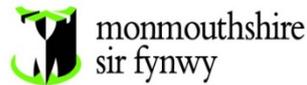


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Neuadd y Cyngor  
Y Rhadyr  
Brynbuga  
NP15 1GA

Dydd Llun, 28 Hydref 2019

Hysbysiad o gyfarfod

## Pwyllgor Cynllunio

Dydd Mawrth, 5ed Tachwedd, 2019 at 2.00 pm,  
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

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**Paul Matthews**

**Prif Weithredwr**

## CYNGOR SIR FYNWY

### MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:

R. Edwards  
P. Clarke  
J.Becker  
L.Brown  
A.Davies  
D. Dovey  
A. Easson  
D. Evans  
M.Feakins  
R. Harris  
J. Higginson  
G. Howard  
P. Murphy  
M. Powell  
A. Webb  
S. Woodhouse

## Gwybodaeth Gyhoeddus

**Bydd rhaid i unrhyw person sydd eisiau siarad yn Y Pwyllgor Cynllunio cofrestru gyda Gwasanaethau Democrataidd erbyn hanner dydd ar diwrnod cyn y cyfarfod. Mae manylion ynglŷn a siarad yn cyhoeddus ar gael tu fewn l'r agenda neu yma [Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio](#)**

### **Mynediad i gopiâu papur o agendâu ac adroddiadau**

Gellir darparu copi o'r agenda hwn ac adroddiadau perthnasol i aelodau'r cyhoedd sy'n mynychu cyfarfod drwy ofyn am gopi gan Gwasanaethau Democrataidd ar 01633 644219. Dylid nodi fod yn rhaid i ni dderbyn 24 awr o hysbysiad cyn y cyfarfod er mwyn darparu copi caled o'r agenda hwn i chi.

### **Edrych ar y cyfarfod ar-lein**

Gellir gweld y cyfarfod ar-lein yn fyw neu'n dilyn y cyfarfod drwy fynd i [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk) neu drwy ymweld â'n tudalen Youtube drwy chwilio am MonmouthshireCC. Drwy fynd i mewn i'r ystafell gyfarfod, fel aelod o'r cyhoedd neu i gymryd rhan yn y cyfarfod, rydych yn caniatáu i gael eich ffilmio ac i ddefnydd posibl y delweddau a'r recordiadau sain hynny gan y Cyngor.

### **Y Gymraeg**

Mae'r Cyngor yn croesawu cyfraniadau gan aelodau'r cyhoedd drwy gyfrwng y Gymraeg neu'r Saesneg. Gofynnwn gyda dyledus barch i chi roi 5 diwrnod o hysbysiad cyn y cyfarfod os dymunwch siarad yn Gymraeg fel y gallwn ddarparu ar gyfer eich anghenion.

# Nodau a Gwerthoedd Cyngor Sir Fynwy

## Cymunedau Cynaliadwy a Chryf

### Canlyniadau y gweithiwn i'w cyflawni

#### Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

#### Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

#### Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

### Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

### Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

## **Diben**

Diben yr adroddiadau a atodir a'r cyflwyniad cysylltiedig gan swyddogion i'r Pwyllgor yw galluogi'r Pwyllgor Cynllunio i wneud penderfyniad ar bob cais yn y rhestr a atodir, ar ôl pwysu a mesur y gwahanol ystyriaethau cynllunio perthnasol.

Dirprwywyd pwerau i'r Pwyllgor Cynllunio wneud penderfyniadau ar geisiadau cynllunio. Mae'r adroddiadau a gynhwysir yn yr atodlen yma'n asesu'r datblygiad arfaethedig yn erbyn polisi cynllunio perthnasol ac ystyriaethau cynllunio eraill perthnasol, a rhoi ystyriaeth i'r holl ymatebion ymgynghori a dderbyniwyd. Daw pob adroddiad i ben gydag argymhelliad swyddog i'r Pwyllgor Cynllunio ar p'un ai yw swyddogion yn ystyried y dylid rhoi caniatâd cynllunio (gydag awgrym am amodau cynllunio lle'n briodol) neu ei wrthod (gydag awgrymiadau am resymau dros wrthod).

Dan Adran 38(6) Deddf Cynllunio a Phrynu Gorfodol 2004, mae'n rhaid i bob cais cynllunio gael eu penderfynu yn unol â Chynllun Datblygu Lleol Sir Fynwy 2011-2021 (a fabwysiadwyd yn Chwefror 2014), os nad yw ystyriaethau cynllunio perthnasol yn awgrymu fel arall.

Disgwylir i'r holl benderfyniadau a wneir fod o fudd i'r Sir a'n cymunedau drwy ganiatáu datblygu ansawdd da yn y lleoliadau cywir, ac ymwrthod â datblygiad amhriodol, ansawdd gwael neu yn y lleoliad anghywir. Mae cysylltiad uniongyrchol i amcan y Cyngor o adeiladu cymunedau cryf a chynaliadwy.

## **Gwneud penderfyniadau**

Gellir cytuno ar geisiadau yn rhwym ar amodau cynllunio. Mae'n rhaid i amodau gyflawni'r holl feini prawf dilynol:

- Angenrheidiol i wneud y datblygiad arfaethedig yn dderbyniol;
- Perthnasol i ddeddfwriaeth cynllunio (h.y. ystyriaeth cynllunio);
- Perthnasol i'r datblygiad arfaethedig dan sylw;
- Manwl;
- Gorfodadwy; a
- Rhesymol ym mhob cyswllt arall.

Gellir cytuno i geisiadau yn amodol ar gytundeb cyfreithiol dan Adran 106 Deddf Cynllunio Tref a Gwlad 1990 (fel y'i diwygiwyd). Mae hyn yn sicrhau goblygiadau cynllunio i wrthbwysu effeithiau'r datblygiad arfaethedig. Fodd bynnag, mae'n rhaid i'r goblygiadau cynllunio hyn gyflawni'r holl feini prawf dilynol er mwyn iddynt fod yn gyfreithlon:

- Angenrheidiol i wneud y datblygiad yn dderbyniol mewn termau cynllunio;
- Uniongyrchol gysylltiedig â'r datblygiad; ac
- Wedi cysylltu'n deg ac yn rhesymol mewn maint a math i'r datblygiad.

Mae gan yr ymgeisydd hawl apelio statudol yn erbyn gwrthod caniatâd yn y rhan fwyaf o achosion, neu yn erbyn gosod amodau cynllunio, neu yn erbyn methiant y Cyngor i benderfynu ar gais o fewn y cyfnod statudol. Nid oes unrhyw hawl apelio trydydd parti yn erbyn penderfyniad.

Gall y Pwyllgor Cynllunio wneud argymhellion sy'n groes i argymhelliad y swyddog. Fodd bynnag, mae'n rhaid rhoi rhesymau am benderfyniadau o'r fath ac mae'n rhaid i'r penderfyniad fod yn seiliedig ar y Cynllun Datblygu Lleol (LDP) a/neu ystyriaethau cynllunio perthnasol. Pe byddai penderfyniad o'r fath yn cael ei herio mewn apêl, bydd yn ofynnol i Aelodau Pwyllgor amddiffyn eu penderfyniad drwy'r broses apêl.

## **Prif gyd-destun polisi**

Mae'r LDP yn cynnwys y prif bolisiâu datblygu a dylunio. Yn hytrach nag ail-adrodd y rhain ar gyfer pob cais, caiff y geiriad llawn ei osod islaw er cymorth Aelodau.

*Polisi EP1 - Gwarchod Amwynderau a'r Amgylchedd*

Dylai datblygiad, yn cynnwys cynigion ar gyfer adeiladau newydd, estyniadau i adeiladau presennol a hysbysebion roi ystyriaeth i breifatrwydd, amwynder ac iechyd defnyddwyr adeiladau cyfagos. Ni chaniateir cynigion datblygu a fyddai'n achosi neu'n arwain at risg/niwed annerbyniol i amwynder lleol, iechyd, cymeriad/ansawdd cefn gwlad neu fuddiannau cadwraeth natur, tirlun neu bwysigrwydd treftadaeth adeiledig oherwydd y dilynol, os na fedrir dangos y gellir cymryd mesurau i oresgyn unrhyw risg sylweddol:

- Llygredd aer;
- Llygredd golau neu sŵn;
- Llygredd dŵr;
- Halogiad;
- Ansefydlogrwydd tir; neu
- Unrhyw risg a ddynodwyd i iechyd neu ddiogelwch y cyhoedd.

#### Polisi DES1 – Ystyriaethau Dylunio Cyffredinol

Dylai pob datblygiad fod o ddyluniad cynaliadwy ansawdd uchel a pharchu cymeriad lleol a nodweddion neilltuoel amgylchedd adeiledig, hanesyddol a naturiol Sir Fynwy. Bydd yn ofynnol i gynigion datblygu:

- a) Sicrhau amgylchedd diogel, dymunol a chyfleus sy'n hygyrch i bob aelod o'r gymuned, yn cefnogi egwyddorion diogelwch y gymuned ac yn annog cerdded a seiclo;
- b) Cyfrannu tuag at naws o le wrth sicrhau fod maint y datblygiad a'i ddwyyster yn gydnaws gyda defnyddiau presennol;
- c) Parchu ffurf, maint, lleoliad, casglu, deunyddiau a gweddllun ei osodiad ac unrhyw adeiladau cyfagos o ansawdd;
- d) Cynnal lefelau rhesymol o breifatrwydd ac amwynder defnyddwyr adeiladau cyfagos, lle'n berthnasol;
- e) Parchu'r golygfeydd adeiledig a naturiol lle maent yn cynnwys nodweddion hanesyddol a/neu amgylchedd adeiledig neu dirlun deniadol neu neilltuoel;
- f) Defnyddio technegau adeiladu, addurniad, arddulliau a golau i wella ymddangosiad y cynnig gan roi ystyriaeth i wead, lliw, patrwm, cadernid a saerniaeth mewn defnyddio deunyddiau;
- g) Ymgorffori a, lle'n bosibl, wella nodweddion presennol sydd o werth hanesyddol, gweledol neu gadwraeth natur a defnyddio'r traddodiad brodorol lle'n briodol;
- h) Cynnwys cynigion tirlun ar gyfer adeiladau newydd a defnyddiau tir fel eu bod yn integreiddio i'w hamgylchiadau, gan roi ystyriaeth i ymddangosiad y tirlun presennol a'i gymeriad cynhenid, fel y'i diffinnir drwy broses LANDMAP. Dylai tirlunio roi ystyriaeth i, a lle'n briodol gadw, coed a gwrychoedd presennol;
- i) Gwneud y defnydd mwyaf effeithiol o dir sy'n gydnaws gyda'r meini prawf uchod, yn cynnwys y dylai isafswm dwysedd net datblygiad preswyl fod yn 30 annedd fesul hectar, yn amodol ar faen prawf I) islaw;
- j) Sicrhau dyluniad sy'n ymateb i'r hinsawdd ac effeithiol o ran adnoddau. Dylid rhoi ystyriaeth i leoliad, cyfeiriadu, dwysedd, gweddllun, ffurf adeiledig a thirlunio ac i effeithiolrwydd ynni a defnyddio ynni adnewyddadwy, yn cynnwys deunyddiau a thechnoleg;
- k) Meithrin dylunio cynhwysol;
- l) Sicrhau y caiff ardaloedd preswyl presennol a nodweddir gan safonau uchel o breifatrwydd ac ehangder eu gwarchod rhag gor-ddatblygu a mewnlenni ansensitif neu amhriodol.

Cyfeirir at bolisiâu perthnasol allweddol eraill yr LDP yn adroddiad y swyddog.

#### Canllawiau Cynllunio Atodol (SPG):

Gall y Canllawiau Cynllunio Atodol dilynol hefyd fod yn berthnasol i wneud penderfyniadau fel ystyriaeth cynllunio perthnasol:

- Seilwaith Gwyrdd (mabwysiadwyd Ebrill 2015)
- Canllawiau Dylunio Trosi Adeiladau Amaethyddol (mabwysiadwyd Ebrill 2015)
- Polisi H4(g) LDP Trosi/Adfer Adeiladau yng Nghefn Gwlad i Ddefnydd Preswyl - Asesu Ail-dddefnydd ar gyfer Dibenion Busnes (mabwysiadwyd Ebrill 2015)
- Polisiâu H5 a H6 LDP Anheddau yn Lle ac Ymestyn Anheddau Gwledig yng Nghefn Gwlad (mabwysiadwyd Ebrill 2015)

- Arfarniad Ardal Cadwraeth Trellech (Ebrill 2012)
- Garejys Domestig (mabwysiadwyd Ionawr 2013)
- Safonau Parcio Sir Fynwy (mabwysiadwyd Ionawr 2013)
- Ymagwedd at Oblygiadau Cynllunio (Mawrth 2013)
- Drafft Tai Fforddiadwy (Gorffennaf 2015)
- Drafft Ynni Adnewyddadwy ac Effeithiolrwydd Ynni (Rhagfyr 2014)
- Drafft Nodyn Cyngor Cynllunio ar Asesu Tirlun Datblygu ac Effaith Gweledol Tyrbinau Gwynt
- Drafft Prif Wynebau Siopau (Mehafin 2015)

### Polisi Cynllunio Cyhoeddus

Gall y polisi cynllunio cenedlaethol dilynol hefyd fod yn berthnasol i wneud penderfyniadau fel ystyriaeth cynllunio berthnasol:

- Polisi Cynllunio Cymru (PPW) 11 2016
- Nodiadau Cyngor Technegol (TAN) PPW:
- TAN 1: Cydastudiaethau Argaeledd Tir Tai (2014)
- TAN 2: Cynllunio a Thai Fforddiadwy (2006)
- TAN 3: Symleiddio Parthau Cynllunio (1996)
- TAN 4: Manwerthu a Chanol Trefi (1996)
- TAN 5: Cadwraeth Natur a Chynllunio (2009)
- TAN 6: Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (2010)
- TAN 7: Rheoli Hysbysebion Awyr Agored (1996)
- TAN 8: Ynni Adnewyddadwy (2005)
- TAN 9: Gorfodaeth Rheoli Adeiladu (1997)
- TAN 10: Gorchmynion Cadwraeth Coed (1997)
- TAN 11: Sŵn (1997)
- TAN 12: Dylunio (2014)
- TAN 13: Twristiaeth (1997)
- TAN 14: Cynllunio Arfordirol (1998)
- TAN 15: Datblygu a Risg Llifogydd (2004)
- TAN 16: Chwaraeon, Hamdden a Gofodau Agored (2009)
- TAN 18: Trafnidiaeth (2007)
- TAN 19: Telathrebu (2002)
- TAN 20: Y Gymraeg (2013)
- TAN 21: Gwastraff (2014)
- TAN 23: Datblygu Economaidd (2014)
- TAN 24: Yr Amgylchedd Hanesyddol (2017)
- Nodyn Cyngor Technegol Mwynol (MTAN) Cymru 1: Agregau (30 Mawrth 2004)
- Nodyn Cyngor Technegol Mwynol (MTAN) Cymru 2: Glo (20 Ionawr 2009)
- Cylchlythyr Llywodraeth Cymru 016/2014 ar amodau cynllunio

### **Materion eraill**

Gall y ddeddfwriaeth ddilynol arall fod yn berthnasol wrth wneud penderfyniadau  
Deddf Cynllunio (Cymru) 2016

Daeth Adranau 11 a 31 y Ddeddf Cynllunio i rym yn Ionawr 2016 yn golygu fod y Gymraeg yn ystyriaeth cynllunio berthnasol. Mae Adran 11 yn ei gwneud yn ofynnol i'r gwerthusiad cynaliadwyedd, a gymerir wrth baratoi LDP, gynnwys asesiad o effeithiau tebygol y cynllun ar ddefnydd y Gymraeg yn y gymuned. Lle mae cynllun integredig sengl yr awdurdod wedi dynodi bod y Gymraeg yn flaenoriaeth, dylai'r asesiad fedru dangos y cysylltiad rhwng yr ystyriaeth ar gyfer y Gymraeg a'r prif arfarniad cynaliadwyedd ar gyfer yr LDP, fel y'i nodir yn TAN 20.

Mae Adran 31 y Ddeddf Cynllunio yn egluro y gall awdurdodau cynllunio gynnwys ystyriaethau yn ymwneud â'r defnydd o'r Gymraeg wrth wneud penderfyniadau ar geisiadau am ganiatâd cynllunio, cyn belled ag mae'n berthnasol i'r Gymraeg. Nid yw'r darpariaethau yn rhoi unrhyw bwysiad ychwanegol i'r Gymraeg o gymharu ag ystyriaethau perthnasol eraill. Mater i'r awdurdod cynllunio lleol yn llwyr yw p'un ai yw'r Gymraeg yn ystyriaeth berthnasol mewn unrhyw gais cynllunio, a

dylai'r penderfyniad p'un ai i roi ystyriaeth i faterion y Gymraeg gael ei seilio ar yr ystyriaeth a roddwyd i'r Gymraeg fel rhan o broses paratoi'r LDP.

Cynhaliwyd gwerthusiad cynaliadwyedd ar Gynllun Datblygu Lleol (LDP) Sir Fynwy a fabwysiadwyd yn 2014, gan roi ystyriaeth i'r ystod lawn o ystyriaethau cymdeithasol, amgylcheddol ac economaidd, yn cynnwys y Gymraeg. Cyfran cymharol fach o boblogaeth Sir Fynwy sy'n siarad, darllen neu ysgrifennu Cymraeg o gymharu gydag awdurdodau lleol eraill yng Nghymru ac ni ystyriwyd fod angen i'r LDP gynnwys polisi penodol ar y Gymraeg. Roedd casgliad yr asesiad am effeithiau tebygol y cynllun ar y defnydd o'r Gymraeg yn y gymuned yn fach iawn.

#### Rheoliadau Asesiad Effaith ar yr Amgylchedd 1999

Mae Rheoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Lloegr a Chymru) 1999 fel y'i diwygiwyd gan Reoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Diwygiad) 2008 yn berthnasol i'r argymhellion a wnaed. Bydd y swyddog yn tynnu sylw at hynny pan gyflwynwyd Datganiad Amgylcheddol gyda chais.

#### Rheoliadau Cadwraeth Rhywogaethau a Chynefinoedd 2010

Lle aseswyd bod safe cais yn safle bridio neu glwydo ar gyfer rhywogaethau Ewropeaidd a warchodir, bydd angen fel arfer i'r datblygydd wneud cais am "randdirymiad" (trwydded datblygu) gan Cyfoeth Naturiol Cymrau. Mae pob rhywogaeth o ystlumod, pathewod a madfallod cribog mawr yn enghreifftiau o'r rhywogaethau gwarchodedig hyn. Wrth ystyried ceisiadau cynllunio mae'n ofynnol i Gyngor Sir Fynwy fel awdurdod cynllunio lleol roi ystyriaeth i Reoliadau Cadwraeth Rhywogaethau a Chynefinoedd 20120 (y Rheoliadau Cynefinoedd) ac i'r ffaith mai dim ond lle cyflawnir tri phrawf a nodir yn Erthygl 16 y Gyfarwydddeb Cynefinoedd y caniateir rhanddirymiaid. Caiff y tri phrawf eu nodi islaw.

(i) Mae'r rhanddirymiad er budd iechyd a diogelwch y cyhoedd, neu am resymau hanfodol eraill o ddiddordeb pennaf i'r cyhoedd, yn cynnwys rhai o natur economaidd a chanlyniadau buddiol o bwysigrwydd sylfaenol i'r amgylchedd.

(ii) Nad oes dewis arall boddhaol.

(iii) Nad yw'r rhanddirymiad yn niweidiol i gynnal y boblogaeth o'r rhywogaeth dan sylw drwy statws cadwraeth ffafriol yn eu hardal naturiol.

#### Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015

Nod y Ddeddf yw gwella llesiant cymdeithasol, economaidd, amgylcheddol a diwylliannol Cymru. Mae'r Ddeddf yn gosod nifer o amcanion llesiant

- **Cymru lewyrchus;** defnydd effeithiol o adnoddau, pobl fedrus ac addysgedig, cynhyrchu cyfoeth, darparu swyddi;
- **Cymru gref;** cynnal a chyfoethogi bioamrywiaeth ac ecosystemau sy'n cefnogi hynny ac a all addasu i newid (e.e. newid yn yr hinsawdd);
- **Cymru iachach;** cynyddu llesiant corfforol a meddyliol pobl i'r eithaf a deall effeithiau iechyd;
- **Cymru o gymunedau cydlynol:** cymunedau yn ddeniadol, hyfyw, diogel a gyda chysylltiadau da.
- **Cymru sy'n gyfrifol yn fyd-eang:** rhoi ystyriaeth i effaith ar lesiant byd-eang wrth ystyried llesiant cymdeithasol, economaidd ac amgylcheddol lleol;
- **Cymru gyda diwylliant egniïol a'r iaith Gymraeg yn ffynnu:** caiff diwylliant, treftadaeth a'r Gymraeg eu hyrwyddo a'u diogelu. Caiff pobl eu hannog i gymryd rhan mewn chwaraeon, celf a hamdden;
- **Cymru fwy cyfartal:** gall pobl gyflawni eu potensial beth bynnag yw eu cefndir neu amgylchiadau.

Caiff nifer o egwyddorion datblygu cynaliadwy hefyd eu hamlinellu:

- **Hirdymor:** cydbwyso angen tymor byr gyda'r hirdymor a chynllunio ar gyfer y dyfodol;
- **Cydweithio:** cydweithio gyda phartneriaid eraill i gyflawni amcanion;
- **Ymgyfraniad:** cynnwys y rhai sydd â diddordeb a gofyn am eu barn;
- **Atal:** rhoi adnoddau i ateb problemau rhag digwydd neu waethygu;
- **Integreiddio:** cael effaith gadarnhaol ar bobl, yr economi a'r amgylchedd a cheisio bod o fudd i bob un o'r tri.

Mae'r gwaith a wneir gan awdurdod cynllunio lleol yn cysylltu'n uniongyrchol â hyrwyddo a sicrhau datblygu cynaliadwy ac yn anelu i sicrhau cydbwysedd rhwng y tri maes: amgylchedd, economi a chymdeithas.

#### Trefn Troseddu ac Anrhefn 1998

Mae Adran 17(1) Deddf Troseddu ac Anrhefn 1998 yn gosod dyletswydd ar awdurdod lleol i weithredu ei wahanol swyddogaethau gan roi ystyriaeth ddyledus i effaith debygol gweithredu'r swyddogaethau hynny ar, a'r angen i wneud popeth y gall ei wneud yn rhesymol i atal troseddu ac anrhefn yn ei ardal. Gall troseddu ac ofn troseddu fod yn ystyriaeth cynllunio berthnasol. Tynnir sylw at y pwnc hwn yn adroddiad y swyddog lle mae'n ffurfio ystyriaeth sylweddol ar gyfer cynnig.

#### Deddf Cydraddoldeb 2010

Mae Deddf Cydraddoldeb 2010 yn cynnwys dyletswydd cydraddoldeb sector cyhoeddus i integreiddio ystyriaeth cydraddoldeb a chysylltiadau da ym musnes rheolaidd awdurdodau cyhoeddus. Mae'r Ddeddf yn dynodi nifer o 'nodweddion gwarchoddedig': oedran, anabledd, aillbennu rhywedd; priodas a phartneriaeth sifil; hil; crefydd neu gredo; rhyw; a chyfeiriadedd rhywiol. Bwriedir i gydymffurfiaeth arwain at benderfyniadau a wnaed ar sail gwybodaeth well a datblygu polisi a gwasanaethau sy'n fwy effeithlon ar gyfer defnyddwyr. Wrth weithredu ei swyddogaethau, mae'n rhaid i'r Cyngor roi ystyriaeth ddyledus i'r angen i: ddileu gwahaniaethu anghyfreithlon, aflonyddu, erledigaeth ac ymddygiad arall a gaiff ei wahardd gan y Ddeddf; hybu cyfle cyfartal rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rhai nad ydynt; a meithrin cysylltiadau da rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rhai nad ydynt. Mae rhoi ystyriaeth ddyledus i hyrwyddo cydraddoldeb yn cynnwys: dileu neu leihau anfanteision a ddioddefir gan bobl oherwydd eu nodweddion gwarchoddedig; cymryd camau i ddiwallu anghenion o grwpiau gwarchoddedig lle mae'r rhain yn wahanol i anghenion pobl eraill; ac annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle mae eu cyfranogiad yn anghymesur o isel.

#### Mesur Plant a Theuluoedd (Cymru)

Mae ymgynghoriad ar geisiadau cynllunio yn agored i'n holl ddinasyddion faint bynnag eu hoed; ni chynhelir unrhyw ymgynghoriad wedi'i dargedu a anelwyd yn benodol at blant a phobl ifanc. Yn dibynnu ar faint y datblygiad arfaethedig, rhoddir cyhoeddusrwydd i geisiadau drwy lythyrau i feddianwyr cyfagos, hysbysiadau safle, hysbysiadau yn y wasg a/neu gyfryngau cymdeithasol. Nid yw'n rhaid i bobl sy'n ymateb i ymgynghoriadau roi eu hoedran nac unrhyw ddata personol arall, ac felly ni chaiff y data yma ei gadw na'i gofnodi mewn unrhyw ffordd, ac ni chaiff ymatebion eu gwahanu yn ôl oedran.

## Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio

Dim ond yn llwyr yn unol â'r protocol hwn y caniateir cyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio. Ni allwch fynnu siarad mewn Pwyllgor fel hawl. Mae'r gwahoddiad i siarad a'r ffordd y cynhelir y cyfarfod ar ddisgresiwn Cadeirydd y Pwyllgor Cynllunio ac yn amodol ar y pwyntiau a nodir islaw.

### **Pwy all siarad**

#### Cynghorau Cymuned a Thref

Gall cynghorau cymuned a thref annerch y Pwyllgor Cynllunio. Dim ond aelodau etholedig cynghorau cymuned a thref gaiff siarad. Disgwylir i gynrychiolwyr gydymffurfio â'r egwyddorion dilynol: -

(i) Cydymffurfio â Chod Cenedlaethol Ymddygiad Llywodraeth Leol. (ii) Peidio cyflwyno gwybodaeth nad yw'n:

- gyson gyda sylwadau ysgrifenedig eu cyngor, neu
  - yn rhan o gais, neu
  - wedi ei gynnwys yn yr adroddiad neu ffeil cynllunio.

#### Aelodau'r Cyhoedd

Cyfyngir siarad i un aelod o'r cyhoedd yn gwrthwynebu datblygiad ac un aelod o'r cyhoedd yn cefnogi datblygiad. Lle mae mwy nag un person yn gwrthwynebu neu'n cefnogi, dylai'r unigolion neu grwpiau gydweithio i sefydlu llefarydd. Gall Cadeirydd y Pwyllgor weithredu disgresiwn i ganiatáu ail siaradwr ond dim ond mewn amgylchiadau eithriadol lle mae cais sylweddol yn ysgogi gwahanol safbwyntiau o fewn un 'ochr' y ddadl (e.e. cais archfarchnad lle mae un llefarydd yn cynrychioli preswylwyr ac un arall yn cynrychioli manwerthwyr lleol). Gall aelodau'r cyhoedd benodi cynrychiolwyr i siarad ar eu rhan.

Lle na ddeuir i gytundeb, bydd yr hawl i siarad yn mynd i'r person/sefydliad cyntaf i gofrestru eu cais. Lle mae'r gwrthwynebydd wedi cofrestru i siarad caiff yr ymgeisydd neu asiant yr hawl i ymateb.

Cyfyngir siarad i geisiadau lle cyflwynwyd llythyrau gwrthwynebu/cefnogaeth neu lofnodion ar ddeiseb i'r Cyngor gan 5 neu fwy o aelwydydd/sefydliadau gwahanol. Gall y Cadeirydd weithredu disgresiwn i ganiatáu siarad gan aelodau o'r cyhoedd lle gallai cais effeithio'n sylweddol ar ardal wledig prin ei phoblogaeth ond y derbyniwyd llai na 5 o lythyr yn gwrthwynebu/cefnogi.

#### Ymgeiswyr

Bydd gan ymgeiswyr neu eu hasiantau a benodwyd hawl ymateb lle mae aelodau'r cyhoedd neu gyngor cymuned/tref yn annerch pwyllgor. Fel arfer dim ond ar un achlysur y caniateir i'r cyhoedd siarad pan gaiff ceisiadau eu hystyried gan Bwyllgor Cynllunio. Pan ohirir ceisiadau ac yn arbennig pan gânt eu hailgyflwyno yn dilyn penderfyniad pwyllgor i benderfynu ar gais yn groes i gyngor swyddog, ni chaniateir i'r cyhoedd siarad fel arfer. Fodd bynnag bydd yn rhaid ystyried amgylchiadau arbennig ar geisiadau a all gyfiawnhau eithriad.

### **Cofrestru Cais i Siarad**

I gofrestru cais i siarad, mae'n rhaid i wrthwynebwyr/cefnogwyr yn gyntaf fod wedi gwneud sylwadau ysgrifenedig ar y cais. Mae'n rhaid iddynt gynnwys eu cais i siarad gyda'u sylwadau neu ei gofrestru wedyn gyda'r Cyngor.

**Caiff ymgeiswyr, asiantau a gwrthwynebwyr eu cynghori i aros mewn cysylltiad gyda'r swyddog achos am ddatblygiadau ar y cais. Cyfrifoldeb y rhai sy'n dymuno siarad yw gwirio os yw'r cais i gael ei ystyried gan y Pwyllgor Cynllunio drwy gysylltu â'r Swyddog Cynllunio, a all roi manylion o'r dyddiad tebygol ar gyfer clywed y cais. Caiff y drefn ar gyfer cofrestru'r cais i siarad ei nodi islaw.**

Mae'n rhaid i unrhyw un sy'n dymuno siarad hysbysu Swyddogion Gwasanaethau Democraidd y Cyngor drwy ffonio 01633 644219 neu drwy e-bost i [registertospeak@monmouthshire.gov.uk](mailto:registertospeak@monmouthshire.gov.uk). Caiff unrhyw geisiadau i siarad a gaiff eu e-bostio eu cydnabod cyn y dyddiad cau ar gyfer cofrestru i

siarad. Os nad ydych yn derbyn cydnabyddiaeth cyn y dyddiad cau, cysylltwch â Gwasanaethau Democrataidd ar 01633 644219 i wirio y cafodd eich cais ei dderbyn.

Mae'n rhaid i siaradwyr wneud hyn cyn gynted ag sydd modd, rhwng 12 canol dydd ar y dydd Mercher a 12 canol dydd ar y dydd Llun cyn y Pwyllgor. Gofynnir i chi adael rhif ffôn y gellir cysylltu â chi yn ystod y dydd.

Bydd y Cyngor yn cadw rhestr o bobl sy'n dymuno siarad yn y Pwyllgor Cynllunio.

### **Gweithdrefn yng Nghyfarfod y Pwyllgor Cynllunio**

Dylai pobl sydd wedi cofrestru i siarad gyrraedd ddim hwyrach na 15 munud cyn dechrau'r cyfarfod. Bydd swyddog yn cynghori ar drefniadau seddi ac yn ateb ymholiadau. Caiff y weithdrefn ar gyfer delio gyda siarad gan y cyhoedd ei osod islaw:

- Bydd y Cadeirydd yn nodi'r cais i'w ystyried.
- Bydd swyddog yn cyflwyno crynodeb o'r cais a materion yn ymwneud â'r argymhelliad
- Os nad yw'r aelod lleol ar y Pwyllgor Cynllunio, bydd y Cadeirydd yn ei (g)wahodd i siarad am ddim mwy na 6 munud
- Yna bydd y Cadeirydd yn gwahodd cynrychiolydd y cyngor cymuned neu dref i siarad am ddim mwy na 4 munud.
- Bydd y Cadeirydd wedyn yn gwahodd yr ymgeisydd neu asiant a benodwyd (os yn berthnasol) i siarad am ddim mwy na 4 munud. Lle mae mwy na un person neu sefydliad yn siarad yn erbyn cais, ar ddisgresiwn y Cadeirydd bydd gan yr ymgeisydd neu'r asiant a benodwyd hawl i siarad am ddim mwy na 5 munud.
- Fel arfer cydymffurfir yn gaeth â chyfyngiadau amser, fodd bynnag bydd gan y Cadeirydd ddisgresiwn i addasu'r amser gan roi ystyriaeth i amgylchiadau'r cais neu'r rhai sy'n siarad.
- Dim ond unwaith y gall siaradwyr siarad.
- Bydd aelodau'r Pwyllgor Cynllunio wedyn yn trafod y cais, gan ddechrau gydag aelod lleol o'r Pwyllgor Cynllunio.
- Bydd y swyddogion yn ymateb i'r pwyntiau a godir os oes angen.
- Yn union cyn i'r mater gael ei roi i'r bleidlais, gwahoddir yr aelod lleol i grynhoi, gan siarad am ddim mwy na 2 funud.
- Ni all cynrychiolydd y cyngor cymuned neu dref neu wrthwynebydd/cefnogwyr neu'r ymgeisydd/asiant gymryd rhan yn ystyriaeth aelodau o'r cais ac ni allant ofyn cwestiynau os nad yw'r cadeirydd yn eu gwahodd i wneud hynny.
- Lle mae gwrthwynebydd/cefnogwr, ymgeisydd/asiant neu gyngor cymuned/tref wedi siarad ar gais, ni chaniateir unrhyw siarad pellach gan neu ar ran y grŵp hwnnw pe byddai'r cais yn cael ei ystyried eto mewn cyfarfod o'r pwyllgor yn y dyfodol heblaw y bu newid sylweddol yn y cais.
- Ar ddisgresiwn y Cadeirydd, gall y Cadeirydd neu aelod o'r Pwyllgor yn achlysurol geisio eglurhad ar bwynt a wnaed.
- Mae penderfyniad y Cadeirydd yn derfynol.
- Wrth gynnig p'un ai i dderbyn argymhelliad y swyddog neu i wneud diwygiad, bydd yr aelod sy'n gwneud y cynnig yn nodi'r cynnig yn glir.
- Pan gafodd y cynnig ei eilio, bydd y Cadeirydd yn dweud pa aelodau a gynigiodd ac a eiliodd y cynnig ac yn ailadrodd y cynnig a gynigwyd. Caiff enwau'r cynigydd a'r eilydd eu cofnodi.
- Bydd aelod yn peidio pleidleisio yng nghyswllt unrhyw gais cynllunio os na fu'n bresennol drwy gydol cyfarfod y Pwyllgor Cynllunio, y cyflwyniad llawn ac ystyriaeth y cais neilltuol hwnnw.
- Bydd unrhyw aelod sy'n ymatal rhag pleidleisio yn ystyried p'un ai i roi rheswm dros ei (h)ymatal.
- Bydd swyddog yn cyfrif y pleidleisiau ac yn cyhoeddi'r penderfyniad.

### **Cynnwys yr Arweithiau**

Dylai sylwadau gan gynrychiolydd y cyngor tref/cymuned neu wrthwynebydd, cefnogwr neu ymgeisydd/asiant gael eu cyfyngu i faterion a godwyd yn eu sylwadau gwreiddiol a bod yn faterion cynllunio perthnasol. Mae hyn yn cynnwys:

- Polisiâu cynllunio cenedlaethol a lleol perthnasol
- Ymddangosiad a chymeriad y datblygiad, gweddllun a dwysedd

- Cynhyrchu traffig, diogelwch priffordd a pharcio/gwasanaethu;
- Cysgodi, edrych dros, ymyriad sŵn, aroglau neu golled arall amwynder.

Dylai siaradwyr osgoi cyfeirio at faterion y tu allan i gylch gorchwyl y Pwyllgor Cynllunio, megis:

- Anghydfod ffiniau, cyfamodau a hawliau eraill eiddo
- Sylwadau personol (e.e. cymhellion neu gamau gweithredu'r ymgeisydd hyd yma neu am aelodau neu swyddogion)
- Hawliau i olygfeydd neu ddibrisiant eiddo.

# 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, 1st  
October, 2019 at 2.00 pm**

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

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

County Councillor D. Evans left the meeting following determination of application DC/2017/01248 and did not return.

County Councillor P. Murphy left the meeting following determination of application DM/2018/01071 and did not return.

County Councillor J. Higginson left the meeting following determination of application DM/2019/01149 and did not return.

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Place-making, Housing, Highways and Flood
Philip Thomas	Development Services Manager
Craig O'Connor	Development Management Area Team Manager
Andrew Jones	Development Management Area Team Manager
Ian Bakewell	Housing & Regeneration Manager
Jim Keech	Tree Officer
Matthew Phillips	Head of Law/ Monitoring Officer
Denzil – John Turbervill	Commercial Solicitor
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillors R. Harris and A. Webb

#### **1. 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/2019/00351 as he is a Director of Glen-yr-Afon House Hotel and the Three Salmons Hotel. Both companies hold wedding receptions. He left the meeting taking no part in the discussion or voting thereon.

County Councillor A. Davies declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2019/00595, as he is a friend of an objector to the application. He left the meeting taking no part in the discussion or voting thereon.

## **MONMOUTHSHIRE COUNTY COUNCIL**

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

County Councillor A. Easson declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2019/00595, as he knows the applicant. 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 applications DM/2019/00595 and DM/2019/00900 as he is a member of Monmouthshire Housing Association and a tenant. He left the meeting taking no part in the discussions 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/2019/00900 due to the involvement of a family friend. He left the meeting taking no part in the discussion or voting thereon.

County Councillor P. Murphy declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of applications DM/2019/00595 and DM/2019/00796. DM/2019/00595 - Close to neighbours. DM/2019/00796 - The applicant employs his son. He left the meeting taking no part in the discussion or voting thereon.

#### **2. Confirmation of the Minutes**

The minutes of the Planning Committee meeting held on 3<sup>rd</sup> September 2019 were confirmed and signed by the Chair subject to the following amendment:

#### **Application DM/2019/00346**

Bullet point 4 be amended to read:

The local Member asked that if the Committee was minded to grant consent, that it considers removing permitted development rights for extensions.

The Head of Placemaking, Housing, Highways and Flood informed the Committee that there was a need to amend the Planning Committee minutes of the meeting held on 2<sup>nd</sup> April 2019, as follows:

The Planning Committee considered application DM/2018/02040 for the extension of the car park at County Hall, Usk on 2<sup>nd</sup> April 2019. The Committee considered the report with 9 conditions and late correspondence with an additional 4 conditions, in addition to two conditions that were verbally reported relating to electric vehicle charging points, to be installed within 12 months of first use of the car park, and provision of cycle stands. The application was approved subject to those conditions. However, while referring to the additional conditions, the minutes refer to only 13 conditions.

It was agreed that the minutes be corrected to refer to all 15 conditions.

## MONMOUTHSHIRE COUNTY COUNCIL

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

**3. Application DM/2019/00351 - Change of use to incorporate mixed use of self catering/serviced accommodation and use as an events and wedding venue. Woodbank, Glen Usk Road, Llanhennock, Monmouthshire**

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

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

- The Community Council has concerns regarding the recommendation outlined in the report and consider it to be unsound.
- The existing operation is for a private holiday let for up to 20 guests. This is changing into a wedding venue for up to 100 guests. This is a significant increase in numbers which will exacerbate noise levels.
- The main issues are proposed developments and highways considerations. Policies MV1 and Policy EP1 and amenity and Environment Protection.
- With regard to the highways in the area, many are single track roads located within the countryside and are not easily navigable. Means of access is therefore a significant issue. There are no proposals being put forward to amend the existing access. The current access does not accord with the current design standards.
- Visibility is below current standards for rural roads subject to a national speed limit. Visibility to the left is only 13 metres. The number of additional vehicles accessing this road will exacerbate road safety concerns.
- Local residents have expressed concern regarding the noise being generated. This will be exacerbated if the application is approved. Excessive noise cannot be enforceable via conditions. Therefore, the Community Council considers that the application should be refused.

Caroline Thomas, representing objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

- The community of Llanhennock strongly objects to the application.
- The two major concerns are road safety and noise levels.
- Llanhennock is a small rural village with narrow and largely single track lanes. There are numerous blind spots and limited places to pass, which to drivers unfamiliar with the area could present a dangerous situation.
- There are seven farms along Woodbank whereby livestock, tractors and machinery are regularly moved from one field to another. The report of the

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

application identifies that the lane is substandard and the access is inadequate. Despite this, the Highways department has supported the proposal. However, residents are concerned that drivers who are unfamiliar with the blind spots and passing places will create an unsafe area to drive and have a negative implication on the road safety for the area.

- Woodbank is in close proximity to a number of residential properties. With 20 guests, excessive noise has been experienced by local residents in the past. Currently, the conditions proposed allow for events to run from 8.00am to 1.30am seven days per week with the option to apply for permission to erect marquees or other temporary structures within the grounds catering for up to 100 guests per event. The Environmental Health Department had indicated that there was potential for music levels to be generated at the proposed location which could cause substantial disturbance to residents living in the locality and had therefore objected to the application. However, this had been revoked when the noise report commissioned by the applicant was submitted.
- However, the noise report had been based on the change of use with the introduction of the ability to sell alcohol on the site. The house proposed to continue in the same manner as it had done over the previous five years. Residents living next to Woodbank consider that a wedding venue for up to 100 guests would be considerably different to what is currently allowed and will cause significant noise.
- The noise consultant has stated that peak anticipated use from the house would not have the potential to significantly increase noise levels at the closest locations. However, the objectors disputed this. Recently there had been two events that had caused significant disturbance which could be heard one kilometre away for one of the events. Therefore, a wedding event for 100 people that is only 100 metres away would be much worse.
- There is a conflict between national and local planning policies.

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

- The development accords with the Local Development Plan and with policies S8, S10 and S11 that relate to rural enterprise which accords with Planning Policy Wales.
- The development will contribute to a healthy diverse economy within Monmouthshire, which is outlined in the report of the application.
- The proposed development has economic benefit for the County and will create 10 full time jobs providing a five star hospitality facility in Monmouthshire. The development will also provide quality accommodation to support the international convention centre.

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- The proposed use of the building is a natural extension to the current tourism use of the property that is used as a high quality holiday accommodation.
- The concerns of Llanhennock Community Council and local residents are acknowledged based on highway and noise matters.
- A speed survey has established that the average speed limit along the road is 27.7mph. Daily average traffic movements equates to 141 vehicles.
- The proposed development will not lead to deterioration in highways safety and capacity. The access is deemed acceptable in terms of forward visibility for vehicles leaving and entering the site considering the existing number, frequency, type and speed of vehicles using the local road.
- The potential impact of noise from the proposed development has been fully assessed. A noise management plan has been proposed as part of the application and has been accepted by the Authority's Environmental Health Department.
- The conditions proposed in the report deal with the noise management plan which are acceptable to the applicant. These conditions replicate and compliment those included on the premises licence to hold events subject to this application.
- All decisions are a matter of balance and key material planning consideration. Both planning policy and technical considerations and mitigation plans strongly favour the grant of planning permission.
- The applicant's agent therefore requested that the application be approved.

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

- Concern was expressed that there might be insufficient parking provision at the proposed venue for the anticipated number of vehicles likely to be attending an event, as well as potentially not being enough parking provision for staff also attending.
- Concern was also expressed regarding the lack of noise receptors outside of the boundary to the site and whether the amenity of the neighbours was being adequately protected.
- Permission for the licence for the premises had been granted earlier in the year.
- The applicant had recognised that there was a need for an overspill carpark for 30 vehicles. However, this had not been accepted on ecological grounds. There might be a negative effect to residents amenity should some vehicles be required to park on the lane due to insufficient parking provision.

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- The conditions relating to hours of use for events and weddings could be limited to no later than 12:30am to coincide with the music condition.
- In response to a question raised regarding the existing septic tank, it was noted that this will also be used for the events centre.
- The Development Services Manager informed the Committee that 41 parking spaces would comply with parking guidelines for this venue.
- To alleviate parking provision concerns, an additional condition could be included to provide a staff travel plan for the development.

It was proposed by County Councillor J. Higginson and seconded by County Councillor A. Davies that application DM/2019/00351 be approved subject to the ten conditions as outlined in the report and subject to the following additional conditions:

- Provide a Travel Plan for the development.
- Hours of use for events and weddings to be limited to no later than 12:30am to coincide with the music condition.

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

In favour of the proposal	-	10
Against the proposal	-	1
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/00351 be approved subject to the ten conditions as outlined in the report and subject to the following additional conditions:

- Provide a Travel Plan for the development.
- Hours of use for events and weddings to be limited to no later than 12:30am to coincide with the music condition.

#### **4. Application DM/2019/00595 - Change of use from a C3 dwelling house to C4 house in multiple occupation. 62 Chepstow Road, Caldicot, NP26 4HZ**

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

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

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- It was considered that the County Council's Planning Department had failed to provide a general development procedure order for Caldicot School as per the 1995 Act.
- This impacts on the legislation contained in Monmouthshire County Council's Corporate Safeguarding Policy.
- Caldicot is a 21<sup>st</sup> Century School.
- The material consideration – Part 1 of the Housing Act 2004 is specifically concerned with dwelling houses with multiple occupation. The Local Authority has a statutory duty to ensure that there are no hazards and that the health and safety provision is correct. Also, it has a statutory duty to remedy any defects.
- The hazards on this site – Positioning of the dwelling in relation to the school. The splay is not up to standard with regard to access to Chepstow Road. This is a Grampian rights issue due to the land ownership. There is a lack of a footway and the gradient of the drive is not Disability Discrimination Act (DDA) compliant and fails the Equality Act.
- Parking provision is for 12 residents.
- The Application fails to meet criteria within the Wellbeing of Future Generations Act 2015. The application does not create a cohesive community.
- Under section 50 of the 2014 Act, all parts of the community should be included in any housing strategy being projected. It was considered that the Authority has failed in taking this matter forward.
- There were concerns regarding the report of the application regarding licensing of people and that the Authority cannot discriminate against anyone entering into this type of accommodation.

Victoria Hallet, representing objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

- The community is settled and peaceful but is vulnerable, as it comprises of elderly pensioners with health conditions and younger residents with disabilities.
- The application for C4 hostel use is strongly opposed by the local community. Over 70 written objections have been submitted as it was considered that a change in status would make the neighbourhood less secure and less peaceful.
- Shelter and the Big Issue provide evidence regarding the impact on the physical and mental health of people who are forced into temporary accommodation. Tension and conflict between tenants can lead to antisocial behaviour.

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- The application is for a large number of people to share one kitchen in inadequate facilities. The dwelling has inadequate fire and emergency safeguards, with no external fire escape. It does not provide access for disabled people.
- The dwelling will be located inside a neighbourhood where a number of vulnerable people already reside.
- The property is far from ideal and is not suitable for a C4 hostel and would harm the health and wellbeing of the community.
- The Council recognises the heightened risks of antisocial behaviour, nuisance and violence. Hence, the proposal for the installation of CCTV and a complaints hotline.
- C4 hostel status would turn 62 Chepstow Road into a property of uncertainty with residents never knowing who or how many people will be living in the dwelling should this status be granted. This will affect all neighbours' amenity.
- The vulnerabilities of local people living nearby will be exacerbated due to the lack of privacy that will exist.
- During the application process, residents have been given conflicting information with regard to how the dwelling will be used and by how many people resulting in confusion and uncertainty for local residents.
- Following approval of the application, the property could be sold on to a private landlord with the potential to increase the numbers of people living at the dwelling.
- It is feasible that the applicant might want to change the use of the property again which might further increase the negative impact on the local community.
- Safety concerns exist regarding the driveway to 62 Chepstow Road as it is considered to not meet vehicular access standards.
- Planning Policy Wales states the need to recognise the strengths of existing communities, the need to ensure social development for all members of society and the planning decision taken will improve the lives of both the current and future generations.
- The Committee was asked to consider refusal of the application.

The applicant's agent, Samuel Courtney, attended the meeting by invitation of the Chair and outlined the following points:

- The recommendation within the report is for approval.

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- No objections to the proposal had been received from any of the internal or specialist consultees.
- The applicant has taken into consideration all of the reasonable concerns raised by neighbouring residents.
- Many of the concerns raised centre around the nature of the proposed residential facility and the residents who will be accommodated at the property, the perceived risk of antisocial behaviour, loss of privacy and amenity and the level of car parking provided. Residents have also stated that they feel that they have not been appropriately consulted.
- As set out in the report of the application, there will be no single people housed at the property. Instead, it will be used by Monmouthshire County Council's Options Team to meet its statutory duty under the Housing Act to accommodate local families who are vulnerable and at risk of being homeless.
- Each family will be risk assessed prior to being offered accommodation at the premises under the management of the Options Team.
- The installation of CCTV is related to the security and management of the property and will not overlook any of the neighbouring properties.
- The proposal represents appropriate residential use in a residential context. It is not considered that the proposed change of use would give rise to any increased impact compared to how the property could be used if was occupied by a large family as a standard dwelling house.
- There are no external alterations proposed to the property with no loss of privacy or amenity to neighbouring properties.
- The work that has been completed to date are renovation works and do not require planning permission.
- In relation to car parking, there is room at the property to accommodate three vehicles, in line with the parking guidelines. However, it is unlikely that the residents will own a vehicle.
- With regard to the public consultation, all relevant neighbours and Caldicot Town Council have been consulted as part of the application process and given the requisite time period to provide comments. All comments have been taken into consideration and responded to via the case officer.
- The application seeks to provide much needed accommodation for families in the local area who are in danger of becoming homeless.
- The proposed change of use is consistent with relevant policies of Planning Policy Wales and Monmouthshire County Council's Local Development Plan.

