm the gatehouse would remain flood free without having an impact on the surrounding area, a matter which could be addressed by a suitably worded condition. On this basis NRW has advised that the development would satisfy section A1.14 of TAN 15. [30, 32, 35-36, 43, 59, 60-62, 70-73]
96. Nevertheless, the site would flood in a 1:1000 year extreme event and both the buildings and the primary access would be to a depth greater than that prescribed in TAN 15. Whilst a proposed evacuation route from Troy House and the west and east wings has been identified, it is noted that for the occupants of the ground floor units in Troy House the evacuation route would not be straightforward. Furthermore, the topography and ground conditions of the proposed route may make it impassable for vehicles and the legal right of the owners of Troy House to vehicular use of this route is unclear. [31, 35-36, 43, 60, 63-64, 72-73, 81]
97. The contention made by the Applicant that any flooding would be a slow and gradual process over a lengthy period would facilitate the safe evacuation of residents from the site. However, there is no definitive evidence in respect of the rate of rise or velocity of the floodwaters and the speed of inundation to support this contention. It is acknowledged that if Monmouth became an island and roads were impassable it would be safer to remain at the site and the buildings may withstand ingress from flood water. Nevertheless, I do not find the potential consequences of a 1:1000 year extreme event to be acceptable in this instance and I do not consider that the location of the proposed development within flood zone C has been justified. [33-36, 65]
98. It is accepted that the previous school use also constitutes a highly vulnerable development. However, that use started in the early 1900's and although such a use could be re-commenced, the application has to be determined in the light of current planning policy and guidance. [8, 28, 38, 57, 66]
99. On the evidence before me, I conclude that the proposed location of a highly vulnerable development in flood zone C2 would be contrary to PPW, TAN 15 and Policies S12 and SD3 of the LDP. [13-14, 35, 37, 66]

Development in the open countryside

100. There are two distinct elements to the proposed residential development on the site, the conversion of the existing listed building, Troy House, and the erection of two

large detached wings and a gatehouse which would constitute new development in the open countryside. [6, 39-40]

101. The proposed conversion of Troy House into apartments is supported by Policy H4 of the LDP provided certain criteria are met. There is no dispute that the scheme would respect the character and design of the building and be in scale and sympathy with the surrounding landscape. The building has previously been in residential use and it is eminently suitable for conversion into apartments. Although the implementation of the conversion would involve significant work, the scheme would provide adequate living space within the structure without the need for substantial reconstruction. [13, 16]
102. Limited consideration has been given to alternative uses for the site other than residential and it is acknowledged that less vulnerable developments may not be appropriate in this location or could harm the historic asset. Furthermore, to return the listed building to beneficial use would require substantial funds which are more likely to be forthcoming from a residential rather than a business use. On balance I am satisfied that the proposed conversion of Troy House would accord with Policy H4 of the LDP. [16, 67]
103. Nevertheless, the proposal is reliant on a significant amount of new build on a site which lies within open countryside. There is a presumption in national and local planning policy against new development in the open countryside except in certain circumstances, none of which apply to the development proposed. There is no dispute that the development would be contrary to PPW and Policy LC1 of the LDP. [13, 15, 19, 40, 51, 55]

Preservation of the listed building

104. Troy House is an important listed building. The current house is largely a result of the enlargement and redevelopment in the late 17th century of the former medieval house which is still encapsulated and evidenced within this later enlargement. Due to its composition and extraordinary retention of historic fabric, the house is architecturally important. It is also historically important because of its association with the Beaufort family. The building therefore has significant evidential, aesthetic and historical value. [7-8, 10-12, 47]
105. However, Troy House is deteriorating. Since the closure of the school most of the building has been vacant. Despite the best efforts of the resident caretaker the house has fallen into an increasingly bad state of repair and the grounds have had minimal attention. Key architectural features within the building are suffering from water damage and structural defects due to a lack of occupation and maintenance. The condition of the roof has resulted in severe water ingress, especially in the area around the main staircase where it has caused significant damage. Seventeenth century plaster ceilings are also in a state of collapse. As a result, the building is classed as 'At Risk' with an elevated chance of decline. [9, 48, 50, 78]
106. The primary consideration for any development affecting a listed building or its setting is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. The architectural and historical importance of Troy House justifies an overriding need to save the building. The main objective of the application is to facilitate a new use in order to secure a sustainable future for the heritage asset and ensure its future preservation. If no action is taken the asset will continue to deteriorate and potentially be lost. [9, 11 20-21, 39, 48, 57, 74]