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- The proposal will not give rise to any adverse impacts on the amenity of existing neighbouring properties.
- The Planning Committee was asked to consider approval of the application as recommended in the report of the application.

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

- This is an emotive subject in which nearby residents have expressed their concerns regarding the proposed change of use of the dwelling.
- The dwelling is a family home and is considered not to be a suitable dwelling of multiple occupation.
- The access is not considered to be suitable as potentially six vehicles could be accommodated.
- There is a blind exit at the bottom of the drive causing a potential highways hazard.
- The local Member had not been consulted regarding the proposed change of use at this dwelling.
- Alterations to the dwelling have been undertaken prior to the granting of planning permission, such as an additional stairway having been installed.
- The local Member does not agree with the property becoming a hostel.
- Concern was expressed that adjacent properties would be subject to excessive noise coming from the dwelling.
- Concern was expressed that up to 12 people could be located within the dwelling and it was considered that the proposal has not been properly risk assessed.

In response, the Head of Place Making, Housing, Highways and Flood informed the Committee that this application was for change of use from C3 to C4 which differed from the dwelling being used as a hostel. The application was for a class C4 use house of multiple occupation for up to six individuals. In terms of planning considerations, the application needs to be looked at on the planning merits of the case.

The Development Management Area Team Manager informed the Committee that the class C4 property would continue to run as a single residential unit similar to that of a class C3 unit. However, we cannot control who lives in the property and how they behave. The difference between class C3 and C4 is that unrelated people could be living in a C4 dwelling. The external work that had been undertaken did not require planning consent. The parking provision is considered to be acceptable. The Environmental Health Department has reviewed the proposal in terms of fire safety and

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has made recommendations to the applicant in terms of what is required. No additional building controls are currently required at the dwelling. Any noise issues would be a matter for the Environmental Health Department to address.

The Housing & Communities Manager informed the Committee that this accommodation would be used for families only. When a householder comes forward, there are a number of measures undertaken with regard to assessing risk and suitability before an allocation is made. The views of the residents have been considered with a view to maximising the management for this property to alleviate any concerns raised.

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

- This property would be a suitable dwelling for families that have temporarily found themselves to be homeless.
- It was considered that the consultation process for the application had not been correctly undertaken.
- In response to issues raised the Development Management Area Team Manager informed the Committee that given that the dwelling would be less intensely used, i.e., no more than 6 people rather than 12 people being accommodated in the dwelling being proposed, it was considered appropriate to bring the application to the Planning Committee with the condition that it would be used for up to 6 individuals.
- In response to a request that conditions be put in place for the dwelling to be signed to a Registered Social Landlord (RSL) to be used for families only, there were no significant planning reasons to refuse it on those grounds. It is therefore open to be used by anyone.
- Concern was expressed that in the future the property could be sold on with C4 class status if the application was approved. A condition for a management plan should be considered which would include a maximum of six people.
- Condition 3 should be changed to accommodate up to six residents to comprise of families and not to comprise of single people.
- The splay would be investigated to improve visibility when exiting from the drive.
- A designated Member of staff would be responsible for the property and would aim to visit it every day making it easier to react to any potential issues that might arise.
- In response to questions raised, the Head of Placemaking, Housing, Highways and Flood, informed the Committee that Monmouthshire Housing Association (MHA) had confirmed that it would not be selling the property as it is receiving social housing grant to purchase the property which restricts what it can do with

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the property. MHA had also indicated that it would enter into a 10 year lease with Monmouthshire County Council's Housing Department regarding management of the property. This could address the management plan condition request.

- The Housing & Communities Manager informed the Committee that there are implications and restrictions regarding Social Housing Grant in respect of the selling of a property.
- A fire risk assessment undertaken has identified some minor issues that require addressing.

The local Member for Severnside summed up by reiterating the points that he raised earlier in the meeting and considered that the application should be refused.

It was proposed by County Councillor M. Feakins and seconded by County Councillor M. Powell that application DM/2019/00595 be approved subject to the three conditions as outlined in the report with the following amendments / additional conditions:

- Approval for up to six residents as this is what C4 is limited to. To comprise of families and not single people (amend condition 3).
- Add a Management Plan condition to be submitted before use commences (the discharge of condition application to be considered by the Planning Committee).
- First floor side elevation windows overlooking 62A Chepstow Road to be obscure glazed.

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

In favour of the proposal	-	8
Against the proposal	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00595 be approved subject to the three conditions as outlined in the report with the following amendments / additional conditions:

- Approval for up to six residents as this is what C4 is limited to. To comprise up of families and not single people (amend condition 3).
- Add a Management Plan condition to be submitted before use commences (DOC to be considered by the Planning Committee).
- First floor side elevation windows overlooking 62A Chepstow Road to be obscure glazed.

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**5. Application DC/2017/01248 - Proposed riverside pavilion building, deck and river access structure (revised scheme). Chepstow Castle Car Park, Bridge Street, Chepstow**

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

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

- A Member of the Committee considered that the idea of having a facility of this nature located within the car park was good. However, concern was expressed that the proposed building would be a two storey building. The view from the opposite side of the river of the two storey building will create a negative impact. The proposed building will also be located in front of the castle gate impinging on the view of the castle. Therefore, it was considered that the two storey building would have an overbearing effect on this historical site.
- In response, the Development Services Manager informed the Committee that Cadw and Monmouthshire County Council's Heritage Manager have assessed the application from important views and vistas of the castle into the conservation area. It had been assessed that there would be a slight impact but would not be harmful. The setting of the castle would remain preserved.
- The design was supported by other Members of the Committee who expressed the view that this application with the additional storey was a better design compared to the original proposal and was more in keeping with the surrounding area.
- The proposed building will provide an invaluable service to the town and enhance tourism within the area, as well as providing a boost for the economy of Chepstow.

It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Davies that application DC/2017/01248 be approved subject to the eight conditions as outlined in the report.

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

For approval	-	12
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2017/01248 be approved subject to the eight conditions as outlined in the report.

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**6. Application DM/2018/01071 - Provision of light industrial units with all associated works for use within B1, B2, and B8. Thompson & Thompson, Pill Way, Severn Bridge Industrial Estate, Portskewett Caldicot**

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 and also subject to additional Flood Consequences Assessment work being undertaken to demonstrate that the risks of flooding in relation to the Nedern Brook and any impacts on third parties, are considered acceptable to the Council.

In noting the detail of the application, there was a need to clarify the number of units as the layout plan conflicts with the committee report.

It was proposed by County Councillor D. Evans and seconded by County Councillor A. Easson that application DM/2018/01071 be approved subject to the two conditions as outlined in the report and also subject to additional Flood Consequences Assessment work being undertaken to demonstrate that the risks of flooding in relation to the Nedern Brook and any impacts on third parties are considered acceptable to the Council. Also, clarify the number of units as the layout plan conflicts with the committee report.

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

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

The proposition was carried.

We resolved that application DM/2018/01071 be approved subject to the two conditions as outlined in the report and also subject to additional Flood Consequences Assessment work being undertaken to demonstrate that the risks of flooding in relation to the Nedern Brook and any impacts on third parties are considered acceptable to the Council. Also, there was a need to clarify the number of units as the layout plan conflicts with the committee report.

**7. Application DM/2019/00796 - Retention of existing buildings and amendments to roof structure and external elevations. Land At Bridge House, A48 Chepstow Garden Centre to Pwllmeyric Hill, Pwllmeyric**

We considered the report of the application with a recommendation, as agreed by Planning Committee at its meeting on 3<sup>rd</sup> September 2019, for a split decision. Namely, to approve the proposed changes to the houses but to refuse the proposed garages.

The application had been presented to Planning Committee on 3<sup>rd</sup> September 2019. At that meeting the Committee had resolved that they were of a mind to grant planning permission for the dwellings but refuse consent for the garages on the basis of mass, size and design and requested that discussions be held with the applicant to allow for a reconsideration of the orientation, footprint and highways issues relating to the garages.

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Following presentation of the report of the application, the Head of Placemaking, Housing, Highways and Flood informed the Committee that if it were minded to agree with the recommendation as outlined in the report, the implication of that decision would be that enforcement action would be required for the removal of one of the garages (outlined in pink on the plan) and for a slightly bigger garage to be built (outlined in blue on the plan).

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

- The applicant has been unwilling to change the dimensions of the garage.
- One of the garages being close to a house made a significant difference to issues of overshadowing.
- If the Committee decides to approve the split decision, it was suggested that the existing conditions remain with an additional condition being added to ensure that the three parking spaces per dwelling in perpetuity be marked out. If the applicant decides to appeal, the implications of TAN 15 need to be considered. In response, the Development Management Area Team Manager stated that, in terms of TAN 15, consent for two dwellings already exists on the site. As part of a split decision, approval of the houses would be granted with the garages being refused approval. With regard to the conditions, and additional condition, outlined by the local Member, these would be added.

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

- Some Members expressed support for the officer recommendation, as outlined in the report that was presented to Planning Committee on 3<sup>rd</sup> September 2019 that the application be approved as is built.
- Other Members expressed concern regarding the fallback position. It was considered that the original consent was never implemented. This is a new application based on what has been constructed or what is proposed to be amended.
- One of the garages is too close to the property. The lower windows are obscured and the height of the garage is almost to the height of the roof.

It was proposed by County Councillor G. Howard and seconded by County Councillor L. Brown for a split decision. Namely, to approve the proposed changes to the houses with the existing conditions remaining and an additional condition being added to ensure that the three parking spaces per dwelling in perpetuity are marked out, but to refuse the proposed garages.

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

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

The proposition was not carried.

It was proposed by County Councillor M. Feakins and seconded by County Councillor A. Davies that application DM/2019/00796 be approved as per the original report which was considered by Planning Committee on 3<sup>rd</sup> September 2019 subject to the conditions outlined.

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

For Approval	-	6
Against approval	-	3
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2019/00796 be approved as per the original report which was considered by Planning Committee on 3<sup>rd</sup> September 2019 subject to the conditions outlined.

#### **8. Application DM/2019/00900 - Two-storey extension to side and two-storey and single storey extensions to rear. 60 Caldicot Road Rogiet Caldicot Monmouthshire NP26 3SG**

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, it was proposed by County Councillor A. Easson and seconded by County Councillor P. Murphy that application DM/2019/00900 be approved subject to the two conditions as outlined in the report.

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

In favour of the proposal	-	11
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00900 be approved subject to the two conditions as outlined in the report.

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**9. Application DM/2019/00938 - Variation of condition 2 (to amend the design of the rear of the property) relating to DC/2015/01588. 34 Maryport, Street, Usk, Monmouthshire NP15 1AE & Application DM/2019/01186 - Addition of conservatory to Plot 2 of granted permission DC/2015/01588. 34 Maryport Street, Usk, NP15 1AE**

We considered the reports of the applications and late correspondence which were recommended for approval subject to the conditions as outlined in the reports.

The local Member for Llanybi Fawr, also a Planning Committee Member, expressed his concern to the Committee that the proposed applications will create a conservatory that will block the view of the kitchen window of the property next door.

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

- Sympathy was expressed for the resident who would be affected by the proposed development. However, it was considered that the proposed conservatory could be constructed under permitted development rights upon completion of the existing permission.
- By changing the structure of the two storey element to the rear, there is a two storey wall facing the window to the nearby property. However, previously it was not so harmful. It was considered that this would have a far more harmful effect on the neighbour than a conservatory.
- It was considered that the approval agreed by the Planning Inspectorate differed to the applications presented to the Committee.
- The Head of Placemaking, Housing, Highways and Flood informed the Committee that if the application was approved Members might wish to consider removing permitted development rights to avoid further extensions via this mechanism.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that applications DM/2019/00938 and DM/2019/01186 be approved subject to the conditions as outlined in the reports and subject to the removal of permitted development rights.

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

In favour of the proposal	-	4
Against approval	-	6
Abstentions	-	1

The proposition was not carried.

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We therefore resolved that we be minded to refuse applications DM/2019/00938 and DM/2019/01186 on the grounds that the design of the monopitch roof harms the amenity of the neighbouring property and harms visual amenity. The application to be re-presented to a future meeting of Planning Committee with appropriate reasons for refusal.

#### **10. Application DM/2019/01149 - Change of use of land for the keeping of horses and erection of stables. Land Adjacent Sunnybank, A48 Crick To Parkwall Roundabout, Crick, Monmouthshire**

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

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

- Initially there were concerns regarding the size of the plot as it had been considered not to be large enough.
- It was understood that the applicant had either purchased or was in the process of purchasing a nearby three acre piece of land.
- Reference was made to Mathern Community Council which had originally objected to the application but had subsequently removed its objection subject to conditions.
- The local Member considered that if the Committee was minded to approve the application then some amendments to the conditions outlined in the report should be considered to address the concerns raised by Mathern Community Council.
- Concern was expressed regarding the siting of the manure pile as it was unclear where the manure would be placed on a temporary basis in the smaller site. It would be more appropriate for the stable and the manure pile to be located on the three acre site on a concrete base.

The Development Management Area Team Manager informed the Committee that having spoken with the applicant, it was noted that the applicant was in the process of purchasing the three acres of land. The applicant intends to locate the manure on this site and to use it for grazing. Condition 7 should address concerns regarding the storage of manure. To alleviate any concerns, this condition could be altered to include a management plan to address the storage of the manure.

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

- Mathern Community Council and local objectors had indicated that they would remove their objections to the application subject to the applicant purchasing the three acres of land. Though this area of land is not a part of the application it

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figures highly in the viability of the scheme. It was suggested that consideration of the application be deferred to the Delegation Panel for evidence of the purchase of the three acre site to be produced.

- The Development Management Area Team Manager informed the Committee that the three acre area of land (outlined in blue on the plan) does not form part of the application. It was noted that the land identified in the report (outlined in red on the plan) is considered to be acceptable with the applicant having made arrangements with local farmers for the keeping of animals. The three acres of land has been identified during the application process and the applicant has indicated to the Planning Department that this area of land could be used when purchased.
- In light of this information, some Members considered that it would be remiss of the Committee to force the applicant to purchase the three acres of land in order to obtain planning permission. Bearing in mind that the land indicated in red is satisfactory and the applicant also has the option to look for alternative grazing in the area.
- It was suggested that condition three be amended so that the stables shall be used for private stabling only by the landowner and shall not be used for livery or any commercial or other purpose.
- An additional condition was suggested to secure the provision of new stock proof fencing along the site frontage to be agreed as part of the landscaping condition already in the report.
- A management plan regarding the disposal of the manure to be agreed with the applicant via condition seven.

It was proposed by County Councillor M. Feakins and seconded by County Councillor A. Davies that application DM/2019/01149 be approved subject to the seven conditions as outlined in the report with the following amendments / additional conditions:

- Amend condition 3: The stables shall be used for private stabling only by the landowner and shall not be used for livery or any commercial or other purpose.
- Add a condition - A Management Plan for the storage and disposal of manure relating to the use of the site shall be agreed before the use commences and the development shall be carried out in accordance with that plan at all times.
- Add reference to secure the provision of new stock proof fencing along the site frontage to be agreed as part of the landscaping condition already in the report.

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

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

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Abstentions - 1

The proposition was carried.

We resolved that application DM/2019/01149 be approved subject to the seven conditions as outlined in the report with the following amendments / additional conditions:

- Amend condition 3: The stables shall be used for private stabling only by the landowner and shall not be used for livery or any commercial or other purpose.
- Add a condition - A Management Plan for the storage and disposal of manure relating to the use of the site shall be agreed before the use commences and the development shall be carried out in accordance with that plan at all times.
- Add reference to secure the provision of new stock proof fencing along the site frontage to be agreed as part of the landscaping condition already in the report.

**11. Application DM/2019/01034 - Construction of two new four-bedroom detached dwellings with ancillary works. Land adjacent to Caestory House, High Street, Raglan**

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 and subject to a Section 106 Legal Agreement.

In noting the detail of the application, it was proposed by County Councillor P. Clarke and seconded by County Councillor M. Feakins that application DM/2019/01034 be approved subject to the six conditions, as outlined in the report and subject to a Section 106 Legal Agreement. Also, that a plan be established to address bargeboard and eaves details before issuing permission.

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

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

The proposition was carried.

We resolved that application DM/2019/01034 be approved subject to the six conditions as outlined in the report and subject to a Section 106 Legal Agreement. Also, that a plan be established to address bargeboard and eaves details before issuing permission.

**MONMOUTHSHIRE COUNTY COUNCIL**

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

**12. Confirmation Report: Tree Preservation Order (TPO) MCC278 (2019) –  
Hollycroft, Midway Lane, Abergavenny**

We considered the confirmation of provisional Tree Preservation Order number MCC278 (2019). Hollycroft, Midway Lane, Abergavenny.

We resolved to confirm Tree Preservation Order No. MCC278 (2019) – Hollycroft, Midway Lane, Abergavenny without modification.

**13. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions:**

**13.1. 24 Belgrave Road, Abergavenny**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 17th June 2019. Site address: 24 Belgrave Road, Abergavenny.

We noted that the appeal decision had been dismissed.

**13.2. Land at Rear of Rosebrook, Watery Lane, Monmouth**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 6<sup>th</sup> August 2019. Site address: Land at Rear of Rosebrook, Watery Lane, Monmouth.

We noted that the appeal decision had been dismissed.

**13.3. Star Road, Nant y Derry, Goytre**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 6<sup>th</sup> August 2019. Site address: Star Road, Nant y Derry, Goytre.

We noted that the appeal decision had been dismissed.

**The meeting ended at 6.32 pm.**

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**Proposal:** Proposed conversion, extension and mansard roof extension of the property to form 21 residential units with onsite cycle and vehicular parking, refuse and amenity facilities

**Address:** Newbridge House, Tudor Street, Abergavenny, NP7 5DH

## **RECOMMENDATION: REFUSE**

### **1.0 APPLICATION DETAILS**

1.1 This application was previously before Members at the Planning Committee at the meeting of 3<sup>rd</sup> September 2019. At this meeting, Members agreed to officers' request to defer the application in order to allow officers to review the recommendation. This was in response to information received by the Department for Works & Pension (DWP) on Monday 2<sup>nd</sup> September. The DWP confirmed that contrary to what officers had believed, a new 10-year lease was signed on the entire building in December 2017, and covers the period from 2nd April 2018 to 1st April 2028. There is a tenant only break option at 31st March 2023.

1.2 Accordingly Officers have reviewed the original recommendation to approve and in particular the proposal's compliance with Policy *E1 Protection of Existing Employment Land*. Of significant note are criteria (a) and (c) which for the sake of clarity are detailed below:

- a) *the site or premises is no longer suitable or well-located for employment use;*
- c) *there is no viable industrial or business employment use for the site or premises;*

1.3 In a correction to the original officer report, the existing ground floor office space is still occupied by the Job Centre and it is only the upper floors that remain unoccupied. However, it is the fact the building is now subject to a new long term commitment by DWP to an employment use that is the basis for the change in recommendation. In light of the new information that provides an accurate and up to date position for the building, it is considered that the signing of this lease confirms that the building is suitable and well-located for employment use, and crucially there is a viable business use for the site. It is acknowledged that the lease, which is a private contract between interested parties, could be broken through a number of legal routes however this does not override the fact the signing of the lease clearly demonstrates the proposal now fails to comply with criteria (a) and (c) of Policy E1.

1.4 Whilst Policy E1 does offer two exceptions where primary criteria (a) to (e) are not fully met, the proposal is not for either small scale retail uses which are ancillary to the main business or small scale service activities of an industrial nature which are not suited to the high street.

1.5 In conclusion the proposal is not considered to comply with the requirements of Policy E1 and would therefore fail to protect existing employment land from alternative developments. It is therefore recommended that the application be refused for the reason set out below.

#### **Reason for Refusal:**

The proposal would result in the loss of an existing business employment site that is still suitable and well-located for employment use and that still has a viable business employment use for the site. The proposal would therefore fail to protect existing employment land from alternative developments contrary to Policy E1 criteria (a) and (c) of the adopted Local Development Plan.

## **PREVIOUS REPORT OVERLEAF**

**Application****Number:** DC/2016/01342**Proposal:** Proposed conversion, extension and mansard roof extension of the property to form 21 residential units with onsite cycle and vehicular parking, refuse and amenity facilities.**Address:** Newbridge House Tudor Street Abergavenny Monmouthshire NP7 5DH**Applicant:** Mr S Karim**Plans:** Floor Plans - Proposed AL(00)10 - E, Floor Plans - Proposed AL(00)13 - C, Floor Plans - Proposed AL(00)11 - D, Floor Plans - Proposed AL(00)12 - D, Elevations - Proposed AL(00)14 - E, Site Plan AL(90)10 - C, Location Plan AL(00)01 - , Site Plan AL(00)02 - , Floor Plans - Existing AL(00)03 - , Floor Plans - Existing AL(00)04 - , Floor Plans - Existing AL(00)05 - , Elevations - Existing AL(00)06 - ,**RECOMMENDATION: APPROVE**Case Officer: Mr Andrew Jones  
Date Valid: 05.12.2016**This application is presented to Planning Committee due objections having been received from at least five separate households as well as an objection from a statutory consultee, MCC Highways****1.0 APPLICATION DETAILS**

1.1 The application relates to the former Jobcentre Plus building, known as Newbridge House, which is a three storey building located at the junction of Tudor Street and Baker Street in the centre of the town of Abergavenny. The building has been vacant for several years, it is unlisted although it does sit within the Abergavenny Conservation Area (CA) as designated by Policy HE1 of the adopted Local Development Plan (LDP). The building is set in an elevated position above Tudor Street which is accessed via steps across a small grassed area along the frontage. An existing car parking area is located to the rear which is accessed via the site's sole vehicular entrance off Baker Street. The building itself is flat roofed and is finished with red brick; it features three bands of windows along its southern and eastern elevations.

1.2 Full planning permission is sought for the conversion of the building into residential use comprising 15 two bed flats and 6 single bed flats. It is proposed to add an additional storey to the building that would be recessed from the edge. The proposal has been subject to re-design following negotiation between the applicant and the Local Planning Authority (LPA), which included consideration by the Design Commission for Wales (DCfW) Review Panel. The amended plans have sought to introduce a clear vertical emphasis to the proposal and would include sections of coloured render, hung slate and metal cladding. Additional soft landscaping, including trees and hedgerow, would be provided across the site.

**2.0 RELEVANT PLANNING HISTORY (if any)**

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
S8 LDP Enterprise and Economy  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design  
S9 LDP Employment Sites Provision

#### Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
E1 LDP Protection of Existing Employment  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
HE1 LDP Development in Conservation Areas

### 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

**Abergavenny Town Council** - (Original Plan) Recommend the application is rejected, citing concerns with height of proposal and overdevelopment.

(Final Plan) - Provided the following further observations:

- Support criticism made by DCfW.
- Suggest need for imaginative and comprehensive plans and zones for the town.
- Rushed or careless decision could set bad precedent.

**MCC Highways** - Object to the application raising the following areas of concern:

- No Transport Statement has been submitted in support of the application.

- Adopted Parking Standards would require total of 36 parking spaces, the proposed 21 spaces (plus 4 visitor spaces) are 15 spaces below standard.
- No evidence to justify sustainable location and reduced parking provision.

**MCC Heritage** - (Original Plan) Provided the following observations:

- Protecting and enhancing historic townscape character are the topic areas that we consider need to be addressed appropriately.
- The scale, massing and external appearance of the proposed renovation is inappropriate.
- The DAS does not present an evidence based design rationale for the proposal.
- The scale and massing of the proposed renovation should reflect the height of the existing built form along Tudor Street.
- The siting, size and form of the building should complement the existing settlement and townscape fabric.
- Proposals should be sympathetic in scale and character, but should also be contemporary in design.
- Their proposal should consider green roofs, solar water heating and solar electricity on roof space.
- The design of external area(s) need to complement the building and public realm; and landscape planting should be used to reduce rainwater runoff.
- Their appraisal needs to address how the site, proposal and the wider area work together (before scale, style and materials are considered). Re-assessment will provide an opportunity to test what is feasible and appropriate on the site.

(Final Plan) - Provide the following observations:

- Extensive negotiation undertaken with the applicant to address the concerns and advice set out in the initial comments.
- These are welcomed as this has addressed concerns over design and form, breaking up the elevations and creating a stronger vertical emphasis of the built form.
- Elevations now proposed are considered to be acceptable and preserve the special character of the conservation area.
- With additional landscaping and softening the resulting building will complement the development opposite and together enhance this part of the conservation area.

**MCC Senior Housing Strategy & Policy Officer** - Provided the following comments:

- Policy compliant percentage of affordable housing is 35%, which equates to 7 units.
- In lieu of units provided would request a sum of £112,092 be provided towards local affordable housing to be secured via Section 106 Agreement.

**MCC Education** - Owing to the type of accommodation provided would not project that this would generate any additional pupils.

**MCC Community Infrastructure** - Provided the following comments:

- Due to the restricted nature of the site and the need to provide sufficient on-site parking there is no room left to provide any play or recreation provision on the development site.
- We are seeking a combined contribution of £3,942 per unit towards off-site play and adult recreation facilities.
- For 21 units this would result in a contribution of £82,782.
- We would seek to spend this on improvements at Linda Vista Gardens which is the closest recreation space to this development, sitting directly opposite Newbridge House on the opposite side of Tudor Street.

**MCC Planning Policy** - Provided the following observations:

- Redevelopment of this site for a residential use meets the requirements of Strategic Policy S1 and Policy H1 in principle, subject to detailed planning considerations.
- A total of 7 affordable units would subsequently be required.
- It is noted the proposal relates to a former office building, all of the criteria of Policy E1 relating to the protection of existing employment land must therefore be taken into consideration.
- Policy MV1 should be referred to with regard to access and car parking. Policy MV2 relating to highway considerations and sustainable transport access is also of relevance.

- Policies S17, DES1, HE1, HE2 and EP1 should also be taken into consideration.
- The need for S106 contributions towards play and adult recreation facilities and education should also be considered.

**Glamorgan Gwent Archaeological Trust (GGAT)** - Archaeological mitigation will be required. Recommend that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent.

**Dwr Cymru Welsh Water** - No objection with regard to sewerage, sewage treatment or water supply. A condition is requested requiring submission of a drainage scheme prior to commencement of development.

## 5.2 Neighbour Notification

(Original Plan) Objections from 6 properties were received raising the following areas of concern:

- Increase in height would impact on privacy.
- Impact on sunlight in neighbouring gardens.
- Impact on property resale value.
- Increased levels of noise and light pollution.
- Proposed facade is too urban for its surroundings.
- No four storey buildings in area.
- Siting of refuse collection area is unwelcome.
- Should development go ahead would wish to see planting of evergreen trees and re-siting of bin collection area.
- Concern with lack of parking facilities.
- Cannot be taken as a serious application of passive design principles.
- The randomness and garish whiteness of the strips needs first an explanation for its logic, and more sensibility in its material application.
- Is untrue that there are no trees on site.
- The existing building was designed in a manner which took no account of its corner setting.
- Concern over loss of sound employment building.
- Would be suitable for starter units.
- Concern of accommodation size provided by flats.
- Lack of garden/amenity space.
- Lack of affordable housing.
- Changes to elevational treatment an improvement, but is still frenetic.
- Concern of size of units.
- Poor outlook to North and onto car park.

(Second Plan) Objections from 3 properties were received raising the following areas of concern:

- Confirmation original objections still stand.
- Only parking issues appear to have been resolved.

(Final Plan) Objections from 2 properties were received raising the following areas of concern:

- Confirmation original objections still stand.
- Impact on amenity.
- Unacceptable location of bin storage areas.
- Under provision of car parking spaces.

## 5.3 Other Representations

Abergavenny Civic Society - (Original Plan) Provided the following observations:

- Questioned validity of PAC.
- No attempt to justify change of use in respect of Policy E1.
- 35% of accommodation to be affordable.
- Redevelopment would be preferable.
- Use of white panels is stark.
- Hope to see revisions that make more of the extension's prominent corner location.

- Additional floor is questionable.
- Main entrance is unimpressive.
- Design makes no use of space around the building.
- Air source and ground source heating pumps normally require a noise assessment.

(Second Plan) - Provided the following observations:

- Maintain objection, only marginal improvement.

(Final Plan) - Provided the following observations:

- Some criticisms have been addressed.
- Too many (unspecified materials).
- Would anticipate conditions requiring approval of materials and landscaping.
- Still disappointing but may do enough to satisfy Policy HE1.
- Redevelopment of site could have produced a much more satisfactory result.

Abergavenny Transition Town - (Second Plan) Provided the following observations:

- If really the local economy has truly no evidenced requirement for starter business units (doubtful) then a re-classification of the site as residential might be acceptable, but then why keep the existing building?
- This scheme clearly evidences the fact that dressing up a poorly resolved series of floor plans just doesn't work externally.
- Lack of other four storey properties in Abergavenny.
- Better to demolish and start again with a scheme that properly does justice to its site and location.
- Should not avoid providing 35% affordable apartments.

## 6.1 EVALUATION

### 6.2 Strategic & Spatial Choices

#### 6.2.1 Principle of Development

Strategic Policy S1 of the LDP sets out that *the main focus for new housing development is within or adjoining the Main Towns*, this would include the town of Abergavenny. Policy H1 details that within Main Towns the "conversion to residential, or subdivision of large dwellings or re-use of accommodation such as upper vacant floors in town centres will be permitted subject to detailed planning considerations and other policies of the LDP that seek to protect existing retail, employment and community uses".

In this instance the building's lawful use is that of B1 (offices not within use Class A2) and as such the loss of an existing employment premises requires consideration of Policy E1.

Policy E1 of the LDP seeks that proposals that will result in the loss of existing or allocated industrial and business sites or premises (classes B1, B2 and B8 of the Town and Country Planning Use Class Order 1987) to other uses will only be permitted in the event of a proposal meeting detailed criteria.

A number of employment allocations are located in Abergavenny, the majority of which are well established and designated as Protected Employment Sites in Policy SAE2, it is noted that the premises in this instance is an existing employment site and not designated. For the sake of clarity each criterion in Policy E1 shall be addressed below:

*a) the site or premises is no longer suitable or well-located for employment use;*

The site provides approximately 1000 square metres of B1 office use; owing to its location within the town and being surrounded by residential properties it would not be a suitable location for either B2 or B8 employment uses. The Job Centre have had a long term lease for the whole building but have gradually downsized and have only used the ground floor for the past 13 years. During this time the vacant upper floors have been marketed for letting with little interest and no uptake. The Job Centre will now seek to relocate to much smaller, more appropriate premises. Given the length of time that the upper two floors have remained vacant and unsuccessfully let it can be concluded that the particular site is now of limited suitability for B1 employment use.

*b) a sufficient quantity and variety of industrial sites or premises is available and can be brought*

*forward to meet the employment needs of the County and the local area;*

As noted in response to criterion a) above the site does not have an industrial use and would not, given its location, be suitable for either B2 or B8 use. Further consideration of available employment land is provided in the response to criterion e) below.

*c) there is no viable industrial or business employment use for the site or premises;*

As detailed above the site is not compatible with surrounding residential uses for either B2 or B8 employment/industry and marketing for a lengthy period has not led to any floorspace being let other than for the Job Centre which proposes to relocate. The building itself is dated and would require renovation works to bring the building back into full use. As detailed elsewhere in this report, the conversion of the building to a residential use provides viability challenges and this would also extend to renovating the building to make it fit for purpose as a modern B1 office space. The proposed residential use is considered entirely compatible with the prevalence of dwellings in the immediate vicinity.

*d) there would be substantial amenity benefits in allowing alternative forms of development at the site or premises;*

As discussed elsewhere within this report the conversion and extension of the building to residential use when considered in conjunction with the redevelopment of the former Magistrates Court site opposite (which has commenced) can enhance the character and appearance of the Abergavenny Conservation Area. Tudor Street provides an important route into the town centre, the completion of both developments is therefore considered positive. In addition the provision of 21 small (1 and 2 bed) units also provide important housing stock, whilst these unfortunately would not be secured as Affordable Housing, they provide accommodation options for smaller households who are not seeking larger detached dwellings.

*e) the loss of the site would not be prejudicial to the aim of creating a balanced local economy, especially the provision of manufacturing jobs.*

As stated the location of the site would not be suitable for manufacturing jobs (use class B2). Having regard to the employment opportunities within the wider Abergavenny area, the Employment Land Background Paper (October 2018) provides information on employment land supply across designated employment sites in Monmouthshire, excluding parts within the Brecon Beacons National Park area.

A number of employment allocations are located in Abergavenny, the majority of which are well established and designated as Protected Employment Sites in Policy SAE2. The Ross Road (junction yard) SAE2e designation provides an opportunity for further development to the south of its boundary. As a consequence, SAE1e is allocated adjacent to the SAE2 site as an Identified Industrial and Business Site for a B1/B2 use.

During the plan period a total of 0.92 hectares of land has been taken up at the Westgate SAE1d site in Llanfoist.

A substantial proportion of the SAE1d site is also well established and there is consequently 1.3ha remaining available, accounting for the completion of the Costa coffee shop and the care home. There is a further 1.5ha available at Ross Road.

Whilst the paper does not take account of existing sites such as the application site, it is considered that the loss of B1 office space at Newbridge house would not be so prejudicial to the aim of creating a balanced local economy that it would warrant refusal of the planning application. The other benefits, including the enhancement of the Conservation Area, are mentioned above,.

## Affordable Housing Contribution

Policy S4 of the LDP sets out that in Main Towns, 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 this instance this would equate to 7 (7.35) units on site, however given the type of accommodation provided and associated management issues for Registered Social Landlords (RSLs) for units within a single building the Council's Affordable Housing Officer requested a commuted sum of £112,092 be provided that would be secured via Section 106 Agreement.

However, the requirement is subject to appropriate viability assessment and in this instance the applicant has provided a detailed Planning Viability Appraisal. This has been referred to the District Valuer (DV) for independent critical assessment of the viability of the project of making this contribution as well as £82,782 towards recreation.

The DV has considered the proposal and ran an appraisal on two scenarios, namely a) paying the full S106 obligations and b) excluding any payment of S106 obligations. Based on a benchmark land value (BLV) of £620k and developer profit of 20% the former would produce a deficit of £713,010 with a profit equating to -1.34%. Under scenario b) using the same BLV and developer profit margin this would produce a deficit of £509,480 and a profit equating to just 4.54%.

Consequently the DV has concluded the proposed scheme would not achieve a competitive return that falls within an acceptable profit range if any S106 obligations were to be secured. As such, based on the independent assessment of the detailed viability appraisal no S106 obligations are to be sought.

### 6.2.2 Good Design/ Place making

As detailed above the scheme has been subject to considerable amendment - the original scheme was referred to the DCfW, given concerns raised by the LPA regarding the design philosophy and the important, prominent location with the town.

The original scheme proposed to introduce random vertical elements by way of white rendered panels, and whilst the introduction of a vertical ethos was welcomed the execution would have resulted in an incongruous form of development. Little contextual analysis was provided to justify the original design solution and as such the LPA endorsed the view of DCfW that "the randomness of the applied panels...is at odds with the horizontal emphasis of the existing building and the more ordered architectural 'language' of the CA".

Accordingly the scheme has been amended and it now proposes to introduce clean vertical sections; whilst the building would read as one the means by which it is broken up would acknowledge the prevailing terraced character in the vicinity. The use of pastel coloured render would respond to the older buildings as well as the redevelopment of the former Magistrates Court site. The use of metal cladding and hanging slate are also considered appropriate to the contemporary approach now adopted and again echo the language of the adjoining redeveloped site. A condition to agree samples of the materials is considered necessary given the sensitive location within the CA.

A number of concerns have been raised with the addition of the mansard roof and it is acknowledged that Abergavenny is not characterised by four storey properties. However, this mirrors the height and form of the adjoining site, albeit the footprint of the building subject to this application is notably smaller.

Indicative tree and hedge planting is shown on the revised layout drawings but it is considered important, as noted by the Civic Society, to condition that a detailed soft landscaping strategy be agreed by way of planning condition. This will help to soften the edges of the building and facilitate its integration into the street scene.

In light of the above it is considered that the development now provides an appropriate design solution and therefore accords with Policy DES1 and HE1 of the LDP.

### 6.2.3 Impact on Amenity

Owing to its central location with the town, the site is bound to the North and West by residential properties. With regard to the properties to the West, Tudor Street, no upper floor habitable windows would be provided in the West elevation facing towards No 53. A condition is to be attached requiring that all bathroom windows in the West elevation are to be obscure glazed to a level no less than Pilkington 3. The only other windows to be featured on this elevation would be the retention of an opening on the stairwell that is already featured in the existing building fabric.

Objections have been received from the properties to the North with regard to privacy as well as loss of natural sunlight, by virtue of the additional floor. The corner of the existing building that would be closest to the boundary with these properties is approximately 16.5m to the boundary with No 12 Trinity Street. Moreover, the window to window distance would be approximately 41m to this property. Also to the North boundary the building would be approximately 16m to the boundary with Nos 6, 8 & 10 Trinity Street and also 40m building to building.

Owing to the distances involved it is not considered that the proposed conversion to residential use and the provision of the additional storey would give rise to such levels of overlooking and privacy so as to warrant refusal. This is on the basis of having regard to conventional standards of 10.5m window to boundary and 21m window to window distances.

The building is located due South of the properties along Trinity Street and in part Baker Street, and as such objections have been received with regards to the potential loss of sunlight.

The addition of the mansard roof would increase the height of the building by approximately 2.8m. However, given the distances detailed previously between the building and the neighbouring properties to the North, it is not considered that an increase in height of 2.8m would result in an unacceptable loss of light or a building that is unacceptably overbearing or dominant.

It is considered that the conversion and extension would maintain reasonable levels of privacy and amenity of occupiers of the neighbouring properties and therefore compliant with Policies EP1 and DES1 (d) of the LDP.

## **6.2 Active and Social Places**

### **6.2.1 (Sustainable Transport Hierarchy)**

PPW (Edition 10, 2018) sets out a clear objective of the Welsh Government (WG) to reduce reliance on the private car and supporting a modal shift to walking, cycling and public transport. Paragraph 4.1.9 of PPW10 recognises that "the planning system has a key role to play in reducing the need to travel and supporting sustainable transport".

PPW10 also establishes a Sustainable Transport Hierarchy should be used to reduce the need to travel, prevent car-dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport. It promotes walking and cycling as the priority mode of transport, and in this instance the site is located in very close short walking distance to the town centre of Abergavenny with all of its associated amenities and facilities. On site provision is also made for cycle storage which would promote the use of cycling as an alternative to the private motor vehicle. With regard to public transport, Abergavenny is one of the more sustainable towns within the County and features both a bus and railway station. Whilst the train station is further away, approximately 0.85 miles, it is still within reasonable distance to provide a genuine alternative to the motor vehicle.

Whilst PPW10 does encourage the use of Ultra Low Emission Vehicles (ULEVs), the provision of ULEV charging points is not a mandatory requirement at this time and therefore their absence from the proposal is not considered unacceptable.

Concerns have been raised by the Council's Highways Engineer with regard to resident on-site parking, having regard to the adopted 2013 Parking Standards. Based on the total number of bedrooms provided between the one and two bed flats, a fully compliant scheme with the 2013 standards would need to feature 36 parking spaces. The proposed layout details one parking space per flat with four additional visitor spaces. Therefore whilst the scheme fails to meet these standards having regard to its sustainable location within the town as well as the availability of bus and train services, a reduced on site number of spaces is considered acceptable. It is considered counterproductive to provide further parking spaces on site that would in effect encourage continued reliance on motor vehicles. This would fail to meet the aforementioned WG aspirations of reducing car usage as a mode of transport.

## 6.2.2 Access / Highway Safety

It is proposed to continue to employ the existing single vehicular entrance point onto Baker Street as part of the conversion to residential use. Whilst it is accepted that the former Job Centre building had not in its latter days operated at full capacity, as a lawful use the offices would have the potential to generate a reasonable number of vehicular trips (notwithstanding the sustainable location detailed in paragraph 6.2.1). Whilst it is anticipated that the change of use to residential would mean that some residents would not rely upon the private motor vehicle, the proposal would still allow for one car per flat.

However, it is not considered that any increase in movements to and from the site would be harmful to the highway safety of both pedestrians and other motorists. The site would continue to provide the ability for cars to turn within the site and therefore enter Baker Street in a forward gear, whilst the visibility splays already in situ are also considered to be appropriate to accommodate the proposed development. Although the Council's Highways Engineer has raised concerns regarding the number of parking spaces provided, no objections have been received in respect of the adequacy of the site entrance.

Therefore in light of the above the proposed development is considered to accord with Policy MV1 of the adopted LDP.

## 6.3 **Distinctive & Natural Places**

### 6.3.1 Historic Environment

As noted in paragraph 1.1 of this report the application site is located within the Abergavenny CA. Criterion (a) of Policy HE1 sets out that development proposals will be permitted where they "preserve or enhance the character or appearance of the area and its landscape setting". The Policy also seeks proposals should have regard to the Conservation Area Appraisal for that area. The site lies within Character Area 3 19th Century Suburbs / Grofield as set out in the Abergavenny CA Appraisal. However, the building itself is not identified as a building that makes a particular or special positive contribution. The building is prominently located but is of limited architectural merit, its appearance is functional and of its time, typical of office buildings of its era. The LPA would therefore have been supportive of its demolition and the erection of a new structure, although the application has cited commercial reasons for its retention and conversion.

Accordingly it is on that basis that the proposal is to be considered.

Detailed assessment of the design merits of the building are provided in paragraph 6.1.2, however consideration must be given to the wider context. Criteria (b) and (c) set out the importance of no adverse impacts on important views and vistas in and out of the CA. In this instance the streetscape along Tudor Street is in the process of significant alteration, works have commenced to redevelop the former Police Station and Magistrates Court into 47 residential apartments (Ref: DC/2018/00007). In assessing the aforementioned application, the LPA gave consideration to both schemes together and have sought significant amendments to ensure a sense of continuity between the proposals. As set out in paragraph 6.1.2 above the introduction of a clear vertical emphasis was paramount which will help to also provide recognition of the site context which features terracing particularly along Baker Street. The use of pastel colours on the rendered sections are also a positive response to the local environment. The random sections of white render originally proposed would have jarred with the prevailing local character.

For these reasons it is considered on balance that the design solution that has been achieved would preserve the character and appearance of the CA, and when taken in conjunction with the approved scheme which has commenced on the site opposite would actually enhance the CA on what is an important route into town. The proposal is therefore considered to meet the criteria set out in Policy HE1.

### Biodiversity

Policy NE1 of the LDP sets out that "proposals which may have an adverse effect on designated sites, protected or priority species and habitats must be accompanied by sufficient information to enable a full assessment of the proposal to be undertaken". In this instance the existing building features a large flat felt roof with no roof void or attic space. Accordingly it is considered to be an unsuitable building for use by bats. Whilst substantial works are proposed to the existing roof, including the provision of an additional storey, it is not considered that formal survey work is required to inform the planning decision.

### 6.3.2 Flooding

The application site in its entirety is located outside of both Zones C1 and C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Therefore whilst the proposal is to introduce a highly vulnerable use (as defined by TAN15) to the site it is considered that the proposal fully accords with both TAN15 and Policy SD3 of the adopted LDP.

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

A number of the concerns raised by third parties have already been addressed in the preceding sections of this report. However, other issues raised include the loss of property value which is not a material planning consideration.

With regard to issues of noise and light pollution, whilst the DAS submitted sets out a number of renewable energy technologies that could be explored, the submitted plans do not detail or seek permission for air or ground source heat pumps. With regard to lighting, no additional external lighting is proposed within the grounds of the site.

Whilst the proposed use would inherently involve evening/night use the number of window openings of the building has been reduced. As such it is not considered that it would have a harmful impact in respect of lighting on adjoining properties.

The siting of the refuse collection point has been raised as a concern given its position along the northern boundary to neighbouring dwellings. However, given the nature of Monmouthshire's household waste and recycling service the bags to be collected will only be left outside of the building for a short period of time.

The lack of garden/amenity space for future residents is noted however the site is constrained in terms of opportunities to provide additional provision, however given the nature of the accommodation provided (1 and 2 bed flats) that these do not typically provide personal garden space. The site is located in short walking distance to open green space to the south and therefore future residents would have access to this to the benefit of their health and wellbeing. With regard to the size of the units to be provided the smallest single flat would be 41.5m<sup>2</sup> and the smallest two bed flat would be 58m<sup>2</sup>. Whilst these are modest, it is considered on balance that they are of acceptable size and would be suitable for the needs of different demographics including younger persons and couples.

With regard to the outlook of units to the north, whilst these will inevitably not benefit from the same passive solar gain as those with an outlook to the south, this is an accepted constraint of the conversion and it is not considered that the standard of accommodation provided would be acceptable and adequately served by natural light. The application was submitted with a Pre-Application Consultation (PAC) report, there is no evidence to suggest that this has not been carried out in accordance with the Welsh Government guidance for these.

Finally it is noted that a number of third parties have advised that demolition and redevelopment of a new building would be preferable. Whilst the LPA do not disagree with this view the applicant has sought permission for the conversion and extension of the existing building, and the proposal must be considered on this basis.

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

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

## 6.6 Conclusion

6.6.1 The proposed conversion and extension of the former Job Centre Plus office building to residential use has required particularly careful consideration and a balance of relevant planning policy. The implications of the loss of an existing office (B1) building have been considered and it is concluded that the policy aspirations to protect existing employment sites / premises over the plan period in order to ensure there is an appropriate portfolio of employment land and premises would not be compromised.

Tudor Street is currently experiencing considerable change within the context of the CA given the redevelopment of the former police station and magistrate's court. It is considered that the amended scheme provides an appropriate design solution that would complement the adjoining redevelopment and lead to an enhancement of the CA.

Therefore in conclusion it is considered that the development is acceptable subject to the conditions detailed in section 7 below.

## 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 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

REASON: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

4 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

5 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.

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

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

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

7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

8 All bathroom windows in the side (western) elevation facing towards No 53 Tudor Street shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

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

## **INFORMATIVES**

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

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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**Application Number:** DM/2019/00136

**Proposal:** Change of use of agricultural land for the siting of 5 glamping pods and a new toilet/shower block

**Address:** Land at Broadstone Farm, Duke of York Road, near Staunton, Monmouth

**Applicant:** Mr. M Etheridge

**Plans:** All Proposed Plans Proposed Plan (Parking) - , Floor Plans - Proposed CSAF125N20-2 - , All Proposed Plans 1404/PBP 03 - B, Landscaping Plan Amenity Block Elevations/Plans - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Mr. David Wong

Date Valid: 10.04.2019

**This application is presented to Planning Committee because we have received five or more individual neighbour objections**

### **1.0 APPLICATION DETAILS**

1.1 Broadstone Farm is an existing, well-established fishery and camping business. The Farm is located in Monmouthshire close to the county boundary with the Forest of Dean. The site lies within the Wye Valley Area of Outstanding Natural Beauty.

1.2 This proposal seeks full planning permission for a change of use of land from agriculture to a tourism use. The original scheme involved seven timber glamping pods. However, after a series of discussions with the planning agent, the number of glamping pods has now been reduced to five and they are sited towards the left hand side (the eastern part) of the site.

1.3 The proposed pods measure some 2.9 metres in height, 3m in width and 5.5 metres in length (including an overhang at the front). They are constructed in a dark stained timber and the exterior would be covered in dark shingles. A landscaping scheme has been submitted by the agent to address some of the issues raised by the neighbouring properties and the Council's consultees (i.e. the Council's Landscape Officer and Biodiversity Officer).

1.4 As part of this application, an amenity block is being proposed to serve the glamping pods. This amenity block will be located on the next field (immediately east of the site of the proposed pods, which is also within Monmouthshire's administrative boundary) and would measure 4.5m in height, 6m in depth and 12m in width. It will be constructed with timber cladding with a slate roof.

1.5 In terms of parking, it is proposed to locate the necessary parking provision on land that is part of the main core of the facilities for the campsite (i.e. on land within the Forest of Dean Council's administrative boundary). This area will include cycle parking.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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DC/2016/00455	Use of land as extension to existing touring caravan / camping site for 20 additional pitches and ancillary works.	Approved	Approved 28.06.2016	28.06.2016
DC/2016/00944	Discharge of condition 3 from planning consent DC/2016/00455	Approved	Approved 14.10.2016	26.09.2011

### 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

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
LC1 LDP New Built Development in the Open Countryside  
LC4 LDP Wye Valley AONB  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
NE1 LDP Nature Conservation and Development  
RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside  
SD4 LDP Sustainable Drainage

### 4.0 NATIONAL PLANNING POLICY

#### Planning Policy Wales (PPW) Edition 10

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

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

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

**Monmouth Town Council** - Approval with conditions:

- \* Move the pods closer together (particularly the 3 at the very top of the field)
- \* Abide by the guidance from Natural Resources Wales
- \* Secure removal of Monmouthshire County Council's Landscape and Trees holding objection

**MCC Landscape** - The initial holding objection was lifted following the submission of additional information in support of the application, including the number of pods reduced with a new landscaping scheme. The reduction in the number of pods from seven to five is welcomed and the location of the pods in the eastern 'half' of the field is also welcomed in terms of wider localised visual impact within the context of the nearby receptor locations and the topography of the site as identified by the LVIA. The LVIA photographs should, where appropriate, identify the site in the landscape to show what can or cannot be seen. The increase in planting areas to reduce the visual impact of the pods on the wider landscape is also welcomed. Some sections of the planting mix of the landscaping scheme could change a little for enhancement and would further reduce visual impact of the pods especially in the winter. The proposed maintenance of the paddock grass area to the west as a hay meadow would be welcome and could contribute to the ecosystem value and resilience of the site and help to offset loss of grassland biodiversity where new woodland mix is planted and pods are located. Properly fenced and gated the area could then be managed with appropriate density of livestock in accordance with an ecological management plan. Existing boundary hedges could also be enhanced with new understory planting to increase density.

**Natural Resources Wales** - No objection in principle to the proposals. However, any discharge of effluent to ground or surface water will need an environmental permit or the applicant will have to register an exemption with us.

**MCC Highways** - No objection. Following receipt of the additional information provided by the applicant, the highway authority is satisfied that adequate provision is and will be made available to accommodate any increase in parking provision required to accommodate the proposal.

**MCC Public Rights of Way** - No objection. The applicant's attention should be drawn to Public Bridleway no. 161 in the community of Monmouth that runs adjacent to the site of the proposed development. This path must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Rights of Way taking place. In addition, no barriers, structures or any other obstructions should be placed across the legal alignment of the path and any damage to its surface as a result of the development must be made good at the expense of the applicant.

**MCC Environmental Health** - No objection. Having reviewed the amended proposal and additional information provided by the applicant, whilst some noise may be audible from activities associated with the glamping pods, and smoke/odour may be discernible from time to time from cooking activities or the use of fire pits, I am not in a position to substantiate a level of problem on which to base an objection.

If planning permission is granted a site licence for the glamping pods will be required.

**AONB Officer:** I made two site visits to view the Broadstone Farm proposal, having concerns about the original seven pods. I support the reduction of pods and relocations on the site to reduce the landscape impacts. I support the officer recommendation.

**National Trust** - The site is still a very important focal point for Monmouth, an important tourist attraction and an inspirational site for its spectacular views. The submitted LVIA has not fully followed the outline principles of the LVIA Guidelines for Landscape and Visual Impact Assessment 3rd Edition. The assessment has not considered the impact of the proposed scheme from rights of way, listed buildings, registered park and garden, and wider areas of land where public access can be obtained including land owned by both National Trust and Woodland Trust at The Kymin. The application should not move forward until an acceptable LVIA is submitted by the applicant. Further information is required on all external lighting for the scheme, clarification of the issue of parking and its location, a topographic survey showing all proposed cut and fill to create the final landscape.

LERC Search Results - Some ecological features identified.

## 5.2 Neighbour Notification

Six households have offered objections and the reasons are set out below:

The proposal will adversely affect the area as an AONB.

Affect local ecology.

Close to adjoining properties.

Development too high.

Loss of privacy.

Noise nuisance.

Out of keeping with character of area.

Over development.

The amenity block is too far from the camping pods.

Pods could be booked by a group of people for parties.

The pods are too far from the manager's house and office to manage.

Inadequate parking provision.

Increase in pollution (light, noise and fire).

Loss of privacy.

Planning permission for nine camping pods has also been given to Broadstone Farm in the field on the Gloucestershire side of the camp site by Forest of Dean Council. By allowing this application, it will further exacerbate the existing problems.

If this agricultural land is turned into a site for campers then it will be much easier in the future for

Broadstone to extend pod/camping numbers and expand into the field.

Adverse traffic and highways implications.

The site can be seen from the neighbouring properties and the nearby public footpaths.

If the camping pods are set on foundations to become immovable, then they would be classed as buildings. Therefore, a glamping pod is legally a caravan.

The pods will be on site year-round without being moved; they will be a permanent feature of the field.

It was agreed under the previous planning application that no further development of the field will be allowed.

Some of the contents of the submitted information are factually incorrect and misleading, including the LVIA.

Inconvenience to the neighbours during the construction phase of this proposal.

There is a concern that the underground water supply pipe will be damaged by the proposal.

Apparently, holiday makers will be able to drive up to the pods to unload their luggage and would only use the farm vehicle if it's muddy. Therefore, a track will inevitably be made and then no doubt the track will be gravelled and so roadways will be made.

It will result in increased traffic on the main road as well as the farm tracks to both Beaulieu and Upper Beaulieu Farms as we share a common postcode.

The lack of privacy and noise pollution caused by this application will have a negative impact on wellbeing.

Public notices were not put up on the public footpath which runs right next to where the proposed pods are proposed.

The campsite rules do not work as they have not been enforced in the past.

The proposal is using agricultural land.

Light from moving vehicles.

There are other more suitable areas of land that belong to the applicant for this proposal.

There will be a music festival at Broadstone Farm next year and it will inevitably attract a significant amount of traffic and visitors on site, causing pollution to the area (air, noise and light).

Allowing this application will set a precedent for further development of the site.

Broadstone Farm has a licence to serve alcohol. This explains the increase in noise from the site, including amplified music late at night.

## **6.0 EVALUATION**

### **6.1 Principle of Development/Tourism**

6.1.1 Broadstone Farm is located in the open countryside. There is a general presumption against new development in the open countryside unless it complies with national planning policy and/or specific local development planning policies. In this case, in the context of providing wooden pods for holiday accommodation, the relevant policy is S11 of the Monmouthshire Local Development Plan (LDP), relating to tourism use and the Supplementary Planning guidance relating to 'Sustainable Tourism Accommodation' (hereafter referred to as the SPG). The policy provides that proposals that provide and/or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations.

6.1.2 The proposal is to provide five wooden pods and an amenity block. In this respect, the proposal would be considered a sustainable form of tourism accommodation. It has been indicated that the pods would not be permanently fixed to the ground and there would be no foul drainage attached to them. It has been described that supports of varying lengths underneath the pods will enable them to be level. In addition, no excavation is intended. As for the proposed amenity block, it will require a traditional construction with foundations. This amenity block will be sited on an existing caravan site and not on the site of the proposed glamping pods and the amount of floor area required is modest. In any case, this element (i.e. a scheme of hardstanding) can be controlled via a planning condition.

6.1.3 The LDP supports sustainable forms of tourism accommodation as covered in Strategic Policy S11. Supplementary Planning Guidance 'Sustainable Tourism Accommodation' (published November 2017) provides detailed guidance in terms of the type of tourism accommodation that will be supported in open countryside locations in relation to Policy S11. The types of development include yurts, teepees, bell tents, wooden pods, shepherd's huts, tree houses and glamping. Given the above, there is no objection in principle subject to detailed planning considerations.

### **6.2 Visual Amenity**

6.2.1 Broadstone Farm is an existing, well-established fishery and caravan/camping business. The business wishes to expand their portfolio by providing five additional wooden glamping pods and an amenity block on site. In terms of the scale of the proposed pods and the amenity block, they are considered to be of a modest scale and are similar to some of the glamping pods that are already in operation in different parts of the County.

6.2.2 In terms of the visual implications of this proposal, the Council's Landscape Officer did offer a holding objection to the original scheme for seven pods as there was insufficient information to allow him to provide a fully informed opinion about the application. After a series of discussions and negotiations, further information was submitted in support of the application and the overall number of pods has been reduced to five pods.

6.2.3 The Council's Landscape Officer acknowledges that the site is located within the Wye Valley Area of Outstanding Natural Beauty (AONB) and there is no objection from the Landscape Officer to the latest scheme for five pods. The location of these pods i.e. in the eastern 'half' of the field has a localised visual impact as identified by the LVIA. The latest landscaping scheme would mitigate the views of the pods from neighbouring properties and higher ground despite being on site all year round. However, it is noted that some of the planting proposed could be enhanced that would further reduce visual impact of the pods from beyond the site, especially in the winter. This element can be addressed via the use of a planning condition. As to the proposed amenity block, it will be sited close to the edge of the field next to existing trees and hedgerows, and the field is an existing caravan/tenting site. Given the above, standard landscaping conditions will be requested prior to the development of the site.

6.2.4 In terms of the proposed finishing materials, the use of natural materials are proposed and they are visually acceptable in this rural setting. Samples of materials will be requested prior to the development of the site.

6.2.5 There are neighbour concerns with regard to the height of the proposals. The overall height of the pods and the amenity block is approximately 2.9m and 4.5m respectively. It is considered that the proposed height of the pods is acceptable and that the proposed amenity block will be sited close to the edge of the field next to existing trees and hedgerows, which would mitigate the its presence. Given the above, the resulting structures would be visually acceptable in this location. In addition, the spacing around each of the camping pods is generous and is not considered to represent an over-development of the site. Furthermore, the implementation of the landscaping scheme will provide appropriate mitigation in the interests of visual amenity.

6.2.6 Given the above, provided the landscaping scheme is enhanced as advised by the Council's Landscaping Officer (achievable by a condition), the proposal would not be likely to adversely affect the setting of this part of the open countryside and the Wye Valley AONB, which is in accordance with the thrust of policies DES1, LC1, LC4 and the guidance contained in the Sustainable Tourism Accommodation SPG.

### 6.3 Residential Amenity

6.3.1 There have been concerns raised from a number of local residents relating to noise and disturbance created by people staying at the site as the proposed pods are considered to be too close to them. The nearest neighbour is York Cottage; it is approximately 43m from one of the pods. However, the relevant site boundary (the northern one) is heavily screened by existing mature trees, overgrown shrubs and hedgerows. In addition, the application site levels are lower than that of the neighbour. Therefore, no significant adverse impact is anticipated for this neighbour.

6.3.2 Both Graygill and Beaulieu Farm are in excess of 130m from the camping pods. In addition, the proposed additional landscaping would also help to provide further noise attenuation. The Council's Environmental Health Department was consulted and they advised that whilst some noise may be audible from activities associated with the glamping pods, and smoke/odour may be discernible from time to time from cooking activities or the use of fire pits, they are not in a position to substantiate a level of problems on which to base an objection. They added that if planning permission is granted a site licence for the glamping pods will be required.

6.3.3 Having considered the scale of the application, the new planting, the separation distance from the camping pods to the neighbours and the advice given by the Environment Health

Department, it is therefore considered that the proposed development for five camping pods and an amenity block would not cause unacceptable harm in terms of noise or privacy to the residential amenity of local residents. The proposal is therefore in accordance with Policy EP1 of the LDP. A condition will be imposed to request that the landscaping scheme(s) shall be implemented prior to the occupation of the camping pods.

6.3.4 Some neighbours have pointed out that there are complaints about the way the existing site is managed. It is noted that planning permission for nine glamping pods has also been granted to Broadstone Farm in the field on the Gloucestershire side of the camp site by Forest of Dean Council. Residents consider that the expansion of the business will only exacerbate existing problems. However, each planning application must be treated on its own merits and the planning process is not a means to resolve existing non-planning problems. The mitigation proposed by the applicant to address noise pollution together with reasonable management of the site should resolve this matter. There will be also channels to resolve noise issues via the statutory nuisance legislation.

6.3.5 A neighbour considered that the proposed parking provision is too far from the proposed pods and the visitors would undoubtedly drive their vehicles to the pods to unload their luggage causing an unacceptable level of light pollution to this part of the Wye Valley AONB. Broadstone Farm is an existing, established caravan and camping site. Therefore, it should be noted that the movement of vehicles in the hours of darkness is already part of the existing caravan/camping activity. It is considered that visitors may drive their vehicles to the glamping pods from time to time to unload their luggage, but this in itself would be occasional and not a reason to refuse permission in itself.

#### 6.4 Access / Highway Safety

6.4.1 The site has an existing access which is used in conjunction with the existing caravan and camping use. The Council's Highways Department was consulted and is satisfied that adequate provision is and will be made available to accommodate any increase in parking provision required to accommodate the proposal. In addition, no concern was raised by the Highways Department with regard to an unacceptable level of traffic generation as a result of this proposal. Given the above, it is considered that the proposal is in accordance with Policy MV1 of the LDP.

#### 6.5 Green Infrastructure

6.5.1 The Council's Landscape Officer suggested that the paddock grass area to the west of the site as a hay meadow would be welcomed and could contribute to the ecosystem value and resilience of the site and help to offset loss of grassland biodiversity where new woodland mix is planted and pods are located. Properly fenced and gated the area could then be managed with appropriate density of livestock in accordance with an ecological management plan. Existing boundary hedges could also be enhanced with new understory planting to increase density.

a) Policy GI1 of the LDP relates to Green Infrastructure. It advises that development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network. An ecological management plan of the site will be requested as a condition to fulfil the objectives of Policy GI1 of the LDP.

#### 6.6 Biodiversity and Ecology

6.6.1 The site characteristics, being in the open countryside and adjacent to a pond and a stream, indicate the site may have ecological value. Policy NE1 of the Local Development Plan seeks to prevent harm to ecological features as a result of development. The proposed development should accord with this policy.

6.6.2 The Council's Biodiversity and Ecology Officer was consulted and has no objection to the application as there is enough ecological information to make a lawful planning decision but will require relevant conditions. In addition, there is no objection from the NRW with regard to this application. Given the above, it is considered that the proposal is in accordance with Policy NE1 of the LDP.

#### 6.7 Foul drainage

6.7.1 A package treatment plant is proposed to serve the amenity block and its discharge will run

into the nearby watercourse. As per the advice given by the NRW, any discharge of effluent to ground or surface water will require the applicant to apply for an environmental permit or register an exemption with them. The permit application element is not a material planning consideration and is a matter between the developer and NRW.

## 6.8 Other considerations

6.8.1 It is important that applicants are aware that the use of sustainable visitor accommodation for permanent residential occupancy is not acceptable and occupancy of any future development will be restricted via planning conditions.

## 6.9 Response to the Representations of Third Parties and the Town Council

6.9.1 Most of these have been addressed in the preceding paragraphs.

6.9.2 There are local concerns that by allowing this application, it will set a precedent for future expansion of the site. However, the Local Planning Authority (LPA) can only consider the proposal as submitted. In any event the site is not of excessive size and the number of units is considered to be commensurate to it.

6.9.3 Some neighbours are concerned that the proposed amenity block is too far from the camping pods and the users will not use it. The proposed amenity block will be located on land with existing permission for 20 additional pitches for a mix of touring caravans and camping pitches in an area with a higher concentration of camping activities than the site of the proposed pods. Therefore, the selection of the location of the proposed amenity block is reasonable.

6.9.4 The pods are too far from the manager's house and office to manage. There is no planning requirement as to how close or far the camping pods should be from the manager's house and office and these facilities are not considered to be too distant to secure effective management of the site.

9.6.5 The issue of the site causing an increase in damage caused by trespassers and dogs would be a police matter.

9.6.6 A neighbour is concerned that if the camping pods are set on foundations to become immovable then they would be classed as buildings and that a glamping pod is legally a caravan. In response to this comment, no hardstanding is required for the pods; there are adjustable legs underneath the pods. Therefore, these pods are non-permanent structures and accord with the adopted SPG which supports sustainable forms of tourism.

9.6.7 There is a concern that the underground water supply pipe will be damaged by the proposal. This is a private matter and is not a material planning consideration.

9.6.8 A neighbour pointed out that the Planning site notices were not put up on the public footpath which runs right next to where the proposed pods would be sited. The Council's Public Right of Ways Department was consulted and they raise no concern with regard to the publicity of this planning application. In terms of the publicity of this application, a site notice was posted in an accessible location and the consultation letters were issued to the adjoining neighbours.

9.6.9 Broadstone Farm has a licence to serve alcohol and this explains the increase in noise from the site, including amplified music late at night. In addition, there will be a music festival at Broadstone Farm next year and the neighbours are concerned that it will inevitably attract significant amount of traffic and visitors on site, causing pollution to the area (air, noise and light). This would be a management and / or police matter to deal with any anti-social behaviour by holiday makers.

9.6.10 The proposal is using agricultural land for tourism use. The proposed camping pods will not be fixed into the ground so they are non-permanent structures (i.e. there is no handstanding/ excavation required). The site could return to agricultural purposes in the future if necessary.

## 6.10 Well-Being of Future Generations (Wales) Act 2015

6.10.1 The duty to improve the economic, social, environmental and cultural well-being of Wales

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

## 6.11 Conclusion

6.11.1 It is considered that the proposal is in accordance with national planning policy and the Monmouthshire LDP. Therefore, it is recommended that this planning application should be approved.

## **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 None of the units hereby permitted shall be replaced by any other structure(s) or glamping accommodation differing from the approved details.

REASON: In the interests of visual amenity and to ensure compliance with the Council's planning policies.

4 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.

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

6 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.

7 No occupation of the proposed camping pods shall take place until car parking provision has been provided in accordance with the approved plan and that area shall not thereafter be used for any purpose other than for the parking of vehicles.

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

8 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.

9 All planting, seeding or turfing comprised in the approved details of landscaping schemes shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants

which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

10 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the site until an appropriate lighting plan which includes low level PIR lighting and allows dark corridors for bats have been agreed in writing with the LPA.

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

11 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. These details shall reflect the recommendations set out in "Preliminary Ecological Appraisal - Broadstone Farm, Duke of York Road, Staunton, Monmouthshire produced by Abbey Sanders Ecology - March 2019" Details shall include:-

- hard surfacing materials;
- 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.

REASON: To ensure the provision afforded by appropriate landscape design and in accordance with Policy NE1.

12 All development works, including any site clearance works shall be undertaken in strict accordance with the measures described in Section 5 "Ecological Method Statement" of the submitted report "Preliminary Ecological Appraisal - Broadstone Farm, Duke of York Road, Staunton, Monmouthshire produced by Abbey Sanders Ecology - March 2019"

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

13 There shall be no more than five glamping pods and no other means of accommodation on the site at any one time.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with the approved plans and to comply with Policy S11 of the LDP.

## **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.

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

**Application Number:** DM/2019/00426

**Proposal:** Change of use of ground floor (and small basement) from vacant Class A1 shop to Class A2 estate agency

**Address:** 22-23 Agincourt Square, Monmouth, NP25 3DY

**Applicant:** Spicerhaart Estate Agents Ltd.

**Plans:** Block Plan - ,

## **RECOMMENDATION: REFUSE**

Case Officer: Ms Jo Draper  
Date Valid: 20.03.2019

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

### **1.0 APPLICATION DETAILS**

1.1 The application site is a three storey end-of-terrace building which lies on the west side of Agincourt Square (B4293) at the corner of Castle Hill in Monmouth town centre. There is a bus stop directly in front of the application premises. Adjacent to the south is a hairdresser and to the north, beyond Castle Hill, is an Iceland supermarket. Monmouth Castle and Museum are situated to the west of (behind) the application property.

1.2 The building lies within the Monmouth Conservation Area. The building was Grade II listed in 1952. This is a double-fronted retail unit at ground floor which was formerly a clothes shop but has been vacant since April 2018. The application site forms part of the Primary Shopping Frontage of Monmouth Central Shopping Area.

1.3 This proposal is for change of use of a vacant Class A1 shop to a Class A2 estate agency. No external or internal alterations are proposed. The supporting information states that this property has been vacant since April 2018 with the previous clothes shop relocating to Church Street. The agent has stated that this proposal will bring the premises back into commercial use after an extended period of vacancy, promote the diversity of uses in the Primary Shopping Frontage, support neighbouring uses through linked trips and provide local employment.

1.4 Marketing information from Linnells Property Consultants in support of the proposal this states the following:

Linnells have been marketing the property since 2017 whilst vacant and whilst also trading as 'The Square' Ladies fashion store. we have been marketing as a single or two separate retail units at a quoting rent of 35k per annum.

There were two viewings from a local education centre and a book shop but nothing proceeded. National retailers and coffee shops were targeted but with no interest.

It is the opinion of the estate agents that Agincourt Square is not within the prime retail pitch which is near M&S and Waitrose and therefore this unit is unlikely to attract an A1 user.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/00418	Variation of condition no.3 of planning permission DC/2014/00619.	Pending Consideration	
DM/2019/00420	Variation of condition 2 (change of approved plans) relating to application DC/2014/00620.	Approved	07.10.2019
DC/2014/00619	Redevelopment of part of site to rear of listed building including demolition and re-buildings to similar footprints of two residential dwellings.	Approved	24.11.2014
DC/2014/00620	Redevelopment of part of site to rear of listed building including demolition and re-building to similar footprints of two residential dwellings.	Approved	19.11.2014

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

#### Development Management Policies

DES1 LDP General Design Considerations

Policy RET1 – Central Shopping Area – primary shopping frontage

### 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:** Approve

**Monmouth Chamber of Trade and Commerce:** Support Proposal

The Chamber is keen to protect the primary shopping frontage and the balance of A1 use and other uses. However it is generally acknowledged that over time there will be a reduction in A2 premises as banks and building societies close their doors and focus on internet banking with Monmouth experiencing the closure of Nat West, Yorkshire and Santander. It is therefore probable that these A2 uses will therefore change back to A1 use. We are aware that the estate agents wanting to occupy the application site is Haart Estate Agent, with interest from two A1 users who are looking at occupying this property, thus offsetting the A1 with A2 uses. This property is one of four properties that is empty within a 50m length; it is important that this prominent building is occupied to give the impression of vitality to the townscape.

**Glamorgan Gwent Archaeological Trust (GGAT):** No objection.

**MCC Planning Policy Officer:** The application site is an existing retail outlet within a Primary Shopping Frontage (PSF) in the Central Shopping Area (CSA) of Monmouth. The unit has been an A1 use for a number of years and as such Policy RET1 of the Local Development Plan (LDP) would be the main planning policy consideration of this application, which is in place to protect the predominant shopping role and character of PSFs.

Under criterion (a) of policy RET1, Primary Shopping frontages, a change of use from an A1 to an A2 use will be permitted unless it creates or further extends a continuous frontage exceeding two or more non-A1 units. In this instance the premises in question is located between two A1 units and thus is in compliance with criterion (a).

Under criterion (b) of the policy such a change of use would be permitted provided that it would not result in the loss of A1 retail units in prominent locations, corner units or those with long frontages. The PSF Supplementary Planning Guidance (SPG) sets out guidance of factors that should be considered on making an assessment on whether a unit is considered within a prominent location. It sets out:

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

It also goes onto state that specific consideration will be given to those units with a frontage of 10 metres or more although the significance of a particular frontage will depend on its context.

This particular unit 22- 23 Agincourt Court Square (despite the argument in the applicant's

planning statement para 5.5 - 5.7 that it is not prominent), is considered a large unit with a frontage of approximately 11.5 metres in length and its location, central within PSF8 and on a corner plot is considered to be a visually prominent location within the CSA. No. 22 -23 is a key and imposing building, with architectural quality and street presence and is a grade II listed building. The combination of its visual presence and setting, and large frontage length therefore results in this unit's prominence within the CSA. Its loss as an A1 use is considered in this case to cause harm to the vitality and viability of the primary shopping frontage in this section of Monmouth, contrary to criterion (b) .

Under criterion (c) of the policy such a change of use would be permitted unless the number, frontage lengths and distribution of Class A2 or A3 uses in the frontage create an over-concentration of uses detracting from its established retail character. The PSF SPG sets out guidance on the criteria based approach for assessing proposals for non-retail use classes. In the SPG the maximum threshold for non-A1 uses along this particular frontage (PSF8) is given as 35%. The current non-A1 uses account for 33% and it is calculated with this change of use the non-A1 uses would further increase to 35%, therefore taking it to the maximum threshold. It is considered therefore the proposal does not create an over-concentration of non A1 uses within Primary Shopping Frontage 8 and the proposal meets criterion (c).

Where a proposal fails to meet the criteria in the policy, the policy allows for an exception if i) it can be demonstrated that the proposed use would not harm the vitality of the street frontage, or ii) the premises have been vacant for at least 2 years and genuine attempts at marketing the existing use have been unsuccessful.

Under exception i) the unit is vacant and currently not contributing to footfall. It is considered the estate agency use will attract some footfall as it will introduce an interesting and dynamic window display and footfall for instance, for house sales. A planning condition could be potentially put in place relating specifically to an estate agency use thereby allowing a use that incorporates shop front display and retail vitality encouraging footfall as opposed to a conventional office related land-use. The applicant however has not provided any evidence demonstrating predicted vitality impact, such as footfall estimates.

Under exception ii) the unit has not been vacant for at least 2 years. Unit 22-23 has been vacant since April 2018 and it is stated that it has been marketed since October 2017. Although it is noted there have been attempts at marketing in the accompanying planning statement for the application, it needs to be considered on whether the unit has been marketed robustly enough and whether the time period has been long enough.

Overall in summary, there is a planning policy concern as the proposal to an A2 use results in the loss of a visually prominent and large A1 unit in a prime location thus failing criterion (b) of Policy RET1 . There is an argument nevertheless under exception i) of RET1 that specifically an estate agency A2 use can enhance the vitality of the PSF as it introduces an attractive and dynamic window display and will attract footfall for house sales; it therefore needs to be considered whether this exception is weighted strongly enough to be an exception against its failure to comply with criterion (b) by losing a key A1 unit with a long frontage. It is the planning policy view that in relation to this unit, further footfall evidence to demonstrate vitality and/or further marketing evidence for at least 2 years needs to be provided to justify the A1 retail use loss of such a prominent retail unit within the Primary Shopping Frontage.

## 5.2 Neighbour Notification

There have been no representations to date.

## 5.4 Local Member Representations

The Local Member requests that the application is presented to Planning Committee if the recommendation is for refusal.

## **6.1 EVALUATION**

### **6.2 Strategic & Spatial Choices**

#### 6.1.1 Principle of Development

6.1.1.1 This proposal is for a change of use only there being no physical changes to the building. The issue is therefore a point of principle and compliance with the criteria set out in LDP Policy RET 1. For the purposes of clarity the policy is set out below and the criteria are assessed individually.

Policy RET1 - Within Primary Shopping Frontages (PSFs), a change of use on ground floors from Use Class A1 to Classes A2 or A3 will be permitted unless:

a) they would create (or further extend) a continuous frontage exceeding two or more non A1 units;

Comment: In this instance the premises in question is located between two A1 units and is thus in compliance with criterion (a);

b) they would result in the loss of A1 retail units in prominent locations, corner units or those with long frontage;

Comment: This aspect of the policy permits a change of use provided that it would not result in the loss of A1 retail units in prominent locations, corner units or those with long frontages. The PSF Supplementary Planning Guidance (SPG) sets out guidance of factors that should be considered on making an assessment on whether a unit is considered within a prominent location. It sets out:

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

It also goes onto state that specific consideration will be given to those units with a frontage of 10 metres or more although the significance of a particular frontage will depend on its context.

In this case, the application site is a large unit occupying a frontage of approximately 11.5m in length, This, coupled with its location as a corner plot central within PSF8 results in this unit being in a visually prominent location within the CSA. Furthermore, due to the architectural quality of this grade II listed building together with its height, width and overall physical presence in the street scene, it forms a key and imposing building within this primary shopping frontage. The application site also fronts directly onto a main public transport route with the bus stop situated immediately outside the unit.

The agent has responded that the site does not form a corner unit as there is no return on the window. However, it is a double fronted retail unit that is a key unit visually in this part of the primary shopping frontage of Monmouth Town Centre.

This property is prominent in form, presence and location within the overall street scene of Monmouth Town Centre. The proposed change of use is not therefor considered compliant with this criterion.

c) the number, frontage lengths and distribution of Class A2 or A3 uses in the frontage create an over-concentration of uses detracting from its established retail character.

Comment: The PSF SPG sets out guidance on the criteria based approach for assessing proposals for non-retail use classes. In the SPG the maximum threshold for non-A1 uses along this particular frontage (PSF8) is given as 35%. The current non-A1 uses account for 33% and it is calculated with this change of use to a non-A1 uses would increase this to 35%, therefore taking it to the maximum threshold. It is considered therefore the proposal does not create an over-concentration of non-A1 uses within PSF8 and the proposal meets criterion (c).

6.1.1.2 Where a proposal fails to meet the above criteria, an exception may be considered provided it meets one of the following criteria:

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

Comment: Both of the above will be addressed in turn.

i) The agent was asked to deliver information regarding footfall to justify that the unit will not harm the vitality of the street frontage. However, the agent has responded that they were not able to provide comparable footfall data, as they were unable to find a location suitably comparable with

Monmouth within the company's portfolio on which to carry out a footfall survey. In addition, it is argued that vitality created by those entering an estate agency is supplemented by those looking at the window displays, which would be difficult to capture on a simple survey of how many people entered the premises. In any event, a comparison cannot be made with data for the previous A1 use with which to compare the estate agency.

It is not questioned that there will be people looking at window displays, particularly whilst waiting at the bus stop or as a result of passing trade. It is unlikely that the level of footfall that would result from an estate agency would in any way equal that of an A1 use which by its very use encourages people to take a deliberate trip and make a visit to the shop. However, the agent is arguing that something is better than nothing given that the property is currently vacant and is therefore attracting no footfall to this part of the town. If it can be demonstrated that there are no A1 users interested resulting in the unit remaining vacant for a prolonged period of time then there may be an argument that something is better than nothing.

However, there must be confidence that the site has been robustly marketed for the required period of time with a competitive rate that attracts an A1 user to the site. This element is considered under Part ii) of the exception.

The unit was occupied by an A1 user less than 2 years ago as it was vacated in April 2018. The agent is stating in the supporting information that the unit was marketed before then from October 2017 and hence marketed for the 2 year period required by planning policy. It is suggested that there was only interest from two A1 users during the whole of this time. There is little evidence however of this, as the marketing particulars delivered in the supporting information state that the unit is available for immediate occupation, but there is no explanation delivered as to the arrangement with the ladies clothes shop that was operating there regarding immediate vacation. There is concern that the site has not been marketed positively for a 2 year period, particularly in the last 6 months, with enquiries undertaken by the Council via another potential A1 user (who approached the Council regarding another site but expressed an interest in this unit and was told by the estate agent that it was no longer available). It is therefore questionable that the site has met the 2-year period, whilst the evidence to demonstrate positive robust marketing before April 2018 is not overwhelming. It is not certain that this period of inactivity is an accurate representation of lack of interest and may be due to the agent not willing to consider a new occupier or negotiate on price.

Finally, with regard to the rent that the site is marketed at, further enquiries were undertaken with regard to other units that are being marketed to form a comparison to establish whether this is a fair rent for the size and location.

Further information was requested from the agent and the following information was delivered to evidence that the £35,000 rent looks proportional to other premises in the town centre.

Application site :22-23 Agincourt Square	£35,000 rent per annum	1147sq ft
	£30.5 rent/ sq ft.	

Other properties on the market at present (as of June 2019):

1 Bridge House, Monnow Bridge	£8,400 rent per annum	400sq ft	£21 rent/sq ft.
7 Priory Street	£12,000 rent per annum	324sq ft	£37 rent/ sq ft.
96 Monnow Street	£24,000 rent per annum	767sq ft	£31.3 rent/ sq ft
7 Agincourt Street	£6,000 rent per annum	280sq ft	£21.4 rent/ sq ft

The agent identified two units that are a comparable price in term of price per square foot, namely 7 Priory Street and 96 Monnow Street. In both cases the marketing estate agent confirmed that the rent is negotiable. In the case of 7 Priory Street the unit is significantly smaller, whilst 96 Monnow Street is further down Monnow Street near Marks & Spencer and Waitrose so in terms of location is arguably in a more bustling part of the town with a higher concentration of A1 users in this area and despite this is still open to negotiation.

Further research into other available units (June 2019) was undertaken, and the following units were also being marketed:

15-19 Monnow Street (Old Nat West bank) £26,844 pa (£11.72 sq ft)  
43 Monnow Street £26,000 pa (£27.66 sq ft).

more expensive than most with the only other units that are quoted as being at a higher end are, according to their agents, open to negotiation in that there are no takers at the current rental level set. It is recognised that this is a broad exercise and prices and terms of negotiation change depending upon location, availability and work required within the unit. However, in the absence of information regarding vitality of the proposed use, the exception relating to marketing does not appear to be robust enough in this case to enable this exception to be applied in accordance with planning policy.

It has been argued by the agent that the prospective new tenant for the application site is currently at 8 Beaufort Arms Court and this could revert back to an A1 use. This does not materially alter the consideration in this case as this location, although in the Central Shopping Area is not in the Primary Shopping Frontage like the application site.

The loss of an A1 use is considered in this case to cause harm to the vitality and viability of the Primary Shopping Frontage in this section of Monmouth, contrary to criterion (b). It is not considered to be compliant and the exceptions i) and ii) stated in this policy cannot be met in this case.

6.1.1.3 The agent has made reference to the 2018 permission for change of use from A1 to A3 at 5 Frogmore Road which is in Abergavenny Primary Shopping Frontage. In this case, the proposal was compliant with criterion a), failed criterion b) (being a corner unit) and marginally failed criterion c) although the margin was so slight in the case of criterion c) this was considered acceptable. The issue was criterion b) which is relevant to this case. With regard to the exceptions applied in Policy RET1 the proposal had not been vacant for the requisite two years and had not quite achieved one year of marketing either therefore not meeting exception criterion ii). However, it was decided that the proposal satisfied criterion i) which states that an exception may be considered if it can be demonstrated that the proposed use would not harm the vitality of the street frontage. The proposed A3 use was considered to add to the vitality of a centre by attracting customers and creating additional footfall. The concept for the proposed A3 use in question was "informal", resulting in a rolling customer base where customers use 'their Lounge' to fulfil different needs at different times of the day. Loungers sites are typically located in busy secondary high streets in densely populated small towns, suburban areas of large cities and within mixed-use developments. Notably whilst the applicant in this case did not have footfall data, the applicant has provided the sale per month from May 2017 to April 2018 for another Loungers establishment already up and running in Monmouth called Estero Lounge. This site does a lot more daytime trade than evening, particularly on weekends and draws people in from the surrounding areas. Coffee and food sales between 09.00-15.00 are up compared to the previous year which indicates greater daytime trading. This all results in greater footfall in the area attracting customers from surrounding areas into the town centre. It was concluded that this A3 use would maintain the vitality of the street frontage in that part of Abergavenny and planning permission was therefore granted. This is a different conclusion to that of an A2 estate agency use as proposed in this application.

6.1.1.4 Finally it is noteworthy that a planning refusal for a change of use from A1 to an A2 use (again an estate agents) was dismissed at planning appeal – this involved planning application DC/2010/00197 at 1 Agincourt Square. Whilst under a different Development Plan the principle of refusal is very similar as the application was refused for the following reason: 'The property occupies an important corner location in Agincourt Square. Notwithstanding that the applicant is willing to relinquish the use of the adjacent property for an A1 Use, the change of use of the property to A2 would be harmful to the vitality of this frontage and contrary to Policy S2 of the Monmouthshire Adopted Unitary Development Plan'.

The principle of a change of use from A1 to A2 does not comply with relevant planning policy in this case.

## **6.2 Response to the Representations of Third Parties and/or Community/Town Council**

6.2.1. These have been addressed above.

## **6.3 Well-Being of Future Generations (Wales) Act 2015**

6.3.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG 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.

## **6.4 Conclusion**

6.4.1 Section 5.1.1 of PPW10 recognizes in Section 4.3.30 that, "although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy". Therefore, whilst 'Primary Areas' are typically characterised by a high proportion of A1 retail uses, national policy recognises that planning policies should encourage a diversity of uses in centres. This is affirmed in section 4.3.33 which notes "vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre's well-being and success, whilst also reducing the need to travel". Of relevance in this instance also is the principle that where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in primary or secondary areas, which have been vacant for a period of time, may undermine a centre's viability and vitality. Advice in PPW10, Section 4.3.36, is that planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels.

6.4.2 The role that this proposal has in delivering diversity and helping to create a vibrant and viable town centre by reducing vacancy levels has been fully considered. However, in the absence of supporting information (namely footfall or visitor spend) the proposed A2 cannot be considered as an appropriate alternative to an A1 use in this case. The ideal is that this property is occupied by an A1 use and in such a prominent location is therefore a key magnet to shoppers that adds to the vitality and viability of the town centre. An A2 use is only a consideration when it is clear that there are no A1 users interested in this site. The marketing information provided together with investigations undertaken by the Council do not support the position as required by exception ii) of Policy RET1 that the unit has been positively marketed for the required period of time, thus conflicting with criterion b) and failing to meet either of the exception criteria. The planning application is therefore recommended for refusal accordingly.

## **7.0 RECOMMENDATION: REFUSE**

1. The application site, 22- 23 Agincourt Court Square, by reason of the width of its street frontage, its central location within the Primary Shopping Frontage on a corner plot in a visually prominent place within the Central Shopping Area, is a key and imposing building with architectural quality, street presence and is a grade II listed building. Its loss as an A1 use in this case will cause harm to the vitality and viability of the primary shopping frontage in this part of Monmouth, contrary to criterion b) of Policy RET1 of the Local Development Plan. There has been no reasonable justification given to demonstrate that an exception can be considered in this case.

**Application Number:** DM/2019/00938

**Proposal:** Variation of condition 2 (we would like to amend the design of the rear of the property) relating to DC/2015/01588

**Address:** 34 Maryport Street, Usk, NP15 1AE

**Applicant:** Mr Michael Farkas

**Plans:** All Proposed Plans 1034 (06)16 Rev. B - , 1034(01)15 - , 1034(03)15 Rev. E (upper floor plan only, all others superseded) - E, 1034(02)15 - , 1034(04)15 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Lowri Hughson-Smith

Date Valid: 17.06.2019

This application was reported to Planning Committee last month following it being referred by Delegated Panel. Members of the Panel requested the application be determined at full Planning Committee primarily due to the potential impact of the proposal on neighbouring properties.

At October's committee, this application for the changes to the rear elevation of the approved dwelling was considered along with the application for the conservatory (DM/2019/01186) Members raised concerns in relation to both applications and moved to refuse the applications. The issues raised by members can be summarised as follows:

- The Conservatory would adversely affect a kitchen window on no. 36 Maryport Street; and
- The changes proposed to the rear elevation of the dwelling would result in a change in roof structure to the approved scheme which would bring the two-storey element of the extension closer to no. 36 which is considered to adversely affect its amenity; and
- Design of the mono-pitch roof harms visual amenity.

The applicant does not wish to alter the proposals subject to the Variation of Condition application and this proposal remains the mono-pitch design as presented at the last committee. The applicant does not wish to alter the rear extension as proposed since he considers the proposal does not affect no. 36 and has submitted later representations in the form photographs to explain his position. The photographs submitted show the following:

- The large window on the site of no. 36 is obscured;
- The two-storey rear extension as approved only affects the obscured window and stops short of the other windows on the side elevation of no. 36;
- Two of the lower ground floor windows of no. 36 affected by the development are non-habitable; and
- The eaves of the proposed amended rear elevation will match the eaves heights of no. 36.

These photographs demonstrate that there would be a limited impact on the amenity of no. 36 given most affected windows are non-habitable and one is obscured.

If Members are minded to approve the application for the conservatory, it is recommended that the following condition is added to the consent to remove Part A of domestic permitted development rights. This condition is considered necessary since the resultant dwelling is significantly larger than was approved at appeal and, therefore, restrictions are required to limited further enlargement that may be harmful to neighbouring amenity.

Additional Condition:

“Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed without the express permission of the local planning authority.

REASON: Additional extensions could have an adverse impact on residential amenity and would be contrary to LDP Policy EP1.”

If Members are still minded to refuse the application, the following reason for refusal is suggested:

1. The monopitch rear extension represents poor design and an unsympathetic addition to the property which would adversely affect the appearance of the property and be detrimental to the amenity of no. 36 Maryport Street. This is contrary to Policy DES1 and Policy EP1 of the adopted Monmouthshire County Council Local Development Plan 2011-2021.

## **PREVIOUS REPORT**

### **1.0 APPLICATION DETAILS**

1.1 The application site is known as 34 Maryport Street or the Old Smithy. It is not listed but attached to a Grade II listed building (32 Maryport Street), it within the Usk Conservation Area (Policy HE1) and also an Archaeologically Sensitive Area (ASA). The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Floor Risk (TAN15) (July 2004).

1.2 This application seeks permission to variation of condition to the original application (reference number: DC/2015/01588) to enable the rear elevation of both plots to be amended. Prior to discussing the amendments subject to this application, a brief overview of the planning history is provided.

#### **Site History**

1.3 The site has an extensive planning history which commenced with the conversion of the whole building, known as the Old Smithy, into two separate residential dwellings. This application was refused by Monmouthshire County Council under application DC/2015/01588.

1.4 The permission was subsequently allowed at appeal. The development has commenced, and the developer has sought to make changes to the proposals during the construction phase. Earlier this year, an application was submitted on plot to the north of the site (hereafter referred to as Plot A) for the addition of a single storey conservatory, application reference DM/2019/00256. This application was approved in March 2019. The property subject to this application will be referred to as Plot B.

1.5 In parallel to this application, an application for a conservatory extension to the rear of Plot B, reference number DM/2019/01186. Application DM/2019/01186 is being reported to delegated panel at the same time as this application to enable the changes to be viewed at the same time given, they are intimately linked.

#### **Proposed Amendments**

1.6 The approved rear elevation proposed a lean to roof to Plot A and a pitched roof on Plot B. The approved elevation included Juliette balcony on Plot B, and windows at upper floor level and roof lights on both Plots.

1.7 The proposed amendments seek to amend the appearance of the rear elevation of both plot A (to north of site and attached to no. 32 Maryport Street) and Plot B (to south of plot attached to no. 36A Maryport Street). There are no changes to the scale of the development and there are no changes upper level floor plans, and these will remain as approved in application DC/2015/01588. The changes to each plot will be discussed in turn below.

#### **Plot A**

1.8 The changes to the rear of the plot A include:

- o Addition of a small gable to allow increased head height in the upper floor bedroom; and
- o Upper floor bedroom window replaced with a larger rooflight.

#### **Plot B**

1.9 The changes to plot B include:

- o Removal of the pitched roof and provision of a mono pitch instead;
- o Additional glazing on rear elevation at upper floor with a Juliette balcony and lower level;
- o Removal of an upper floor window.

1.20 The proposed materials include render finish and timber windows.

## **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/00256	Addition of a conservatory to the ground floor of plot 1. (Next door to 32 Maryport Street).	Approved	13.05.2019
DM/2019/00808	Non material amendments in relation to planning permission DC/2015/01588 - A reduction in massing of the roof and the creation of a light well.	Pending Consideration	
DM/2019/00938	Variation of condition 2 (we would like to amend the design of the rear of the property) relating to DC/2015/01588.	Pending Determination	
DM/2019/01186	Addition of conservatory to plot 2 of granted permission DC/2015/01588.	Pending Determination	
DC/2017/00093	Conversion with alterations and extension to former gallery to provide 1 no dwelling.		
DC/2015/01588	Conversion with alterations and extensions to former gallery to provide 2 no. dwellings.	Refused	18.01.2017
DC/2017/01171	Discharge of conditions 3 and 4 from previous application DC/2015/01588 - materials and scheme of historic environment mitigation.	Approved	03.11.2017

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision

## **Development Management Policies**

HE1 LDP Development in Conservation Areas

DES1 LDP General Design Considerations

SD3 LDP Flood Risk

MV1 LDP Proposed Developments and Highway Considerations

EP1 LDP Amenity and Environmental Protection

NE1 LDP Nature Conservation and Development

## **4.0 NATIONAL PLANNING POLICY**

### **Planning Policy Wales (PPW) Edition 10**

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

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

## **5.0 REPRESENTATIONS**

### Consultation Replies

#### **Heritage Officer**

5.1 The Heritage Officer has reviewed the proposals and advised the design is not considered in keeping with the conservation area and advised a design more in keeping with the conservation area is more appropriate.

#### **Glamorgan Gwent Archaeological Trust**

5.2 No objection.

#### **Usk Town Council**

5.3 The town council recommended the application be refused.

#### **Usk Civic Society**

5.4 The Usk Civic Society objects to the application on the basis of the following:

- o The proposal will have an adverse impact on no. 32 Maryport Street's right to light;
- o The rearrangement of Plot 1 will result in the likelihood of substantial movement of the residents of Plot 1 creating noise generation and disturbance to no. 32 Maryport Street; and
- o The addition of a canopy further affects the impact on No. 32

### Neighbour Notification

5.5 No responses received.

### Local Member Representations

5.6 No responses received.

## **6.0 EVALUATION**

### **Principle of Development**

6.1 A conservatory extension to an existing domestic property is acceptable in principle subject to other detailed planning considerations.

6.2 In this case these material considerations are:

- o Impact on the Conservation Area/Visual Impact;
- o Residential Amenity
- o Flood Risk
- o Biodiversity
- o Highways

### **Historic Environment**

6.3 The site is located in the Usk Conservation Area and attached to a Grade II listed building, known as 32 Maryport Street. Given the historic environment, the proposed development should preserve and/or enhance the setting of the Conservation Area in accordance with Policy HE1 and the listed building in accordance with Planning Policy Wales 10.

6.4 Policy HE1 requires development to preserve or enhance the area and its historic characteristics and meet the following criteria:

- a) preserve or enhance the character or appearance of the area and its landscape setting;**
- b) have no serious adverse effect on significant views into and out of the Conservation Area;**
- c) have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape;**
- d) use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and**
- e) pay special attention to the setting of the building and its open areas.**

6.5 The proposed changes are concentrated to the rear of the dwelling and, therefore, results in no alterations to the main façade on Maryport Street. Maryport Street is an important vista in the conservation area and, therefore, the preservation of this façade will ensure important views and vistas along the street are protected and the overall historical character of the conservation at this location is preserved.

6.6 The rear of the property will change from a traditional design to a modern mono-pitched appearance. Whilst the change will alter the proposed as approved, the change is of good design and not considered to be harmful. Furthermore, the discreet positioning of the changes on the rear elevation which is well enclosed and not visible from outside of the site confines will not result in change to the character of conservation area thus ensuring its preservation, as mentioned above.

6.7 The proposed changes will be read alongside the rear of the adjacent listed building (no. 32 Maryport Street). The changes to Plot A, which is attached no. 32, are limited and not considered to be so different to the elevation as approved to result in an adverse impact on the listed building. The changes to Plot B are more significant, however, the mono-pitched roof sets the massing of the rear extension away from no. 32 thus creating the illusion of it being set further from the listed building's setting. It is not considered the alterations to Plot B are harmful to the listed building or its setting. The design changes are not considered have an adverse impact and, therefore, ensure the setting of the listed building will be preserved in accordance with Planning Policy Wales 10.

6.8 The Heritage officer has reviewed the and raised concerns regarding to design of the proposals. Whilst these concerns are acknowledged, the proposed changes are limited to the appearance of the rear elevation and do not increase scale of the approved development. Furthermore, the changes cannot be seen from Maryport Street and, therefore, the impact on the Conservation area is minimal and overall the conservation area is preserved in accordance with Policy HE1. It is not considered a refusal of the application in terms of its impact on the conservation area could to be substantiated based on the proposed design.

6.9 On balance, due to the changes to the building being concentrated to the rear of the building which not visible from public vantage points together with scale of the overall development

remaining the same as approved, it is concluded the proposals will preserve the conservation area, have a limited visual impact in accordance with Planning Policy Wales 10, Policy HET1 and DES1.

### **Archaeology**

6.10 The site lies within an archaeologically sensitive area and therefore intrusive development works may have an impact on valuable archaeological remains.

6.11 The proposed development does not require any works which will involve intrusive ground works and, therefore, will not affect potential archaeological resource. GGAT raised no objection to the application and did not recommend any mitigation measures.

6.12 The proposal accords with relevant planning policy, namely Chapter 6 of Planning Policy Wales.

### **Residential Amenity**

6.13 The proposed changes do not increase the scale of the development. The mono-pitched roof will slightly increase the massing of the development along the boundary on no. 36 Maryport street but considering the approved scheme this change is considered minor and does not materially change the impact on no. 36 to that as approved. The change massing is considered to have a neutral impact on no. 36.

6.14 The changes will alter the configuration of the windows on the rear elevation. At lower ground floor level, the approved French doors would increase by a door width on each plot. Given this is at ground floor level, there are no anticipated impact on the adjacent dwellings.

6.15 At upper floor level, the windows on Plot A 1 will be reconfigured and slightly larger in size but no additional windows proposed. Plot B will have increase glazing at the Juliette balcony but the upper floor window as proposed will be removed. The rooflight will remain but be marginally larger. The enlargements of the windows on both plots is minor and will not alter the impact as approved to an extent which would be harmful on neighbouring amenity.

6.16 The proposed amendments to the rear of Plot A and B are not considered to have an impact any worse than as approved in application DC/2015/01588 and, therefore, considered to be acceptable and in accordance with Policy EP1, as concluded in the 2015 application.

### **Flood Risk**

6.17 The site is in a C1 flood zone which is a high-risk flood zone served by flood defences. The proposals result in no alterations to the footprint of the development as approved and, therefore, would have a neutral impact on flooding. Despite this, to ensure the floor levels of the property remain in accordance with the finished floor levels. The recommendation that the floor levels be no lower than 17.3m above ordnance datum as recommended in the FCA which supported application DC/2015/01588 and endorsed by NRW will be conditioned.

6.18 Considering the planning history and on the basis the development is limited in size and does not introduce a new use, the extension is considered to have a neutral impact in terms of flood risk and, subject to the condition securing the minimum floor levels, the development is in accordance with Policy SD3.

### **Biodiversity**

6.19 The property is currently under construction and is a shell. Given the level of works being undertaken, there is unlikely to be any ecological features at the site. No further information in respect of bats is deemed necessary and the proposal is considered to accord with Policy NE1 and will unlikely result in an adverse impact on biodiversity.