107. Whilst in preserving a listed building the reinstatement of its original use should generally be the first option, in this instance Troy House is too large and the works required to restore it would be financially prohibitive. To return the property to its original use as a single residential dwelling is not a viable option. To secure the survival of Troy House and provide a sound economic future it is therefore necessary and appropriate to adopt a flexible approach when considering a new use. As evidenced by the viability report enabling development is required to fund the work necessary to restore Troy House and effectively sustain it into the future. [22, 25, 40, 49, 54, 59]
108. There is no dispute that the proposed development meets the definition of enabling development. However, for it to be appropriate, the public benefit of rescuing, enhancing or even endowing an important heritage asset must decisively outweigh the harm to other material interests. To ascertain if the enabling development would be acceptable regard has to be given to the tests in the Conservation Principles. [25, 40, 52]
109. It is generally accepted that the proposed development would not materially harm the heritage values of the listed building. It would be a sympathetic use which would resolve the problems arising from the inherent needs of the listed building and secure its long-term future. Whilst the apartments would be individually owned, large areas of the house and grounds would be in communal ownership with responsibility being borne by a management company. Overall the development would secure the restoration of an important historic asset which, currently, is capable of restoration that would be beneficial to the asset and would fulfil the policy objective of preserving its special character. However, this could only be achieved through significant funding which would not be available from public sources. Furthermore, a substantial income would be required to achieve a sustainable long-term future use. [26-27, 52-53]
110. The viability report is several years old and has not been updated to reflect the present economic situation. It is also not clear if account has been taken of the location of the site within the flood plain where it may be more difficult to secure mortgages and insurance and the properties may be less attractive to potential purchasers. Whilst it is reasonable to estimate the cost of the new build on industry averages for this type of development, the nature of the works to restore the listed building are more difficult to predict. Moreover, the building will reveal more of its history as restoration work is undertaken. The report would therefore need to be the subject of on-going review as more information becomes available, as the market place changes and as costs become better defined. It is therefore understandable that in recognising the extreme sensitivity of the proposals, the report concluded that to secure a viable option a larger scheme comparable to the current proposals would be required. [26-27, 54, 81]
111. There is no certainty regarding the scale of the development required to ensure the restoration of the listed building would be financially viable. There is also a distinct possibility that the scheme would need to be amended in the light of updated costings. This may entail a review of the size and number of the units to reflect market demand. It is possible that this could be achieved by amending the internal layout without necessitating elevational changes or larger buildings to enable the development to proceed successfully. However, regard would need to be given to any potential harm to the heritage asset from such changes. Notwithstanding this, for the purposes of this application a development of the scale proposed would be the minimum necessary to secure the restoration of the listed building. [26-27, 54]

112. The final test is whether the public benefit of securing the future of the historic asset through the enabling development decisively outweighs the disbenefits of breaching other public policies. Whilst I am highly aware of the condition of the building and the need to secure an alternative viable use if it is to be saved, the statutory requirement to have special regard to the desirability of preserving the building must be balanced against the disbenefits of breaching national and local policies in respect of flooding and development in the open countryside. Furthermore, it is an expectation of PPW that enabling development should not give rise to significant risks, for example residential development in the floodplain. Given my conclusions in respect of flooding and development in the open countryside I do not consider that these tests are met. [26-27, 55, 67]
113. I am aware that the Council has approved an urgent works notice and work is ongoing with the owner of the building with a view to serving formal notices if necessary. Although to proceed along this route may secure the urgent works required to halt or slow down the deterioration of the building, it may not result in the positive action required to ensure it is restored, in line with the WG's objective to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. [20, 26-27, 48, 50]
114. Consideration must also be given to the effect of the development on the registered historic garden. Both Cadw and GGAT concluded that the proposal would be likely to cause significant harm to the garden, particularly to the north and east of the house and including potential impacts on garden archaeology. [11-12, 23-24, 47, 56, 74, 77]
115. Although the Archaeological Desk Based Assessment states that there is uncertainty over the original presence of any formal garden features and expresses doubt over their survival, they are not discounted. The assessment concluded that a programme of archaeological works may be necessary to confirm the presence or otherwise of any significant remains and to investigate their nature, quality and extent. The need for five trenches in specified locations was identified. Cadw and GGAT both consider an archaeological evaluation is needed prior to the determination of the application in order to establish the extent and importance of any archaeological remains and allow an appropriate programme of mitigation for the archaeological resource. [24, 56, 75-77]
116. Whilst the need for further investigation is acknowledged by the Council, it does not consider it necessary for such works to be undertaken prior to the determination of the application. This may be appropriate when there is a chance that unforeseen remains might be discovered during a development. However, in the current circumstances where the potential for archaeological remains has been accepted, I do not consider this course of action would be appropriate. [24, 56, 76-77]
117. I am not satisfied that the information submitted is sufficient to fully assess the presence or otherwise of any significant archaeological remains. Further archaeological evaluation is required which would enable a mitigation strategy appropriate to the significance of any archaeological assets identified to be evolved and any implications it may have for the design of the scheme to be addressed. I recognise that in the light of further investigation there is the potential that amendments may be required which could have significant implications for the financial viability of the scheme. This is a further reason why the matter should be resolved prior to the determination of the application. [24, 56, 76-78]