6.20 An informative relating to bats will be attached to the planning permission to provide the applicant with advice on what to do should bats be discovered during works.

### **Highways**

6.21 The addition of a conservatory does not require additional parking requirements and, therefore, the proposal will have no impact on highway safety in accordance with Policy MV1.

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

### **Usk Town Council**

6.23 Usk Town Council recommended refusal but not reasons were given.

### **Usk Civic Society**

6.24 The Usk Civic Society objects to the application on the basis of the following:

#### **The proposal will have an adverse impact on no. 32 Maryport Street's right to light**

6.25 The scale of the development would not change from the scheme as approved and Plot A remains to have no double storey extension thus preserving the light to no. 32. The impact on no. 32 is not considered to change from the proposals approved in application DC/2015/01588.

#### **The rearrangement of Plot 1 will result in the likelihood of substantial movement of the residents of Plot 1 creating noise generation and disturbance to no. 32 (Note to reader the Civic Society refer plot 1 which in respect of this report is Plot B)**

##### **Maryport Street**

6.26 The floorspace of Plot B does not change and there is unlikely to be an impact in terms of noise or disturbance any different to the approved scheme.

#### **The addition of a canopy further affects the impact on No. 32**

6.27 The canopy for Plot A has been approved under application DM/2019/00256 and not subject to this application.

### **Well-Being of Future Generations (Wales) Act 2015**

6.28 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**

6.29 The proposed changes are concentrated to the rear of the property resulting in minimal changes which are visible from public vantage points. The proposal would successfully preserve the conservation area and has an acceptable visual impact, in accordance with policy HE1 and DES1.

6.30 The impact on neighbouring properties has been fully assessed and the impact is not considered to be materially different to that approved under application DC/2015/01588 and the proposals are in accordance with Policy EP1.

6.31 The proposals have an acceptable impact in terms of floor risk in accordance with Policy SD3 and will have a neutral impact on highway safety in accordance with Policy MV1.

6.32 The proposal is compliance with the Monmouthshire Local Development Plan and recommended for approval.

## **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 Finished floor levels shall be no lower than 17.3 metres above Ordnance Datum (AOD).

REASON: To prevent flooding in accordance with Technical Advice Note 15 and LDP Policy SD3,

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

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

**Application Number:** DM/2019/00997

**Proposal:** Proposed new demountable unit to form two classrooms, toilets, kitchen and cloak room

**Address:** Ysgol Gymraeg Y Fenni, St David's Road, Abergavenny, NP7 6HF

**Applicant:** Mr Will McLean

**Plans:** Location Plan - , All Existing Plans A9477/01 - , All Proposed Plans A9477/02 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Lowri Hughson-Smith

Date Valid: 25.06.2019

**This application is presented to Planning Committee due to the site being owned by Monmouthshire County Council**

### **1.0 APPLICATION DETAILS**

1.1 The application site is Ysgol Y Fenni Primary School located off St. David's Road in the Mardy area of Abergavenny.

This application seeks permission for 1no. demountable building to be located on the playground of the school, adjacent to an existing demountable. The demountable will provide 2no. classrooms, toilet facilities and a small kitchen area. The proposed demountable measures as follows:

- Width: 9.83m
- Depth: 16.77m
- Height: 3.5m

1.2 The materials will be grey cladding, white uPVC windows and a dark roof covering to match the existing demountable buildings on site and main school building.

1.3 The demountable building is required to provide additional Welsh Medium School places within the Abergavenny area.

1.4 The proposed development in terms of its impact on the school capacity can be summarised as follows:

#### 1.5 Existing Capacity

- The existing school capacity is: 257 according to the Welsh Government calculations. The current number on roll is: 243, therefore the school technically has capacity for an additional 14 pupils;
- The school also has capacity for 60 nursery pupils (30 pupils in the morning session and 30 pupils in the afternoon session). The nursery school operates part time only between the hours of 9.30am to 11am and 1.30pm to 3pm;
- Overall the school has capacity for 287no. pupils (school and 30no. nursery pupils since this is the maximum number of nursery pupils on site at one time).

#### 1.6 Proposed Capacity

- The demountable building has capacity for up to 60no. pupils

- The increased maximum capacity would be 347no. pupils (increased school capacity and 30no. nursery pupils since this is maximum number of nursery pupils on site at one time).

1.7 The demountable building will be funded through Section 106 monies received from the Deri Farm development, located in north Abergavenny. The Section 106 monies were secured to increase Welsh Medium Primary education capacity in Abergavenny.

## **2.0 RELEVANT PLANNING HISTORY (if any)**

None.

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

S17 LDP Place Making and Design

### **Development Management Policies**

DES2 LDP Areas of Amenity Importance

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**

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

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

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Llantilio Pertholey Community Council:** The community council objects to the application on road safety grounds.

**MCC Highways:** The Highways Authority has objected on the basis the increase in traffic to and from the school would have an adverse impact on highway safety.

**MCC Environmental Health:** No objections, subject to a condition for a Construction Method Statement.

### 5.2 Neighbour Notification

1no. neighbour response was received objecting to the proposal on the following grounds:

- Unacceptable increase in traffic which is dangerous;
- Loss of amenity to neighbours (resulting from traffic increase); and
- Car pull-in area should be provided.

## 6.0 EVALUATION

### 6.1 Principle of Development

6.1.1 The site is in the settlement of Abergavenny where the principle of development is established. The demountable building is therefore acceptable in principle subject to the proposal being in accordance with detailed planning considerations. In this case, the material planning considerations are:

- Loss of Area of Amenity Importance
- Highway Safety
- Residential Amenity
- Design and Visual Impact
- Biodiversity

### 6.2 Area of Amenity Importance

6.2.1 The playground of the school is a designated Area of Amenity Importance (AAI) under Policy DES2 of the Local Development Plan. Policy DES2 seeks to protect the built environment by retaining open spaces. The AAI designation covers the whole playground which measures approximately 1700m<sup>2</sup>. The proposed development will take up an area of approximately 165m<sup>2</sup> which is just under 10% of the overall designation. Despite the modest size of the development, it must accord with the requirements of Policy DES2 which states that development should only be supported where there is no unacceptable impact on the following as set out in Policy DES2:

- a) the visual and environmental amenity of the area, including important strategic gaps, vistas, frontages and open spaces;
- b) the relationship of the area of amenity importance to adjacent or linked areas of green infrastructure in terms of its contribution to the character of the locality and / or its ability to relieve the monotony of the built form;
- c) the role of the area as a venue for formal and informal sport, general recreation and as community space, expressed in terms of actual usage and facilities available, as well as its relationship to general open space requirements as set out in Policy CRF2;
- d) the cultural amenity of the area, including places and features of archaeological, historic, geological and landscape importance; and
- e) the nature conservation interest of the area, through damage to, or the loss of, important habitats or natural features (Policy NE1 applies).

6.2.2 The proposal will be assessed against each criterion below.

- a) the visual and environmental amenity of the area, including important strategic gaps, vistas, frontages and open spaces;

6.2.3 The site is a small part of the AAI designation and is not highly visible from wider views offering little contribution to the overall townscape in visual terms. The introduction of the demountable will not detract from the openness of the wider designation given its modest scale and positioning adjacent to existing buildings.

The proposal has no unacceptable impact in the context of criterion a).

- b) the relationship of the area of amenity importance to adjacent or linked areas of green infrastructure in terms of its contribution to the character of the locality and / or its ability to relieve the monotony of the built form;

6.2.4 The site is a concrete playground and, therefore, visually does not offer a significant contribution to the character of the area aside from its openness in an otherwise built up area. The proposed development, as discussed above, is minor in scale and footprint and does not reduce the openness of the playground to an extent that could be considered harmful.

The proposal has no unacceptable impact in the context of criterion b).

c) the role of the area as a venue for formal and informal sport, general recreation and as community space, expressed in terms of actual usage and facilities available, as well as its relationship to general open space requirements as set out in policy CRF2;

6.2.5 The AAI at the site serves the school only and is not available for public access. The demountable will take up a small area of the playground with ample play space remaining to serve the school. In planning terms, the overall area can still serve its function as a playground. The proposal has no unacceptable impact in the context of criterion c).

d) the cultural amenity of the area, including places and features of archaeological, historic, geological and landscape importance; and e) the nature conservation interest of the area, through damage to, or the loss of, important habitats or natural features (policy NE1 applies)

6.2.6 Given the nature of the site, a concrete playground, it has limited features in terms of landscape, geological and biodiversity which could be affected. The site is not in an area of archaeological sensitivity and, therefore, harm to potential resource is unlikely. The proposal has no unacceptable impact in the context of criterion d) or e).

6.2.7 In conclusion, the loss of 165m<sup>2</sup> of the playground would not have an unacceptable impact on overall AAI designation in accordance with the requirements of Policy DES2. The proposal is acceptable in this regard.

### 6.3 Access / Highway Safety

6.3.1 The proposed demountable will provide two additional classrooms which can accommodate a maximum of 60 pupils and 2no. staff members. The proposals do not include any additional parking provision or drop-off facilities.

6.3.2 The Highways Authority has objected to the application since it considers the site has an existing lack of on-site parking provision to accommodate staff, ancillary staff and visitor parking and parental drop off and pick up. It is advised that the increase in traffic generated by the proposed development will also increase the demand on the existing substandard on-site infrastructure and school transport services. There will also be additional pressure on the on-street parking stress on the adjacent highways which will increase risks to road users and pedestrians during school opening and closing times.

6.3.3 The Council's Transport Unit, that provides school transport for pupils, has also expressed concern regarding the possible increase in traffic at the site and implications on highway safety.

6.3.4 Following the concerns raised by the Highway Authority and the Transport Unit the Education Department has provided further information to alleviate the concerns raised. In summary the Education Department confirmed the following:

- The demountable building is a temporary measure whilst the 21st Century Schools Programme is progressed and it is predicted that the school will have moved to a new site by 2023;
- It is unlikely the full capacity of the demountable building will be realised since the current trends of growth for the school over the last 5 years is 5% increase in pupils each year.
- The increase in pupils over the next 5 years is considered likely to be reduced based on the current birth rates recorded and on the prediction that a new Welsh Medium School is due to be opened in the north of the County for which funding has already been secured. A new Welsh Medium School in the north of the county will reduce the intake at Ysgol Y Fenni. Based on these predictions, the increase over the next 5 years is a total of 40 pupils (approximately 3% increase per year). The likely capacity of the school in 5 years' time would be 327no. pupils.
- Existing patterns of pupils travelling to and from school confirm that currently 42% of pupils travel to Ysgol Y Fenni Gymraeg via the school via bus

6.3.5 In planning terms, applications should be considered based on the maximum capacity created at the school by the development, which is 60no. pupils and 2no. staff members. In this case, given additional information provided by the Education Department, it is reasonable to assess all the evidence supplied and consider what the realistic implications of the development is likely to be in this context. The evidence is discussed in more detail below.

- Likely decanting of the site by 2023

6.3.6 It is predicted the school will decant to a new site by 2023. There are no formal plans for relocating the school and no planning application is currently under consideration. Funding has, however, been secured and it is understood plans for the new school are underway.

- Level of Pupil Intake

6.3.7 Evidence provided by the Education Department shows that pupil intake trends is approximately 5% each year which equates to around additional 12 pupils per year. The Education Department, based on birth records and funding secured towards another Welsh Medium School, indicate the intake will reduce to approximately 3% which is around 8 pupils per year. Given these figures inform the future planning of the Education Department it is considered reasonable to assume they are accurate and reflect the likely growth at Ysgol Y Fenni year-on-year. It is considered reasonable to consider this in this application.

- Incremental Growth of Pupil Intake

6.3.8 The Education Department has indicated the intake would happen gradually year-on-year. It is reasonable and realistic to assume this would be the case since school intake typically happens on a yearly basis and that the school would be enlarged in anticipation of the future growth

- Existing travel patterns of pupils.

6.3.9 The Education Department has provided information relating to the existing travel patterns of pupils travelling to and from school which confirmed that currently 42% of pupils travel to Ysgol Y Fenni Gymraeg via the school bus. They have also confirmed that the current bus services have capacity to accommodate 14no. additional pupils. Given the current pattern of travel, it is likely that approximately 42% of new pupils will use the school transport which amounts to 25no. pupils who would use the transport service.

6.3.10 The Education Department has confirmed that currently the ten vehicles are used for school transport and comprise a mix of 4 seaters (2no.), 8 seaters (4no.), 12 seaters (1no.), 16-seater (1no.) and a 33-seater (1no.). It has been suggested that the currently used smaller vehicles could change to larger vehicles to enable additional pupils to use the service without an increase in additional traffic i.e. additional 8 and 16 seaters. The Education Department has advised that the re-organisation of transport is possible. Based on this evidence and the assurance from the Education Department, it can reasonably be concluded that 42% of the additional pupils would have a neutral impact on the highways and be accommodated in vehicles already travelling to and from the school.

6.3.11 The maximum of 35no. pupils will likely make their way to school via a range of transport modes including private car, taxi or walking. This results in a maximum of 24% increase in pupils travelling to school themselves (i.e. not using school transport service). It is reasonable to assume that some of the pupils will walk to school since the site is excellently located for local pedestrian links. The 24% increase, therefore, is the maximum increase that would occur as a result of the development.

6.3.12 Based on the evidence provided, it is not considered reasonable to assess the impact on the highway in terms of the worst-case scenario in isolation of the information provided from the Education Department which indicates that the worst-case scenario is unlikely to be realised at the current school site. The relevant evidence provided has been fully assessed and it is reasonable to conclude that the increase in pupils will be a small number per year and gradually over several years. It is also reasonable to assume that 42% of the increase will be absorbed within the existing school transport without an increase in traffic levels. There would, therefore, not be a sudden increase which would result in a significant increase in traffic over a short period of time

which is unpredictable and, thus, unmanageable. Moreover, it is likely that prior to the school capacity being reached the current school will decant to a new site.

6.3.13 Given the level of traffic increase and the period over which it would be realised, it is considered possible that a carefully devised traffic management plan would be effective in managing traffic to and from the site to ensure there is no adverse impact on highway safety in relation to pupils and parents associated with the school and other users of the local highway network. Discussions with the Education Department have confirmed they are willing to provide a management plan to minimise the impact of the increased capacity at the school in the context of highway safety and that this is to be agreed with the Local Planning Authority in consultation with the Highway Authority.

6.3.14 In terms of parking, the proposals do not include any additional parking. When at capacity the additional classrooms would require a maximum of two additional members of staff, generating a need for two further spaces. The Education Department has advised that it is not possible to provide additional parking spaces. Given the need for staff would not be instant and would be dependent on the intake of pupils together with the minimal level of staff the development would generate, it would not be reasonable to refuse the application based on the lack of parking provision. It is, however, recommended that measures to encourage car sharing amongst staff should be a requirement of the Traffic Management Plan.

6.3.15 On balance, based on the school intake trends the increased capacity will be on a small scale each year and the maximum capacity would not be realised for several years. The increase in traffic could, therefore, be successfully managed via a Traffic Management Plan which can be agreed with the Local Planning Authority via a planning condition. Additionally, 42% of pupils can likely be accommodated on the existing transport service further reducing the impact of the development.

6.3.16 It is concluded the proposals, subject to a Traffic Management Plan, would not have an adverse impact on highway safety and accords with Policy MV1.

#### 6.4 Impact on Amenity/ Promoting Healthier Places

6.4.1 The proposed demountable is single storey and at least 23m from the nearest property, which is located at Gwent Place to the north of the site.

6.4.2 Given the ample separation distance, the proposed demountable would not result in an adverse impact on neighbouring residential amenity and the development accords with Policy EP1.

#### 6.5 Good Design/Placemaking

6.5.1 The demountable is designed to match the existing demountable buildings on site in terms of form and appearance. The materials palette includes grey cladding, white uPVC windows and a dark roof covering. The design is considered acceptable given its context within the school grounds and positioned in proximity to similar buildings.

6.5.2 The demountable building is located within the school grounds and, therefore, concealed from public views along St. David's Road by existing buildings on site. Views of the demountable will be possible from the properties at Gwent Place to the north and Dan-y-Deri to the west, but it will be read in conjunction with the existing demountable buildings. Furthermore, the demountable is approximately 23m from the nearest property at Gwent Place and over 60m from the closest property at Dan-y- Deri. The proposal will have an acceptable visual impact and accord with Policy DES1.

#### 6.6 Biodiversity

6.61 Due to the application site being a concrete playground, it has limited ecological features and the proposed development is unlikely to have an adverse impact on biodiversity features in accordance with Policy NE1.

## 6.7 Response to the Representations of Third Parties and/or the Community Council

6.7.1 Responses have been received from a local resident and Llantilio Pertholey Community Council which raised the following matters:

- Unacceptable increase in traffic which is dangerous/ a car pull-in area should be provided; and
- Loss of amenity to neighbours (resulting from traffic increase).

6.7.2 These will be addressed in turn below.

- Unacceptable increase in traffic which is dangerous/ car pull-in area should be provided

6.7.3 It is not possible within existing school grounds to provide a pull-in area. The impact of the development in terms of highway safety has been fully considered. As discussed above, based on the school intake trends the increased capacity will be on a small scale each year and the maximum capacity would not be realised for several years. The increase in traffic could, therefore, be managed via a Traffic Management Plan which can be agreed with the Local Planning Authority via a planning condition. This would be a limit the impact of the development and ensure there is no adverse impact on highway safety. Furthermore, 42% of pupils can likely be accommodated on the existing transport service without an increase in buses accessing the site.

- Loss of amenity to neighbours (resulting from traffic increase)

6.7.4 It is acknowledged that the traffic generated by the start and finish times of schools can be disruptive for residents. This disruption is, however, limited to around 9am in the morning and 3pm in the afternoon and only occurs during term time. The proposed development is not considered to result in a substantial increase in traffic which would result in a loss of amenity to neighbours and which would be significantly more harmful than the existing situation.

## 6.8 Well-Being of Future Generations (Wales) Act 2015

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

## 6.9 Conclusion

6.9.1 The proposal for a new demountable building at Ysgol Y Fenni has been fully considered and it is concluded the development would not result in an unacceptable loss of an Area of Amenity Importance in accordance with Policy DES2. The increase in traffic as a result of the increased capacity of the school can be managed to an acceptable level in accordance with Policy MV1. The development also accords with all other Local Development Plan policies including policies DES1, EP1 and NE1.

## **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 No development hereby permitted be commenced until a traffic management plan setting out the agreed arrangements for managing student drop off/collection procedures and location, at the start/end of academic year, has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved traffic management plan for the lifetime of the development. The Traffic Management should include details of:

1. Traffic management measures during school start times and finish times;
2. Management of staff parking;
3. Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction) including:
  - a. Programming of School Transport Services;
  - b. Measures to reduce staff parking where possible;

REASON: To ensure the safe operation of the public highway at the start/end of academic year in accordance with LDP Policy MV1.

**Application Number:** DM/2019/01017

**Proposal:** Change of use from garage to holiday let

**Address:** Existing Double Garage At The Chateau, A466 Catchmays Court To Bigsweir Bridge, Llandogo, Monmouthshire

**Applicant:** Mr Leigh Branfield

**Plans:** Location Plan 89/PL01 - , Elevations - Existing 89/PL04 - A, Elevations - Proposed 89/PL03 - , All Drawings/Plans 89/PL02 - A,

## **RECOMMENDATION: APPROVE**

Case Officer: Mr David Wong

Date Valid: 25.06.2019

**This application is presented to Planning Committee as we have received objections from five or more individuals**

### **1.0 APPLICATION DETAILS**

1.1 This application seeks full planning permission for the conversion and extension of an existing domestic garage to a holiday let. The building in question is located on land adjacent to The Chateau, off the A466 in Llandogo. The site falls within the settlement boundary of Llandogo as defined by Policy S1 of the Monmouthshire Local Development Plan (LDP). It is also within a designated Conservation Area and the Wye Valley Area of Outstanding Natural Beauty (AONB).

1.2 This garage building is single storey and is constructed in red brick with a slate roof. The front elevation is wood clad with garage doors below and the overall dimensions are some 5.2m wide, 5.2m deep and 3.8m to the ridge. As part of the proposal, it is proposed to erect a single storey lean-to extension to the side of the building, producing some 31 square metres in internal floor space. When the building is viewed from the A466, it will be approximately 1m wider than the existing building. The roof line of this lean-to extension will continue from the edge of the main roof.

1.3 Currently, the distance between the front elevation of this building and the A466 is 7m. Part of the forecourt of the site will become an outdoor seating area and a bin store. This outdoor seating area will project some 3m towards the A466, which will leave a 4m gap from the A466. New external louvres and wooden fencing are proposed at the forecourt, ranging from 1.6m to 2.2m in height. In terms of parking, there will be an on-site parking space on the remaining half of the forecourt to serve this proposed holiday let.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

None.

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S8 LDP Enterprise and Economy

S11 LDP Visitor Economy

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S17 LDP Place Making and Design

## **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
LC4 LDP Wye Valley AONB  
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

**Trellech United Community Council** - Commented: No councillor could imagine it as a desirable holiday let.

**MCC Highways** - There are no highways grounds for objection. There is sufficient parking provision to serve the proposal.

**MCC Heritage Management** - The proposal is within the AONB and Llandogo Conservation Area. It is considered the proposal would not harm the character of the Conservation Area. The building in its current format is an outbuilding, a change of use would retain the building which under 115m<sup>3</sup> could easily be demolished without permission.

**NRW** - We note that the garage building provides only low overall potential for bats due to visible gaps in fascia boards, barge boards and ridge tiles. No evidence of bats was discovered but due to further surveys being carried out and due to the identification of bats emerging from the building it was concluded the development will require a bat mitigation licence. Therefore, we have no objection to the application.

**MCC Biodiversity and Ecology** - No objection to this application subject to planning conditions and informative. However, please note that the proposal is likely to impact on bats and their use of the building, therefore an application to Natural Resources Wales for a European Protected Species Licence will be required.

**AONB Officer** – No objection; I agree with the officer recommendation.

### 5.2 Neighbour Notification

There are a total of seven individual objections received and their grounds of objections are highlighted below:

There is nowhere for the workers to park.

People use the drive way all the time and people park their cars close to the back of the garage. The use of towers or scaffolding would not work and permission would not be given. The construction period i.e. having workmen, machinery and vans will cause chaos to us all and to the A446.

The garage would be okay as a garage with brick work improved and roof sorted plus better doors but not as a holiday let.

The views from my property will be significantly altered by the result of this development. We do not want to see the garage then change to a 2-storey building.

Demolition of the garage could destabilise and compromise the adjacent raised concrete parking spaces i.e. immediately behind (to the west of) the garage.

The nearby residents will be disturbed by the users of the proposed holiday let during the arrival and departure of the building. Also, sitting outside talking and partying in the parking/seating area during the evening is a concern.

The property would not in reality be as attractive as suggested by the application.

The site is not well served by public transport.

The proposed outdoor seating area and its fencing will adversely affect the visibility of the driveway of the neighbouring property.

The proposed development is too close to the boundary and it is not possible to maintain the boundary fence.

Why has the planning application notice has been taken down? The neighbours have no consultation letters with regard to this application.

Where will the delivery vehicles or extra cars park?

The height of the building will go higher, making it unsightly.

It is a health risk to sit on the proposed outside seating area next to a busy A Road breathing in car fumes.

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 Planning Policy Wales Edition 10 (PPW) sets out that tourism is to be encouraged where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. It also states that tourism-related development is an essential element in providing for a healthy and diverse economy but it should be sympathetic in nature and scale to the local environment.

6.1.2 With regard to the currently adopted Monmouthshire Local Development Plan (LDP), the relevant policies applicable to the consideration as to whether the proposal is acceptable in principle are Strategic Policies S8 - Enterprise and Economy and Policy S11 - Visitor Economy. The LDP recognises tourism plays a vital part in Monmouthshire's economy. It is useful to note that the site is within the village development boundary for Llandogo (which is designated as a Main Village) and therefore Policy T2 does not apply.

6.1.3 Given that there are positive planning policies at the national and the local level, there is no objection to the principle of this type of development, subject to detailed considerations.

### **6.2 Visual Implications**

6.2.1 The site is within the Llandogo Conservation Area (Policy HE1 of the LDP) and the Wye Valley Area of Outstanding Natural Beauty (Policy LC4 of the LDP). Policy HE1 of the LDP seeks to preserve or enhance the special character or appearance of Conservation Areas. Policy LC4 seeks to protect the Wye Valley AONB from inappropriate development in order to maintain its unique character, special landscape qualities and local distinctiveness. Another design policy of note is Policy DES1 of the LDP. It relates to General Design Considerations and requires all development to be of a high quality sustainable design that respects the local character and distinctiveness of Monmouthshire's built, historic and natural environment.

6.2.2 The building in question is within the settlement boundary of Llandogo. The Council's Heritage Management Team acknowledges that the proposal is within the AONB and the

Llandogo Conservation Area. It considers that the proposal would not harm the character of the Conservation Area as the building in its current format is an outbuilding and a change of use would retain the building, finding it a fresh use. Furthermore, it acknowledged that this building could easily be demolished without permission. It is considered that the proposal is small scale and the character and appearance of this part of the Llandogo Conservation Area will be preserved. Therefore, there is no objection to this application in relation to impact on heritage assets.

6.2.3 The proposal involves the conversion of and an extension to the building. It is considered that the bulk of the proposed lean-to extension is modest. It is noted that the resulting building will have a different appearance to the existing building. However, the proposed extension is small scale so the visual impact of this proposal would be localised. In addition, the building is surrounded by existing properties of various building lines, heights, design, age and bulk. Therefore, it is considered that the natural beauty of this part of the AONB will be conserved.

6.2.4 The proposed outdoor seating area will project towards the A466. It is noted that some properties are set back from the highway but there are others that are located extremely close to the highway. Therefore, the front building line along this part of Llandogo is not uniform. Also, the parking provision for the holiday let will be at the front of the building; this arrangement is considered to be similar to the neighbouring properties'.

6.2.5 In terms of the proposed external finishing materials, it is proposed to re-use the bricks from an existing wall (the north building wall) and the roofing material will be slate to match with the existing. In addition, aluminium windows will be used on the building. Given these factors, it is considered that this application would be in accordance with the terms of Policy DES1, HE1 and LC4 of the LDP. As is normal practice for development in conservation areas, a condition will be imposed to request samples of materials prior to commencement of the development.

### 6.3 Impact on Amenity

6.3.1 In terms of window opening, the proposal will replace the existing rear door with a window and that window will not look towards any existing window openings of any neighbouring property. There would be a new roof light on the south-facing roof. Due to the distance and angle of this roof light and the level of the building, the privacy of the neighbours is unlikely to be affected.

6.3.2 No new opening is being proposed on the side (north and south) elevations of this building. The front (east) elevation of the building will be glazed/glass panels. As part of the proposal, a new enclosure i.e. a louvre and wooden fencing, is proposed at the front of the building/site to protect privacy, which would be in accordance with Policy EP1 of the LDP.

6.3.3 A concern from local residents is that they will be disturbed by noise from the users of the proposed holiday let during their arrival to and departure from the building and also when holiday makers are sitting outside socialising in the parking/seating area. From a planning perspective, it is unreasonable to assume who might be occupying this holiday let. The nature of the proposed use (a small holiday let) is not normally associated with excessive noise generation. In addition, based on the size of the building, it would not cater for larger groups. Therefore, it would be difficult to substantiate the refusal of this application based on these concerns. These issues can in any case be resolved through responsible management of the premises which is outside the control of the local planning authority. In terms of dealing with a statutory noise nuisance, there is also non-planning legislation that governs this.

6.3.4 Another neighbour has mentioned that it would be a health risk to sit in the proposed external seating area next to a busy A Road owing to pollution and health issues. The village of Llandogo is not identified as an Air Quality Management Area within the County and it is considered that the proposed outdoor seating area would give the users of this holiday let the choice of an extra usable space. Ultimately, it is the choice of the users to decide whether or not they wish to use this outdoor space.

### 6.4 Access / Highway Safety

6.4.1 There is no objection to this proposal from the Council's Highways Department. The Highways Department acknowledged that this is a change of use of the double garage into a holiday let i.e. a 1 bedroom self-contained unit with parking for 1 No. vehicle within the existing hardstanding area. It also noted that the vehicular access to/from the development proposal onto the existing public highway would remain as per the current arrangement. In addition, it is considered that the scale of the proposed development is unlikely to generate significant level of traffic movements.

6.4.2 There are neighbour concerns that if this application was to be approved, the associated workmen, machinery, deliveries and working vans will have nowhere to park during the construction phase and no scaffolding will be allowed on the neighbouring land. As a result of this, it will cause difficulties to nearby residents and to the A466. Whether any scaffolding will be allowed on neighbouring land is a private matter between the developer and any neighbours. In addition, the planning authority cannot take into account matters which are sometimes raised but are not normally planning considerations such as the impact of construction work on neighbouring land, land encroachment/trespassing, land ownership disputes and restrictive covenants. The Highways Department did not request for a construction and traffic management plan. It is considered that the scale of the development is very modest and owing to the fact that no construction and traffic management plan was requested by the Council's Highways Department, no such information is recommended to be requested.

6.4.3 The neighbour at Kimberley is particularly concerned that the proposed outdoor seating area and its fencing will adversely affect the visibility of their driveway. The Council's Highways Department was consulted and it has raised no highways concern with regard to this matter. It is noted that submitted plans show that new fencing will be erected in front of the building, providing a semi-enclosed outdoor seating area. However, it is noted that the distance between that new fencing and the A466 is approximately 4m. Therefore, the access visibility for Kimberley should not be adversely affected by this proposal.

## 6.5 Tourism

6.5.1 Comments have been received about the proposal being undesirable as holiday accommodation. Policy S11 of the LDP relates to the visitor economy. It advises that development proposals that provide, support and enhance the County's visitor economy, and which safeguard the environment, will generally be supported and encouraged. It is considered that this holiday let is of an acceptable scale and design and will provide additional tourism accommodation in this part of Monmouthshire, thereby supporting the County's visitor economy.

6.5.2 The County of Monmouthshire is predominantly rural. Planning Policy Wales Edition 10 (para 4.1.16) states that 'Different approaches to sustainable transport will be required in different parts of Wales, particularly in rural areas, and new development will need to reflect local circumstances'. Like Tintern, Llandogo is not well served by the public transport. The village of Tintern is one of the most visited tourist attractions in the County. Given the geography of Monmouthshire, the fact that the application site is not well served by public transport cannot be a reason to refuse this application.

## 6.6 Biodiversity

6.6.1 NRW and the Council's Biodiversity & Ecology Officer have reviewed the submitted documents and they have no objection to the proposal provided that the relevant conditions and informative are imposed.

## 6.7 Other Matters

6.7.1 There is no planning restriction as to how close/far an extension is allowed to build towards any site boundary. The siting of the proposal is within the application site that is under the applicant's ownership. This is a valid application. In the event of a dispute over landownership/ boundary maintenance, the interested parties will have to settle this issue as a civil matter.

6.7.2 A comment was made that local residents do not want to see the garage then change to a 2 storey building. This application is a change of use from a garage to a holiday let by converting and extending (via a single storey lean-to extension) the building only. However, the relevant permitted development rights will be removed to ensure that any further extension to the building will be re-assessed accordingly.

6.7.3 A neighbour enquired as to why the planning application notice was taken down and that the neighbours had no consultation letters with regard to this application. As part of the publicity of this application, a site notice was posted on site and the consultation letters were issued to the adjoining neighbours. The site notice only needs to be in place for three weeks from its posting. This form of publicity has satisfied the relevant publicity regulations.

## 6.8 Response to the Representations of Third Parties and/or Community Council

6.8.1 To avoid duplication, the comment made by Trellech United Community Council and the neighbour objections have been addressed under the relevant headings in section 6 of this report, above.

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

## 6.7 Conclusion

6.7.1 It is considered that the proposals are in accordance with the relevant policies in Monmouthshire's Local Development Plan (namely, policies S8, S11, S13, S17, DES1, EP1, HE1, LC4 and MV1).

## **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 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 and HE1.

4 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly authorised by this permission) shall be erected or constructed within the curtilage of the site without the express permission of the local planning authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1 and HE1 and to avoid obstruction of the visibility splays of the neighbouring properties.

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

REASON: In the interests of visual amenity and to ensure compliance with LDP Policy DES1 and HE1.

6 Before the approved development is first occupied the proposed louvres and fencing/enclosures shall be constructed in accordance with the approved plan and they shall remain in place in perpetuity.

REASON: To protect the privacy of the occupiers and the nearby neighbours, in accordance with LDP Policy EP1.

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7 No occupation of the proposed holiday let shall take place until car parking provision has been provided in accordance with the approved plan and that area shall not thereafter be used for any purpose other than for the parking of vehicles.

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

8 Before development commences details of the method by which the existing walls of the building are to be retained during conversion works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved method.

REASON: In the interests of visual amenity, in accordance with LDP Policy DES1 and HE1.

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

10 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.

11 The development shall be carried out in strict accordance with section 6 of the approved "Bat Survey Report- Garage off A466 at Llandogo (V2) produced by AVA Ecology dated 10/06/2019" as illustrated in Garage Llandogo, Proposed Elevations dated March 19, Drawing ref.89/PL03 produced by EMC Design.

REASON: To ensure adequate safeguarding of species of principle importance for conservation and to ensure compliance with LDP Policy NE1.

12 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building so as to illuminate the southern elevation of the building.

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

## **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.

2 Glamorgan Gwent Archaeological Trust's record is not definitive in the area of the proposal and features may be disturbed during the course of the work. In this event, please contact the Trust on 01792 655208.

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

4 BATS Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protected-specieslicensing/european-protected-species-licensing/information-on-european-protectedspecies-licensing/?lang=en>.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application. We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to Natural Resources Wales.

**Application Number:** DM/2019/01186

**Proposal:** Addition of conservatory to plot 2 of granted permission DC/2015/01588

**Address:** 34 Maryport Street, Usk, NP15 1AE

**Applicant:** Mr Michael Farkas

**Plans:** All Existing Plans 1034(03)15 Rev E - , Location Plan 1034(01)15 - , All Proposed Plans 1034 (06)16 Rev. B - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Lowri Hughson-Smith  
Date Valid: 02.08.2019

This application was initially reported to Planning Committee following it being referred by Delegated Panel. Members of the Panel requested the application be determined at full Planning Committee primarily due to the potential impact of the proposal on neighbouring properties. The application was initially reported to Delegated Panel following an objection from Usk Town Council.

A concurrent application (DM/2019/00938) at the same site was reported to Delegated Panel that also has an objection from the Usk Town Council. Application DM/2019/00938 relates to rear elevation changes which are closely linked to this application for a conservatory, therefore, it is appropriate the applications be considered together. Application DM/2019/00938 has also been referred to Committee.

At October's committee, this application (for permission for a conservatory to plot B of the approved dwelling) was considered along with the application for the variation of the design rear extension of the approved scheme (application reference: DM/2019/00938). Members raised concerns with both applications and moved to refuse both applications.

The concerns of members are summarised as follows:

- The Conservatory would adversely affect the windows on no. 36 Maryport Street resulting in an adverse impact on the amenity of this property; and
- The changes proposed to the rear elevation of the dwelling would result in a change in roof structure to the approved scheme which would bring the two-storey element of the extension closer to no. 36 which is considered to adversely affect its amenity; and
- Design of the mono-pitch roof harms visual amenity.

The applicant has considered the issues raised by the committee and provide an updated plan whereby the rear elevation reverts back to the approved scheme with the conservatory attached. This plan is submitted to accompany planning application DM/2019/01186 in relation to the application seeking permission for the conservatory only.

The applicant does not wish to alter the proposals subject to the Variation of Condition application and this proposal remains the mono-pitch design as presented at the last committee. This is discussed further in report for application DM/2019/01186.

The conservatory as proposed would, once the dwelling was completed, benefit from permitted development rights. The conservatory is small scale, one storey and has minimal impact on the adjacent properties.

The applicant has submitted late representations in the form of a set of photographs which indicate the following:

- The large window on the site of no. 36 is obscured;
- The two-storey rear extension as approved only affects the obscured window and stops short of the other windows on the side elevation of no. 36;
- Two of the lower ground floor windows of no. 36 affected by the development are non-habitable; and
- The conservatory would affect a non-habitable window; and
- The eaves of the proposed amended rear elevation will match the eaves heights of no. 36.

If Members are minded to approve the application for the conservatory, it is recommended that the following conditions are added to the consent to remove Part A of domestic permitted development rights. This condition is considered necessary since the resultant dwelling is significantly larger than was approved at appeal and, therefore, restrictions are required to limited further enlargement which may be harmful to neighbouring amenity.

Additional Condition:

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

REASON: Additional extensions could have an adverse impact on residential amenity and would be contrary to LDP Policy EP1.”

If Members are still minded to refuse the application, the following reason for refusal is suggested:

1. The proposed conservatory will limit light to the windows of no. 36 Maryport Street resulting in an adverse impact on that property. This is contrary to Policy EP1 of the adopted Monmouthshire County Council Local Development Plan 2011-2021.

## **PREVIOUS REPORT**

### **1.0 APPLICATION DETAILS**

1.1 This is a full application for a single storey extension to a dwelling currently under construction. Planning permission was previously granted at appeal for the conversion of the building to provide two dwellings (a 3 bedroom and 2 bedroom) and this would be facilitated by a two-storey rear extension, application reference DC/2015/01588. The proposed conservatory is a single storey extension which measures as follows:

- o Depth: 4m
- o Width: 3.7m
- o Height: 2.5m

1.2 The proposed materials include rendered walls to match main dwelling, glazing to the rear elevation and a lantern light in the roof. The roof will be steel coloured grey to appear similar to a traditional lead finish.

1.3 The building is not listed but is near to a Grade II listed building, no. 32 Maryport Street, is within the Usk Conservation Area (Policy HE1) and in an Archaeologically Sensitive Area (ASA).

1.4 The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Floor Risk (TAN15) (July 2004).

### **Site History**

1.5 The site has an extensive planning history which commenced with the conversion of the whole building, known as the Old Smithy, into two separate residential dwellings. This application was refused by Monmouthshire County Council under application DC/2015/01588.

1.6 The permission was subsequently allowed at appeal. The development has commenced, and the developer has sought to make changes to the proposals during the construction phase. Earlier this year, an application was submitted on plot to the north of the site (hereafter referred to as Plot A) for the addition of a single storey conservatory, application reference DM/2019/00256. This application was approved in March 2019. The property subject to this application will be referred to as Plot B.

1.7 In parallel to this application, a Variation of Condition application has been submitted to alter the appearance of the rear elevations of both Plot A and Plot B, reference number DM/2019/00938. Application DM/2019/00938 is being reported to delegated panel at the same time as this application to enable the changes to be viewed at the same time as the proposed conservatory since the proposals are intimately linked.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/00256	Addition of a conservatory to the ground floor of plot 1. (Next door to 32 Maryport Street).	Approved	13.05.2019
DM/2019/00808	Non material amendments in relation to planning permission DC/2015/01588 - A reduction in massing of the roof and the creation of a light well.	Pending Consideration	
DM/2019/00938	Variation of condition 2 (we would like to amend the design of the rear of the property) relating to DC/2015/01588.	Pending Determination	
DM/2019/01186	Addition of conservatory to plot 2 of granted permission DC/2015/01588.	Pending Determination	
DC/2017/00093	Conversion with alterations and extension to former gallery to provide 1 no dwelling.		
DC/2015/01588	Conversion with alterations and extensions to former gallery to provide 2 no. dwellings.	Refused	18.01.2017
DC/2017/01171	Discharge of conditions 3 and 4 from previous application DC/2015/01588 - materials and scheme of historic environment mitigation.	Approved	03.11.2017

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

## **Development Management Policies**

HE1 LDP Development in Conservation Areas  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
SD3 LDP Flood Risk  
MV1 LDP Proposed Developments and Highway Considerations

## **4.0 NATIONAL PLANNING POLICY**

### **Planning Policy Wales (PPW) Edition 10**

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

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

## **5.0 REPRESENTATIONS**

### Consultation Replies

#### **Heritage Officer**

5.1 The Heritage Officer has reviewed the proposals and advised the design is not considered in keeping with the conservation area and advised a design more in keeping with the conservation area should be sought.

#### **Glamorgan Gwent Archaeological Trust**

5.2 No objection subject to a condition.

#### **Usk Town Council**

5.3 The town council recommended the application be refused.

#### **Usk Civic Society**

5.4 Civic Society objects to this application on the following grounds:

- o The proposed extension will further detract from the residential amenity of that property.
- o The distance between the south wall of the conservatory and the boundary fence of 36 has not been supplied but is unlikely to be more than some two metres. It is therefore likely to be visible over the 1.5m boundary fence and further to reduce the natural daylight available to 36.
- o The extension is overdevelopment and has an oppressive impact neighbours;
- o Permitted development rights were recommended to be removed by officers in the previous application for 2no. dwellings. Since the decision for the original permission was issued by the Inspector permitted development rights were not removed. It is the Usk Civic Society's view that the recommendation of the officers to remove permitted development rights indicate the development as originally approved was the maximum extent and that anything further was likely to be excessive.

### Neighbour Notification

5.5 No responses received.

### Local Member Representations

5.6 No responses received.

## 6.0 EVALUATION

### Principle of Development

6.1 A conservatory extension to an existing domestic property (as approved under application) is acceptable in principle subject to other detailed planning considerations.

6.2 In this case these material considerations are:

- o Impact on the Conservation Area/Visual Impact;
- o Residential Amenity
- o Flood Risk
- o Biodiversity
- o Highways

### Environment

6.3 The site is located in the Usk Conservation Area and attached to a Grade II listed building, known as 32 Maryport Street. Given the historic environment, the proposed development should preserve and/or enhance the setting of the Conservation Area in accordance with Policy HE1 and the listed building in accordance with Planning Policy Wales 10.

6.4 Policy HE1 requires development to preserve or enhance the area and its historic characteristics and meet the following criteria:

- a) **preserve or enhance the character or appearance of the area and its landscape setting;**
- b) **have no serious adverse effect on significant views into and out of the Conservation Area;**
- c) **have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape;**
- d) **use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and**
- e) **pay special attention to the setting of the building and its open areas.**

6.5 The proposed conservatory is located to the rear of the dwelling and, therefore, results in no alterations to the main façade on Maryport Street. Maryport Street is the important views or vistas in the context of the Conservation Area and since this will remain unchanged the character of the area will be preserved. The introduction of the conservatory will result in minor changes to the appearance of the rear elevation, but this will not be widely visible from the key vantage points. These changes are not considered harmful and, overall, will preserve the conservation area.

6.6 The proposed extension does not directly affect the listed building given it is separated by Plot A. Plot A also has an extant permission for a conservatory which is 2m larger in depth than the extension sought in this application, approved under application DM/2019/00256. It was not considered the conservatory in application DM/2019/00256 had an adverse impact on the listed building. Given the separation of the dwelling from the listed building, the extant permission for a larger conservatory on Plot together with the modest scale of the proposed extension, the setting of the listed building will be preserved in accordance with Planning Policy Wales 10.

6.7 The Heritage Officer has reviewed the and raised concerns regarding the scale of the proposals and its design. Whilst these concerns are acknowledged, a conservatory of similar size, form and proportions has been approved on the adjacent plot. Furthermore, the conservatory is to the rear of the building, modest in scale and its impact on the conservation area will not be perceivable. A refusal of the application in terms of its impact on the conservation area is not considered to be substantiated considering the nature of the proposals and the planning history.

6.8 Considering the changes to the building are concentrated to the rear of the building which are not visible from public vantage points it is concluded the proposals will preserve the conservation area, have a limited visual impact and does not adversely affect the design of the existing building facade, in accordance with Planning Policy Wales 10, Policy HE1 and DES1.

### Area of Archaeological Sensitivity

6.9 The site is located in an area of archaeological sensitivity. The application for the adjacent conservatory on Plot (approved under application DM/2019/00256) was accompanied by an Archaeological Evaluation which concludes that the surviving archaeological resource is significant but could be fully excavated and preserved by record in order to mitigate the impact of the proposed development.

6.10 GGAT have commented on the application stating that archaeological mitigation will be required and recommended that a condition be imposed which requires a written scheme of historic environment mitigation and an informative attached advising that the archaeological mitigation would should be carried out to the appropriate standard. The recommended condition and informative have been imposed.

6.11 The proposed development, subject to the relevant condition, will ensure any potential archaeological resource is protected and the development is acceptable in terms of its potential impact on archaeological resource in accordance with the requirements of Planning Policy Wales 10.

### **Residential Amenity**

6.12 The most affected dwelling is no. 36 attached to the site to the south. Other dwelling which could be affected is the new dwelling to the north and no. 32 Maryport Street beyond. The impact on these dwellings will be discussed in turn below.

#### **No. 36 Maryport Street**

6.13 The single storey extension has no side windows and offset from the common boundary with no. 36 Maryport Street by approximately 2.7m. Given the lack of windows, there is no opportunities of for overlooking as a result of the proposed extension.

6.14 In terms of possible over bearing, the common boundary is currently demarcated by fence approximately 1.5m fence in height which is located almost immediately in front of the 3no. lower ground floor windows on the side elevation of no. 36, largely obscuring them. The single storey extension, given its offset from the boundary and limited height would not result in an overbearing relationship which is worse than the current situation. Furthermore, the applicant could, under permitted development rights, provide a fence up to 2m which would further obscure the windows of no. 36.

6.15 On balance, the positioning of the extension is considered acceptable.

#### **Plot A to North**

6.16 The proposed extension will be adjacent to the already approved conservatory in relation to the attached plot to the north, albeit reduced in depth. There is no overlooking opportunities and the proposed extension would not be overbearing. The relationship on the attached plot to the north is acceptable.

#### **No. 32 Maryport Street**

6.17 The proposed extension will have no impact on the amenity of no. 32 Maryport Street given it would be separated by the already approved conservatory extension on the adjacent plot, under planning application DM/2019/00256.

6.18 Notwithstanding the above, the permitted development rights have not been removed from Plot A or Plot B. As such, the applicant could build this extension without planning permission once the property is occupied. The property is not yet occupied hence permission is required since permitted development rights do not exist yet. It is not reasonable to recommend refusal for the application considering the permitted development rights.

6.19 The proposed extension, owing to its modest scale, height and limited openings, will not have an adverse impact on neighbour amenity and accords with Policy EP1.

### **Flood Risk**

6.20 The site is in a C1 flood zone which is a high-risk flood zone served by flood defences. The original application for the 2no. dwelling, reference DC/2015/01588, was supported by an FCA which was assessed by NRW. NRW concluded the development was acceptable subject to the finished floor levels being set no lower than 17.3m above ordnance datum. To ensure the proposed extension is also acceptable in flood risk terms a condition will be imposed to ensure the proposed floor level is no lower than 17.3m AOD.

6.21 Considering the planning history and on the basis the development is limited in size and does not introduce a new use, the extension is considered to have a neutral impact in terms of flood risk and, subject to the condition securing the minimum floor levels, the development is in accordance with TAN 15 and Policy SD3.

### **Biodiversity**

6.22 The property is currently under construction and internal is basically a shell. Given the level of works being undertaken, there is unlikely to be any ecological features at the site. No further information in respect of bats is deemed necessary and the proposal is unlikely to result in an adverse impact on biodiversity. The proposed development is considered to accord with Policy NE1.

6.23 An informative relating to bats will be attached to the planning permission to provide the applicant with advice on what to do should bats be discovered during works.

### **Highways**

6.24 The addition of a conservatory does not require additional parking requirements and, therefore, the proposal will have not impact on highway safety in accordance with Policy MV1.

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

6.25 The Usk Civic Society raised the following concerns which will be addressed in turn below:

#### **The addition of further built form, at a height of over 2 metres, with a solid wall facing towards the kitchen window of 36 Maryport Street, will further detract from the residential amenity of that property**

6.26 As discussed above, the common boundary at the site is a fence at least 1.5m in height immediately adjacent to the 3no. lower ground windows at no. 36 largely obscuring them. The proposed extension will be 2.5m in height and offset from the boundary which is not considered to have an impact which is significantly worse than the existing situation. Notwithstanding this, the applicant could under permitted development rights construct a fence to a maximum of 2m and therefore the implementation of

#### **The distance between the south wall of the conservatory and the boundary fence of 36 has not been supplied but is unlikely to be more than some two metres. It is therefore likely to be visible over the 1.5m boundary fence and further to reduce the natural daylight available to 36.**

6.27 The proposed conservatory will be partially visible but given the position of the fence of the offset of the conservatory it is not considered harmful.

#### **The extension is overdevelopment and has an oppressive impact neighbours**

6.28 The proposed development, as discussed above, would fall under permitted development if the dwelling was occupied. The Inspector, who allowed the original permission, did not consider it necessary to remove permitted development rights indicating the proposed development including its permitted development rights was suitable for the plot.

#### **Permitted development rights were recommended to be removed by officers in the previous application for 2no. dwellings.**

6.29 Since the decision for the original permission was issued by the Inspector permitted development rights were not removed. It is the Usk Civic Society's view that the recommendation of the officers to remove permitted development rights indicate the development as originally approved was the maximum extent and that anything further was likely to be excessive.

6.30 As mentioned by the Civic Society, the permitted development rights have not been removed and this was a decision made by the Inspector which is binding on the Local Planning Authority.