118. It is acknowledged that in cases involving less significant archaeological remains it is necessary to weigh the relative importance of the archaeological remains and their settings against other factors, including the needs of the development. I accept that the walled gardens may be of greater archaeological importance than the garden terraces affected by the proposals. However, the gardens are an integral part of Troy House and any archaeological remains could be equally important to its status as a listed building. I acknowledge that the survival of Troy House is in the balance. Nevertheless, I am not satisfied that sufficient information has been submitted to allow a full understanding of the impact of the proposals on the historic significance of the registered historic garden. [24, 56, 66, 76-78, 87]

Other material considerations

119. In addition to the matters already addressed concerns were raised by interested parties regarding the access lane and its junction with the highway network, the effect on the economic viability of Troy farm, and water supply. [6, 41]
120. It is acknowledged that the lane is in the ownership of Troy Farm and that the occupants of Troy House only have a right of access. It is noted that the improvement of the junction of the lane with the B4293 is required in the interests of highway safety. Whilst the improvement of the junction together with any alterations to the lane could only be carried out with the agreement of the landowners, it is a separate legal matter with no bearing on the planning application. I have no definitive evidence regarding the accuracy of the drawings or the inability of the two bridges to carry any additional traffic. Notwithstanding this, any works in this respect would form part of the carriageway construction details. [6, 80-81]
121. Concerns were raised regarding the accuracy of the Transport Statement in respect of the assessment of the likely impact of the development on traffic flows. Whilst I am aware that the traffic generated by the site in recent years has been significantly below the proposed use, the last use as a school could be re-commenced. I am therefore satisfied that the Transport Assessment was correct in taking account of this use in assessing traffic flows. [42, 80]
122. It is noted that the lane is closed for long periods twice a day to allow animals to travel between the fields and the farmyard at will for milking rather than being moved as a herd. Closure of the lane for such periods has the potential for a backlog of vehicles approaching the site from the B4293 and for animals to stray onto the road if the lane is not secured. Such closures would also inconvenience future occupants of the development. However, I am satisfied that the gate across the lane is adequate distance from the junction to give drivers enough warning that it is closed. There would also be the opportunity for drivers to pass through the gate, opening and closing it behind them. Whilst it may not be an ideal situation, the occupiers of Troy House have a right of access over the lane and any hindrance of that right is a legal issue separate from the planning application. [80-82]
123. It is acknowledged that a development of the size proposed would result in a significant increase in the number of residents living near a working farm. However, I am not persuaded by the evidence that this would have a significant detrimental impact on the economic viability and operational ability of Troy Farm to maintain and grow the existing farm enterprise. [81]
124. Concerns were also raised in respect of water supply. Whilst the application form states that either a private or a mains supply is available, some residents served by the borehole have found it necessary to install mains water in order to ensure a

reliable supply. It is accepted that the scale of the development would give rise to a significant demand for water. However, there is no evidence that the development would be without a supply and separate legislation will demand it prior to occupation. Although further details of the proposed private plant for the disposal of foul drainage are required, there is no evidence that this method would be unacceptable. [83]

Planning Conditions

125. The joint statement of the Council and the Applicant included a list of suggested conditions which were discussed at the Hearing. In the light of the advice in Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (October 2014), it was agreed that in the interests of clarity and precision the wording of some of the conditions required amendment. The Council subsequently submitted a revised list (document 9) to which I have had regard.
126. In addition to the standard conditions regarding time limit and confirmation of the approved plans, in the interests of highway safety details are required in respect of improvements to the junction and access lane including a Construction Management Plan and the timing of the provision of parking. [41]
127. The condition requiring a Construction Management and Restoration Phasing Plan regarding the works to Troy House duplicates the Listed Building Consent and has therefore been omitted. I consider the condition preventing the commencement of the development prior to evidence of a binding contract for the completion of the work to be ultra vires. Nevertheless, to ensure the listed building is satisfactorily restored at the earliest point in the programme, the phasing of the new build is stipulated. To protect the heritage asset, further details are required of identified features of the new build and samples of all the materials prescribed to be used externally. The attic is to be used solely for storage, no additional external miscellaneous features are allowed and permitted development rights are withdrawn in respect of means of enclosure. [40]
128. In the interests of biodiversity, a Demolition and Construction Environmental Management Plan, a Green Infrastructure Management Plan, details of mitigation regarding bats, a landscaping scheme and a lighting design strategy are required. [42]
129. In addition to details of surface water and foul drainage, a flood evacuation plan are required. I consider that the foul drainage details should be approved prior to development commencing on site. In view of the discussion in respect of the flood risk, it is also necessary to ensure the finished ground floor level of Troy House and the gatehouse are at a level which will satisfy section A1.14 of TAN 15 is met. The parties were agreed that such a condition was necessary. [45, 71, 79]

Overall Conclusions

130. The application site is almost entirely within flood zone C2 and the residential development proposed is classed as highly vulnerable. Although the development could be designed to satisfy section A1.14 of TAN 15, it would not completely satisfy section A1.15. Notwithstanding this, TAN 15 is unambiguous that highly vulnerable development should not be located within flood zone C2. This has been reinforced in a letter from WG. Furthermore, Policies S12 and SD3 of the LDP respectively seek to avoid inappropriate development in areas at risk of flooding and place strict control on highly vulnerable development in areas which may be liable to flooding.

131. The proposal is reliant on a significant amount of new build on a site which lies within open countryside where there is a presumption in national and local planning policy against new development except in certain circumstances, none of which apply to the development proposed.
132. The development would secure the preservation of the listed building and return it to an appropriate use. However, to do so would entail a significant amount of new build which would not meet the tests regarding enabling development. The presence of archaeological remains has not been discounted and there is insufficient information to fully assess its presence or the effect of the development on it. The proposal would therefore be likely to cause harm to the registered historic garden.
133. On balance I conclude that the statutory requirement to have special regard to the desirability of preserving the listed building is outweighed by the identified harm in respect of flooding and the location of the development in the open countryside. The potential harm to the registered historic garden adds further weight against the proposal. I therefore find that the planning application should be refused.
134. In reaching this decision I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle, through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Recommendation

135. I recommend that the application be refused

K Sheffield
INSPECTOR

APPEARANCES

FOR THE APPLICANT:

Graham Frecknall
George Baker

Graham Frecknall Architecture & Design,
JBA Consulting

FOR THE LOCAL PLANNING AUTHORITY:

Craig O'Connor
Amy Longford

Development Management Area Manager
Heritage Manager

INTERESTED PERSONS:

David Dovey
Louise Brown
Maureen Powell
Ruth Edwards
Lucy Pritchard
Michael Robinson
Anne Robinson
Anthea Prest
Karen Anthony
Hazel Nash

County Councillor
County Councillor
County Councillor
County Councillor
Welsh Historic Gardens Trust
Welsh Historic Gardens Trust
Welsh Historic Gardens Trust
Welsh Historic Gardens Trust
Agri Advisor acting for Mr Long
Agri Advisor acting for Mr Long

DOCUMENTS

Submitted to the Hearing:

1. Letter and circulation list regarding the arrangements for the Hearing.
2. List of drawings on which the Council reached its decision together with copies of existing drawings of Troy House and proposed ground floor previously omitted.
3. Appendices to Planning Statement previously omitted.
4. Revised FCA Table 1 and accompanying site plan.
5. Extract of Land Registry document submitted by the Applicant.
6. Land Registry Document submitted by interested party.
7. Officer's report on the application for Listed Building Consent.
8. Submission on behalf of Welsh Historic Gardens Trust.
9. Relevant policies of Local Development Plan.