6.31 Notwithstanding this, the removal of permitted development rights is not a blanket restriction preventing the applicant or future occupiers from extending or altering the dwelling at all. The restriction of permitted development rights requires all works proposed to the dwelling to gain express planning permission. As such, control in terms of any additional development site lies with the Local Planning Authority.

6.32 It is for the Local Planning Authority to consider each application on its own merits and whether there is an adverse impact in planning terms. The proposed garage subject to the application has been considered thoroughly in the context of material planning considerations and concluded the impact of the development is acceptable and in accordance with the Local Development Plan.

### **Well-Being of Future Generations (Wales) Act 2015**

6.34 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**

6.35 The proposed conservatory is most in scale and located to the rear of the property resulting in minimal changes which are visible from public vantage points. The proposals successfully preserved the conservation area and has an acceptable visual impact, in accordance with policy HE1 and DES1.

6.36 The impact on neighbouring properties has been fully assessed and there is no adverse impact as a result of the proposals in accordance with Policy EP1.

6.37 The proposals have an acceptable impact in terms of floor risk in accordance with Policy SD3 and will have a neutral impact on highway safety in accordance with Policy MV1.

6.38 The proposal is compliance with the Monmouthshire Local Development Plan and recommended for approval.

## **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 Finished floor levels shall be no lower than 17.3 metres above Ordnance Datum (AOD).

REASON: To prevent flooding in accordance with Technical Advice Note 15 and LDP Policy SD3,

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

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

5 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

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

REASON: Additional extensions could have an adverse impact on residential amenity and would be contrary to LDP Policy EP1.

## **INFORMATIVES**

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

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**Application Number:** DM/2019/01320

**Proposal:** First floor extension to create a new bedroom.

**Address:** 21 Ethley Drive, Raglan, NP15 2FD

**Applicant:** Mr Ross Price

**Plans:** Location Plan Location Plan at 1:2500 - , Block Plan Block Plan at 1:1250 - , All Proposed Plans 001 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham  
Date Valid: 15.08.2019

**This application is presented to Planning Committee due to the applicant being part of the Sustainable Drainage Team that works closely with the Planning Department.**

### **1.0 APPLICATION DETAILS**

1.0 This is a householder application for a first floor extension to an existing detached house in Raglan. The proposed extension will create an additional bedroom and will be above a former garage that has previously been converted to additional living accommodation. This did not require the benefit of planning permission.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

None.

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

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

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
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

**Raglan Community Council** - No comments received to date. Wrote to advise that they had not received the initial consultation although this was emailed on 4th September 2019. Consultation resent 16/10/19.

SEWBRc Search Results - No significant ecological record identified.

### 5.2 Neighbour Notification

## **6.0 EVALUATION**

### 6.1 Principle of the proposed development

6.1.1 The property is within the Development Boundary of the village Raglan, within which extensions to dwellings are acceptable in principle subject to design and impact on neighbouring occupiers.

### 6.2 Good Design/ Place making

6.2.1 It is proposed to build up over the footprint of the existing ground floor which was originally constructed as an integral garage but has since been converted to additional living accommodation. This did not require the benefit of planning consent as it is classed as Permitted Development and there are no restrictions of this property.

6.2.2 The proposed extension will be set back from the front elevation of the main house and the ridge would also be dropped below that of the original. This breaks up the mass of the building to help it better blend into the street scene. Materials are proposed to match the existing dwelling (concrete interlocking roof tiles and matching brick work)

6.2.3 Overall the proposed extension is considered to be in keeping with the character and appearance of the existing dwelling and surrounding area and therefore in accordance with LDP Policy DES1.

### 6.3 Impact on Residential Amenity

6.3.1 No windows are proposed in the side elevation of the extension that could directly overlook the neighbouring dwelling. There will be an additional window at first floor level on the rear but this will not increase overlooking beyond the existing situation. As such, no neighbour issues are anticipated and there will be no conflict with LDP policies DES1 and EP1.

### 6.4 Access / Highway Safety

6.4.1 There are no changes to parking or access proposed as part of this application. The property benefits from two off-street parking spaces and there are no restrictions to on-street parking.

### 6.5 Biodiversity

6.5.1 The roof of the former garage that is to be removed is well maintained with no access points for bats. Furthermore it is only single storey and therefore less likely to be used by bats. As the ridge of the proposed extension will be set down below that of the main house, there will no works to the main roof. As such it is not considered that any survey work in relation to bats will be required. However, an informative relating to what the applicant should do if bats are encountered during works should be included on any consent.

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

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

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

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

#### **INFORMATIVES**

0 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

0 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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**Application Number:** DM/2019/01327

**Proposal:** Planning approval for existing police office (installed October 2018) and additional unit for lockers, search bags and body armour

**Address:** Abergavenny Fire Station, Hereford Road, Abergavenny, NP7 5PU

**Applicant:** Police And Crime Commissioner For Gwent

**Plans:** Location Plan A9673/0/00 - , All Existing Plans A9673/P/01 - , All Proposed Plans A9673/P/02 - Proposed Elevations, Block Plan A9673/P/02 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Lowri Hughson-Smith

Date Valid: 15.08.2019

**This application is presented to Planning Committee due to the agent for the application being an officer of Monmouthshire County Council**

### **1.0 APPLICATION DETAILS**

1.1 The application site comprises a Fire Station and its associated training yard and car park. The Fire Station fronts Hereford Road and its associated vehicular access is off St. Mary's Road.

1.2 This application seeks permission for the following to be located within the training yard of the fire station:

- Retention of existing demountable building;
- 1no. new demountable building (to be located adjacent to the existing demountable) for storage of police equipment; and
- Removal of landscaping to providing additional hardstanding to fire station to compensate for loss of the training yard for 2no. demountable buildings.

1.3 The existing demountable building is located along the north-western boundary of the training yard. The proposed demountable is to be located alongside the demountable along the north western boundary.

1.4 The demountable buildings will be similar in appearance and form. The finishing material of the existing demountable building is dark blue walls and a flat roof and the proposed demountable will be finished with corrugated wall panels and have a flat roof. Both units will have uPVC windows.

1.5 The demountable buildings are temporary accommodation provision whilst wider plans are finalised regarding the possibility of combining the Abergavenny police station and fire station in one location. The demountable buildings will be in place for up to around 2 years.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

Reference Number	Description	Decision	Decision Date
DC/2011/00534	Residential Development of two houses with garages, parking and garden areas.	Refused	26.09.2011

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

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

#### Development Management Policies

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

### 4.0 NATIONAL PLANNING POLICY

#### Planning Policy Wales (PPW) Edition 10

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

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

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

**Abergavenny Town Council:** recommends the application for approval.

**MCC Highways:** No objection.

#### 5.2 Neighbour Notification

One response was received. The one response received objected to the proposed development for the following reasons:

- Increase in traffic
- Increase in noise pollution.

#### 5.3 Local Member Representations

No response received.

## 6.0 EVALUATION

### 6.1 Principle of Development

6.1.1 The application site is located within the settlement of Abergavenny and, therefore, the principle of development is established, subject to material planning considerations. The material planning considerations in respect of this application are:

- Good Design and Visual Impact;
- Impact on Amenity/ Promoting Healthier Places;
- Highway Safety; and
- Biodiversity.

### 6.2 Good Design/ Place making

6.2.1 One demountable building is already in place and the proposed demountable building will be located alongside this in the training yard and adjacent to the boundary wall which is approximately 2m in height. Views of the demountable building currently in place are, therefore, limited and only glimpses of the roof of the building are visible in the immediate surroundings, including from the dwellings along St. Mary's Road and Tanglewood Close. Beyond the immediate surroundings and along Hereford Road, the demountable is not visible due to its positioning to the rear of the fire station. Based on size, scale and positioning, the existing demountable is not considered to have an adverse visual impact and therefore, is acceptable.

6.2.2 The proposed demountable are similar in size, scale and appearance and will also be in a similar location. Given the limited scale of the new demountable and its positioning, it is unlikely to have an impact any worse than the current situation on its own or in accumulation with the existing demountable. The proposed demountable building is acceptable in terms of visual impact.

6.2.3 In design terms the demountable buildings are of low architectural value but they are a temporary measure whilst new premises to accommodate the police force in Abergavenny are being pursued. As such, the buildings will be removed when they are no longer required which is estimated to be in approximately 2 years' time. Furthermore, as discussed above, views of the buildings are limited and, therefore, negligible visual harm is likely as a result of the development.

6.2.4 The proposal also includes removal of a small area of planting along the south western boundary of the training yard to allow for the yard to be extended to compensate for the loss of usable yard resulting from the placement of the demountable buildings. The proposed loss of the landscaping is regrettable; however, the extent of existing landscaping is minimal and not visible beyond the site limits due to the screen wall. The proposed loss of landscaping is minimal and does not result in the proposal being unacceptable.

6.2.5 To conclude, whilst the design credentials of the proposal are undistinguished the temporary nature of the proposal together with the minimal visual impact means the proposal is acceptable and in accordance with Policy DES1.

### 6.3 Impact on Amenity/ Promoting Healthier Places

6.3.1 The nearest neighbours are approximately 26m to the south east of the site, along Tanglewood Close and the properties along St. Mary's Road are approximately 28m away to the north. This is ample separation distance to ensure no adverse impact on these dwellings. In addition, the demountable buildings are of one storey only, further ensuring minimal impact on surroundings neighbouring properties.

6.8 The proposal accords with the requirements of Policy EP1.

### 6.4 Access / Highway Safety

6.4.1 The site has an existing access and car park which is currently shared between the fire and a small number of police officers who currently use the existing unauthorised demountable.

6.4.2 The 2no. demountable buildings will result in a minor increase in traffic at the site. The current demountable is small and has office space to accommodate a maximum of 4no. officers. The proposed demountable building is for storage of police equipment and would accommodate an additional 2no. staff members. The proposed development can accommodate a maximum of 6no. staff.

6.4.3 Given the minor scale of the development and limited number of staff proposed the development will result in minimal increased vehicular trips to and from the site. It is not considered the likely traffic generation would be harmful to highway safety.

6.4.4 In terms of the parking, the proposed development would share the fire station car park and no additional parking provision is proposed. Given the size of the fire station car park and the limited amount of parking required to support the development, the existing parking provision is considered acceptable and would not have an adverse impact parking provision for the fire station.

6.4.5 The Highways Authority has assessed the application and has not raised an objection to the proposals. The provision of the 2no. demountable buildings is considered acceptable in and in accordance with Policy MV1.

## 6.5 Biodiversity

6.5.1 The site is predominantly hardstanding, is well lit and in an urban area. It is considered unlikely the proposal will have an adverse impact on biodiversity and not survey work was required in order to assess the application. The proposal accords with Policy NE1.

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

6.6.1 There has been one response from a local resident who has raised concerns in respect of the following:

- Increase in traffic
- Increased noise pollution

### Increase in Traffic

The proposed development will result in a minor increase in traffic which is not considered harmful to highway safety. The Highway Authority has reviewed the application and raised no concerns or objections. The proposal is not considered to result in an increase in traffic which would be harmful.

### Increased Noise Pollution

The proposed development is for a small office and storage building resulting in a minimal amount of associated traffic. The associated service vehicles at the site will be minor. There is the possibility of noise from sirens, however, this is likely to be minimal since sirens are only used when necessary to assist officers to manoeuvre through traffic more quickly and safely i.e. sirens are unlikely to be required exiting the car park. Furthermore, sirens are only used in the event of an emergency which is not a regular occurrence. Given the limited amount of times a siren is likely to be used in association with the use of the 2no. proposed buildings is not considered to be harmful to the amenity of adjacent neighbours.

## 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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable

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

## 6.8 Conclusion

6.8.1 The proposed development is considered to have minimal visual impact, will not harm residential amenity or adversely impact highway safety. The proposal accords with the Local Development Plan including policies DES1, EP1 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.

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**SUBJECT: MONMOUTHSHIRE ADOPTED LOCAL DEVELOPMENT PLAN  
INFILL DEVELOPMENT SUPPLEMENTARY PLANNING  
GUIDANCE**

**MEETING: PLANNING COMMITTEE**

**DATE: 5 NOVEMBER 2019**

**DIVISION/WARDS AFFECTED: ALL**

## 1.0 PURPOSE:

The purpose of this report is:

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

## 2.0 RECOMMENDATIONS:

- 2.1 To endorse the Draft Infill Development Supplementary Planning Guidance (SPG), with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend to the Cabinet Member for Innovation, Enterprise and Leisure accordingly.

## 3.0 KEY ISSUES:

### Background

- 3.1 Planning Committee endorsed the draft Infill Development SPG on 5 March 2019, with a view to issuing it for consultation purposes. A copy of the Committee Report is attached as **Appendix 1**. Subsequently on 27 March 2019, the Cabinet Member for Innovation, Enterprise and Leisure made the decision to issue the draft SPG for consultation.
- 3.2 The Monmouthshire Local Development Plan (2011-2021) was adopted in February 2014 to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). This statutory development plan contains a number of policies relating to new housing development in the County's settlements which are set out in Appendix A of the SPG. The SPG provides guidance on proposals for small scale infill development (i.e. fewer than 10 dwellings) within the County's designated settlements as defined under Policies S1, H1, H2 and H3 of the Monmouthshire LDP, namely Main Towns, Severnside Settlements, Rural Secondary Settlements, Main Villages and Minor Villages.
- 3.3 The requirement for this SPG has arisen from the suggestion by Planning Committee that it would be useful to have additional guidance in place to help shape proposals for small scale infill development in the County's settlements.

- 3.4 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 Consultation Draft (Welsh Government, July 2019) 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 an LDP policy or policy criterion that provides the development plan 'hook' whilst the reasoned justification provides clarification of the related national policy'.*

- 3.5 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 adopted development plan have special status under section 38(6) of the PCPA 2004 in deciding planning applications. However, SPG can be taken into account as a material consideration provided it is derived from and is consistent with the adopted development plan and has itself been the subject of consultation, which will carry more weight'.*

#### Infill Development SPG

- 3.6 The Infill Development SPG is intended to provide certainty and clarity for applicants, officers and Members, and communities in the interpretation and implementation of the LDP policy framework in relation to small scale infill development proposals within the settlements identified in Policies S1, H1, H2 and H3 of the Monmouthshire LDP.
- 3.7 The SPG sets out the detailed matters that need to be taken into account when considering proposals for small scale infill development in the County's settlements. Such matters include site context, design, privacy/amenity, access/parking, green infrastructure and drainage. Once adopted, the SPG will have a key role in shaping proposals for small scale infill development.

#### Consultation

- 3.8 The consultation took place for a period of 6 weeks between Thursday 28<sup>th</sup> March and Monday 13<sup>th</sup> May 2019. A total of 448 individual notifications were sent by letter and email to:

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

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

- 3.9 As referred to in paragraph 3.5 above, for SPG to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process.

- 3.10 Twenty-two responses were received in relation to the consultation and are summarised together with the Council's response, in the Report of Consultation provided as **Appendix 2**. These responses included statements of support and general comments which were not considered to require any changes to the draft SPG. The Report of Consultation also includes the comments made by elected Members at the March 2019 Planning Committee where the draft report was initially considered.
- 3.11 Generally, no significant comments were received and only a small number of minor amendments to the SPG are considered necessary. Comments included providing further clarification in relation to privacy standards and window to window distances, a suggestion for an additional diagram relating to backland development, additional references to links to other related Policies and inclusion of references to other matters such as electric charging points and broadband connections.
- 3.12 In addition, a small number of very minor alterations have been made to the SPG text to improve syntax and flow. These minor alterations have no impact on the policy substance or meaning.
- 3.13 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**.

#### **4.0 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 being taken in accordance with policies and proposals in the LDP. This SPG provides guidance on proposals for small scale infill development within the designated settlements as defined under Policies S1, H1, H2 and H3 of the Monmouthshire LDP i.e. Main Towns, Severnside Settlements, Rural Secondary Settlements, Main Villages and Minor Villages.

#### **5.0 RESOURCE IMPLICATIONS:**

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

#### **6.0 SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

- 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, an updated Future Generations Evaluation is attached as **Appendix 4**. This includes Equalities and Sustainability Impact Assessments.

## **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.

## **8.0 EVALUATION CRITERIA**

- 8.1 The SPG provides specific guidance on the interpretation/implementation of the LDP policy framework in relation to infill development. The consultation responses have raised a number of valid and constructive points, all of which have been considered and responded to in Appendix 2, Option 1 and Option 3 are not considered appropriate as some changes are necessary. Option 4 is also discounted as doing nothing would not address Planning Committee's request for guidance on infill development within Monmouthshire.
- 8.2 Based on the reasons above, Option 2 is the preferred option, to formally adopt the infill development SPG, as amended, to support the Monmouthshire LDP.

## **9.0 REASONS**

9.1 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 SPG provides guidance on proposals for small scale infill development within the designated settlements as defined under Policies S1, H1, H2 and H3 of the Monmouthshire LDP i.e. Main Towns, Severnside Settlements, Rural Secondary Settlements, Main Villages and Minor Villages.

## **10.0 CONSULTEES**

- Development Management Officer Working Group
- Planning Committee
- Cabinet Member for Innovation, Enterprise and Leisure
- SLT
- Public and stakeholder consultation. The comments made are provided at Appendix 2.

## **11.0 BACKGROUND PAPERS**

- Monmouthshire Adopted LDP (February 2014)

## **12.0 AUTHORS:**

Craig O'Connor  
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Rachel Lewis  
Planning Policy Manager

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### **APPENDICES**

**Appendix 1: Planning Committee Report 5 March 2019**

**Appendix 2: Report of Consultation Responses**

**Appendix 3: The revised SPG for adoption**

**Appendix 4: Well-being of Future Generations Report**

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**SUBJECT: MONMOUTHSHIRE ADOPTED LOCAL DEVELOPMENT PLAN  
DRAFT INFILL DEVELOPMENT SUPPLEMENTARY PLANNING  
GUIDANCE**  
**MEETING: PLANNING COMMITTEE**  
**DATE: 5 MARCH 2019**  
**DIVISION/WARDS AFFECTED: ALL**

**1. PURPOSE:**

- 1.1 The purpose of this report is to seek Planning Committee's endorsement of the Draft Infill Development Supplementary Planning Guidance (SPG), with a view to issuing for consultation.

**2. RECOMMENDATIONS:**

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

**3. KEY ISSUES:**

Background

- 3.1 The Monmouthshire Local Development Plan (2011-2021) was adopted in February 2014 to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). This statutory development plan contains a number of policies relating to new housing development in the County's settlements which are set out in Appendix A of the Draft SPG (attached as Appendix 1). The Draft SPG provides guidance on proposals for small scale infill development (i.e. fewer than 10 dwellings) within the County's designated settlements as defined under Policies S1, H1, H2 and H3 of the Monmouthshire LDP, namely Main Towns, Severnside Settlements, Rural Secondary Settlements, Main Villages and Minor Villages.
- 3.2 The requirement for this Draft SPG has arisen from the suggestion by Planning Committee that it would be useful to have additional guidance in place to help shape proposals for small scale infill development in the County's settlements.
- 3.3 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 an LDP policy or policy criterion that provides the development plan 'hook' whilst the reasoned justification provides clarification of the related national policy'.*

- 3.4 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 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'.*

#### Draft Infill Development SPG

- 3.5 The Draft Infill Development SPG is attached to this report as **Appendix 1**. The SPG is intended to provide certainty and clarity for applicants, officers and Members, and communities in the interpretation and implementation of the LDP policy framework in relation to small scale infill development proposals within the settlements identified in Policies S1, H1, H2 and H3 of the Monmouthshire LDP.
- 3.6 The Draft SPG sets out the detailed matters that need to be taken into account when considering proposals for small scale infill development in the County's settlements. Such matters include site context, design, privacy/amenity, access/parking, green infrastructure and drainage. Once adopted, the SPG will have a key role in shaping proposals for small scale infill development.

#### Next steps

- 3.5 As referred to in paragraph 3.4 above, for SPG to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process. Following a resolution to consult, targeted notifications will be sent to those considered to have an interest in the SPG topic such as local agents. All town and community councils will also be consulted. The consultation will be publicised via our Twitter account @MCCPlanning and the corporate Monmouthshire Twitter account. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution for the adoption of any SPG document.

#### **4. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

- 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 Draft SPG are to:

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

## **6. EVALUATION CRITERIA**

- 6.1 Option 1: endorse the Draft SPG as attached for consultation. **This is the preferred option.** The Draft SPG sets out the key issues that need to be taken into account when considering proposals for small scale infill development in the County's settlements, including site context, design, amenity/privacy, access/parking, green infrastructure and drainage. It is considered that the SPG will provide guidance and clarity to help shape proposals for small scale infill development in the County, reflecting Planning Committee's requirement for such guidance.
- 6.2 Option 2: endorse the Draft SPG for consultation with amendments. As noted above, the Draft SPG sets out the key issues that need to be taken into account when considering proposals for small scale infill development in the County's settlements. It is not considered necessary to amend the Draft SPG prior to consultation. Any comments received in response to the consultation on the 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.
- 6.3 Option 3: do nothing in relation to the Draft SPG. The SPG will provide further guidance and clarity to help shape proposals for small scale infill development in the County in accordance with Planning Committee's request for such guidance. The option of doing nothing would not address Planning Committee's request for this guidance and should, therefore, be discounted.

Recommendation:

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

## **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 Draft SPG provides guidance on proposals for small scale infill development within the designated settlements as defined under Policies S1, H1, H2 and H3 of the Monmouthshire LDP i.e. Main Towns, Severnside Settlements, Rural Secondary Settlements, Main Villages and Minor Villages.

## **8. RESOURCE IMPLICATIONS**

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

**9. CONSULTEES**

- Development Management Officer Working Group
- Planning Committee
- SLT

**10. BACKGROUND PAPERS**

- Monmouthshire Adopted LDP (February 2014)

**11. AUTHORS:**

Mark Hand  
Head of Planning, Housing and Place-shaping

Rachel Lewis  
Planning Policy Manager

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Draft Infill Development (H1, H2 & H3) SPG Consultation Responses					
Representor Number	Representor	Object/Support/Comment	Comment	LPA Response	Recommendation/Action
1.1	Mrs Lynne Morgan	Comment	My comments relate to sites CO.6 and CO.7 which are sites around the village of Mathern (identified as a Main Village in Monmouthshire Policy S1). Both sites are described as being of high/medium landscape sensitivity with low housing capacity. They include existing parkland, grazing and conservation areas mainly as part of the former Wyeland Estate.	Comment noted. The aim of this SPG is to set out further guidance on the main planning material considerations that will be taken into account by the Council when reaching decisions for infill development. This comment is related to two specific sites rather than commenting on the content of the SPG itself.	No change necessary.
1.2		Objection	The introduction of any proposed infill sites would adversely affect the “distinctiveness” of the village and would start the insidious process of Mathern being engulfed by Chepstow with the piecemeal development of land around Chepstow. My objections are based on item 1.3c in the Supplementary Planning Guidance. Additional infill housing would not “make a positive contribution to the creation of distinctive communities”.	Objection noted. Infill development should make a positive contribution to the creation of distinctive communities (para 1.3c). The aim of this objective is to assist in the delivery of placemaking, which aligns with the concepts embraced throughout the latest edition of Planning Policy Wales, PPW10.	No change necessary.
1.3		Objection	The introduction of any proposed infill sites would adversely affect the “distinctiveness” of the village and would start the insidious process of Mathern being engulfed by Chepstow with the piecemeal development of land around Chepstow. My objectors are based on item 1.3d in the Supplementary Planning Guidance. Additional infill housing would not “respond to the context and character of the area”.	Objection noted. Infill development should make a positive contribution to the creation of distinctive communities (para 1.3c). The aim of this objective is to assist in the delivery of placemaking, which aligns with the concepts embraced throughout the latest edition of Planning Policy Wales, PPW10.	No change necessary.
1.4		Objection	The introduction of any proposed infill sites would cause a loss in biodiversity by the destruction of hedgerows and deciduous woodland.	Objection noted. Each planning application will be treated on its merits. If an infill development involves the removal of existing trees and hedgerows, appropriate biodiversity mitigation may be possible to replace them. Infill development may sometimes enhance the biodiversity of the site as the applicants will be encouraged to plant native species in their proposals, even where there is to be no loss of existing trees and hedgerows.	No change necessary.
1.5		Objection	Any increase in housing would inevitably add to the severe congestion problems in and around the area.	Objection noted. The Council's Highways Department will be given the opportunity to offer their expert advice on this matter during the formal planning process.	No change necessary.

1.6		Objection	There are already excessive levels of pollution caused by increased traffic and local readings have already exceeded limits set by W.H.O. for particles which increase the link to lung cancer, pneumonia and other diseases. Without any new infrastructure any additional housing can only have a detrimental effect on the area.	Objection noted. The Council's Environmental Health Department will be given the opportunity to offer their expert advice on this matter during the formal planning process.	No change necessary.
2.1	Ann Langford	Comment	I agree that key matters to be considered when undertaking a site appraisal should include: Adjoining land uses, Existing landscape feature and Views into, from and across the site. However I fail to see how the following guidance would help developers achieve these objectives in the case of backland development. Many existing properties which could be affected by backland development currently enjoy marvellous views of the countryside which would be totally obscured if a three storey town house were built literally just at the end of their garden.	Comment noted. The loss of a view is not a planning material consideration. The aim of this SPG is to set out further guidance on the main planning material considerations that will be taken into account by the Council when reaching decisions for infill development. Each planning application will be treated on its merits and one of the overarching objectives for Infill development set out in this SPG is to respond to the context and character of the area (para 1.3d). The SPG also sets out guidance on how to ensure new development is a good neighbour to existing properties.	No change necessary.
2.2		Comment	A distance of 21m between dwellings (7.9) is much too small to ensure that new buildings are not intrusive when viewed from existing gardens or from within dwellings. This distance represents for many the length of their garden alone. Thus I suggest that the guidance is amended in the case of backland development to specify that a. The height of the proposed building should not be greater than adjoining existing dwellings b. The building should be situated at least a "garden length" or 21m away (whichever is the larger) away from the boundary of the adjoining existing garden.	Comment noted. Para 7.9 of the SPG relates to driveway screening and not the distance between dwellings. The Council's normal privacy standard for new residential development is that there should be minimum of 21m between directly facing elevations containing main habitable room windows (i.e. bedrooms and living rooms). When the principal elevation with main habitable windows of an infill development is not aligned against the side elevation of a neighbouring dwelling , para 7.9 of the SPG is seeking at least 10m separation distance between a proposed first floor habitable room window and the opposite garden boundary of a neighbouring property. This separation distance is generally acceptable. The existing standard of amenity will also be taken into account when applying Policies DES1 and EP1 of the LDP.	No change necessary.
3.1	PUBLICA (Sarah Toomer)	Comment	We currently do not have any comments to make. If there are any changes in the future we would be happy to be consulted again.	Support welcomed.	No change necessary.
4.1	Natural Resources Wales	Support	We note and welcome 1.3 Objective a): efficient use of brownfield land (page 1).	Support welcomed.	No change necessary.

	(Annabelle Evans)				
4.2		Support	We note and welcome Box 2 Clear information on Welsh Government Policy relating to C2 and highly vulnerable development (page 2).	Support welcomed.	No change necessary.
4.3		Support	We note and welcome 3.5 Strongly recommending professional advice is sought regarding flooding and ecology (page 4).	Support welcomed.	No change necessary.
4.4		Support	We note and welcome Table 2 Key considerations, including: Flood risk assessment, habitat and or protected species surveys, drainage, landscaping, green spaces and linkages. (page 4).	Support welcomed.	No change necessary.
4.5		Support	We note and welcome 9.3 'Ecology' (page 14)	Support welcomed.	No change necessary.
4.6		Support	We note and welcome Detailed Consideration F: Foul Drainage (page 15).	Support welcomed.	No change necessary.
4.7		Comment	You may wish to consider including advice relating to Watercourses Advising that sites adjacent to/traversed by watercourses will need to take this into account, with provision of advice on culverting, permits/consents for works, any required buffer zones/access required to riverbank, runoff, etc.	Comment noted. We welcomed the suggestion to include advice relating to watercourses.	To insert Watercourses on Table 2 as a Key Matter to be considered when undertaking a Site Appraisal. In Monmouthshire, we often receive planning applications that may have a direct/indirect impact upon a watercourse. Therefore, it will be useful to add a new para 9.4, advising that watercourses will need to be taken into account and to contact NRW for permits/consents for works and so on. In addition, replace the heading Planting Trees with Natural Resources.
4.8		Comment	You may wish to consider including advice relating to Contaminated Land Advising that, where appropriate, the need for professional assessments may be required.	Comment noted. We welcomed the suggestion of raising the awareness of contaminated land.	To insert Contaminated Land on Table 2 as a Key Matter to be considered when undertaking a Site Appraisal.
4.9		Comment	You may wish to consider including advice relating to Designated Sites Advising that proposals must not compromise areas protected for their ecological and/or geological qualities and potable water supplies.	Comment noted. We welcomed the suggestion to include advice relating to Designated Sites.	To insert Designated Sites on Table 2 as a Key Matter to be considered when undertaking a Site Appraisal. In addition, add a new para 9.5, advising about the Council's vision in maintaining and improving the biodiversity and geology of the County through the protection, restoration and enhancement of valuable ecological habitats, wildlife networks and corridors, as well as the creation of new habitats.

5.1	Mathern Community Council	Comment	<p>The document is a common sense and useful guidance document that sets clear parameters.</p> <p>The only query we would raise is if the guidance should just apply to sites within village Development Boundaries.</p> <p>There are a number of redundant infill/backland sites in various villages that are not within Development Boundaries but if the criteria noted within this guidance were applied could be sensitively developed without detracting from the area.</p>	<p>Comment noted. There will be a presumption in favour of new residential development within the designated settlements' development boundaries as defined within the LDP, subject to detailed planning considerations. Outside the Development Boundaries open countryside policies will apply, except in relation to Minor Villages. All residential infill development proposals, whether it is within or out of the designated development boundaries, will be assessed against this SPG.</p>	<p>No change necessary. It is considered that the SPG is sufficiently clear on this issue and applies the guidance against the framework of the LDP settlement hierarchy.</p>
6.1	Abergavenny and District Civic Society	Comment	<p>We recall a SPG Preparation Programme agreed by Planning Committee in May 2016 and note that this is a departure from that programme, though design guidance on Householder Extensions was in the second priority list. However, we note that SPG on Infill Development has since been requested by Planning Committee. The present draft touches on extensions and it would not require a great deal of extra work to be a comprehensive Residential Development Design Guide SPG.</p>	<p>Comment noted. The need for the Infill Development SPG has been identified by the members of the Planning Committee as an important piece of guidance to assist the Council when reaching decisions on infill development planning applications. The Householder Extensions Design Guidance SPG is Second priority that is dependent upon other work streams. Currently, there is no plan for a comprehensive Residential Development Design Guide SPG.</p>	<p>No change necessary.</p>
6.2		Support	<p>We support the preparation of an annually reviewed SPG Programme, providing a list of SPG priorities for preparation. It provides a useful mechanism for the Council to reassess its priorities and respond to changing national and local circumstances. It also provides a useful guide for stakeholders to have knowledge of the Council's SPG preparation priorities and when they are likely to come forward.</p>	<p>Support welcomed.</p>	<p>No change necessary.</p>
6.3		Comment	<p>While much of this SPG's guidance is likely to be familiar to professional developers and their advisers, it is good to see the Council's expectations in an SPG. The SPG is intended to amplify LDP Policy DES1, especially criteria c, d, i, and l, and this context should be stated at the beginning. Much of the guidance would also be usefully applicable to larger new housing developments.</p>	<p>Comment noted. We welcome the suggestion to insert Policy DES1 of the LDP into this SPG due to its relevance.</p>	<p>Add another para on page 1 to explain the relevance of this SPG to Policy DES1 of the LDP. In addition, Policy EP1 of the LDP should be included as it seeks to prevent unacceptable harm to the amenity of the neighbouring properties, which is also what this SPG is trying to achieve. Add on the end of para 1.2 that... As well as this SPG, other key LDP Development Management Policies also need to be complied with. Policy DES1 requires, among other things, development to respect the character and appearance of the</p>

					area. Policy EP1 seeks to require all development proposals to have regard to the privacy, amenity and health of occupiers of neighbouring properties.
6.4		Comment	A danger of such guidance is that it can lead to inflexibility. The draft includes many paragraphs that do indicate flexibility, for example those referring to the differing character of areas and para 6.8 (Corner Sites). However, we would like to see a general statement at the beginning that the planning authority is willing to consider departures from some parts of the guidance where the designer of the development makes a convincing case for doing so. For example, while rigidly applied building lines and height restrictions can protect the rhythm of some streets, in some circumstances they could prevent a new building that would make a positive contribution to an otherwise undistinguished street.	Comment noted. We welcome the suggestion.	Add another para on page 1 to advise that the Council recognise that each development site has different characteristics. The onus is on the applicant to demonstrate that the proposed infill development would make a positive contribution to the quality of the street/area and with no adverse harm to the amenity of the neighbouring properties.
6.5		Comment	The text accompanying Sketch 1 refers to the rather obscure but often-used term 'mass' where 'size' and 'height' might be clearer. For reasons of flexibility we would prefer to read that it 'would not normally be acceptable'. Similarly Sketch 3 might say 'normally unacceptable'. Many streets are not as regular or rhythmic as implied by the sketches, especially those that are likely to offer infilling opportunities. Streets with the greatest character and placemaking appeal are often those presenting variety within a relative consistency.	Comment noted. We recognise that many streets are not as regular or rigid as implied by the sketches within the SPG. The use of 'would not normally be acceptable' or 'normally unacceptable' is considered appropriate.	Amend and insert 'would not normally be acceptable' or 'normally unacceptable' accordingly.

6.6		Comment	<p>Some planning authorities make a distinction between 'tandem backland development', where a single dwelling is proposed in the rear garden of a single house, and 'comprehensive backland development' where several rear gardens are assembled for a larger development. Tandem backland development is often resisted by planning authorities, but your guidance seems applicable to both circumstances, likely to rule out many tandem proposals. There may sometimes be a need to take into account the possibility of a tandem development being subsequently used to access further backland. Clearly a succession of tandem developments, each with a highway access, could be unacceptable to the highway authority.</p>	<p>It is acknowledged that some local planning authorities use different terms for backland infill development i.e. tandem/comprehensive backland development. For this SPG, backland sites can be defined as a landlocked site, which may have a considerable number of 'inactive' frontages surrounding the site boundary (i.e. fences or walls). They may also be located behind existing buildings such as rear gardens and private open space, usually within predominantly residential areas. In terms of the acceptability of the access of the proposal, the Council's Highways Department will be given the opportunity to comment on this element at the formal planning application process.</p>	No change necessary.
6.7		Comment	<p>Paras 2.2 (note that you have two) and 2.3 : We understand the reason for normally restricting infill development in Minor Villages to 1 or 2 dwellings in small gaps. We also understand the need to prevent multi-clustered or loosely-knit Minor Villages from coalescing, perhaps via one or two dwellings on large plots, but we cannot understand why small gaps within a cluster should be unacceptable. We note the mention of pre-app enquiries but some clarification in the SPG would be helpful.</p>	<p>Comment noted. Duplication of para number 2.2 and correction will be required for this. The Council recognises that some Minor Villages comprise of two or more separate populated clusters and the purpose of para 2.3 is to prevent the gaps between these populated clusters from coalescing, which is considered to be inappropriate. Therefore, it is important for the applicant to seek clarity with the Council via the pre-application enquiry service.</p>	<p>Amend para number and add to para 2.3 that infill development may be acceptable in the small gaps within a cluster. However, the Council will prevent the gaps between the populated clusters from coalescing, which is considered to be inappropriate.</p>
6.8		Comment	<p>We would suggest that Para 6.7 might be slightly modified: Where existing plot boundaries form a distinctive part of the street scene, these boundaries must be retained and replicated through appropriate building design and landscape treatment. In most cases, particularly if backland infilling, it will be necessary to consider screening the boundaries of a new development for privacy reasons and to reduce noise and disturbance. Brick or stone walls have better noise attenuation qualities than fences or hedges and will be most appropriate where possible sources of noise would be close to an existing house, or the garden area immediately outside it.</p>	<p>Comment noted. We agree the insertion of 'particularly if backland infilling' will further clarify the importance of having appropriate screening, particularly, for backland sites.</p>	<p>Add 'particularly for Backland Sites' in second sentence of para 6.7. The terms 'Backland Sites' will be used instead of 'backland infilling' to ensure consistency throughout the SPG.</p>

6.9		Comment	Para 7.7: Sketch 6 - some authorities will accept a minimum of 12.5m.	Comment noted. It is acknowledged that some planning authorities accept various distances between principal elevations with main habitable windows and side gable walls without windows.	To provide more flexibility, it is proposed to replace 'there must be at least 15m' by 'there should be at least 15m' in para 7.7. In addition, remove the last sentence of 7.7 as it is referring to screening.
6.1		Comment	Para 7.9 is unclear.	Para 7.9 refers to the prevention of light intrusion to existing properties from the movement of vehicles from the infill development.	Amend para 7.9 to... 'Care will need to be taken to ensure that there is adequate screening to prevent light intrusion from the movement of vehicles associated with the infill development.'
6.11		Comment	Para 7.12 (bottom line of l/h column) mis-spells 'existing'.	Comment noted. Correct mis-spell.	Correct 'existings' to 'existing'.
6.12		Comment	Para 8.4 specifies a 0.5m overhang strip; for clarity it would be helpful to cross-reference this to the 2.0m requirement of para 8.10.	Comment noted. We agree a 0.5m overhang strip should be provided where possible along the driveway of a new access serving a Backland Site.	Add to para 8.10 'Where possible, a 0.5m overhang strip either side of the driveway should be provided to ease the flow of vehicles'.
6.13		Comment	References to vehicular visibility splays in paras 8.5 and 8.7 need to be cross-referenced/reconciled.	Comment noted. Cross-reference visibility splays in para 8.5 and 8.7.	Add 'Any visibility splay below the required standard would need to be justified via appropriate traffic survey' in para 8.5. Amend 'Table 6 refers' to 'Refer to Table 6 for further information).
7.1	Canal River Trust (Jane Henell)	Comment	I can confirm that the Trust have no comments to make.	Comment noted.	No change necessary.
8.1	The Coal Authority (Melanie Lindsley)	Comment	<p>As you will be aware there are coal mining legacy risks in Monmouthshire including; mine entries, recorded and unrecorded shallow coal workings and areas of surface mining activity. There is also surface coal resource present in the area.</p> <p>It is noted that in Section 3 of the report, which deals with site appraisals, you have included a list of key matters which need to be considered when undertaking appraisals. These are set out in Table 2.</p> <p>We are disappointed to note that coal mining legacy issues have not been identified as something which should be considered at this initial stage. We are of the opinion that it is fundamental that ground conditions and the risks posed to the site/development by past coal mining activity are included as a key matter for consideration at the initial site appraisal stage.</p> <p>We therefore recommend that Table 2 in</p>	Comment noted. This SPG only applies to the Monmouthshire Administrative Area, there are no coal mining legacy risks within this area. These areas are located outside Monmouthshire in the Brecon Beacons National Park.	No change necessary.

			the SPG is amended to include... Ground conditions assessment (Coal Mining Risk Assessment, or equivalent report).		
9.1	Mrs Joan Hodgikiss	Comment	I have no comments on the proposed SPG but would appreciate further information whenever it becomes available.	Comment noted.	No change necessary.
10.1	Powells Chartered Surveyors	Comment	The council should allow extensions of both main and minor villages of an appropriate scale (up to 10 units) on a case by case (unallocated) basis providing the dwellings would fit the village form, with an appropriate percentage level of affordable housing (say 35%). Wales like in England benefits from the fabric of the rural countryside being reliant thriving villages, and growing rural communities. With more people working from home and using the internet to work, the need to travel by car in many instances is diminishing therefore improving the sustainability of living in rural locations. Although this point isn't strictly about the infill policy, we feel the LPA should be made aware of the opinions of the majority of planning professionals working throughout Monmouthshire.	Comment noted. The aim of this SPG is to provide guidance on small scale (fewer than 10 dwellings) infill development. With regard to the expansion of the villages, this element the LDP will be considered as part of the LDP review.	This comment is not commenting on the content of the SPG itself. Therefore, no change is necessary.
11.1	Cadw (Helen May)	Comment	Table 2 - Key Matters to be Considered When Undertaking a Site Appraisal - should include "impact on setting of listed buildings and scheduled monuments".	Comment noted. We agree that the impact on the setting of listed buildings and scheduled ancient monuments is a	To add 'Impact on the setting of listed buildings and scheduled ancient monuments' in Table 2.

				key matter to be considered when undertaking a Site Appraisal.	
11.2		Comment	Useful References - could include WG guidance Setting of Historic Assets in Wales.	Comment noted. We agree it is useful to include Welsh Government guidance on Setting of Historic Assets in Wales in Table 6.	To add 'Setting of Historic Assets in Wales' in Table 6.
12.1	Mr and Mrs W.R. + J.O. Hall	Comment	There is a need to review the Council's affordable housing policy. A greater density of housing development should be applied (i.e. more than 30 dwellings per hectare). Also, the conversion of existing buildings to social housing should be encouraged.	Comment noted. This representation however refers to other LDP Policies rather than the content of the SPG.	No change necessary.
13.1	James Harris	Comment	The land to the rear of Myrtle Cottage Caerwent meets all the policy criteria set out in the consultation document.	Comment noted. This representation is site specific rather than commenting on the content of the SPG itself.	No change necessary.
14.1	Councillor Louise Brown	Comment	This SPG should provide further clarity on how 'neighbours' are defined in relation to infill and backland development (i.e. immediate or wider context).	Comment noted. It is considered impractical to define who the neighbours are for infill development as each planning application will be treated on its merits. Therefore, the application case officer will assess this element on a case by case basis.	No change necessary.
14.2		Comment	To highlight more specific detailed considerations for backland development only.	Comment noted. It is not considered practical to make/separate specific reference between backland sites and infill sites as some of the material considerations overlap. An additional diagram will be included in the guidance to explain this further.	Add diagram to explain a typical backland development
15.1	Councillor Mathew Feakins	Comment	To include more specific reference to affordable housing/ SuDS in relation to infill development.	Comment noted. The aim of this SPG is to set out further guidance on the main planning material considerations that will be taken into account by the Council when reaching decisions for infill development. This SPG does make readers aware about the Council's Affordable Housing Policy para 11.4 and the importance of the new statutory SuDs standards para 10.4. Please note that there is a specific Affordable Housing SPG, which contains up to date information about this topic. As to the SuDS, the readers are advised to contact the SuDS Approving Body for more specific formal guidance.	No change necessary.

16.1	David Wong	Comment	The distance required in para 7.7 and 7.8 is different i.e. 15m and 10m respectively.	Para 7.8 is meant to ask for at least 10m from the rear elevation of the infill development to the side boundary of the neighbouring property where the proposed rear principal elevations (with habitable windows) are not aligned with the side elevations of the neighbouring property. It is appreciated that there may be times where a greater distance is required. Therefore, a sentence will be added to advise that this element will be assessed on a case by case basis.	Replace the first para 7.8 to... 'Where the proposed rear principal elevation (with habitable windows) is not aligned with the side elevations of the neighbouring property, it is normally required that there should be at least 10m from the rear principal elevation of the infill development to the side boundary of the neighbouring property. However, there may be times where a greater distance is required than 10m. Therefore, this element will be assessed by the Council's Development Management Officers on a case by case basis.
16.2		Comment	Mis-spell 'ther' on para 7.4.	It is meant to say 'there'.	Replace 'ther' by 'there'.
17.1	Andrew Nevill	Comment	1.3 overarching objectives a) the land may be greenfield as well for backfill sites	Comment noted. We agree that 1.3a could also be greenfield land as well as brownfield land.	Add 'greenfield and' in para 1.3a.
17.2		Comment	f) consider the GI functions, natural environment, ecological assets	We agree that this SPG can also make positive contribution to the GI functions, natural environment, ecological assets.	Add 'f. Consider the Green Infrastructure functions, natural environment, ecological assets'.
17.3		Comment	Box 1 also end / corner site infill ref to 6.8	We welcomed the suggestion of having the corner sites in Box 1 as another common form of infill.	Add Corner Sites along with a diagram in Box 1.
17.4		Comment	Table 2 also previous land use Invasive weeds/ contaminated land	We welcomed the suggestion of including previous land use and contaminated land in Table 2: Key Matters to be Considered when undertaking a Site Appraisal.	To add 'Previous land use' and 'Contaminated land' in Table 2.
17.5		Comment	Table 3 also Material choice Biodiversity , habitat and GI benefits	Para 6.6 relates to Building Materials, which is under the Detailed Consideration B - Design heading in Table 3. In addition, we agree that the heading for Detailed Consideration E Planting/Trees be amended to Natural Resources.	Amend the heading from Planting/Trees to Natural Resources and Green Infrastructure in Table 3 (and on page 14 of the SPG).
17.6		Comment	A GI assessment in line with the GI SPG may be required to inform design reference to the Website link in Table 2	We welcomed this suggestion and GI is an important element to assist placemaking.	Add GI assessment in Table 2 as a key matter to be considered when undertaking a Site Appraisal.
17.7		Comment	6.4 Sketch 3 :- not necessarily...in a village street with no GI / ecological connectivity a build slightly set back may provide an opportunity for appropriate street tree or appropriate vegetation to be included to provide multiple benefits. Terminology that indicates that there is a preferred option but it would be considered site by site	Comment noted. We recognise that many streets are not as regular or rigid as implied by the sketches within the SPG. The use of 'would not normally be acceptable' or 'normally unacceptable' will be used to allow some flexibility.	Amend and insert 'would not normally acceptable' or 'normally unacceptable' on relevant sketches accordingly.

17.8		Comment	6.7 Sketch 4 not necessarily ... street trees may be acceptable	Comment noted. We recognise that many streets are not as regular or rigid as implied by the sketches within the SPG. The use of 'would not normally be acceptable' or 'normally unacceptable' will be used to allow some flexibility. In addition, to delete the last sentence of para 6.7 so not to suggest Brick walls are the only option available for noise attenuation.	Amend and insert 'would not normally be acceptable' or 'normally unacceptable' on relevant sketches accordingly. In addition, to delete the last sentence of para 6.7 so not to suggest Brick walls are the only option available for noise attenuation.
17.9		Comment	7 you may wish to indicate FIT guidelines re proximity to existing play areas	The Fields In Trust (FIT) champions and supports our parks and green spaces by protecting them for people to enjoy in perpetuity. Reference to this guidance can be inserted in Table 2, which is to form part of a Site Appraisal.	Insert 'Field In Trust Guidance' in Table 2 as a matter to be considered when undertaking a Site Appraisal.
17.10		Comment	8 you may wish to indicate that electric charge points could be considered subject to infrastructure availability	We welcome this positive suggestion. In addition, it is considered that broadband connection is important to be added.	Insert 'electric charging points and broadband connections' in para 8.2.
17.11		Comment	9 make reference to the landscape and ecological benefits being informed by the GI SPG assessment process with links to the website for further information and guidance	We welcome this suggestion.	Add para 9.4 to state that... Green infrastructure comprises natural and managed green spaces and other environmental features within urban and rural settings which provide benefits for the economy, local residents and biodiversity. Policy GI1 of the Monmouthshire Local Development Plan seeks to ensure that development proposals maintain, protect and create new green infrastructure, where appropriate.
18.1	Andrew Jones (Monmouthshire County Council)	Comment	Spotted a typing error (last sentence of para 3.3). It should say Section 12.1 not Section 10 of this Guidance...	Commented noted. It is a typing error and it will be corrected as suggested.	To make correction as suggested. It should say Section 12.1 not Section 10 of this Guidance.
18.2		Comment	The latest Affordable Housing SPG was adopted in July 2019. Therefore, please make sure the Affordable Housing SPG URL in para 11.4 and Table 6 is up to date and is it possible to include the Affordable Housing financial contribution formula in this section of the Guidance?	Comment noted and the latest URL will be used. With regard to the inclusion of the formula for working out the required financial contribution, the Commuted Sum Rate differs from place to place and the adopted Affordable Housing SPG comprises detailed guidance on the considerations that will be taken into account by the Council when reaching decisions on planning applications. Therefore, to avoid duplication and confusion of this matter, the formula will not be included in this SPG.	Update the Affordable Housing URL in para 11.4 and Table 6 accordingly.