Submitted post-Hearing:

10. Updated list of suggested conditions.
11. Comments from Natural Resources Wales on disparity in FCA, 01/02/2019.
12. Clarification from the Applicant, 08/02/2019.
13. Final comments from Natural Resources Wales, 15/02/2019
14. Final comments from the Council, 15/02/2019

Schedule of conditions to be imposed if the application is allowed

1. The development shall begin no later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with approved Drawing Nos: AL.0.01; AL.0.02; AL.0.03; AL.0.04 Rev C; AL.0.06 Rev A; AL.0.100; AL.0.101; AL.0.102; AL.0.103; AL.0.104; AL.0.200; AL.0.201; AL.0.202; AL.0.203; AL.0.105 Rev B; AL.0.156 Rev C; AL.0.157 Rev B; AL.0.158 Rev C; AL.0.254 Rev D; AL.0.255 Rev D; AL.0.206; AL.0.207 Rev A; AL.0.109 Rev A; AL.0.110 Rev A; AL.0.111 Rev A; AL.0.112 Rev A; AL.0.208 Rev A; AL.0.209; AL.0.210; AL.0.211 Rev A; AL.0.212 Rev A; AL.0.213; AL.0.115 and AL.0.116 Rev C.
Reason: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
3. Notwithstanding the details shown in Drawing No. AL.0.116 Rev C, no development shall commence until details have been submitted to and approved in writing by the local planning authority of the carriageway construction and surfacing materials together with improvements to the junction showing a level plateau for the first 10m from the edge of carriageway. The development shall be carried out in accordance with the approved details and the works shall be completed prior to any of the residential units being occupied.
Reason: In the interests of highway safety and to ensure the development complies with the requirements of Policy MV1 of the LDP.
4. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The construction work shall be carried out in accordance with the approved CTMP.
Reason: In the interest of highway safety and to ensure the development complies with the requirements of Policies S16 and MV1 of the LDP.
5. Samples of the proposed external finishes including a one square metre sample panel of render, stone and brick shall be presented on site and shall be agreed in writing by the local planning authority prior to their use in the development. The development shall be carried out in accordance with the agreed finishes.
Reason: To ensure a satisfactory form of development which respects the character and appearance of the listed building in accordance with Policies S17 and DES1 of the LDP
6. No development shall commence on site until a phased schedule of works has been submitted to and agreed in writing by the local planning authority. The schedule shall ensure that with the exception of the west wing as outlined on Drawing No. AL.0.04 Rev C, no other buildings hereby approved shall be erected until the listed building known as Troy House has been repaired and restored to a stage to be agreed with the local planning authority as part of the schedule of works.
Reason: To safeguard the protection and restoration of the Heritage Asset in accordance with the requirements of enabling development in PPW (6.1.30).
7. No development shall take place on until a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: to ensure account is taken of any archaeological features in accordance with the requirements in PPW (6.1.32).

8. No development shall commence on site until a detailed surface water management scheme has been submitted to and agreed in writing by the local planning authority. The scheme shall include details for the whole site including car park, access lane and other hard and soft landscaped areas. The scheme shall be completed in accordance with the approved details prior to any of the residential units being occupied.

Reason: To safeguard the riparian habitat of the River Trothy and River Wye SSSI and SAC and to ensure adequate drainage of the site in accordance with Policies NE1 and SD4 of the LDP.

9. No development shall take place (including demolition, ground works and vegetation clearance) until a Demolition and Construction Environmental Management Plan (DCEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The DCEMP (Biodiversity) shall include:
- a) a risk assessment of potentially damaging demolition & construction activities;
 - b) identification of "biodiversity protection zones";
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on site to oversee works;
 - f) details of responsible persons and lines of communication;
 - g) details of the role and responsibilities on site of the ecological clerk of works;
 - h) use of protective fences, exclusion barriers and warning signs; and
 - i) details of the management of Invasive Non-Native Species to reduce their occurrence at the site and prevent uncontrolled spread.

The development shall be carried out in accordance with the approved DCEMP during the demolition and construction periods.

Reason: To safeguard the riparian habitat of the River Trothy and River Wye and other ecological interests at the site including protected and priority species in accordance with Policy NE1 of the LDP.