19.1	Tudor Gunn (Monmouthshire County Council)	Support	This SPG will be a useful document to use for infill development.	Support welcomed.	No change necessary.
20.1	Green Infrastructure Team (Monmouthshire County Council)	Comment	We suggest the detailed consideration is renamed to reflect the matters it covers i.e. not just trees and planting but also hedgerows, wider ecology and the role that semi-natural habitats have in climate mitigation.	Comment welcomed.	Alter (Derailed Consideration E) Planting Trees to Green Infrastructure.
20.2		Comment	We need to cross ref the GI SPG , Monmouthshire Landscape Sensitivity and Capacity Assessment and emerging Landscape Character Assessment ( LCA) SPG up front in the document ( the latter is going out shortly and we need to make sure it is cross referenced). Overarching objectives needs to include in 1.3 a “Deliver a proposal which embraces Green Infrastructure Principals.”	Comment welcomed. The consideration of Green Infrastructure play a key part for development proposals and this element is embraced throughout the Planning Policy Wales Edition 10.	To add as 1.3 a Deliver a proposal which embraces Green Infrastructure Principals.
20.3		Comment	Point 2.2 this would need to be informed by baseline data using MCC’s GI SPG, Landscape Sensitivity and Capacity Assessment, LANDMAP data and the emerging Landscape Character Assessment ( LCA) SPG.”	Comment broadly welcomed. However, draft guidance such as the emerging Landscape Character Assessment (LCA) SPG carries little weight and it would be premature to refer to it.	Add to para 2.2 that... this should have regard to baseline data using MCC’s GI SPG and LANDMAP.
20.4		Comment	3.3 Please add ref to the need for a “Landscape and GI specialist consultees”.	Comment welcomed.	To add a reference in para 3.3 to the need for a GI specialist.
20.5		Comment	Table 2 should include : • A landscape and visual impact assessment ( LVIA) which needs to use LANDMAP data and MCC’s Landscape Sensitivity and Capacity assessment and the emerging Landscape Character Assessment ( LCA) SPG. • A GI assessment in line with the GI SPG ( as Andrew Nevill’s comments)	Comment welcomed.	Refer to Representator Number 17.6
20.6		Comment	Table 3 – needs to include another heading : H : Green Infrastructure ( this is essential)	Comment welcomed. Green Infrastructure play a key part for development proposals and this element is embraced throughout the Planning Policy Wales Edition 10.	Table 3 will alter Planting Trees (Detailed Consideration E) to Natural Resources and Green Infrastructure.

20.7		Comment	Detailed Consideration for A, B, C, D, E, F needs to ref GI in all design considerations therefore include the following statement: “ Proposals should take account of the multifunctional GI assets and opportunities when considering design proposals.”	Comment welcomed.	Add 9.1... Green Infrastructure play a key part for development proposals and this element is embraced throughout the Planning Policy Wales Edition 10. Therefore, all proposals should take account of the multifunctional GI assets and opportunities.
20.8		Comment	Section 5 We need to ref the emerging Landscape Character Assessment (LCA) SPG.	Comment noted. However, draft guidance such as the emerging Landscape Character Assessment (LCA) SPG carries little weight and it would be premature to refer to it - especially as it may be subject to change.	No change necessary.
20.9		Comment	On trees in particular, we suggest that the section should begin by talking about the importance of retaining existing trees and then go on to encourage the planting of appropriate trees in the new curtilage(s). These don't necessarily need to be native trees in an urban setting but it would be appropriate to seek native stock in the villages. This consideration should make reference to the role of Green Infrastructure trees and semi-natural habitats in carbon capture, water storage and pollution absorption particularly in light of the Council's declaration of a climate emergency and the strengthening of policy in PPW10. Therefore, development shall be designed to retain trees and undertake additional planting.	Comment noted and will add another para to 9.1 with a new heading - Green Infrastructure. Also, to modify the second sentence of 9.1.	A new para 9.1 to say...Green Infrastructure (GI) including trees and semi-natural habitats are important in carbon capture, water storage and pollution absorption and these assets are fully supported by PPW10. Green infrastructure comprises natural and managed green spaces and other environmental features within urban and rural settings which provide benefits for the economy, local residents and biodiversity. This policy seeks to ensure that development proposals maintain, protect and create new green infrastructure, where appropriate.

					Add new par 9.4 to make reference to retaining existing good quality trees and to encourage new, appropriate planting.
20.10		comment	Ecology on infill sites is wider than just species considerations as we have to consider the presence of priority habitats which is a challenge for both rural & urban sites. We consider that detail on protected species processes here might not be that helpful as it makes it sound like a difficult process and may inadvertently encourage developers to clear sites prior to site design. It might be better to stick to the principles of designing with biodiversity in mind with acknowledgement of the consideration of protected species. We suggest removal of point 9.3 and replacement with... Infill sites can be rich in biodiversity and provide important stepping stones and connections for wildlife in the landscape. Therefore, scheme design will need to be informed by a Preliminary Ecological Appraisal (PEA) and where appropriate species surveys and an Ecological Impact Assessment. Many species are protected by law and habitats and species are afforded detailed consideration through planning policy. All development must demonstrate that there will be no net loss of biodiversity and that biodiversity net gain can be delivered for example through the improved management of retained habitats, the addition of appropriate planting and provision of hedgehog highways, bird nesting and bat roosting opportunities in the scheme design.	Comment noted and will replace para 9.3 as suggested.	Will remove point 9.3 and replacement it with new par. 9.6...Infill development plots can be rich in biodiversity and provide important stepping stones and connections for wildlife in the landscape. As such, scheme design may need to be informed by a Preliminary Ecological Appraisal (PEA) and where appropriate species surveys and an Ecological Impact Assessment. Many species are protected by law and habitats and species are afforded detailed consideration through planning policy. All development should demonstrate that there will be no net loss of biodiversity and that biodiversity net gain can be delivered for example through the improved management of retained habitats, the addition of appropriate planting and provision of hedgehog highways, together with bird nesting and bat roosting opportunities in the scheme design.
21.1	Jonathan Morgan (Monmouthshire County Council)	Comment	This SPG should include the significance of designed or historical spaces. Certain historically significant spaces or views particularly those are noted in a designation we would look to protect this space from development.	Comment noted and it is appropriate to include this element in the SPG to raise awareness.	Add another point in Table 2 (Key Matters to be Considered When Undertaking a Site Appraisal) i.e. Designed or historically significant spaces.

					<p>Add to Box 3... The Council's adopted Conservation Area Appraisals (CCAs) have identified certain views, spaces or gaps as significant in character, they often contain significant site lines from, or to historic buildings, or are part of a layout or approach to a complex of buildings or town. These could include former market squares, commons or medieval road which caused the town to develop around an open space at that location throughout its history. Planned layouts also include formal approaches to an historic house or group of buildings, which for instance would relate the coach house to the Inn or manor house nearby. These spaces are valuable in understanding how these sites worked and developed and are often a specific characteristic of designation in rural or planned conservation areas. Please note that we would look to protect certain historical significant spaces or views from development, especially those are noted in CCAs.</p>
22.1	Mark Davies (Monmouthshire County Council)	Comment	Highlighted some changes to Detailed Consideration D - Sustainable Transport/Access and Parking	Welcome suggested changes.	Make relevant changes accordingly.

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**Monmouthshire County Council  
Local Development Plan**

**Draft Supplementary Planning Guidance**

**Infill Development**

**(Policies H1, H2 and H3)**

**March 2019**

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# 1 Introduction: Purpose of this Supplementary Planning Guidance

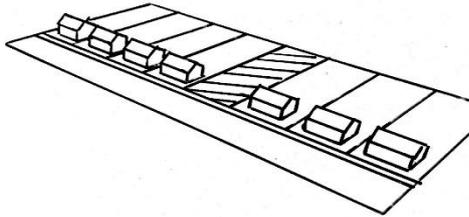
## Introduction

- 1.1 This is one of a series of Supplementary Planning Guidance (SPG) documents that have been prepared to provide supporting information and advice on policies contained in the adopted Monmouthshire Local Development Plan (LDP). The SPGs are intended to offer further 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 infill development will be implemented in practice.
- 1.2 This SPG provides guidance on small scale (fewer than 10 dwellings) infill development within the designated settlements as defined under Policies S1, H1, H2 and H3 of the Monmouthshire LDP i.e. the Main Towns, Severnside Settlements, Rural Secondary Settlements, Main Villages and Minor Villages (refer to Appendix 1 for details of the relevant policy framework). As well as this SPG, other key LDP Development Management Policies also need to be complied with.
- 1.3 Policy DES1 requires, among other things, development to respect the character and appearance of the area. Policy EP1 seeks to require all development proposals to have regard to the privacy, amenity and health of occupiers of neighbouring properties.
- 1.4 The overarching objectives for infill development as set out in this SPG are to:
- a. Make efficient use of greenfield and brownfield land.
  - b. Protect residential amenity, both of new and existing occupiers.
  - c. Make a positive contribution to the creation of distinctive communities, places and spaces.
  - d. Respond to the context and character of the area.
  - e. Be of a good design, which is sustainable.
  - f. Consider and embrace the Green Infrastructure (GI) functions, natural environment and ecological assets.
- 1.5 The Council recognises that each development site has different characteristics. The onus is on the applicant to demonstrate that the proposed infill development would make a positive contribution to the quality of the street/area and would not harm the amenity of the neighbouring properties.

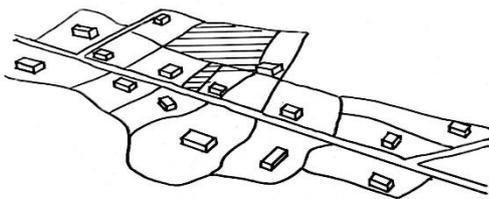
**Box 1 (below): Typical types of Infill Development**

These are the typical types of infill development:

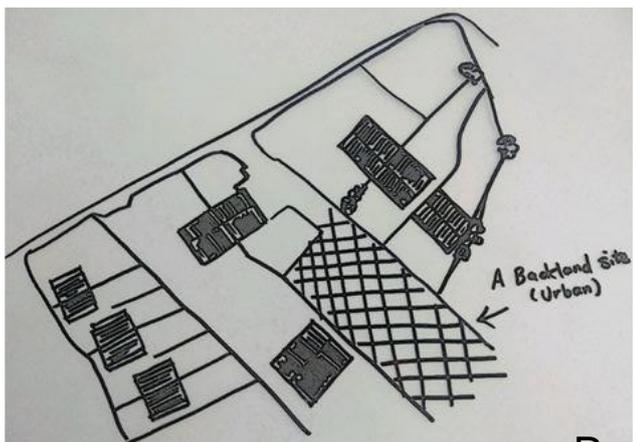
- **Infill sites** - are normally regarded as small gaps between existing residential properties, usually with a



- **Backland sites** - can be a landlocked site, which may have a considerable number of 'inactive' frontages surrounding the site boundary (i.e. fences or walls). They may also be located behind existing buildings such as rear gardens and private open space, usually within predominantly residential areas.



- **Backland sites (Urban)**



### The first step is to check if your proposal is acceptable in principle

2.1 In determining whether your infill site proposal is acceptable in principle, the first point to consider is whether your site is within a settlement boundary as defined in Strategic Policy S1 of the LDP. Development boundaries have been drawn around the Main Towns, Severnside Settlements, Rural Secondary Settlements and Main Villages. Minor Villages do not have development boundaries. You are able to check our interactive LDP maps to see if your land is within one of the settlements as designated in Policies S1, H1, H2 and H3 of the LDP:

<https://www.monmouthshire.gov.uk/planning>

2.2 The Monmouthshire LDP aims to achieve an appropriate level of housing growth and choice to assist in building sustainable communities in Monmouthshire's most sustainable settlements while strictly controlling new development in the open countryside. Any infill development should have regard to baseline data using the Council's GI SPG and LANDMAP. These settlements are identified in Table 1. In accordance with

Policy H3, it should be noted that in Minor Villages planning permission will only be granted for minor infill development of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings. Only in exceptional circumstances may an infill development of up to 4 dwellings be considered acceptable in Minor Villages.

2.3 For Minor Villages, we would normally define the settlement by looking at the existing physical features such as field boundaries, roads, trees, rivers, and railway lines; generally the edge closest to village.

2.4 Some Minor Villages comprise of two or more separate populated clusters. Infill development may be acceptable in the small gaps within a cluster. However, the Council will prevent the gaps between the populated clusters from coalescing, which is considered to be inappropriate. If in doubt, you are advised to discuss your proposal with one of the planning officers via our Pre-application Advice Service (see section 5 of this SPG).

#### Box 2 (below): C2 Floodplain

Please note, if your land is within Zone C2 Floodplain Welsh Government advice is that no highly vulnerable development should be considered. Housing falls into this category. For more information on this please refer to Technical Advice Note 15 (TAN15) which provides Welsh Government's guidance on development and flood risk:

<https://gov.wales/topics/planning/policy/tans/tan15/?lang=en>

**Table 1 (below): Settlements Defined in Strategic Policy S1**

<b>Main Towns</b>	Abergavenny	Chepstow	Monmouth
<b>Severnside Settlements</b>	Caerwent	Caldicot	Magor/Undy
	Portskewett	Rogiet	Sudbrook
<b>Rural Secondary Settlements</b>	Penperlleni	Llanfoist	Raglan
	Usk		
<b>Main Villages</b>	Cross Ash	Devauden	Dingestow
	Grosmont	Little Mill	Llanddewi Rhydderch
	Llandogo	Llanellen	Llangybi
	Llanishen	Llanvair Kilgeddin	Mathern
	Penallt	Pwllmeyric	Shirenewton /Mynyddbach
	St Arvans	Trellech	Werngifford /Pandy
<b>Minor Villages</b>	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	Tredunnock

### 3 The Initial Stage – Site Appraisal

- 3.1 There are other matters that must be considered in determining whether a proposal for infill development would be acceptable. A Site Appraisal will allow you to understand how the proposal relates to its immediate context and wider area, as well as helping you to develop a scheme which uses the positive features of the site and to identify features worthy of retention. Welsh Government Technical Advice Note (TAN) 12: Design (2016) provides detailed design advice and should be referred to accordingly.
- 3.2 A Site Appraisal should be undertaken before the details of a scheme is drawn up. The level of detail that will be necessary for a Site Appraisal will vary depending on the scale of the proposal and the characteristics of the site. Table 2 sets out some of the key considerations that you will need to consider in undertaking a Site Appraisal.
- 3.3 It is strongly recommended that specialist professional planning advice is sought where proposals depend on accurate information relating to issues such as green infrastructure, flooding, site levels, ground conditions, ecology, transportation, etc. **Getting the right advice at an early stages of your scheme is very important and will help steer you in the right direction from the start of the process.** This is where the Council's Pre-Application Advice Service can help. We welcome and
- encourage discussions with homeowners or developers before they submit a planning application. This service gives you the opportunity to explore your scheme with us and find out what information you need to support your planning application. Refer to Section 12.1 of this Guidance for more information about this service.
- 3.4 Also, you will find the use of additional annotated diagrams and scaled plans (e.g. 1:100, 1:200) as part of the Site Appraisal can often help to demonstrate how the proposal will impact on the appearance and character of the area.

**Table 2: Key Matters to be Considered When Undertaking a Site Appraisal.**

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- Flood risk assessment
  - Drainage
  - Watercourses
  - Contaminated Land
  - Previous Land Uses
  - Adjoining land uses
  - Green Infrastructure i.e. identify any public right of ways, parks and green spaces
  - Existing landscape features
  - Fields In Trust Guidance
  - Potential accesses and linkages
  - Habitat and or protected species surveys
  - Designated Sites
  - Tree surveys
  - Archaeological surveys
  - Landmarks, historic buildings, historic parks and gardens, local vernacular architecture and/or landscape
  - Impact on the setting of listed buildings and scheduled ancient monuments
  - Designated or Historically Significant Spaces
  - Views into, from and across the site
  - Settlement form and street patterns
  - Spaciousness and extent of open space
  - Topography, gradient and orientation
  - Plot and building sizes
  - Accessibility
  - Traffic surveys
  - Noise assessment/proximity to nuisance causing operations
- 

3.5 It should be noted that consideration of the matters in Table 2 will depend on the scale of the proposal. For example, not all development proposals would require a flood risk assessment, species surveys and traffic surveys. If in doubt, it is important to seek further advice from the Planning Team via the Pre-Application Advice Service.

## 4 Infill Development Proposals – Detailed Considerations

- 4.1 This section sets out the most common Detailed Considerations that the Council will consider when assessing proposals for small scale infill development.

### Is your land large enough to accommodate additional development?

- 4.2 Once you have carried out a Site Appraisal, you then need to work out if your land is large enough to accommodate an additional house(s) whilst also providing sufficient on-site parking/turning provision and garden space that is similar to the provision for existing houses in the area.

### Detailed Considerations

- 4.3 You then need to consider whether or not your scheme would meet the Detailed Considerations A – G as set out in this section of the SPG. Please note that every site is different and therefore it is not possible to cover every scenario in this SPG. However, as a starting point, this section of the SPG sets out the detailed considerations that you need to take into account when considering proposals for small scale infill development.

**Table 3: Detailed Considerations for Small Scale Infill Development**

	Detailed Considerations
<b>A</b>	Site Context
<b>B</b>	Design
<b>C</b>	Privacy/Amenity
<b>D</b>	Sustainable Transport / Access & Parking
<b>E</b>	Natural Resources/Green Infrastructure
<b>F</b>	Drainage
<b>G</b>	Planning Contributions

### Plot Size

- 5.1 Plot size ratios should reflect those prevailing in adjacent properties i.e. where there is a regular plot size and width, you should reflect these into your proposal, so that the proposal fits well with the street scene and provides similar visual separation where appropriate.

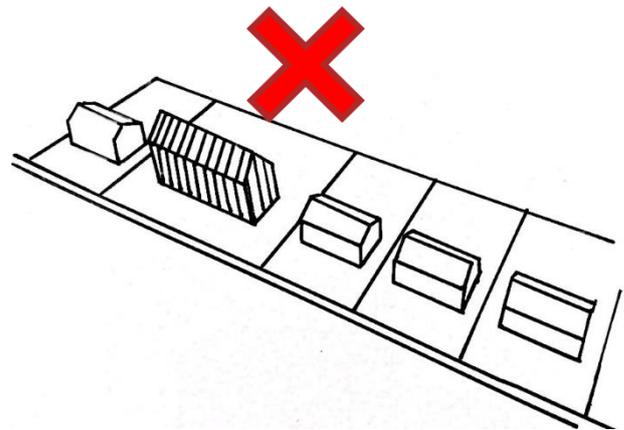
### Garden

- 5.2 The garden has as much of an impact on the character of an area as the form and design of the buildings. For example, a house with a large garden could appear incongruous within a high density residential area, and vice versa. All new dwellings should benefit from private garden space for drying clothes, accommodating pets, children's play, quiet enjoyment and so on. All residential development should ensure that the garden space reflects the size and function of the proposed dwelling(s) and the prevailing character of the area; these standards also apply to the host dwelling. It should be noted that front gardens do not normally constitute private garden space but often make an important contribution to the character of the area.

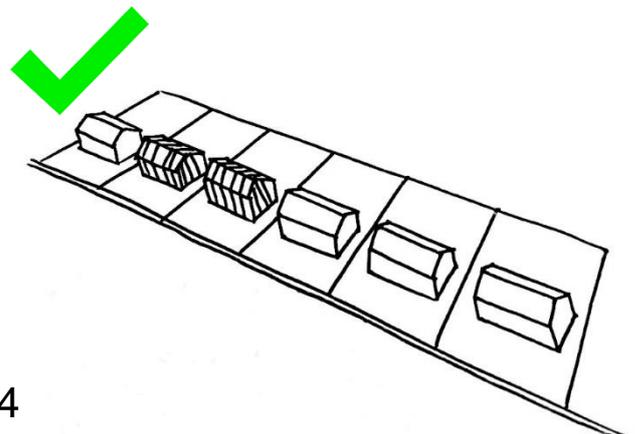
### Orientation

- 5.3 All proposed houses and gardens should be laid out so as to maximize the penetration of sunlight i.e. by having the orientation of the garden and the windows of the main rooms facing the south.

**Sketch 1** below shows an example where the plot size of the infill proposal does not reflect the prevailing character of the adjacent properties in terms of scale, mass and rhythm of the street scene. Such a proposal would not normally be acceptable.



**Sketch 2** below shows a good example of how the land should be divided reflecting the prevailing character of the adjacent properties.



### Scale and Massing

6.1 The proposal must respect the scale, form and massing of existing development in the area. In most cases, there is an expectation that the massing of the proposal should be in proportion to the main property and the existing neighbouring buildings, as appropriate. However, in sensitive areas i.e. in the Wye Valley Area of Outstanding Natural Beauty, a Conservation Area or within the curtilage of a Listed Building, all proposals must be subservient and respect the setting of the site area.

### Building Height

6.2 Development for infill sites should take account of and respond to existing building heights in the area (number of storeys and floor to ceiling heights), maintaining the visual character of the street scene. For Backland sites, a less conspicuous building of a lower scale in building height is often more appropriate to avoid the development having an overbearing impact on neighbours and to reduce impact on residential amenity.

### Topography of the Site

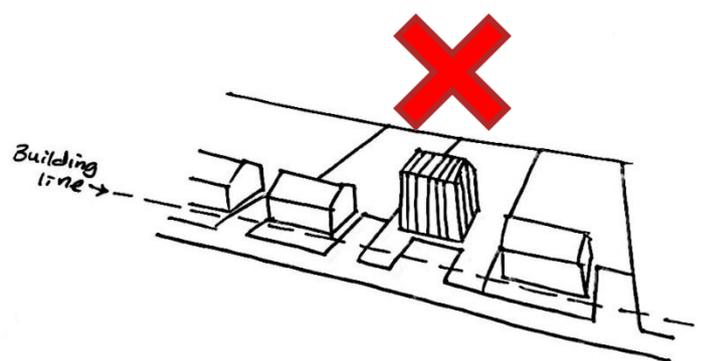
6.3 Account should also be taken of the topography of the site to maintain the

building height hierarchy along the street scene.

### Building Line

6.4 For infill development, the development should seek to respond to the prevailing building line that is created by the main frontages of neighbouring houses i.e. any development proposals need to take into account how the buildings are set back from the street and any rhythms or patterns of existing development, or projections. For Backland sites and sites where there is no prevailing building line, all proposals must demonstrate that there will be no adverse impact on the amenity of existing properties.

**Sketch 3** The proposed infill development below would not normally be acceptable (note the Building height, scale, massing and building line).



## Architectural Detailing

- 6.5 All proposed new window and door openings should complement the size, proportions, design and rhythm of the detailing of the host dwelling and the neighbouring properties appropriately. The roofline should include appropriate design and pitch of roofs, ridge height and eaves level, and notice should be taken of any other relevant details in the street scene.

### Building Materials

- 6.6 The predominant facing materials of the proposal should reflect the materials of the host dwelling and, where appropriate, the neighbouring dwellings. Additional materials for finer detailing should be carefully chosen. Materials used for roofing and walls should match or positively respond to the host dwelling and to the adjacent dwellings, as should materials and colours for doors and window frames. When the materials are chosen well, they will complement the building and the street scene.

### Boundary Treatment

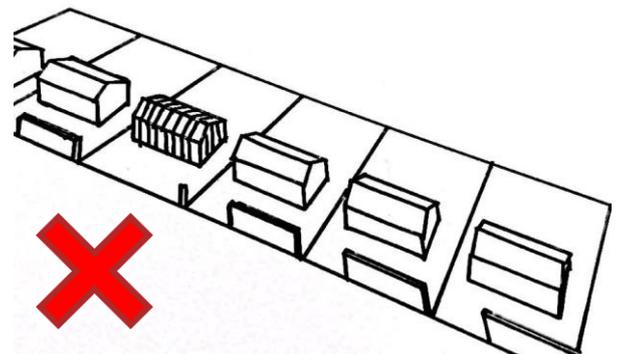
- 6.7 Particularly for Backland Sites, where existing plot boundaries form a distinctive part of the street scene, these boundaries must be retained and replicated through appropriate building design and landscape treatment. In most cases it will be necessary to consider screening the boundaries of a new development for privacy reasons as well as to reduce noise and disturbance.

### Box 3

The Council will consider proposals for small scale infill development with special care, particularly those in or adjoining Conservation Areas and near Listed Buildings, Scheduled Ancient Monuments, in or adjoining the Wye Valley Area of Outstanding Natural Beauty and adjoining the Brecon Beacons National Park. All development proposals are required to either preserve or enhance the special character of these areas. Within these protected areas, you are normally required to submit a **Full Planning Application** to enable us to assess fully the implications of your proposals.

The Council's adopted Conservation Area Appraisals (CCAs) have identified certain views, spaces or gaps as significant in character, they often contain significant site lines from, or to historic buildings, or are part of a layout or approach to a complex of buildings or town. These could include former market squares, commons or medieval road which caused the town to develop around an open space at that location throughout its history. Planned layouts also include formal approaches to an historic house or group of buildings, which for instance would relate the coach house to the Inn or manor house nearby. These spaces are valuable in understanding how these sites worked and developed and are often a specific characteristic of designation in rural or planned conservation areas. Please note that we would look to protect certain historical significant spaces or views from development, especially those are noted in CCAs.

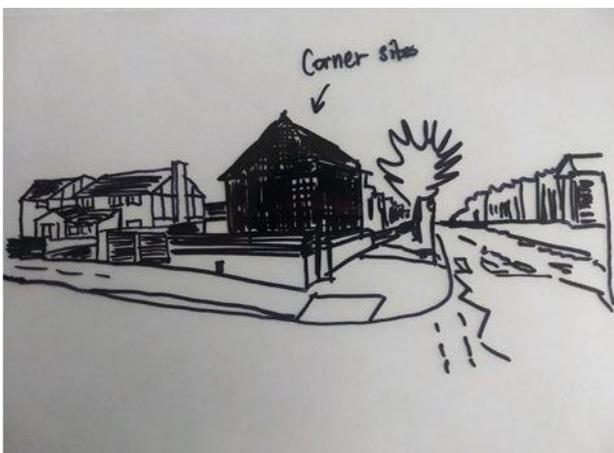
**Sketch 4** below shows the proposed boundary treatment for an infill development that would not normally be acceptable.



## Corner Sites

- 6.8 Sometimes, it may be appropriate to design slightly taller buildings where they make a positive contribution to the street scene, on primary routes, and in higher density areas with variations in height and massing. Where a taller building is proposed, the end treatment should relate sensitively to the heights of the adjacent buildings so that the rhythm of the street is not interrupted; this will often result in an appropriate reduction of height, maintaining a visual hierarchy on the street scene.

**Sketch 5** below shows what a corner site could look like as described in paragraph 6.8 of this guidance.



## Detailed Consideration C – Privacy/Amenity

### Privacy/Amenity

- 7.1 The key considerations relating to privacy and amenity for small scale infill residential development are:
- whether the plot would have adequate privacy to habitable rooms and private garden space
  - whether a new house(s) on the plot would affect the privacy of neighbours
  - whether a new house(s) on the plot would affect the host dwelling
- 7.2 Hedges and fences usually protect privacy at ground floor level, so the issues tend to arise from upstairs windows either looking into neighbours' windows or into their neighbours' private garden space. Windows must be carefully positioned to avoid overlooking. Often this means putting obscured glazing in landing or bathroom windows on the side elevation of the house, with the main bedroom windows on the front and rear elevation. However, the positioning of the windows will also depend on the positioning of the neighbouring properties.
- ### Site Topography
- 7.3 As well as maintaining the hierarchy of building heights along the streetscene, all proposals need to provide sufficient gaps to minimise any overbearing and

overshadowing impact on the residential amenity of neighbouring properties.

### Distances between Dwellings

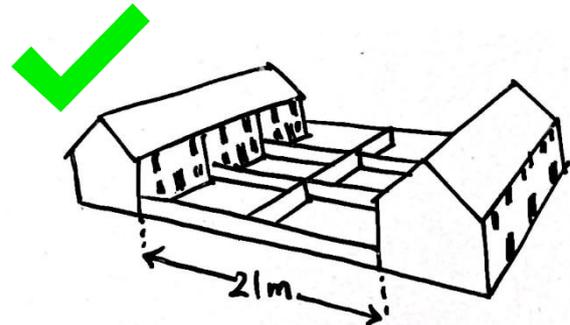
7.4 As far as the effect of the new dwelling is concerned, the Council's normal privacy standard for new development is that there should be minimum of 21m between directly facing elevations containing main habitable windows (i.e. bedrooms and living rooms). This distance may be relaxed where windows are facing a public highway.

7.5 Back to back distances should have regard to the character of an area. In some cases, the requirement for minimum back to back distances may be relaxed where the impact on privacy can be reduced. This may be achieved, for example, through the use of obscure glazing and restricted openings, the siting of habitable rooms within an internal floor layout, directional windows or the positioning of ancillary outbuildings. However, it is not acceptable for a habitable room to only have windows which are obscure glazed. Provided that it could be demonstrated that there would be no material harm to amenity, then shorter distances than those stated above could be considered in those inner urban areas typified by higher densities.

7.6 Similarly, greater distances may be required in some suburban and rural areas where the predominant character of the area exhibits greater separation distances. Distances may vary where this is necessary

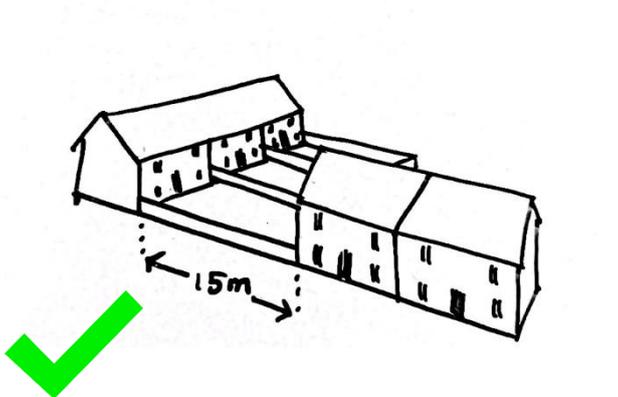
to protect the historic interest and setting of designated heritage assets such as listed buildings and conservation areas.

**Sketch 6** below illustrates that the back to back separation distance should be at least 21m.



7.7 New buildings near to plot boundaries can be intrusive when viewed from existing gardens or from within dwellings. To avoid over-dominant development and overshadowing of neighbouring properties, there should be at least 15m between principal elevations with main habitable windows and side gable walls without windows (unless these are minor windows such as the landing, WC or utility room windows, or the gable wall in question is single storey). This is applicable to the new dwelling as well as the existing dwelling. This will ensure adequate amenity is provided for future occupiers as well as the existing residents.

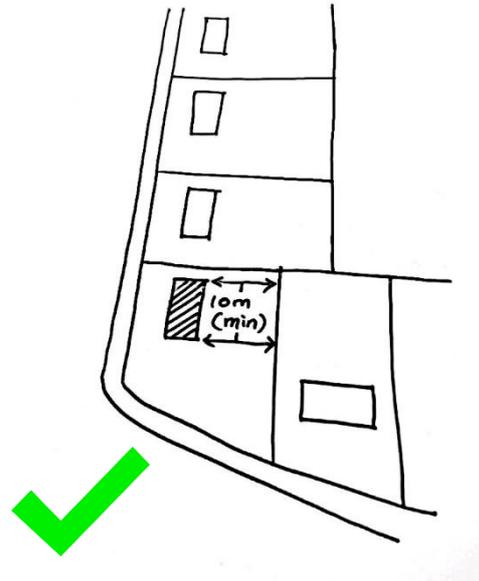
**Sketch 7** below illustrates that the back to side separation distance should be at least 15m.



#### **Distance from the rear and side boundary of the neighbours**

7.8 Where the proposed rear principal elevation (with habitable windows) is not aligned with the side elevations of the neighbouring property, it is normally required that there should be at least 10m from the rear principal elevation of the infill development to the side boundary of the neighbouring property. However, there may be times where a greater distance is required than 10m. Therefore, this element will be assessed by the Council's Development Management Officers on a case by case basis.

**Sketch 8** below illustrates that there should be a 10m distance from the first floor rear windows of the proposal to the side boundary of the neighbour.



#### **Driveway Screening**

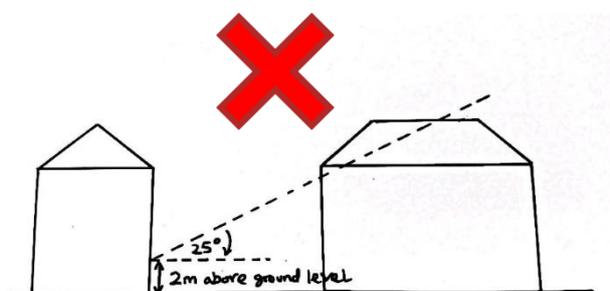
7.9 Care will need to be taken to ensure that there is adequate screening to prevent light intrusion from the movement of vehicles associated with the infill development.

#### **Natural Light and Outlook**

7.10 Direct sunlight makes a home more pleasant to live in. Dwellings should have access to sufficient daylight to allow the comfortable use of habitable rooms (living rooms, dining rooms and bedrooms), as well as kitchens and outside space such as patio areas in gardens.

7.11 Quantitative standards cannot be applied to every case to assess the amount of daylight and sunlight of individual properties and the impact on outlook. Nevertheless, there are several 'rules of thumb' which will inform the judgement to be made. One is the '25° rule' for windows facing other structures. A reference line is taken at 2m above ground level on the existing building. This is the assumed position of the top of ground floor windows in the existing building. A 25° line is then drawn towards the proposed building. If the proposed development falls beneath the line drawn at 25°, there is unlikely to be a detrimental effect to daylight on the existing property.

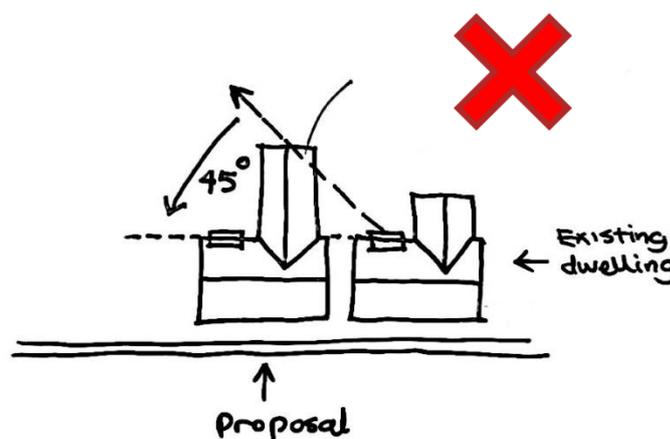
**Sketch 9** below shows the proposed dwelling crosses the 25° rule for natural light and would not normally be acceptable.



7.12 Another assessment to protect daylight and outlook from main living area windows is by operating a 45° splayline (assessed in plan view) from the centre of the relevant window of the existing dwelling of the adjacent infill development (as shown in Sketch 10). This assessment relates to any

proposed two storey development from an existing building line, and windows affected by this proposed two storey development. Any part of the new two storey development that extends beyond the splayline may be considered to adversely affect the amenity of the neighbouring occupiers. The Council will not support any new development that would result in the significant loss of sunlight for existing properties, where it leads to overshadowing for the majority of the day.

**Sketch 10** below shows that a proposed infill development along with its two storey extension crosses the 45° splayline rule and would not normally be acceptable.



7.13 Developments which do not meet these standards (the 25° rule and 45° splayline) will be resisted unless other reasonable measures are proposed to provide adequate light. It is also recognised that the changes to permitted development rights have allowed certain types of development which might exceed these

standards. Where proposed development requires planning permission, we will apply this SPG’s standards in a reasonable manner.

**Detailed Consideration D – Sustainable Transport/Access and Parking**

**Sustainable Transport**

8.1 One of the overarching objectives for infill development is to use land more efficiently and to enable development in areas that have easy access to existing amenities by sustainable transport options (i.e. walking, cycling and public transport), thus reducing the need to use private cars.

8.2 Reflecting sustainable transport considerations, the Council will promote secured cycle parking provision, electric charging points and broadband connections provided within infill development.

**Access widths**

8.3 An access drive serving one dwelling should be a minimum of 2.75m wide. If the access drive is longer than 45m, it should be a minimum of 3.7m wide over its whole length to allow for access for service vehicles such as fire engines. For sites of 2 to 5 dwellings a minimum width of 4.10m is required. A minimum width of 4.8m is required for drives serving more than 5 dwellings.

**Table 4 (below): Minimum Access Widths**

<b>Proposal</b>	<b>Access width in Metres(Minimum)</b>
1 house	2.75m
1 house if the access is greater than 45metres in length	3.7m
2—5 houses	4.10m
Greater than 5 houses	4.8m

8.4 In some circumstances, such as to allow trees or other important features to be retained, it may be acceptable to allow a narrowing of a 4.10m access to 3.7m. All drives should normally allow vehicles to turn and leave the site in a forward direction and drives in excess of 25m will need to make provision for the turning of service vehicles, in terms of both layout and construction. In most cases, and certainly where an access is bounded by solid walls, fences, hedges or a line of trees, where possible, a 0.5m overhang strip either side of the driveway should be provided to ease the flow of vehicles.

## Access Gradients

- 8.5 The gradient of vehicular access drives should ideally be no steeper than 1:10 (10%) subject to a maximum gradient of 1:8 (12.5%).

## Parking Spaces and Turning Provision

- 8.6 On-site parking is normally required to be provided in the plot, in a similar manner to the host property or the adjacent houses. On-site parking should be positioned close to the dwelling and must not be located to interfere with any joint access road. Any proposed garage or parking provision must not be overly dominating in the street and matching materials should be used to respect the existing character of the area. Please refer to the Monmouthshire Parking Standards for more information: <https://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

## Visibility Splays

- 8.7 Visibility Splays are an essential feature of an access or junction as they enable traffic from a minor road to view cyclists, vehicles and pedestrians on the main road. Any visibility splay below the required standard would need to be justified via appropriate traffic survey and development proposals should demonstrate the best achievable visibility splay. The splay should be entirely within the applicant's ownership and control and remain so in perpetuity.

## Hard Surfaces

- 8.8 It will normally be necessary to provide a hard surface for the first 5m of a new access to prevent loose material being deposited on the highway, although other amenity considerations might require more of the access to be surfaced in a hard material to reduce noise, or in a softer material to respect the character of the site. New accesses will need to be constructed so as to prevent surface water discharging onto the public highway and vice versa. Where a new carriageway passes close to an existing dwelling it should be hard surfaced to reduce the noise of vehicles.

## Crossing of a Highway Verge/Footway

- 8.9 Where an access traverses a highway verge or footway, a crossing must be provided to the highway authority's requirements. Please engage with the Council's Highways Department via our Pre-Application Advice Service for more guidance. Information regarding this can be found on our web site.

## Distances between Access Drives

- 8.10 In most instances it is important to ensure that any new property or group of properties share a single access point to avoid multiple points of conflict for vehicular movements.

### **Distance to the Driveway**

- 8.11 The driveway of a new access serving a Backland Site should be a minimum of 2m from any elevation of an existing property (including a garage to that property). Where any elevation of an existing dwelling with a window would face onto a new driveway, any new screening should generally take the form of walls for the whole length of the elevation that is being protected. It should also include an additional length at the rear to protect any garden immediately outside any main living room, subject to the prevailing character of the site.

### **Sustainable Drainage Systems (SuDS)**

- 8.12 All new developments of more than 1 dwelling house or where the construction area is 100m<sup>2</sup> or more, will require Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage (see Table 6 Useful References, below).

### **Green Infrastructure**

- 9.1 Green Infrastructure (GI) including trees and semi-natural habitats are important in carbon capture, water storage and pollution absorption and these assets are

fully supported by PPW10. Green infrastructure comprises natural and managed green spaces and other environmental features within urban and rural settings which provide benefits for the economy, local residents and biodiversity. This policy seeks to ensure that development proposals maintain, protect and create new green infrastructure, where appropriate.

- 9.2 Policy GI1 of the LDP requires development proposals to maintain, protect and enhance Monmouthshire's diverse green infrastructure network by:
- a) Ensuring that individual green assets are retained wherever possible and integrated into new development. Where loss of green infrastructure is unavoidable in order to secure sustainable development appropriate mitigation and/or compensation of the lost assets will be required;
  - b) Incorporating new and /or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off-site.

### **Detailed Consideration E – Green Infrastructure / Natural Resources**

- 9.3 All proposals must take account of multifunctional GI Assets and opportunities. A link to the Council's Green Infrastructure Supplementary Planning

Guidance is provided here:

<https://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf>

### **Planting/Trees**

- 9.4 Planting is integral to achieving quality residential environments and should be considered at the outset of the design process. Applicants are advised to preserve existing trees in the first instance. The planting of new appropriate trees on the application site is also encouraged even where there is to be no loss of existing trees. The planting does not necessarily need to involve native trees in an urban setting but it would be appropriate to seek native stock in the villages. The Council will resist any application for development which will result in the loss of trees protected by a Tree Preservation Order, mature trees, hedges and boundary walls which make a positive contribution to a site or the surrounding area. Trees in conservation areas are protected in a similar way to those covered by a Tree Preservation Order and special permission is needed to lop, prune or fell them and to carry out building or ground works within an area covered by the spread of the branches.
- 9.5 New development will not normally be allowed where a building would be situated within the spread of a tree that is worthy of retention. If in doubt, a qualified **arboriculturalist** will be able to carry out a tree survey to determine which trees are worthy of retention, and which trees could

be removed due to poor health. Impermeable surfaces should be avoided below the canopy/crown spread of any tree.

### **Ecology**

- 9.6 Infill development plots can be rich in biodiversity and provide important stepping stones and connections for wildlife in the landscape. As such, scheme design may need to be informed by a Preliminary Ecological Appraisal (PEA) and where appropriate species surveys and an Ecological Impact Assessment. Many species are protected by law and habitats and species are afforded detailed consideration through planning policy. All development should demonstrate that there will be no net loss of biodiversity and that biodiversity net gain can be delivered for example through the improved management of retained habitats, the addition of appropriate planting and provision of hedgehog highways, together with bird nesting and bat roosting opportunities in the scheme design.

### **Watercourse**

- 9.7 In Monmouthshire we often receive planning applications that may have an impact, directly or indirectly, upon a watercourse. Consequently, watercourses will need to be taken into account and advice should be sought from NRW for permits/consents for proposed works.

## Designated Sites

9.8 Proposals should not compromise areas protected for their ecological and/or geological qualities and potable water supplies. All proposals should take into account the Council's vision in maintaining and improving the biodiversity and geology of the County through the protection, restoration and enhancement of valuable ecological habitats, wildlife networks and corridors, as well as the creation of new habitats.

## Detailed Consideration F – Drainage

### Foul Drainage

10.1 All development should make satisfactory arrangements for foul drainage. A sequential approach should be taken when considering foul drainage options. This should be based on the demonstrable feasibility or otherwise of alternative arrangements, taking into account their cost and/or practicability:

- a. as a first priority connection should be made to public sewerage infrastructure;
- b. where this is not feasible, as a second priority the use of a package sewage treatment plant offering full treatment to recognised standards may be proposed. Proposals should include full details of means of operation and maintenance;

- c. only where the above options are not feasible should the use of septic tank systems be proposed.

10.2 Any such proposals should include a full assessment of the scheme having regard to the effects on public health, amenity and the environment, and addressing any evidence in respect of Table 5. Where significant adverse environmental, amenity or public health effects are likely to arise through either permanent or temporary use of septic tank drainage, the development concerned will not be permitted. The latest Welsh Government advice is available here:

<https://gov.wales/topics/planning/policy/circulars/welshgovcirculares/wgc-008-2018/?lang=en>

10.3 Development dependent upon cesspool drainage arrangements will rarely be permitted and the use of a sustainable foul drainage system will be considered as an alternative to the provisions of this SPG, only where the particular treatment proposal has the approval of the Natural Resources Wales.

### Sustainable Drainage Systems (SuDs)

10.4 Schedule 3 of the Flood and Water Management Act 2010 makes SuDS a mandatory requirement for all new developments. The legislation will ensure resilient drainage systems for new developments in both urban and rural areas. From 7 January 2019, all new developments of more than one dwelling

will require sustainable drainage systems (SuDS) for managing surface water. All drainage systems for all new developments must be designed and built in accordance with statutory SuDS standards. Please note that SuDS schemes must be approved by Monmouthshire County Council acting in its SuDS Approving Body (SAB) role before construction work begins. As such, this element should be an integral part of your scheme right from the start of the design process. For more information, please email

[sab@monmouthshire.gov.uk](mailto:sab@monmouthshire.gov.uk)

**Table 5: Factors Forming a Full Assessment of the Use of a Septic Tank.**

- 
- Contravention of recognised practices
  - Adverse effect on water sources or resources
  - Health hazard or nuisance likely to arise
  - Damage to controlled waters
  - Damage to the environment and amenity
  - Overloading of the existing capacity of the area
  - Absence of suitable outlets
  - Unsuitable soakage characteristics
  - High water table
  - Rising ground water levels
  - Flooding
- 

### Planning Contributions

- 11.1 Depending of the size and nature of the proposal, planning permission is sometimes granted subject to the signing of a planning agreement (or obligation) under Section 106 of the Planning Act. Such contributions are paid by developers to mitigate the impact of new development because they can create extra demands on local facilities. Where applicable, the Section 106 agreement must be signed before the planning permission can be issued.
- 11.2 The Section 106 is a legal charge on the land, so it will transfer automatically with any subsequent change in ownership. Some of the most frequently requested planning obligations include:
- Affordable housing contributions
  - Recreation contributions
  - Transport/highways contributions
  - Education contributions
- 11.3 You can find out via our Pre-Application Advice Service if planning obligations are likely to be required in relation to your proposal. Seeking such advice will help you to determine whether your scheme is financially viable.

## Affordable Housing

- 11.4 One of the most common planning obligations relates to the Affordable Housing financial contributions. Policy S4 (Affordable Housing) of the adopted Monmouthshire Local Development Plan and the Council's Affordable Housing Supplementary Planning Guidance sets out the criteria for the provision of affordable housing as part of new residential development schemes. More information can be found using the following link:  
<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>
- 11.5 The plot purchase/sale price should reflect this policy requirement. Viability debates will only be considered in exceptional circumstances, and the applicant will need to robustly demonstrate their case via independent assessment which will involve scrutiny by the District Valuation Service. This would be carried out entirely at the developer's expense.

the early stages of your scheme is very important and will help steer your scheme in the right direction from the start. This service gives you the opportunity to explore your scheme with us and find out what kind of information you need to accompany your planning application. In addition, we can discuss possible planning issues that may affect you gaining planning permission. For further information, please refer to our pre-application advice guidance documents:

<http://www.monmouthshire.gov.uk/planning/pre-application-advice-service>

### Contact:

Development Management Service

**Tel:** 01633 644880

**Email:** [planning@monmouthshire.gov.uk](mailto:planning@monmouthshire.gov.uk)

**Post:** Development Management Service,  
County Hall, The Rhadyr, Usk, NP15 1GA

## 5 Pre-Application Advice and Further Information

**Can I get advice from a Planning Officer before drawing up the plans or applying for a planning permission for small scale infill development?**

- 12.1 We welcome discussions with prospective applicants prior to planning applications being made. Obtaining the right advice in

**Table 6: Useful References**

- 
- **Monmouthshire Local Development Plan (LDP):**  
<https://www.monmouthshire.gov.uk/app/uploads/2017/05/Adopted-Local-Development-Plan-with-PDF-tags.pdf>
  - **Affordable Housing SPG:**  
<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>
  - **Green Infrastructure SPG:**  
<https://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf>
  - **Monmouthshire Parking Standards SPG:**  
<https://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>
  - **Domestic Garage SPG:**  
<https://www.monmouthshire.gov.uk/app/uploads/2015/07/Domestic-Garage-SPG-Jan-2013.pdf>
  - **Conservation Areas Appraisals:**  
<https://www.monmouthshire.gov.uk/planning-policy/conservation-area-appraisals>
  - **Planning Policy Wales 10 (PPW10):**  
<https://beta.gov.wales/planning-policy-wales>
  - **Technical Advice Notes (TAN):**  
<https://gov.wales/topics/planning/policy/tans/?lang=en>
  - **Manual for Streets 2:**  
<https://www.gov.uk/government/publications/manual-for-streets-2>
  - **Planning (Listed Buildings and Conservation Areas) Act 1990:** <https://www.legislation.gov.uk/ukpga/1990/9/contents>
- Setting of Historic Assets:**
- <https://cadw.gov.wales/sites/default/files/2019-05/Setting%20of%20Historic%20Assets%20in%20Wales%20EN.pdf>
  - **Welsh Government Circular 008/2018 (Private Sewerage):**  
<https://gov.wales/topics/planning/policy/circulars/welshgovcirculars/wgc-008-2018/?lang=en>
  - **Sustainable drainage systems (SuDs):**  
<https://www.monmouthshire.gov.uk/sustainable-drainage-approving-body-sab>
-

## **Appendix A**

### **Monmouthshire LDP Policy Framework Policies S1, H1, H2 and H3**

## Policy S1 – The Spatial Distribution of New Housing Provision

The main focus for new housing development is within or adjoining the Main Towns of:

- Abergavenny, Chepstow and Monmouth.

The Severnside sub-region consists of the settlements of Caerwent, Caldicot, Magor, Portskewett, Rogiet, Sudbrook and Undy. A smaller amount of new housing development is provided in the Severnside sub-region, particularly at Magor/Undy, Caldicot/Portskewett and Sudbrook.

The Rural Secondary Settlements are Usk, Raglan, Penperlleni and Llanfoist. A small amount of new housing development is directed to the Rural Secondary Settlements of Usk, Raglan and Penperlleni

Some sites are allocated for small scale residential development (up to a maximum of 15 dwellings) in identified Main Villages with the primary aim of providing affordable housing to meet local needs. The identified Main Villages are:

Cross Ash	Llanishen
Devauden	Llanvair Kilgeddin
Dingestow	Mathern
Grosmont	Penallt
Little Mill	Pwllmeyric
Llanddewi Rhydderch	Shirenewton /Mynyddbach
Llandogo	St Arvans
Llanellen	Trellech
Llangybi	Werngifford /Pandy

Development Boundaries are drawn around the Main Towns, Severnside settlements, Rural Secondary Settlements and Main Villages listed above. Outside these development boundaries planning permission for new residential development will not be allowed in any other settlements except in or adjoining identified Minor Villages where small scale residential development will be allowed in the circumstances set out in Policy H3. The identified Minor Villages are:

Bettws Newydd	Llanover
Broadstone/Catbrook	Llansoy
Brynygwenin	Llantilio Crossenny
Coed-y-Paen	Llantrisant
Crick	Llanvair Discoed
Cuckoo's Row	Llanvapley

(S1 continued...)

Great Oak	Mitchel Troy
Gwehelog	Penpergwm
Llanarth	The Narth
Llandegveth	The Bryn
Llandenny	Tintern
Llangwm	Tredunnock

Outside the settlements listed above open countryside policies will apply where planning permission will only be allowed for the following types of new residential development:

- Acceptable conversions of rural buildings, in the circumstances set out in Policy H4.
- Sub-divisions of existing dwellings, subject to detailed planning criteria.
- Dwellings necessary for agricultural, forestry or other appropriate rural enterprises, in accordance with TAN6.

#### **Policy H1 – Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements.**

**Development boundaries have been drawn for the Main Towns, Severnside Settlements and Rural Secondary Settlements identified in Policy S1, within which new build residential development / redevelopment or conversion to residential, or subdivision of large dwellings or reuse of accommodation such as upper vacant floors in town centres will be permitted subject to detailed planning considerations and other policies of the LDP that seek to protect existing retail, employment and community uses.**

### **Policy H2 – Residential Development in Main Villages**

**Development boundaries have been drawn for the Main Villages identified in Policy S1. These development boundaries include sites identified for new rural housing that are listed in Allocations Policy SAH11.**

**Elsewhere within the Village Development Boundaries planning permission will be granted for new residential development/redevelopment, or conversion to residential, or sub-division of large dwellings, subject to detailed planning considerations, including no unacceptable adverse impact on village form and character and surrounding landscape, and other policies of the LDP that seek to protect existing retail, employment and community uses.**

### **Policy H3 – Residential Development in Minor Villages**

**In Minor Villages planning permission will be granted for minor infill of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings, or residential redevelopment, or conversion to residential or sub-division of large dwellings, subject to detailed planning considerations, including no unacceptable adverse impact on village form and character and surrounding landscape, and other policies of the LDP that seek to protect existing retail, employment and community uses.**

**Exceptionally planning permission may 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.**



<p><b>Name of the Officer</b> completing the evaluation Craig O'Connor – Head of Planning</p> <p><b>Phone no:</b> 01633 644849 <b>E-mail:</b> craigo'connor@monmouthshire.gov.uk</p>	<p><b>Please give a brief description of the aims of the proposal</b></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 Infill Development SPG is intended to provide certainty and clarity for applicants, officers, Members and communities in the interpretation and implementation of the LDP policy framework in relation to small scale infill development proposals (i.e. fewer than 10 dwellings) within the settlements identified in Policies S1, H1, H2 and H3 of the Monmouthshire LDP. The Infill Development SPG sets out the detailed considerations that need to be taken into account when considering proposals for small scale infill development in the County's settlements. Such considerations include site context, design, privacy/amenity, access/parking, planting/trees and drainage. Once adopted, the SPG will have a key role in shaping proposals for small scale infill development.</p>
<p><b>Name of Service area</b></p> <p>Planning (Planning Policy)</p>	<p><b>Date</b></p> <p>01/08/2019</p>

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

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**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><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p><b>Positive:</b> The Infill Development SPG seeks to support proposals for appropriate small scale infill development for new housing where they accord with the LDP policy framework, specifically policies H1, H2 and H3. This will enable housing provision in settlements in Monmouthshire where it is often otherwise restricted such as main and minor villages, small scale infill developments will increase the local housing stock for communities and residents.</p> <p><b>Negative:</b> None.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that guidance, as set out in the SPG, is accurately interpreted and implemented.</p>
<p><b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p><b>Positive:</b> Potential for proposals to conserve and enhance existing ecological networks within Monmouthshire. Potential for proposals to protect /enhance landscape etc. in accordance with LDP policy framework.</p> <p><b>Negative:</b> Infill 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 infill development is considered to be justified because it is likely to be minimal and the addition of new housing makes a contribution to meeting housing needs.</p>	<p><b>Mitigate Negative Impacts:</b> 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><b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p><b>Positive:</b> The provision of appropriate small scale infill development can assist in promoting good health, independence and well-being by opening up opportunities for housing where there are often limited sites for new residential development.</p> <p><b>Negative:</b> None.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the relevant guidance, as set out in the 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><b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected</p>	<p><b>Positive:</b> The provision of appropriate small scale infill development contributes to the sustainability and cohesiveness of settlements in Monmouthshire by opening up opportunities for housing in areas where it is otherwise restricted, particularly in main and minor villages, providing opportunities to support the local economy and build sustainable resilient communities.</p> <p><b>Negative:</b> None.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the relevant guidance, as set out in the SPG, is accurately interpreted and implemented.</p>
<p><b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p><b>Positive:</b> The SPG supports the implementation of housing related 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><b>Negative:</b> None.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the relevant guidance, as set out in the SPG, is accurately interpreted and implemented which will include consideration of social, economic and environmental wellbeing.</p>
<p><b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation</p>	<p><b>Positive:</b> The SPG has a positive general impact on culture, heritage and language, there is potential for proposals for small scale infill development to conserve the character and quality of Monmouthshire's countryside and natural heritage value.</p> <p><b>Negative:</b> None.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the relevant guidance, as set out in the SPG, is accurately interpreted and implemented.</p>
<p><b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances</p>	<p><b>Positive:</b> The SPG should bring positive benefits to Monmouthshire's residents by opening up opportunities for appropriate small scale infill developments where they comply with the LDP policy framework, enabling housing provision in settlements in Monmouthshire where it is often otherwise</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the relevant guidance, as set out in the 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>restricted such as main and minor villages. 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><b>Negative:</b> 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 data-bbox="98 730 138 917" style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 157</p> <div data-bbox="114 895 309 1134">  <p data-bbox="324 890 517 1114">Balancing short term need with long term and planning for the future</p> </div>	<p>The LDP covers the period 2011-21. The 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. The provision of appropriate small scale infill development, in areas where new residential development is generally strictly controlled such as main and minor villages, increases opportunities within the local housing stock for local communities and residents.</p>	<p>Ensure that the relevant guidance, as set out in the 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 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 Revised 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><b>Collaboration</b></p>	<p>The SPG has been produced in liaison with the Council's Development Management Officers following discussions regarding planning applications for small scale infill development. It has been subject to both internal consultation and external consultation. Public consultation was targeted to specific (including Town and Community Councils), general and other consultees as identified in the LDP Community Involvement Scheme, those who were registered on the LDP database and those who had specifically requested to be notified of the production of SPG along with agents/developers who work in the Council area. The consultation was publicised via the @MCCPlanning Twitter account.</p>	<p>The SPG supports LDP housing and other detailed 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 housing and design 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 Revised LDP. The Revised 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><b>Involvement</b></p>	<p>The SPG has been produced in liaison with the Council's Development Management Officers following discussions regarding planning applications for small scale infill development. It has been subject to both internal consultation and external consultation. Public consultation was targeted to specific (including Town and Community Councils), general and other consultees as identified in the LDP Community Involvement Scheme, those who were registered on the LDP database and those who had specifically requested to be notified of the production of SPG along with agents/developers who work in the Council area. The consultation was publicised via the @MCCPlanning Twitter account.</p>	<p>The SPG supports LDP housing and other detailed 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 housing and design 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 Revised LDP. The Revised 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>Putting resources into preventing problems occurring or getting worse</p> <p><b>Prevention</b></p>	<p>The requirement for this SPG has arisen from some Members of Planning Committee who requested guidance on small scale infill development to help shape such proposals. The Council seeks to support and adopt a positive approach to appropriate small scale infill development where it accords with the LDP policy framework, specifically H1, H2 and H3, and is accordance with the guidance set out in in the SPG.</p> <p>The SPG therefore provides certainty and clarity for applicants, officers and Members in the interpretation and implementation of the existing LDP policy framework, specifically Policies H1, H2 and H3, in relation to infill development.</p>	<p>The future adoption and implementation of this SPG will support appropriate small scale infill development where it accords with the LDP policy framework, specifically Policies H1, H2 and H3. New residential development is usually strictly controlled in main and minor villages, infill development assists in increasing the local housing stock for communities and residents in these settlements.</p>
 <p>Considering impact on all wellbeing goals together and on other bodies</p> <p><b>Integration</b></p>	<p>The SPG supports the implementation of the LDP which has been subject to a SA/SEA that balances the impacts on social, economic and environmental factors.</p>	<p>The AMRs will examine the impacts of the LDP over the longer term and evidence the emergence of any trends at different spatial scales. Delivering sustainable development (social, economic and environmental) is central to the LDP. Continue to monitor indicators, including housing policy indicators and targets, to inform future AMRs.</p> <p>The Revised 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?**

- Monmouthshire Local Development Plan (2011-2021).

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**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 SPG seeks to support small scale infill development in Main Towns, Severnside Settlements, Rural Secondary Settlements, Main and Minor Villages, subject to compliance with the LDP policy framework, specifically policies H1, H2 and H3, providing this is not at the expense of the County's natural and built environment. This will assist in supporting the local housing stock in Monmouthshire providing positive impacts on the local economy. The positive impacts on the local economy is essential to the well-being of local communities and residents throughout Monmouthshire.

**Future:** Ensure that LDP housing and other relevant policies are accurately interpreted and implemented fully through use of this SPG, measuring the effectiveness of the relevant policies on an annual basis in the LDP AMR.

**Negative:** Potential for some negative sustainability impacts where infill 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 infill development. 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 housing and design policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the Revised LDP.

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

<b>What are you going to do</b>	<b>When are you going to do it?</b>	<b>Who is responsible</b>
Seek Planning Committee endorsement of the revised infill development SPG with a view to it being formally adopted as SPG in connection with the adopted Monmouthshire LDP.	Subsequent to this, adopt the revised SPG following endorsement by Planning Committee and Individual Cabinet Member.	Head of Planning

**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.**

<b>Version No.</b>	<b>Decision making stage</b>	<b>Date considered</b>	<b>Brief description of any amendments made following consideration</b>
1.0	Planning Committee (consultation)	05/03/2019	n/a
1.1	Individual Cabinet Member (endorsement to issue for public consultation which ran from 28 <sup>th</sup> March to 13 <sup>th</sup> May 2019)	27/03/2019	n/a
1.2	Planning Committee (consultation and review of public responses and proposed amendments)	03/09/2019	Report updated to reflect comments received at Planning Committee and outcomes of community engagement undertaken.

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<b>SUBJECT:</b>	<b>MONMOUTHSHIRE ADOPTED LOCAL DEVELOPMENT PLAN DRAFT ARCHAEOLOGY IN PLANNING, PLANNING ADVICE NOTE</b>
<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>5 NOVEMBER 2019</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>ALL</b>

## 1. PURPOSE:

- 1.1 The purpose of this report is to seek Planning Committee's scrutiny of the Draft Archaeology in Planning, Planning Advice Note (PAN) and provide any comments or changes accordingly. To consider the proposed extensions to existing Archaeologically Sensitive Areas in Abergavenny, Monmouth and Trellech and consider the designation of a new Archaeologically Sensitive Area in Tintern.

## 2. RECOMMENDATIONS:

- 2.1 That Planning Committee provide feedback on the Draft Archaeology in Planning, Planning Advice Note, including the proposed changes to the boundaries to existing Archaeologically Sensitive Areas in Abergavenny, Monmouth and Trellech and the proposed designation of a new Archaeologically Sensitive Area in Tintern.

## 3. KEY ISSUES:

### Background

- 3.1 The Monmouthshire Local Development Plan (2011-2021) was adopted in February 2014 to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). This statutory development plan contains a number of policies relating the Counties settlements which manage and ensure appropriate development within the County through the planning process. Chapter 4 of Technical Advice Note 24 sets out how archaeology should be considered in the planning process. The conservation of archaeological remains is a material consideration in determining a planning application, this Planning advice Note sets out how Monmouthshire County Council addresses this duty in exercising its Development Management functions.
- 3.2 Glamorgan Gwent Archaeological Trust (GGAT) provide services to Monmouthshire County Council under a Memorandum of Understanding and so act as the Council's archaeological advisor ensuring that the above considerations are properly addressed. Supporting this function GGAT have identified a number of areas within the County that have particular sensitivity in terms of archaeology, referred to as Archaeologically Sensitive Areas.
- 3.3 The need for additional guidance has arisen from experience of managing archaeology during the planning process where potential constraints have been raised late in the process or where there has been an inconsistent

approach to protecting and managing underground archaeology when determining applications. Despite these complications being limited to a small number of applications, it is considered good practice to set out clearly how archaeology should be considered through the planning process to ensure consistency of approach. The Advice Note aims to set out where particular care and attention should be paid to archaeology in the county identifying the specifically sensitive areas (ASA's) so that this is clear to an applicant or agent much earlier in the process.

- 3.4 Archaeologically Sensitive Areas are a recognised designation, first being brought in by the Ancient Monuments Act 1979, section 33. However, they remain a non-statutory designation. The Planning Advice Note sets out why these specific areas have particular archaeological sensitivity and how consideration of these areas will be addressed through the planning process. These areas include,

Abergavenny  
Caerwent  
Chepstow  
Grosmont  
The Levels, Magor & Undy, Rogiet and Caldicot  
Monmouth  
Raglan  
Skenfrith  
Tintern  
Trellech  
Usk  
Whitecastle

Tintern

- 3.5 The above areas (with the exception of Tintern) have been designated as ASA's for some considerable time, they are referenced in the Local Development Plan 2011-2021 (Adopted February 2014) and the preceding Unitary Development Plan. A recent review by GGAT of the ASA's has proposed changes to some of the designations. The former ASA's of the Gwent Levels and Rogiet have been combined with Magor and Undy as well as Caldicot to create one ASA. The review also proposes changes to the boundaries in Abergavenny, Monmouth and Trellech as well as formalisation of the Tintern ASA boundary which was not included in the LDP or previous UDP.

3.6 The Gwent Levels.

The amalgamation of Caldicot, Magor and Undy and Rogiet, simplifies a number of smaller adjacent ASA's into one area that is more easily identified and more cohesive. This results in an administrative change rather than having wider planning implications.

3.7 Abergavenny

Abergavenny has seen the largest of the boundary alterations, extending the ASA north to include Bailey Park and properties north of Park Crescent, the streets west of the Ross Road and east of Hereford Road. The extension seeks to cover the areas of suspected Roman, Medieval and Post medieval activity. Given the nature of finds identified in this area and the known archaeological resource in the main town, it is likely that a Roman civilian settlement may have existed in the area. As a result this heightened sensitivity reflects the

importance of the high potential for Roman remains. In addition the area north of and including Bailey Park may well have included the wider landscape of the 11<sup>th</sup> Century Benedictine Priory encompassing medieval and post medieval resources. The area is already densely developed covering two suburbs of the main town and the park. There is an increased potential for applications which will involve ground works submitted in these areas to consider the need for additional survey work prior to determination.

### 3.8 Monmouth

The increased boundary includes Chippenham fields to the east of the town extending over the dual carriageway to encompass the fields west of the river. There have recently been finds from between five to eight thousand BC, Neolithic and Bronze age remains with later Iron Age activity. Archaeological excavation, undertaken in advance of and during development works, have shown that archaeological remains survive at a relatively low depth below the ground surface. These remains date from the Mesolithic period (ten to eight thousand BC) through to post Medieval and so are of particular importance. The area in question is mainly covered by fields which are wholly outside the current development boundary (partly a Registered Park and Garden) and separated by the dual carriageway. Therefore there is a low potential impact on development.

### 3.9 Trellech

This includes a proposed extension to the south of the town to encompass the Scheduled Ancient Monument of the Shrunken Medieval Village. Archaeological investigations in relation to development and through academic work has provided evidence of the medieval town extending further south than anticipated. Since the boundary was drawn investigations have provided evidence of features along Catbrook Road and Tinkers Lane to support this understanding. The wet nature of this area also provides a high potential for waterlogged remains related to the importance of wells and springs closely associated with the church, settlement and as a pilgrimage site of importance. The development potential in this area is extremely low, being a Scheduled Ancient Monument and outside of the development boundary. Therefore there is a very low impact on development proposals.

### 3.10 Tintern

The Tintern ASA extends from the fields south of Tintern Abbey, following the river on the eastern side to St Michael's Church to the north. The boundary then includes the developed area around Trellech Road and the main road, tightly hugging the rear of properties to the west of the main road until the junction at the George Hotel. It then extends up the hillside following the Angiddy River up to Hale End Cottage. To the south west of Tintern Abbey the boundary includes fields to the rear of St Mary's Church and the Abbey Hotel.

Tintern Abbey, its precinct and landholdings together with two churches, industrial wire-making remains and the 18<sup>th</sup> Century Picturesque Wye Tour all make a significant contribution to the heritage value of the settlement. The potential for important archaeological remains are high. The remains are therefore focused around the Abbey, and extending under the A466, Tintern Parva and the Angiddy Valley.

The area is a mix of housing and open and semi-rural spaces. Being a minor village, Tintern has some potential for residential development of infill and small scale development. Therefore there is an increased potential for applications submitted in the area to consider the need for additional survey work prior to

determination.

- 3.11 Draft Archaeology in Planning, Planning Advice Note  
The Draft Archaeology in Planning, Planning Advice Note is attached to this repost as Appendix 1. The Advice Note is intended to provide clarity for applicants, officers and Members in the interpretation and consideration of archaeology in the planning process.
- 3.12 The Draft Advice Note sets out detailed matters that need to be taken into account when considering proposals that are likely to have an effect on any archaeological resource, especially those within the identified sensitive areas. The Planning Advice Note provides guidance as to why these specific areas are considered to be especially sensitive.
- 3.13 Selective use of Advisory Notes is a means of setting out more detailed thematic or site specific guidance in the way in which aspects of the planning process can be applied in particular circumstances or areas. This is not strictly a Supplementary Planning Guidance document as it provides generic advice and does not expand on any specific policy within the Monmouthshire LDP. However archaeology is considered in a number of policies within the LDP. This advice note would carry additional weight in the future decision making by going through a local consultation and adoption process, the same as that for a Supplementary Planning Guidance document. In this instance the document aims to encourage early engagement and consideration of archaeology in determining applications aiming to make the process more streamlined and effective.
- 3.14 As referred to above for the document to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process. The consultation process will involve targeted notifications sent to those considered to have an interest in the topic such as local agents and architects and those already on the LDP database. All town and community councils will also be consulted. The consultation will be publicised via our Twitter account @MCCPlanning and the corporate Monmouthshire Twitter account. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution for the adoption of the Planning Advice Note.

#### **4. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

- 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. The Planning Advice Note 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, the Planning Advice Note 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 Draft SPG are to:
- 1) Scrutinise the Draft Planning Advice Note and provide any comments where applicable.
  - 2) Decline to scrutinise the Draft Planning Advice Note.
- 5.2 Option 1: Scrutinise the Draft Planning Advice Note as attached. **This is the preferred option.** The Draft Planning Advice Note sets out the key issues that need to be taken into account when considering planning applications that may have an archaeological resource implication. It is considered that the Planning Advisory Note will provide guidance and clarity to help developers, agents and officers to more effectively manage archaeology in the planning process. Any comments will be analysed and the document amended as appropriate ensuring that the document is fit for purpose.
- 5.3 Option 2: Decline to scrutinise the Draft Planning Advice Note. This will not provide the clarity and necessary scrutiny to the document which means that it would not be able to adopted as a Planning Advice Note. Without the document there is a missed opportunity to improve engagement and management of archaeology within the planning process.

### **Recommendation**

- 5.4 Based on the reasons above, Option 1 (to scrutinise the Draft Archaeology in Planning, Planning Advice Note as attached) is the preferred option.

## **6. EVALUATION CRITERIA**

- 6.1 The purpose of this advice note is to raise awareness of archaeology in sensitive areas at the earliest opportunity. There are no quantitative measures arising from the proposal, for example it is not an objective to increase the number of watching brief conditions imposed. Rather the objective is to improve the customer experience and ensure that the archaeological resource is safeguarded. Success will therefore be measured via reviewing customer feedback and that from key stakeholders such as GGAT and Monmouth Archaeology, and via colleague feedback.

## **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<sup>th</sup> February 2014 and decisions on planning applications are being taken in accordance with policies and proposals in the LDP. This draft sets out how archaeology will be managed through the development management

process and provides clarity in relation to the particularly sensitive areas within Monmouthshire.

## **8. RESOURCE IMPLICATIONS**

- 8.1 Officer time and costs associated with the preparation of the 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.

## **9. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING)**

- 9.1 There are no significant equality impacts identified in the Future Generations Assessment.

## **10. CONSULTEES**

- MCC Development Services Manager and team colleagues - responded stating that the document provides clearer guidance for agents and sets out the reasons for the identification and clarity of the particularly sensitive areas.
- Heritage Team – responded providing some comments in terms of Heritage Designations and the Policy Context
- Planning Policy Team - responded stating that the document cannot be formal Supplementary Planning guidance due to the lack of a specific archaeology related policy in the LDP and suggested a Planning Advice Note
- Cabinet and Senior Leadership Team have been consulted on this proposal.
- Economic and Development Select Committee – responded seeking clarity on a number of points and requested that the information from the survey data gathered over time be used to review the boundaries periodically ensuring that they remain appropriate and reasonable.
- Colleagues in Mon Life have been informed due to ongoing projects relating the Bailey Park and Chippenham Fields in particular.

## **11. BACKGROUND PAPERS**

- Appendix 1 – Draft ‘Archaeology in Planning’ Planning Advice Note.
- Appendix 2 – Future Generations Assessment

## **12. AUTHORS:**

Amy Longford - Heritage Manager  
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## **13. CONTACT DETAILS:**

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<p><b>Name of the Officer</b> completing the evaluation Mark Hand</p> <p><b>Phone no:</b> 01633 644803 <b>E-mail:</b> markhand@monmouthshire.gov.uk</p>	<p><b>Please give a brief description of the aims of the proposal</b></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. Planning Advisory Notes (PAN) sets out detailed guidance on the way in which the policies of the LDP will be interpreted and implemented. The Archaeology PAN has been prepared to provide further clarification as to how Archaeology is considered through the planning process. The PAN also seeks to extend the boundaries of the designated Archaeologically Sensitive Areas in Abergavenny, Monmouth and Trellech to take into account recent finds and pressures. It also formalises the ASA around Tintern.</p>
<p><b>Name of Service area</b></p> <p>Planning and Housing</p>	<p><b>Date</b></p> <p>20/09/2019</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 Archaeology in Planning, Planning Advice Note should bring positive benefits to Monmouthshire's residents of all ages, particularly through providing more clear guidance when engaging with the planning system.	None	Ensure that the relevant guidance, as set out in the PAN, is accurately interpreted and implemented.

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?
Disability	None.	None	N/A.
Gender reassignment	None	None	N/A
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!

<b>Well Being Goal</b>	<b>Does the proposal contribute to this goal? Describe the positive and negative impacts.</b>	<b>What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?</b>
<p><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p><b>Positive:</b> Promoting effective management of the historic environment enhances the opportunities for learning and understanding of the historic environment.</p> <p><b>Negative:</b> None.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that guidance is accurately interpreted and implemented.</p>
<p><b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p><b>Positive:</b> Potential for development proposals to conserve and enhance existing ecological networks/ landscape in accordance with LDP policy framework through survey work.</p> <p><b>Negative:</b> None.</p>	<p><b>Mitigate Negative Impacts:</b> 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><b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p><b>Positive:</b> The effective management of the historic environment can have a significant positive impact on wellbeing and mental health.</p> <p><b>Negative:</b> None.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the relevant guidance, as set out in the PAN, is accurately interpreted and implemented.</p>
<p><b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected</p>	<p><b>Positive:</b> The historic environment plays an important role in contributing to Wales's cultural identity. Effective management of the resource supports distinctive and viable communities.</p> <p><b>Negative:</b> None.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the relevant guidance, as set out in PAN, is accurately interpreted and implemented.</p>
<p><b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p><b>Positive:</b> The effective management of the archaeological resource contributes to the social and environmental well-being of Wales.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the relevant guidance, as set out in the PAN, 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?
	<b>Negative:</b> None.	which will include consideration of social, economic and environmental wellbeing.
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	<b>Positive:</b> The PAN has a direct positive impact on Welsh culture, heritage and language through enhancing understanding and appreciation of the social and economic history of Wales.  <b>Negative:</b> None.	<b>Better contribute to positive impacts:</b> Ensure that the relevant guidance, as set out in the PAN, is accurately interpreted and implemented.
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances	<b>Positive:</b> None.  <b>Negative:</b> None.	<b>Better contribute to positive impacts:</b> Ensure that the relevant guidance, as set out in the PAN, is accurately interpreted and implemented.

### 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>Long Term</p>	<p>The LDP covers the period 2011-21. The PAN 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 strategic policy framework seeks to preserve and enhance the cultural heritage and historic environment of Monmouthshire. The PAN seeks to balance the long term need to preserve the finite historical resource against the short term need to process applications effectively and efficiently.</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 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>
 <p>Working together with other partners to deliver objectives</p> <p>Collaboration</p>	<p>The PAN has been produced in liaison with the Council's Archaeological Advisors, Glamorgan Gwent Archaeological Trust following discussions regarding planning applications. It has been subject to further internal consultation with the wider Heritage Team. Public consultation will be targeted to those who were considered to have a specific interest in the topic but also including all town and community councils. The consultation will also publicised via our Twitter account @MCCPlanning, as well as the corporate Monmouthshire Twitter account.</p>	<p>The PAN supports LDP strategic aims and 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 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="349 379 517 563">Involving those with an interest and seeking their views</p> <p data-bbox="141 603 297 627">Involvement</p>	<p data-bbox="544 256 1328 587">The PAN has been produced in liaison with the Council's Archaeological Advisors, Glamorgan Gwent Archaeological Trust following discussions regarding planning applications. It has been subject to further internal consultation with the wider Heritage Team. Public consultation will be targeted to those who were considered to have a specific interest in the topic but also including all town and community councils. The consultation will also publicised via our Twitter account @MCCPlanning, as well as the corporate Monmouthshire Twitter account.</p>	<p data-bbox="1350 256 2101 488">The PAN supports LDP strategic aims and policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p data-bbox="1350 528 2101 759">LDP AMRs will provide both an annual evaluation of plan performance and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP. The replacement LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.</p>
 <p data-bbox="349 767 517 1066">Putting resources into preventing problems occurring or getting worse</p> <p data-bbox="141 1007 297 1031">Prevention</p>	<p data-bbox="544 767 1328 1031">The PAN has been written to take account of issues relating to archaeological surveys creating delays in the planning process. It is considered that the PAN will provide further clarity to all stakeholders and importantly maximise engagement with archaeology at the earliest opportunity in the planning process to ensure that the resource can be effectively managed.</p>	<p data-bbox="1350 767 2101 863">The future adoption and implementation of the PAN will support appropriate affordable housing development where it accords with the LDP policy framework.</p>
 <p data-bbox="349 1142 517 1398">Considering impact on all wellbeing goals together and on other bodies</p> <p data-bbox="141 1382 297 1406">Integration</p>	<p data-bbox="544 1106 1328 1201">The PAN 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="1350 1106 2101 1337">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="1350 1369 2101 1463">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?**

	<b>Describe any positive impacts your proposal has</b>	<b>Describe any negative impacts your proposal has</b>	<b>What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?</b>
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)
- Planning Policy Wales Ed 10 (December 2018)
- Technical Advice Note (TAN) 24: The Historic Environment.

**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 PAN sets out clear guidance as to how the Authority will exercise its statutory duty to have due consideration of the impact of development proposals on any potential archaeological resource through the development management process. It promotes early engagement with the authority's archaeological advisors by identifying areas within the county that have particular importance and sensitivity and require additional assessment. This also supports the understanding of the historic environment and how development can preserve and enhance this finite resource.

**Future:** Ensure that archaeology is considered early in the stages and use the information to help and inform future applications providing a clearer understanding of potential impact on the resource.

**Negative:** Potential for some applications to involve additional survey work where they are situated in the extended ASA's or within Tintern. This could cause a time or cost implication to the application.

**Future:** It is hoped that the identification of particular areas of importance and early engagement will minimise any potential delay and cost implication.

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

What are you going to do	When are you going to do it?	Who is responsible
Seek Planning Committee endorsement of the PAN with a view to it being formally adopted in connection with the Monmouthshire LDP.	Subsequent to this, engage in the consultation process and present the document to Planning Committee and Cabinet for their endorsement.	Head of Placemaking, Highways, Housing and Flood.

**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	Individual Cabinet Member (endorsement to issue for public consultation)		Due 9 <sup>th</sup> October 2019
1.1	Planning Committee (consultation)		Due 5 <sup>th</sup> November 2019
1.2	E&D Select Committee (scrutiny)		Due 14 <sup>th</sup> November 2019
1.4	Cabinet (post consultation - adoption)		Due 15 <sup>th</sup> January 2020



# Archaeology in Planning Planning Advisory Note

September 2019

**Monmouthshire County Council**  
**Local Development Plan**

**Archaeology in Planning**  
**Planning Advisory Note**

**September 2019**

**Planning Policy Service**

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## 1 Introduction: Purpose of this Planning Advisory Note

- 1.1 This planning advisory note has been prepared and issued by Monmouthshire County Council and Glamorgan Gwent Archaeological Trust to set out how Monmouthshire County Council Planning Authority addresses archaeology within the planning process. It will:
- Identify the relevant national and local policies
  - The nature of archaeology within Monmouthshire County Council
  - How the known archaeological resource is registered, and the data managed
  - How the planning process deals with archaeology
  - How the planning process manages the Archaeologically Sensitive Areas of the Authority
- 1.2 The council area includes an extensive variety of historic and archaeological remains that vary in age, extent and significance. All are a finite resource. There are areas which have been designated as an Archaeologically Sensitive Area (otherwise called A.S.A.) as they are considered to have a greater potential for archaeology.
- 1.3 **Whilst these areas have been defined as A.S.A.s, archaeological remains are not solely confined to these areas, archaeological remains of significance that may require mitigation during development will and do exist outside these areas.**
- 1.4 All data is correct at the time of compilation of this planning advisory note. Figures do change on a regular basis, do check the G.G.A.T. H.E.R. for up to date data and figures: <https://www.archwilio.org.uk/arch/>
- 1.5 Archaeology is a finite resource which contributes to our understanding of the past. Investigation and, when appropriate, preservation of remains is important, with the benefit of contributing to education and tourism. This source must be managed to maintain significance and understanding.
- 1.6 Archaeology as referred to and discussed within this document relates to the study of human history through physical remains to aid understanding of everyday life. Remains vary in size and scale from ruins and landscapes to individual or scattered finds. There are a wide variety of materials that can be discovered from metal-based, animal-based such as leather, through to plant-based materials. They can be discovered in both aerobic and anaerobic conditions
- 1.7 Monmouthshire County Council's archaeological service is provided by Glamorgan Gwent Archaeological Trust or G.G.A.T. They provide advice on planning matters where they impact on archaeology and update information on the Historic Environment Record (otherwise called H.E.R.).
- 1.8 The H.E.R. is a national database for Wales containing data on all known archaeological sites and discoveries. It is provided and maintained under the Historic Environment (Wales) Act 2016, Part 4, Section 35-37, which states the requirement of Welsh Ministers to issue guidance on the contribution, management and use of such records. There are currently 202 Scheduled Monuments, 12 Archaeologically Sensitive Areas and over 13,043 archaeological sites within the Council boundary; this number is formed of 5,919 records on the H.E.R., 4,500 on the Royal Commission for Ancient

and Historic Monuments Wales N.M.R., 2419 Listed Buildings, and 4 Registered Parks and Gardens. The H.E.R. is not an exhaustive list, any absences do not conclude that there are no archaeological interests in the search area. The H.E.R. can be viewed via this link: <https://www.archwilio.org.uk/arch/>

- 1.9 Cadw is the Welsh Government's historic environment service. They offer advice on the management of scheduled monuments, historic landscapes, parks and gardens, World Heritage Sites and battlefields.
- 1.10 Statutory protection is provided under the Historic Environment (Wales) Act 2016 Parts 2 and 3, and Ancient Monuments and Archaeological Areas Act 1979. They are defined as nationally important archaeological sites, scheduled monuments, registered parks and gardens, listed buildings and historic landscapes. These are a material consideration in the Planning process, with a presumption in favour of physical preservation. Cadw must be consulted where development is likely to affect the character and setting of a scheduled monument, there are separate consents for scheduled monuments. Please follow these links for more information:
  - [http://www.legislation.gov.uk/ukpga/1979/46/pdfs/ukpga\\_19790046\\_en.pdf](http://www.legislation.gov.uk/ukpga/1979/46/pdfs/ukpga_19790046_en.pdf)
  - <https://www.legislation.gov.uk/anaw/2016/4/contents>
  - <https://gov.wales/sites/default/files/publications/2018-09/tan24-historic-environment.pdf>
- 1.11 Monmouthshire County Council has 12 areas which have been designated as Archaeologically Sensitive Areas. This designation protects larger areas known to have dense layers of archaeology and greater significance in the development and history of Monmouthshire. There are three types of A.S.A.s within the council area, Rural Settlements, Urban Settlements and Rural Landscape, they protect agricultural landscapes, Roman forts, and Medieval walled towns and castles. The designations have been created in partnership with advice sought from the council's archaeological advisers, G.G.A.T., the data points within them are included on the H.E.R. These data points indicate remains which have been discovered and recorded. Areas considered to have greater archaeological potential or sensitivity may have fewer overall data points, e.g. Medieval agricultural sites which have large areas of land associated with them but fewer buildings have importance as part of a preserved landscape. Developers should always seek archaeological advice if proposing any development within these areas. Any development will not necessarily be restricted but mitigation will be required. **The A.S.A.s are designated due to the clusters of remains in a specific location.**
- 1.12 The designations of A.S.A.s in Monmouthshire have been updated since the previous document was adopted. The designation for Caldicot, Magor and Undy, Rogiet and the Gwent Levels have been amalgamated into one under The Levels, A.S.A. 12. Tintern has been designated as an A.S.A. within this update, the justification for this relates to the significance of the area as a monastic site, an industrial area and part of the Picturesque movement. Amendments have been made to the boundaries of Monmouth, Abergavenny and Trellech A.S.A.s, as discussed within the individual descriptions.

### National Planning Policy

- 2.1 The Historic Environment (Wales) Act 2016 predominantly covers amendments and improvements to the existing protection of listed and scheduled structures and established Historic Environment records to be kept for each local authority. For further information please see: <https://www.legislation.gov.uk/anaw/2016/4/contents>
- 2.2 National Planning Policy for Wales is set out in Planning Policy Wales Edition 10. The chapter on Distinctive and Natural Places deals with the historic environment:
- Paragraph 6.1.5 states the requirement of all planning authorities to consider the aim of the Welsh Government to protect, conserve and enhance the historic environment for future-generations. It affirms the historic environment is a non-renewable and limited resource that has a vital and integral contribution to Welsh history and culture.
  - 6.1.23 states 'The planning system recognises the need to conserve archaeological remains. The conservation of archaeological remains and their setting is a material consideration in determining planning applications, whether those remains are a scheduled ancient monument or not.
  - 6.1.24 states when making decisions that will affect nationally important assets the first option is to retain and protect them in situ. Only in exceptional circumstances will permission be granted when there is an adverse impact on a national asset, such as a Scheduled Monument or archaeological site. For further information please follow this link: <https://gov.wales/sites/default/files/publications/2018-12/planning-policy-wales-edition-10.pdf>
- 2.3 Technical Advice Note 24 (TAN 24): The Historic Environment is a supplementary document to Planning Policy Wales Edition 10 and Historic Environment (Wales) Act 2016 regarding the historic environment. It replaces Welsh Office Circulars 60/96 and 61/96. The guidance relates to the government objectives for protecting the historic environment and improving accessibility to contribute to the quality of life and places objective.
- The TAN addresses the need for a more accountable system in which applications affect the historic environment and how they are managed within the planning system. For further information please see: <https://gweddill.gov.wales/docs/desh/policy/180223tan-24-the-historic-environment-en.pdf>
- 2.4 Under the Well-being of Future Generations (Wales) Act 2015, which has an overarching consideration for promoting and improving the Well-being of the population of Wales, the duty for, but not limited to, protecting and promoting heritage for a sustainable future has been placed upon public bodies. With regard to the historic environment, its protection and promotion is key to improving the lives of the population of Wales. Furthermore, measurable outcomes of the objectives are required to be produced by public bodies. Please follow this link for further information: <https://futuregenerations.wales/wp-content/uploads/2017/01/WFGAct-English.pdf>

## **Monmouthshire Local Development Plan (LDP) (2011-2021):**

- 2.5 The Monmouthshire LDP was adopted in February 2014 and provides the planning policy framework for this planning advisory note. Specific policies within the Local Development Plan address how the authority deals with archaeology, knowing the county has a rich and distinctive built and landscape heritage. Please refer to the following policies:

**S13 Landscape, Green Infrastructure and the Natural Environment**

**S17 Place Making and Design, including HE1, HE2, HE3 and HE4**

**EP4 Telecommunications**

**DES2 Areas of Amenity Importance**

## **3 Archaeology in Monmouthshire**

- 3.1 Monmouthshire is a primarily agricultural county with three main settlements, Monmouth, Abergavenny and Chepstow. Remains show that people have settled here from the Mesolithic and Neolithic periods, with finds predominantly located in the Levels; more widespread evidence has been discovered from the Iron Age, with flint spearheads, burial mounds and the remains of the hilltop camp in Bulwark, Chepstow.
- 3.2 A significant impact on the development and landscape of Monmouthshire came with the Romans. Consolidation of their conquest remains through the civil city of Caerwent, forts and garrisons discovered in Abergavenny (Gobannium), Usk (Burrium), and Monmouth (Blestium); further evidence of their society is evident in the roads connecting civil and military centres, the thinning of the forests, draining of marshes and the formation of earthwork defences.
- 3.3 As a border county, Monmouthshire felt the effects of the Medieval conquests from England. Wales is well-known for its castles, of which Monmouthshire has plenty, yet, there is more than the remains of castles, walled towns and manorial houses and landscapes are part of the Medieval history of the county. The archaeology from this period, as with every culture, shows how much change has taken place; for example, Trellech, now considered a main village, was once a significant urban centre, the evidence of its growth and diminishment visible within the archaeology. Monmouthshire has less evidence of the impact of the industrialisation of the country. What remains are the canals, railways and ironworks that changed the landscape and culture, however, Monmouthshire remains predominantly agricultural.
- 3.4 As well as the physical remains of cultures, evidence has also been found in Monmouthshire of the paleoenvironmental remains. These provide an insight into and aid our understanding of the environment at specific times in history.

- 4.1 This section is divided into subsections to allow ease of understanding

### **Pre Planning Stage:**

- 4.2 It is always very positive for applicants and prospective developers to engage with the local authority and their archaeological expertise at the beginning of the application process. This will inform any potential archaeological remains on the development site and help developers and applicants to design sympathetic and positive management of the resource.
- 4.3 Policy states proposed archaeological works and reports should be carried out by a suitably qualified and competent expert of the appropriate standard (see TAN 24, paragraph 4.7 and 4.8).
- 4.4 The appointed archaeologist could prepare a document regarding their investigation that can be submitted as part of the main application. Investigations may require a desk-based assessment or field evaluation. Reports compiled by the archaeologist should meet standards and guidance provided by the Chartered Institute of Archaeologists: <https://www.archaeologists.net/codes/cifa>

### **Applications (including Planning, Listed Building Consents and Conservation Area Consents):**

- 4.5 It is standard practice for the local authority to consult G.G.A.T. as part of the application process. G.G.A.T. will respond with advice on how best to preserve or mitigate impact on any remains. If early consultation has been had with G.G.A.T. or an archaeologist, any potential requirements may have already been flagged up.
- 4.6 Please be aware that archaeology is a material consideration, this means during the determination process.
- 4.7 Prior to determination of an application, applicants or developers may be required to carry out the following:

#### **Field Surveys:**

Assessments may advise the need for field evaluations requiring trenches or open area assessments. These will highlight the depth and nature of potential remains and will inform the development itself. G.G.A.T. provide a brief to which the field evaluation should be undertaken, including a specification on the archaeological situation, the required works and how they will be achieved. This will be the most effective way of assessing significance and informing mitigation.

Further surveys may include earthwork surveys, field walking or geophysical to allow more targeted investigation of potential remains where necessary.

#### **Analysis:**

Results from field surveys should be analysed by the archaeological contractor with a subsequent report completed. The information within the report should demonstrate the significance, understanding and extent of the archaeology discovered. Furthermore, there should be options provided for proposed mitigation of said discoveries. Dependent upon the report, further

work may be required prior to determination or as a condition upon the decision notice.

- 4.8 Alternatively, the above points may be controlled with a condition on the decision notice instead of during the application process.

**Conditions:**

- 4.9 Where a positive decision has been made on a site with archaeological remains or the potential for them, conditions may be placed on the application to manage the archaeological resource.
- 4.10 Standard conditions include building recording reports, watching briefs or written schemes of investigation, and the resultant reports to be compiled and sent to an approved archive to maintain the history of the site. Approved archives are subject to the nature of the record being deposited, guidelines for these archives can be found at: <http://www.welshmuseumsfederation.org/en/news-archive/resources-landing/Collections/national-standard-and-guidance-for-collecting-and-depositing-archaeological-archives-in-wales-2017.html>
- 4.11 Those conditions which are more complex are, for example, programs of investigation. These documents are specific to the site, written by the appointed archaeologist and may be required to be submitted and approved prior to implementation.
- 4.12 There are occasions when the archaeological works will be secured legally by a Section 106 agreement. The agreement will regulate the development and allow for the provision of funds to secure further investigation and recording.
- 4.13 Where work has commenced without the submission and approval of a Discharge of Conditions application, or work on site is different to what has been approved, this constitutes a breach of planning and can result in enforcement action.

## 5 Archaeologically Sensitive Areas (A.S.A.s)

### A.S.A. 1: Abergavenny

#### Significance:

- Strategic military site
- Roman settlement and fort
- 12<sup>th</sup> century castle, the Priory church and associated buildings
- Planned Medieval walled town and mural suburbs, milling and market
- Post-Medieval agricultural centre, railway town and the communications infrastructure associated with it

#### Reasons for Increased Archaeological Potential:

There are scattered remains attributable to the prehistoric period, yet, the first strong period of settlement in Abergavenny dates to the Roman period. Established as Gobannium, the fort was built in the 1<sup>st</sup> century near the main roads to Hereford, Usk and Brecon. A civilian settlement would also have grown up outside, and there is evidence of the associated cremations and burials.

A castle was constructed in 1087 as part of the Norman consolidation of territory. It is located on the same site as the Roman fort and roads to take advantage of the strategic position overlooking the river. St Mary's Priory and tithe barn are contemporary with the castle. The main settlement developed around these core buildings, and prospered in the 13<sup>th</sup> and 14<sup>th</sup> centuries, with evidence of town walls. Additional suburbs are evident from archaeological work undertaken outside the historic core, providing some understanding of how the town was defended, the extent of the settlement and how the land was used.

The castle and town walls were refortified during the political unrest of the 13<sup>th</sup> to 15<sup>th</sup> centuries, and again in the 17<sup>th</sup> century due to the Civil War. Abergavenny prospered as a market town through the 18<sup>th</sup> and 19<sup>th</sup> centuries, and this prosperity is still visible in the increased building work of this period.

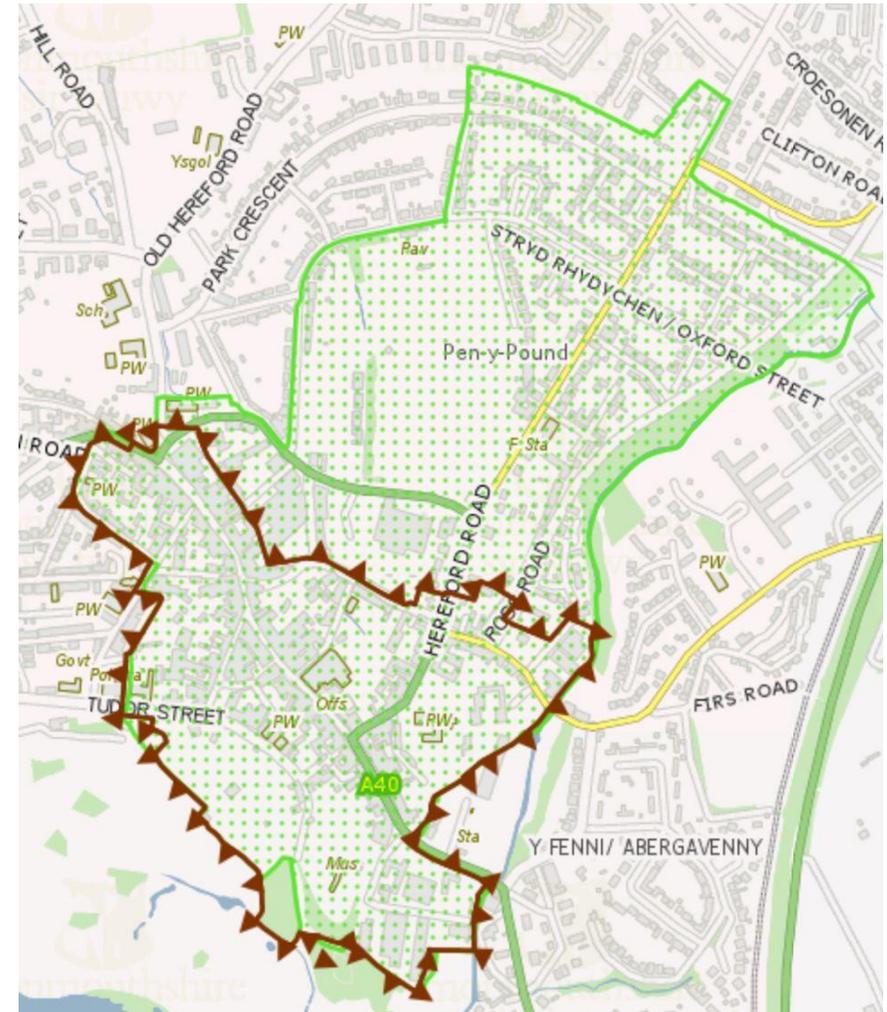
**Extension to ASA:** includes additional areas of Roman, Medieval and Post-Medieval activity. Bailey Park is a registered park and garden North of the Medieval town.

The park was previously recorded as Priory Meadow, a probable link between Priory of St Mary in Abergavenny and what may once have been their agricultural lands. There is also evidence of Priory Mill on the Gavenny River, demonstrating the impact of the Priory on the Medieval landscape. There is evidence of mills along the river to the North-east of the town demonstrating water management and different milling from the Medieval period onwards.

Bailey Park became a public park when Ironmaster Crawshay leased the meadow in 1833. Roman finds have been discovered from the 1840s onwards, including building materials, pottery and coins. There is high potential for Roman finds in the area. Based on the nature of the finds it is likely that the area had a Roman civilian settlement.

During the Medieval period, the park was part of a wider landscape of agricultural use related to the Priory. There are also water management features along the river, including mill buildings, leats, races, sluices and weirs likely to have buried archaeological remains.

The park represents civic and industrial influence and the fashion for formal parks and gardens. Overall, its significances also lies in the visual and socio-cultural aspects of the park.



**Significance:**

Particularly well-preserved Roman walled town with extensive remains of houses, civic buildings, villas, roads, and religious buildings  
 Outside the Roman town walls, remains of roads, cemeteries, villas and additional buildings have been found

**Reasons for Increased Archaeological Potential:**

Caerwent is situated on the Roman road of Via Julia that connected the settlement to Camarthen and Gloucester. The Roman name for the town, Venta Silurum, is an indication of its origins as the civic capital of the Silures. The Silures were the native tribe of this region prior to the Roman invasion, their territory covered south-east Wales. Following their defeat, Venta Silurum was established as a market town around 74 AD.

Caerwent benefitted from its location with the ease of communication both inland and sea. Sea levels were likely to be different during the Roman period, so it is possible that access to the town could be achieved from the Nedern Brook as well; this theory is supported by the discovery of the Barland's Farm Romano-Celtic boat of the late 3<sup>rd</sup> or early 4<sup>th</sup> century.