10. Notwithstanding the details forming part of the submitted plans, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The details shall include:
- a) proposed finished levels or contours;
 - b) means of enclosure;
 - c) car parking layouts;
 - d) vehicle and pedestrian access and circulation areas;
 - e) hard surfacing materials including the use of permeable materials within the curtilage of the site;
 - f) minor artefacts and structures (e.g. furniture, artwork, refuse or other storage units, signs, lighting, floodlighting and CCTV installations etc.);
 - g) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports and CCTV installations.);
 - h) retained historic or other landscape features and proposals for restoration, where relevant;

- i) soft landscape details shall include: planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities; and
- j) watercourse features.

The hard and soft 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.

Reason: To ensure the provision afforded by appropriate Green Infrastructure design & to safeguard roosts and flight lines of populations of horseshoe bats connected with the SSSI and SAC and wider ecological considerations including protected and priority species in accordance with Policy GI1 and NE1 of the LDP.

11. No development shall take place until a Green Infrastructure Management Plan (GIMP) has been submitted to and approved in writing by the local planning authority. The GIMP shall include:
- a) description and evaluation of Green Infrastructure assets to be managed to include but not be limited to:
 - i) bat roosts & supporting habitats, mitigation and compensation including flight lines for foraging/commuting
 - ii) riparian habitats to conserve SINC habitat (River Trothy) supporting Interest Features of the River Wye SAC;
 - b) trends and constraints on site that might influence management;
 - c) appropriate management options for achieving identified aims and objectives;
 - d) prescriptions for management actions;
 - e) preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period);
 - f) details of the body or organization responsible for implementation of the plan;
 - g) ongoing monitoring of Green Infrastructure assets and remedial measures including a monitoring scheme for bats. Monitoring should include the bats, their roosting locations, and the establishment of newly planted and existing habitats/flight lines.
- The GIMP shall also include details of the legal and funding mechanisms by which its long-term implementation will be secured by the developer with the management body(ies) responsible for its delivery. The GIMP shall also set out (where the results from monitoring show that conservation aims and objectives of the GIMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The development shall be implemented in accordance with the approved GIMP.

Reason: To ensure effective management of Green Infrastructure assets at the site in accordance with LDP Policy GI1 including flight lines and riparian habitat integral to the maintenance of favourable conservation status of protected sites and species.

12. No development shall take place until the final Method Statement detailing mitigation for bats has been submitted to the local planning authority. The Method Statement shall be implemented in full and any subsequent amendments provided to the local planning authority for record and enforcement purposes.

Reason: To safeguard roosts and flight lines of populations of horseshoe bats connected with the SSSI and SAC and other species of bats using the site in

accordance with the Conservation of Habitats and Species Regulations 2017 and Policy NE1 of the LDP.

13. No development shall take place until a detailed schedule of the phasing of works likely to detrimentally affect bat species and the detail of measures to be employed to prevent or minimise impacts has been submitted to and approved in writing by the local planning authority. The phasing schedule shall be implemented in full and any subsequent amendments provided to the local planning authority for record and enforcement purposes.

Reason: To safeguard roosts and flight lines of populations of horseshoe bats connected with the SSSI and SAC and other species of bats using the site in accordance with the Conservation of Habitats and Species Regulations 2017 and Policy NE1 of the LDP.

14. No residential unit hereby approved shall be occupied until car parking has been provided in accordance with the approved plan and that area shall thereafter be retained and used solely for the parking of vehicles.

Reason: To ensure provision is made for the parking of vehicles in accordance with Monmouthshire Parking Standards 2013 SPG and Policy MV1 of the LDP.

15. No residential unit hereby approved shall be occupied until a detailed flood evacuation plan has been submitted to and agreed in writing by the local planning authority. The plan shall include precise details of:

- a) the actions to be taken in the case of a flood;
- b) the evacuation/escape route;
- c) the content and location of all flood warning signs to be erected at the site and within the buildings to ensure people are aware of the risk of flooding and the evacuation procedure; and
- d) the measures to be taken to ensure that all occupants of the apartments shall be made aware of the evacuation plan to be implemented in the event of any flood.

Reason: To ensure there are adequate flood protection measures in place and the consequences of flooding are adequately managed in accordance with the requirements of TAN15 and Policies S12 and SD3 of the LDP.

16. No development shall take place until details of the private water treatment system have been submitted to and agreed in writing by the local planning authority. The treatment system shall be installed in accordance with the approved details prior to the residential occupation of the development.

Reason: To safeguard the impact of any discharge on wildlife interests and to ensure a satisfactory system is installed at the site in accordance with Policies NE1 and EP5 of the LDP.

17. A lighting design strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall build upon the principles in Section 3.6 of the submitted Bat Mitigation Strategy, Proposed Detail Site Plan AL.0.06 and Bat Mitigation Strategy Troy House Revision A and shall:

- a) identify those areas and features on site that are particularly sensitive for protected and priority species and likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for roosting or foraging;
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications including operational

measures) to clearly demonstrate that areas to be lit will not disturb or prevent species using their territory or having access to their breeding sites and resting places; and

- c) demonstrate (through the provision of appropriate lighting contour plans and technical specifications including operational measures) that artificial lighting spill from internal lighting shall not disturb or prevent species using their territory or having access to their breeding sites and resting places.

All artificial lighting shall be installed prior to the occupation of any of the residential units in accordance with the strategy and shall be maintained thereafter in accordance with the strategy. No other artificial lighting shall be installed without the prior consent of the local planning authority.

Reason: To safeguard roosts and flight lines of populations of horseshoe bats connected with the SSSI and SAC and wider ecological considerations including protected and priority species in accordance with Policy NE1 of the LDP.

- 20 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 that approved by this permission shall be erected or placed without the prior written approval of the local planning authority.

Reason: In the interests of visual amenity and to safeguard the appearance of the area in accordance with Policies S17, DES1 and EP1 of the LDP.

18. Other than those hereby approved, no flues, vents, services, external lights, alarms or satellite dishes shall be fixed to the new buildings.

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP

22. The ridges and hips to the new buildings shall be formed with wood core lead rolls

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP.

23. External rendering to the new buildings shall have a smooth surface finish. Metal angle beads shall not be used. The final coat shall be finished with a wood float and shall not be belled outward over the heads of wall openings or at a damp-proof course level. The render shall have a painted finish, the colour of which shall be submitted to and approved in writing by the local planning authority prior to painting.

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP.

24. All rainwater goods to the new buildings shall be in cast metal and have a painted finish, the colour of which shall be submitted to and approved in writing by the local planning authority prior to installation.

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP.

25. The windows to the new buildings shall have stone sub-cills the details of which shall be submitted to and approved in writing by the local planning authority prior to the installation of the windows. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP.

26. Detailed drawings of the proposed dormers; windows; cornice; urns; ashlar quoins; parapet and coping, windows and external doors to the new buildings shall be submitted to the local planning authority. The drawings shall be to a minimum scale of 1:10 and shall include elevations, vertical and horizontal sections with larger scale details to sufficiently describe the features. The written approval of the details shall be obtained prior to their installation, which shall be in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP.

27. All external timber to the new buildings shall have a painted finish in accordance with a detailed schedule to be submitted to and approved in writing by the local planning authority prior to the timber being installed and shall be finished in accordance with the approved schedule.

Reason: To safeguard the character and appearance of the listed building and its setting in accordance with Policy DES1 of the LDP.

28. The attic rooms within Troy House not forming part of the residential units shown in Drawing No. AL.0.158 Rev C shall only be used for domestic storage in association with the residential units hereby approved.

Reason: To protect the historic fabric of the building in accordance with Policy DES1 of the LDP.

29. Notwithstanding the details already submitted, the minimum finished ground floor level of Troy House shall be 18.2m AOD and 18.12m AOD at the gatehouse.

Reason: In order to protect the historic fabric of the building in accordance with Policy DES1 of the LDP and to ensure there are adequate flood protection measures in place and the consequences of flooding are adequately managed in accordance with the requirements of TAN15 and Policies S12 and SD3 of the LDP.

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New Appeals 24.04.2019 to 19.06.2019

Local Ref	Appeal Site Address	Development	Reason for Appeal	Appeal Type	Date Lodged
DM/2019/00461	11 Chapel Mead Penperlleni Goytre Pontypool Monmouthshire NP4 0BR	To fell tree (Tree Preservation Order appeal)	Against a refusal	Written Representations	04.06.2019
DC/2017/01375	Ty Carol Barn Star Road Nant Y Derry Goytre Monmouthshire NP4 0AA	Change of use from agricultural to transport yard. Extension to existing transport yard to accommodate an additional 6 tractor units and 3 trailers.	Against a refusal	Written Representations	11.06.2019
DM/2018/01872	Land Rear Of Rosebrook Watery Lane Monmouth Monmouthshire	Three new detached market dwellinghouses with associated garage(s), car parking, access driveways and landscaping.	Against a refusal	Written Representations	11.06.2019

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