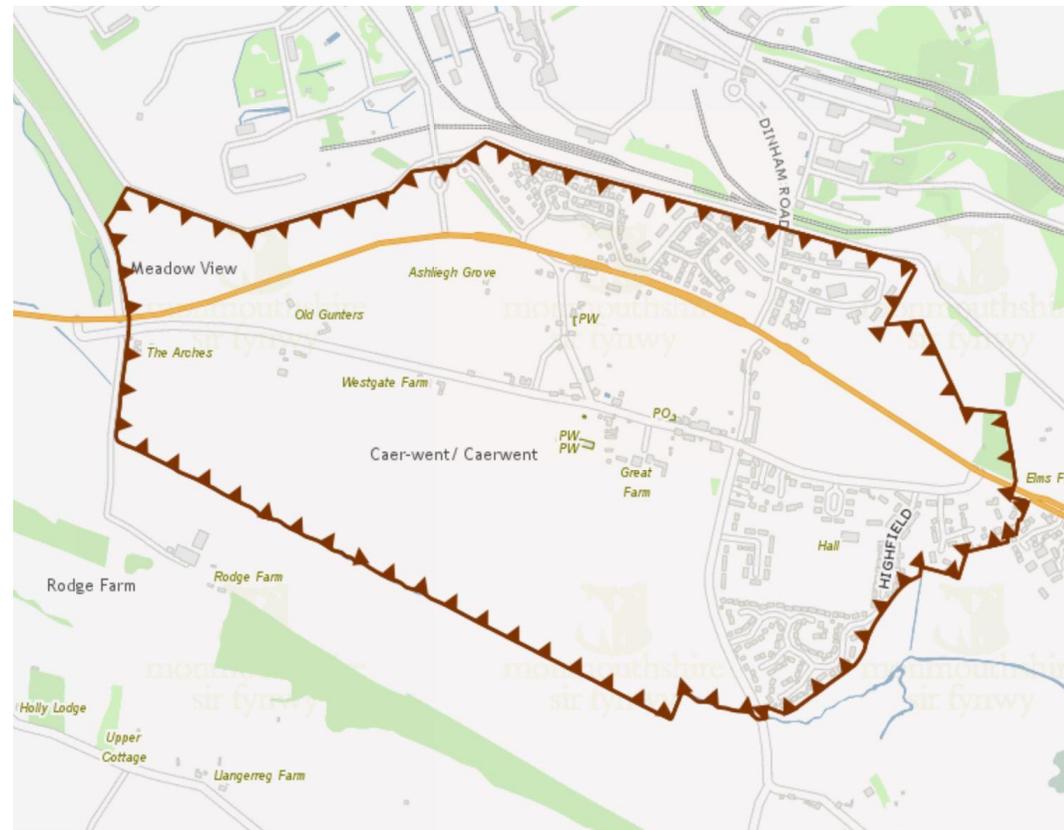
Roman building remains have been excavated on the ridge to the north of the town and on the higher ground to the south. The first iteration of Venta Silurum was as an undefended site with palisaded earthen ramparts and an external ditch.

The settlement underwent alterations during the 2<sup>nd</sup> century, evidence demonstrates the walls enclosed a rectangular area of 18 hectares, divided into insulae or rectangular blocks of land, Caerwent had 20. Each of the insuale consisted of houses, shops, religious buildings, a forum, basilica, potentially an amphitheatre, and baths. The town defences were upgraded in the 3<sup>rd</sup> century, and gate towers were introduced. The decline of the town began at the end of the 4<sup>th</sup> century, with the settlement boundary decreasing and reducing the need for the north and south gate towers, which were subsequently blocked. There is evidence of a community remaining in Caerwent during the 5<sup>th</sup> century, but there is clear decline as much of the town was ruinous by this time.

There are several early Medieval burials, a reference to the area being a pre-Norman Conquest Christian centre, and there is an extant 10<sup>th</sup> century monastery. Following the conquest, control of the area went to the Sherriff of Gloucester and a motte was formed in the south-east corner of the Roman defences. The church has been dated to the 13<sup>th</sup> century with subsequent alterations.

The town never re-established the prominence and scale it had during the Roman period. It remained a farming community and only grew during the 20<sup>th</sup> century.

Development within the town walls is strictly limited to preserve the remains and the open aspect of the town. Monmouthshire County Council LDP has a specific policy, HE4, relating to the Roman remains and their protection. Any proposals for development should take into consideration the impact on the setting of the scheduled monuments.



**Significance:**

Medieval walled market town with its historic street layout

Castle and priory are 11<sup>th</sup> century

Port and shipbuilding industry

**Reasons for Increased Archaeological Potential:**

Situated on the west bank of the river Wye near to the confluence with the Severn, Chepstow is a prominent Medieval town. There is limited evidence of prehistoric activity in the area, although it is likely that the main road through the town to the river is attributable to this period and later formalised by the Medieval lords.

Post-Roman activity is limited to the formation of dykes in the wider landscape, most especially through Offa's Dyke, the border between the Anglo-Saxon kingdom of Mercia and Wales. The dyke is not situated within Chepstow, but has significant intervisibility with the town and port.

The clearest evidence of a settlement came with the foundation of the castle and priory in 1067. Established around the main river road, it is set out on a grid system, and was later surrounded by the Port wall in the mid-13<sup>th</sup> century.

The wall enclosed around 53 hectares, made up predominantly of agricultural land and orchards; it also included the 308 burgage plots recorded in 1306.

The town, town defences, castle and port underwent substantial growth in the 12<sup>th</sup> and 13<sup>th</sup> centuries. The current 11<sup>th</sup> century Priory church, is likely to be on the site of a Medieval clas, an ecclesiastical settlement specific to Wales. Chepstow also has two additional Medieval churches, St Kynemark's and St Lawrence.

Chepstow prospered from its trade with the continent and as a regional market town. Its connection with the river is one of the main reasons for the town's success; used for communication, transport and commerce, it played a key role in the life of the town through to the 20<sup>th</sup> century, when shipbuilding yards were constructed during the First World War.

The town did suffer a decline in population and prosperity in the post-Medieval period, although the settlement boundary does not decrease in response. The castle was besieged during the Civil War and was later used as a prison during the 17<sup>th</sup> century.

Chepstow was also a port with wharves, slips, docks, a customs house, and, more recently, iron and engineering works, with the associated pits and gas works, along the riverbanks. The Medieval and early post-Medieval buildings in the port area were re-faced with new facades during the 18<sup>th</sup> and 19<sup>th</sup> centuries following the economic growth due to income from the port. Additional prosperity came with the construction of the railway in the 19<sup>th</sup> century.

Chepstow gained from the Picturesque movement in the 18<sup>th</sup> century as part of the Wye Tour. Landscape views of the castle and valley are notable scenes of the period.

Remains are focused within the town walls and extend along the roads of the suburbs of Medieval and post-Medieval origin. Remains have also been discovered along the river edge.



#### A.S.A. 4: Grosmont

##### Significance:

- Important planned Medieval town
- Expanded following receipt of a charter in the 13<sup>th</sup> century
- Prospered between the 16<sup>th</sup> and 18<sup>th</sup> centuries

**Reasons for Increased Archaeological Potential:** Grosmont is predominantly a Medieval settlement formed between the 11<sup>th</sup> century castle and church. The castle is one of three (also Whitecastle and Skenfrith) in the region built to consolidate land conquered by the Normans. The town evidently prospered under the lordship formed in the 12<sup>th</sup> century, the castle and church underwent phases of development, the settlement grew, and there is evidence of land and water management. After a period of decline with the plague and the battles of the 14<sup>th</sup> and 15<sup>th</sup> centuries, Grosmont continued to prosper. Evidence of the extent of the settlement and agricultural work are unclear.



### Significance:

Extensive low-lying area consisting of estuarine alluvium  
Reclaimed from the sea from prehistoric times onwards  
Distinctive patterns settlements, enclosures and drainage  
Strong potential for large-scale and important buried,  
waterlogged archaeological and environmental deposits  
Remains of a network of artificial drainage systems  
Deposits attributable to numerous historic periods  
demonstrating human activity from the Mesolithic, Neolithic,  
Bronze Age, Iron Age, Roman, Medieval, and post-Medieval  
periods

### Reasons for Increased Archaeological Potential:

The Caldicot Levels are greatest part of the landscape area known as the Gwent Levels, covering approximately 15.38 square metres. Much of the significance of this ASA relates to the natural and geological make-up of the Levels. There is a vast extent of archaeological deposits; due to the formation of the geological layers, whole landscapes have been preserved and extend beyond the seawalls to intertidal zones.

Among settlement remains, there is intense settlement attributable to the Roman and Medieval periods. Identification of remains discovered in the main settlements of the ASA show occupation from Pre-historic times as well. Furthermore, extensive remains of infrastructure are clear. Drainage systems, including ditches covering the Levels have been discovered. Palaeochannels (relicts of watercourses) are a significant resource for archaeological and environmental information on activity, but also the nature and depth of deposits. Reens (larger drainage ditches) are fed by ridge and furrows to grips, field ditches and via gouts (where reens meet) and into pills where it then discharges into the sea. This infrastructure is a demonstration of land management to reclaim the land from the sea.

Notably, archaeological remains discovered in within the area are extremely well-preserved. There is a wide variety in finds based upon their dates and their uses. Boats, such as those discovered at Caldicot and Magor Pill, are in a remarkable state of preservation. The surviving waterlogged wood and fabric are evidence of navigable waterways. However, the discovery of footprints are examples of the richness of the geology to allow such preservation.

There are two threats from physical activity. Firstly, large scale development, and/or penetration of the substrate layers, and their subsequent drying out; secondly, the wider impact of development in the landscape that is characterised by styles of enclosures, fields, tracks and drainage.



## A.S.A. 6: Monmouth

### Significance:

Important defensive Medieval town, consisting of two main suburbs along Monnow Street and Overmonnow

One of the main routes into south Wales based on its location

Prehistoric activity

Roman settlement with the fort of Blestium

Early Medieval Christian foundation of St Cadoc

11<sup>th</sup> century castle and priory church

13<sup>th</sup> century fortified bridge with tower

### Reasons for Increased Archaeological Potential:

Monmouth is a defined Medieval settlement. It has been a prominent location since prehistoric times, finds range from the Mesolithic period, with worked timber, flint, pottery and animal bones, to the Iron Age with fragments of salt containers. It is likely that the settlement of the area was nomadic and seasonal in this period, with evidence of temporary coastal or river sites.

The site of the town was taken over by the Romans, who established a fort and settlement on the plateau at the top of what is now Monnow Street. The fort dates from the 1<sup>st</sup> century and was likely used by vexillations, sub-sections of legions usually detached for special services. The settlement is presumed to have been the Blestium of the 3<sup>rd</sup> century Antonine Itinerary, predominantly populated by civilians and used as an industrial centre from the 2<sup>nd</sup> to the 4<sup>th</sup> century.

The current layout of the town is Medieval, closely linked with the 11<sup>th</sup> century castle and priory church. Typically narrow, interlinked streets, the town was defended by town walls and a ditches. With prosperity, the town grew down the hill to the river and a crossing was built there. Evidence shows four gates were the main entrances into the town from the 13<sup>th</sup> century. Overmonnow, over the river, is bounded by a ditch known as Clawdd Du, used for defence it is named for the black iron slag found in the earth.

Monmouth did suffer with the plague, in the 15<sup>th</sup> century plots and houses were abandoned. Yet it prospered again,

being made county town in the 16<sup>th</sup> century and through its iron industry. With this prosperity, buildings were updated to meet current fashions and new buildings were constructed, including the Shire Hall (originally the Assize Court), inns and lodging houses. With the popularity of the Picturesque movement in the 18<sup>th</sup> century, Monmouth was a stop on the Wye Tour, with artists, writers and tourists stopping in the town and needing accommodation and food, the town adapted to suit this new influx of trade.

Remains have been discovered at a shallow depth and are predominantly concentrated within the plateau at the top of and along Monnow Street. Also to the west and north of the town and south of the Monnow River.

**Extension of ASA:** includes Chippenham Fields. Chippenham Fields or Mead (Registered Park and Garden and Registered Landscape) was recorded in Medieval times as a common and known to be used as animal pasture into the 19<sup>th</sup> Century, however, it is considered to have an earlier use. The name of the fields comes from the Anglo-Saxon for land where merchandise is sold, yet there are limited finds from this period in the area.

The location of the fields are part of its significance as it has level access from the Monnow and Wye rivers.

Further uses for the fields include a race course with the grandstand and winning posts marked on the first edition O.S. map of 1880, and a formal park with tree avenue during the early 20<sup>th</sup> century. The field was divided by the A40 in the 1960s, causing a loss of an aspect of their visual and historic socio-cultural association with Monmouth and the rivers, especially to the East.

Please note that the eastern half of the fields adjoining the confluence of the Wye and Monnow rivers does not form part of the character area.



## A.S.A. 7: Raglan

### Significance:

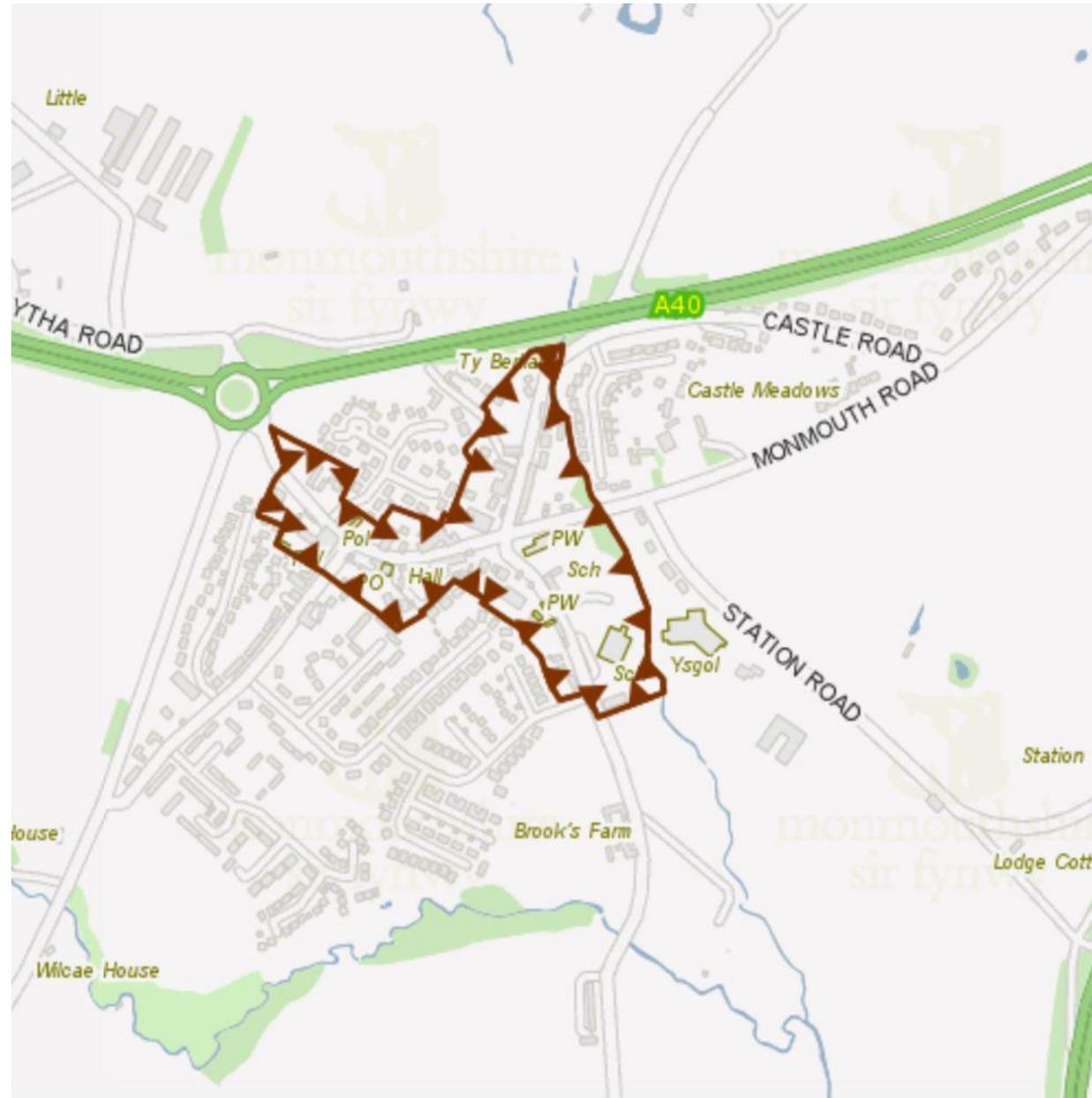
- Specifically relates to the Medieval town
- Achieved borough status in the 14<sup>th</sup> century
- Held Markets in the 15<sup>th</sup> century
- Established a Court House from the 17<sup>th</sup> century
- Raglan castle and town were the site of a siege during the Civil War

### Reasons for Increased Archaeological Potential:

Due to the junctions of the major Roman roads meeting in this area, it is likely that Raglan was a Roman settlement. Despite this, the town is, visually, more Medieval, specifically, the 11<sup>th</sup> century castle, and the 14<sup>th</sup> century church of St Cadoc.

Although no physical evidence has been found, there is understood that a religious foundation was established here during the Medieval period. Documents from the 13<sup>th</sup> century state that the church was a gift to Usk Priory. Raglan is a small settlement; however, the true extent has not been established as it has likely been lost with later developments. It is likely there is little to no growth due to the impact of the plague.

The castle is **not** included within the ASA boundary, but its strong connection and influence over Raglan should be acknowledged as part of the town's significance. The castle was continually altered right through to the 17<sup>th</sup> century and included a deer park and extensive landscaped grounds.



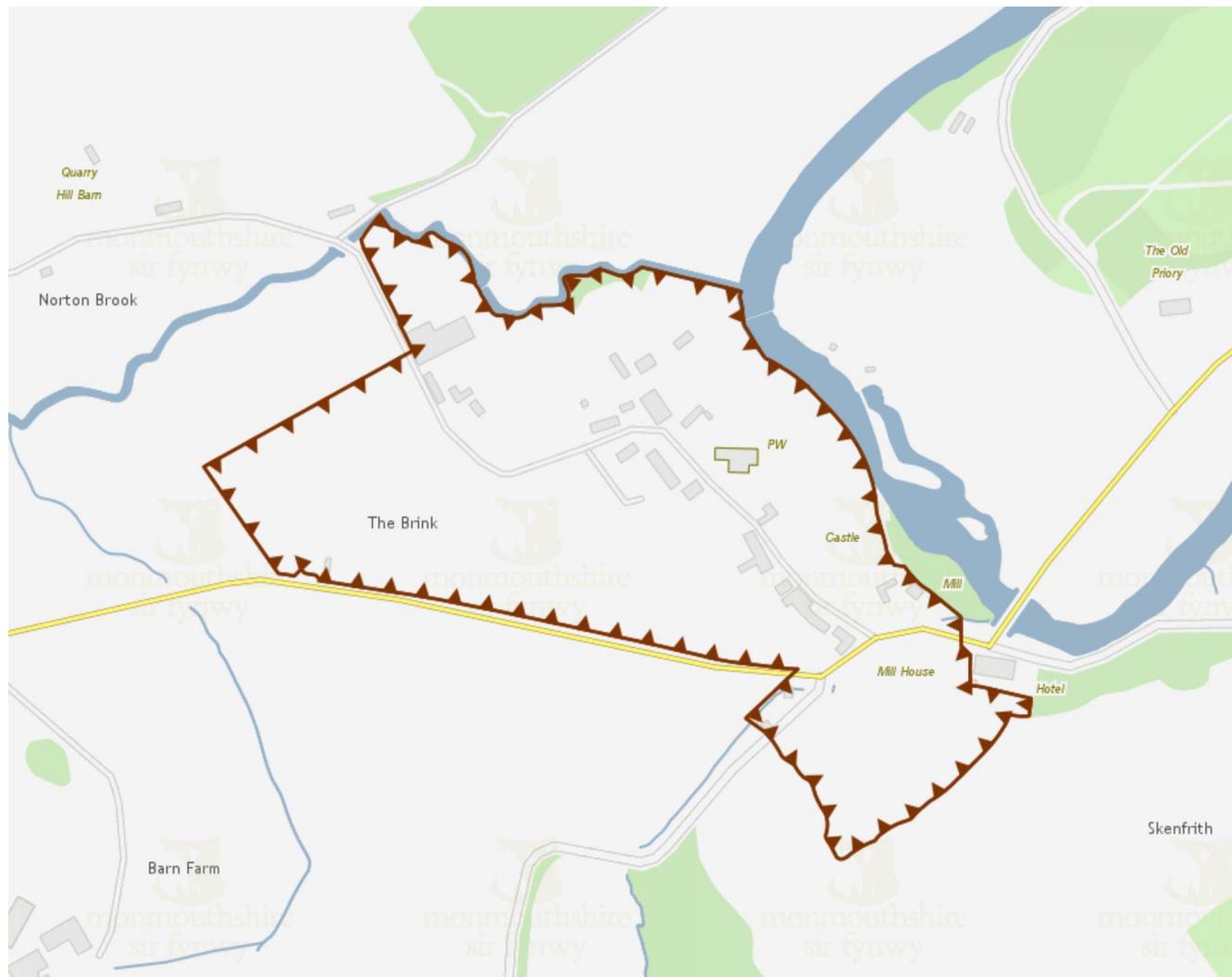
### Significance:

- Close association with Grosmont and Whitecastle castles
- Early defensive castle
- River access from the castle
- Compact core Medieval settlement associated with the castle and church

### Reasons for Increased Archaeological Potential:

The settlement at Skenfrith dates to the construction of the castle and church in the 11<sup>th</sup> century. The castle differs from the closely associated Whitecastle and Grosmont castles as it was built on a flat, gravel platform on the bank of the river Monnow. It utilised the river, a moat and earthworks for its defence. The castle was refortified in the 13<sup>th</sup> century when the watergate was built.

The Medieval settlement, long deserted, lies to the west of the church and castle. Remains are both built and below ground, two of which are scheduled monuments. Furthermore, a mill was discovered adjacent to the castle, it is attributable to the post-Medieval period, but suggests Medieval milling activity.



**Significance:**

- Substantial Cistercian abbey, precinct and landholdings, including granges, two Medieval churches
- Industrial wire making remains
- Landscape significance during the 18<sup>th</sup> century Picturesque movement and Wye Tour

**Reasons for Increased Archaeological Potential:**

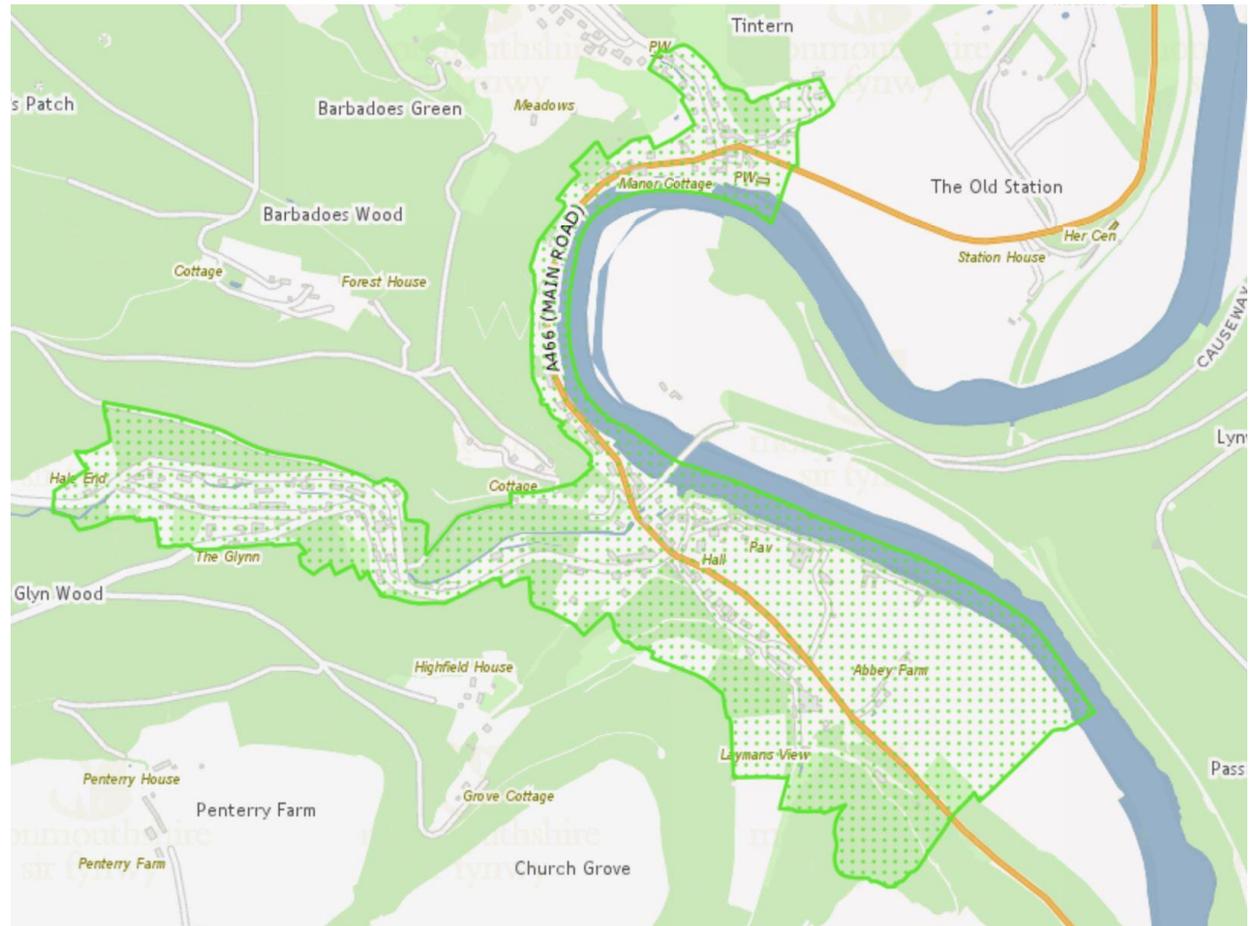
The settlement of Tintern developed around the 12<sup>th</sup> century monastery. Founded in 1131 by Walter de Clare, Tintern Abbey is the first Cistercian religious house founded in Wales. The first form was constructed from timber, but soon rebuilt in stone within a precinct enclosing the abbey, lands and the conventual buildings. As part of the abbey, 12 granges were established as part of the abbey, and a watergate was constructed to allow access over the river Wye. Furthermore, there were over 3,000 acres of land used to for woodland, arable and pastoral, and evidence of fisheries.

The extant church building dates between 1269 and 1301 along with the conventual buildings, it was part of an extensive programme of rebuilding. The buildings are typical of a Cistercian layout, it includes cloisters, monastic and lay dormitories, kitchens, chapter house, dayroom, infirmary and lodgings. As a prominent Cistercian house, it supported corrodians, lay pensioners living on the site.

The abbey also owned mills, with fulling and grain mills powered by the Angidy; water management included dams, reservoirs, sluices, weirs, and water channels supplying the abbey. The Earls of Pembroke (later Worcester) were the lay stewards of the abbey, and its lands and finances went to them; after the dissolution of the monasteries and the Act of Union in 1536 and 1542, the abbey and its lands passed to the Colclough and then the Croft families.

Within the Angidy Valley metal processing was undertaken. The Abbey Wire and Ironworks was the first powered wireworks in Britain, and used brass, lead and copper. With the growth of the Picturesque Movement in the 18<sup>th</sup> century, the area became a popular destination for artists, writers and tourists on the Wye Tour.

Remains are focused around the abbey and conventual buildings. Further remains have been discovered in Tintern Parva and the Angidy Valley.



## A.S.A. 10: Trellech

### Significance:

- Bronze Age stones known as Harold's stones
- One of the largest 13<sup>th</sup> century Medieval planned towns in the country; it is believed to date to the early 13<sup>th</sup> century
- Achieved borough status, a market
- Evidence of an iron working industry

**Reasons for Increased Archaeological Potential:** Based upon finds, including a socketed axe and possible flint tools, and the standing stones, it is evident that Trellech was the site of a prehistoric settlement, at the very least Bronze Age.

The settlement is, however, predominantly Medieval. It was incorporated into the lordship of Usk, and likely to have been founded in the 13<sup>th</sup> century by Richard de Clare, although there is evidence of a Medieval settlement which predates this. The planned town is visible in the historic road network. The main north/south road ran to the west of the church, with branches heading east and west to form a rectangular boundary around the town. From documentary sources, the approximate size of the town can be understood; the town consisted of burgage plots, in 1288 there were 378, each long and narrow with a house and/or shop facing the road. By the 14<sup>th</sup> century this had reduced to 113 because of raids, political unrest and the plague. The town diminished further in the 19<sup>th</sup> and 20<sup>th</sup> centuries with property numbers recorded as 29 and 19 respectively.

Remains have been discovered within the current settlement boundary, as well as south along the roads. Further concentrations of finds are recorded within the wider area.

**Extension of ASA:** includes a S.A.M. and Medieval town. Following academic and

Archaeological work, the settlement is known to have extended further South than previously understood, justifying the extension of the ASA boundary.

The archaeological discoveries include remains of stone buildings among other features along the Catbrook Road and Tinkers Lane.

The nature of the area is waterlogged resulting in well-preserved organic materials. Furthermore, there is the related significance of wells and springs, noted for their importance in the Medieval period as having healing properties. The stone basin of the Virtuous Well is probably Medieval, with obvious repairs and restoration; the surround is probably post-Medieval. There is a close association with the church and settlement; the significance also lies in the combination of curative properties, the dedication of a saint, in this case Saint Anne, and as pilgrimage sites.



## A.S.A.11: Usk

### Significance:

- Site of the Roman fort of Burrium and developed further
- Medieval town, castle and church
- Post-medieval settlement

### Reasons for Increased Archaeological Potential:

First settled along the east plain of the river Usk and west of the Olway Brook, Usk is a compact town with minimal expansion beyond the historic boundary.

There are scattered remains of prehistoric settlement along the valley to the north, attributed to the Mesolithic period on. Remains include polished axes and small flint tools, suggesting widespread transient activity along the river corridor.

The Romans constructed the fort of Burrium during the mid-First century AD, including a civilian settlement with burials and associated infrastructure, it was situated on the defensive point where the two rivers, the Usk and the Olway, converged. It is understood that the fort was only in use for approximately 20 years. Later, the legion left for the fortress at Caerleon, and Burrium was downsized. Finds related to this period include built remains, human remains and iron furnaces.

With the formation of the Medieval castle and priory in the 12<sup>th</sup> century, Usk developed between these two key buildings and extended to the river. The priory was a Benedictine foundation and was formed as a nunnery, its precinct enclosed a large area of land south of the development, now much reduced following 20<sup>th</sup> century development. The current priory gatehouse is an early post-Medieval structure, the original having been rebuilt. The castle is likely to be contemporary with the priory but underwent extensions and strengthening for the following three centuries.



## A.S.A. 12: Whitecastle

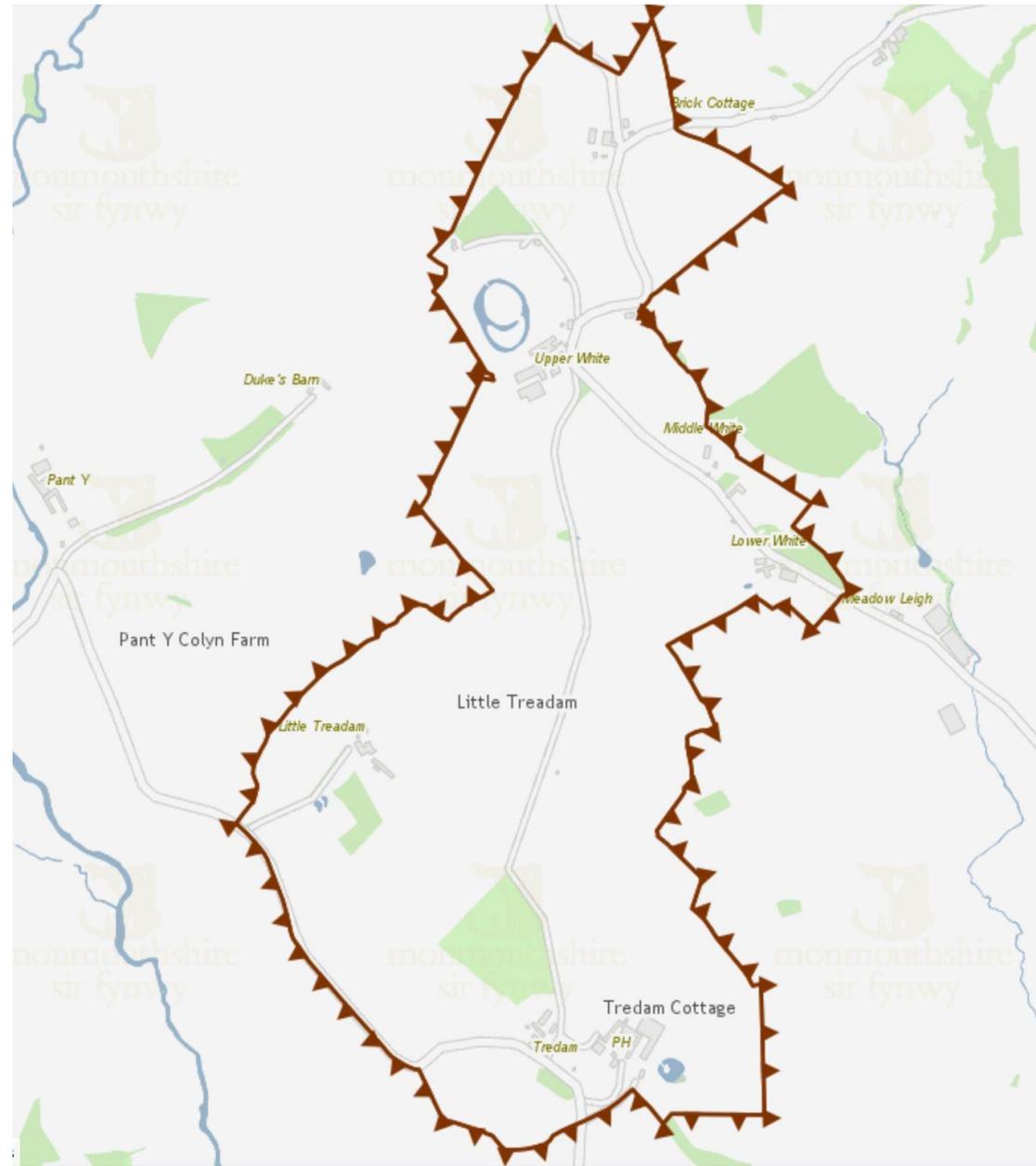
### Significance:

- Early 11<sup>th</sup> century castle
- Close association with Grosmont and Skenfrith castles

### Reasons for Increased Archaeological Potential:

Whitecastle was primarily a defensive centre, there is no evidence of a core settlement associated with the 11<sup>th</sup> century castle. As with Grosmont castle, Whitecastle was built to maintain conquered territory. Evidence shows it was originally a timber and earthwork structure, the stone castle was not begun until the 12<sup>th</sup> century and refortified in the 13<sup>th</sup> century.

Following the disuse of the castle, the area became more agricultural. 17<sup>th</sup> century farms at Upper and Lower White Castle farms and Great Treadam were built in the Renaissance style with contemporary 17<sup>th</sup> century outbuildings indicating prosperous agricultural activity.



**Anaerobic:** related to an organism or tissue, it is the absence of air or oxygen

**Aerobic:** related to an organism or tissue, it requires air or oxygen

**Alluvium:** sedimentary layers of sand and mud that have been deposited in water, such as rivers and estuaries.

**Bronze Age:** A period of prehistory begun around 4,000 BC with the discovery of how to make bronze. This technique reached Europe by 2,000 BC.

**Burgage Plots:** A tenure of land or tenement in an urban settlement for a fixed rent or service of the guardianship. Typically long, narrow strips of land.

**Medieval Period:** This refers to the period after the break down of Roman rule. The timeframe extends from the Anglo-Saxon period (circa 410 AD), the Norman fATudor rule in 1485 AD.

**Mesolithic Period:** Between circa 500,000 to 10,000 BC, the Mesolithic period is one of the chronological divisions of the prehistoric era. During this time period agriculture and domestic animals were introduced to the country.

**Neolithic Period:** Between circa 4,500 to 2,300 BC, the Neolithic period is another division of the prehistoric era. This is the first evidence of tool making by humans and extends to the end of the Ice Age in Britain.

**Paleoenvironmental:** This term relates to geology, and the discovery of environmental material or matter from a particular geological era.

**Prehistoric:** The period before history was written down. It covers the Palaeolithic, Mesolithic, Neolithic, Bronze Age and Iron Age periods.

**Roman Period:** Roman occupation and rule of Britain between circa 45-410 AD.

## **APPENDIX A**

### **Bibliography of Legislation**

### **South Wales Organisations Contact List**

- The Historic Environment (Wales) Act 2016
- Planning Policy Wales Edition 10 2018
- Technical Advice Note 24: The Historic Environment (TAN 24)
- Ancient Monuments and Archaeological Areas Act 1979
- Town and Country Planning Act 1990
- Well-Being of Future Generations Act (Wales) 2015
- Welsh Office Circular 016/2014: *The Use of Planning Conditions for Development Management*
- Welsh Office Circular 24/97: *Enforcing Planning Control: Legislative Provisions and Procedural Requirements*
- Welsh Assembly Government: Cadw: Conservation Principles 2011
- Managing Change Series:
  - Managing Change in World Heritage Sites in Wales
  - Managing Change to Historic Places of Worship in Wales
  - Managing Change to Listed Buildings in Wales
  - Managing Change to Registered Historic Parks and Gardens in Wales
  - Managing Conservation Areas in Wales
  - Managing Historic Character in Wales
  - Managing Listed Buildings at Risk in Wales
  - Managing Lists of Historic Assets of Special Local Interest in Wales
  - Managing Scheduled Monuments in Wales

## 8 South Wales Organisation Contacts

8.1 For Scheduled Ancient Monuments, Listed Buildings, Register of Landscapes of Outstanding Historic Interest, Register of Parks and Gardens of Special Historic Interest, and all queries regarding sites with statutory designations, policy and legislation queries, please contact Cadw:

- Welsh Government  
Plas Carew  
Unit 5/7 Cefn Coed  
Parc Nantgarw  
Cardiff  
CF15 7QQ
- 0300 0256000
- <https://cadw.gov.wales>
- [cadw@gov.wales](mailto:cadw@gov.wales)

8.2 For Monmouthshire planning enquires regarding applications, including Listed Building Consents and Conservation Area Consents, archaeological areas and general planning advise please contact Monmouthshire County Council on:

- County Hall, The Rhadyr, Usk, NP15 1GA
- Duty telephone for planning queries: 01633 644831
- Department telephone: 01633 644880
- <https://www.monmouthshire.gov.uk/planning/>
- [planning@monmouthshire.gov.uk](mailto:planning@monmouthshire.gov.uk)

8.3 For all archaeological planning enquiries in South-east Wales, before, during or after planning, or for HER, including data management and content queries please contact GGAT:

- Heathfield House  
Heathfield  
Swansea  
SA1 6EL
- 01792 655208
- Planning queries can also be directed to  
[http://www.ggat.org.uk/archplan/arch\\_planning.html](http://www.ggat.org.uk/archplan/arch_planning.html)  
[planning@ggat.org.uk](mailto:planning@ggat.org.uk)

- HER queries can also be directed to <http://www.ggat.org.uk/her/her.html>  
[her@ggat.org.uk](mailto:her@ggat.org.uk)

8.4 The Chartered Institute for Archaeologists for queries related to professional standards, guidance, registered organisations and chartered members, please contact on:

- Chartered Institute for Archaeologists  
Power Steele Building  
Wessex Hall  
Whiteknights Road,  
Earley,  
Reading  
RG6 6DE
- 0118 9662841
- <https://www.archaeologists.net/>
- [admin@archaeologists.net](mailto:admin@archaeologists.net)

8.5 National Resources Wales (NRW) should be contacted regarding any queries for on historic landscapes, please contact them on:

- Natural Resources Wales  
Customer Care Centre  
Ty Cambria  
29 Newport Road  
Cardiff  
CF24 0TP
- 0300 0653000
- <https://naturalresources.wales/?lang=en>
- enquiries@naturalresourceswales.gov.uk

## Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 28/08/19

gan Hywel Wyn Jones BA(Hons) BTP  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 10.10.2019

## Appeal Decision

Site visit made on 28/08/19

by Hywel Wyn Jones BA(Hons) BTP  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 10.10.2019

**Appeal Ref: APP/E6840/A/19/3231686**

**Site address: 26 St George Road, Chepstow, NP16 5LA**

**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 grant of planning permission subject to conditions.
- The appeal is made by Mr Jon Lewis against the decision of Monmouthshire County Council.
- The application (ref: DM/2019/00027), dated 1 January 2019, was approved on 14 March 2019 and planning permission was granted subject to conditions.
- The development permitted is *Completion of existing wooden structured conservatory on the rear balcony of the house: New build - extending part of the current balcony at the rear of the house to incorporate a Juliette balcony to give a walkway (Appox 70cm wide) to front conservatory.*
- The conditions in dispute are Nos 3, 4 and 5 which state that:
  3. *The windows to the wooden structured conservatory and log cabin along the eastern elevation shall be obscure glazed and non opening within one month from the date of this permission and retained in perpetuity.*
  4. *Details of the privacy screen to be erected along the eastern boundary and the end of the balcony extension shall be submitted to and approved in writing to the Local Planning Authority.*
  5. *A privacy screen shall be erected along the eastern boundary balcony and to the end of the balcony extension within 2 month of the date of this permission and shall be retained in perpetuity.*
- The reasons given for the conditions are:
  3. *To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.*
  4. *In the interests of visual amenity in accordance with Policy DES1 and EP1 of the Monmouthshire Local Development Plan.*
  5. *To protect local residential amenity in accordance with Policy EP1 of the Monmouthshire Local Development Plan.*

## Decision

1. The appeal is allowed and the planning permission ref: DM/2019/00027 for completion of existing wooden structured conservatory on the rear balcony of the house: New build - extending part of the current balcony at the rear of the house to incorporate a Juliette balcony to give a walkway (Appox 70cm wide) to front conservatory at 26 St George Road, Chepstow, NP16 5LA granted on 14 March 2019 by Monmouthshire County Council, is varied by deleting conditions 3, 4 and 5.

## **Preliminary Matters**

2. Although the grounds of appeal suggest that conditions 3, 4, 5 and 6 are appealed, as the permission contains only 5 conditions I have dealt with the appeal on the basis that the reference to No. 6 to have been in error.
3. During my site visit I noted that the side windows of the conservatory facing the neighbouring property of No. 28 were coated on the inside of the glass by a film that obscured views. One of the windows units appeared to have been designed to open but its handle had been removed to prevent its opening. A tall trellis containing translucent plastic sheets had also been erected along the side boundary of the balcony between the conservatory and No. 28 and, facing the same direction, a tall trellis had been erected on the side of the balcony that projects rearwards from the conservatory. Whilst these works appear to be directly relevant to the conditions in dispute, they have not influenced my determination of the appeal.

## **Main Issue**

4. The main issue is whether the disputed conditions are reasonable and necessary having regard to the privacy of neighbouring residents.

## **Reasons**

5. The appeal property lies within a row of detached dwellings that sit within plots that fall steeply away from their roadside frontage. The dwelling appears to have been altered by several, mainly timber, additions including the subject balcony and conservatory.
6. The Council's concerns and that of a neighbour relates to the potential for overlooking of No. 28 from the approved additions. No. 28 has a large rear balcony at a similar level to that of the appeal property. Whilst there are narrow horizontal timber boards along its side facing the appeal site it does not effectively screen views.
7. My visit confirmed that the rear of No. 28 is overlooked by a side window serving a sitting room within the appeal property which adjoins the subject conservatory. More significantly, the pre-existing walkway/balcony on which the conservatory has been erected would also have provided the same views over the neighbouring property as afforded from the conservatory. The rear of the neighbouring property is also overlooked from a rear balcony to a dwelling that adjoins its other side boundary.
8. Given the above context, I find that the degree of overlooking afforded by the new balcony and the windows of the conservatory does not materially affect the level of privacy afforded to the occupants of No. 28. I therefore consider that the 3 conditions are unreasonable and unnecessary. Their removal would not conflict with Policies DES1 and EP1 of the Monmouthshire Local Development Plan which require development to maintain reasonable levels of privacy for neighbouring properties.
9. In reaching my findings I have noted the Council's reference to the conditions imposed by A.3(b) of Class A, Part 1 of the Schedule to The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. The requirements that it imposes for the use of non-opening and obscure glazed windows on extensions close to neighbouring dwellinghouses relate only to the exercise of permitted development rights. As the works in this instance require express planning permission the standard conditions imposed by the Order do not apply and I have determined the need to impose the disputed conditions on the individual circumstances of this case.

## Conclusions

10. For the above reasons, and having taken into account all other matters raised in objection, I find that the appeal should be allowed. No alternative conditions have been suggested and I am satisfied that none are required.
11. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that 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.

*Hywel Wyn Jones*

INSPECTOR

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**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 05/09/19

**gan C MacFarlane BSc(Hons) MSc MRTPI****Arolygydd a benodir gan Weinidogion Cymru****Dyddiad: 07.10.2019****Appeal Decision**

Site visit made on 05/09/19

**by C MacFarlane BSc(Hons) MSc MRTPI****an Inspector appointed by the Welsh Ministers****Date: 07.10.2019****Appeal Ref: APP/E6840/A/19/3231647****Site address: Magor Pill Farm, Whitewall, Magor NP26 3EE****The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R Cullimore (R C J Cullimore) against the decision of Monmouthshire County Council.
- The application Ref DM/2018/01459, dated 22 August 2018, was refused by notice dated 2 May 2019.
- The development proposed is change of use of 4 No. bays from agricultural to B2/B8 uses including cladding 2 No. bays on eastern elevation of existing building to include roller shutter doors.

**Decision**

1. The appeal is dismissed.

**Main Issues**

2. The main issues are whether the development is acceptable in terms of i) flood risk, with particular regard to national planning policy, and ii) local planning policies relating to employment development in the countryside.

**Reasons***Flood risk*

3. The appeal site comprises part of a large, modern agricultural building. The remaining part of the building is currently used in connection with the farm business and does not form part of this appeal. A number of other buildings of similar appearance are located close to the site, with the remainder of the farm complex being separated by a road. It falls entirely within Zone C1 flood area, as defined by the Development Advice Maps (DAMs) referred to in Welsh Government Technical Advice Note 15 'Development and Flood Risk' (TAN 15). Flood Zone C1 is defined as areas of the flood plain which are developed and served by significant infrastructure, including flood defences.
4. Planning Policy Wales, Edition 10 (PPW), aims to minimise and manage environmental risks and pollution and contains relevant policies on flood risk. Paragraph 6.6.22 states that "Flooding as a hazard involves the consideration of the potential

consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers." TAN 15 categorises employment uses as 'less vulnerable development', which paragraph 6.2 states should only be permitted within Zone C1 where it is justified in that location. Paragraph 6.2 goes on to set out the tests which development must meet in order to be justified, which includes consideration of the consequences, and acceptability, of a flooding event.

5. The appellant has submitted a Flood Risk Assessment, however this relates to a previous application on another of the agricultural buildings and is therefore not specific to the appeal site or proposed development. As confirmed by Natural Resources Wales (NRW) in its response to the application, the assessment does not contain any flood modelling information, meaning a determination on the risks and consequences of flooding cannot be made. In the absence of such information, it has not been demonstrated that test iv) of TAN 15 paragraph 6.2 would be met. Therefore, notwithstanding the confirmation from NRW that it raises no objection to the proposal, there is insufficient evidence to demonstrate that the consequences of a flooding event have been considered and found to be acceptable. I note the submissions from both the Council and the appellant do not address the justification requirements of tests i) to iii) of TAN 15 paragraph 6.2, however as test iv) has not been fulfilled there is no need to consider this matter further.
6. I conclude that the proposed development would conflict with national planning policy regarding flood risk, and with Policies S12 and SD3 of the Monmouthshire County Council Local Development Plan 2011-2021 (LDP), which reiterate the need to avoid flood risk.

*Employment development in open countryside*

7. The site is located outside of any development boundary, within open countryside. PPW and Technical Advice Note 6 'Planning for Sustainable Rural Communities' (TAN 6) support the diversification of the rural economy, to meet the needs of both traditional and new industries, whilst minimising the impacts on local communities and the environment. Paragraphs 5.74 and 5.76 of the LDP recognise the need to balance rural enterprise with the principles of sustainable development and priority is given to the re-use or adaptation of existing buildings, with conversion to employment uses being promoted. LDP Policy S10 supports this approach by enabling the provision of rural enterprise and diversification where appropriate.
8. LDP Policy RE2 provides a framework for proposals specifically involving the conversion of buildings in open countryside to employment use, with such developments being supported subject to a range of detailed criteria. Due to the nature, scale and location of the proposal, it would comply with most criteria with criterion d) being in dispute. In recognition of possible abuse of the planning system whereby such buildings could be erected for agricultural use with the intention of early conversion to another use, criterion d) permits conversion of a modern building where it has been used for its intended purpose for a significant period of time. The policy indicates that close attention will be given to buildings less than 5 years old or used for their intended purpose for less than 5 years. Nonetheless, the Council considers 10 years to be a significant period of time based on the time period for removal of unused agricultural buildings as set out in the Town and County Planning (General Permitted Development) Order 1995. However, there is no reference to this definition within the policy or supporting text. The appellant has confirmed that the building commenced its use in 2011, which is not substantively disputed by the Council. This

would not fall considerably short of a 10 year period and is significantly in excess of the 5 year period referred to in the policy.

9. Criterion d) goes on to state that where there has been no change in farming activities on the unit since the building in question was erected then permission for conversion may be refused. I acknowledge that the two years of sheep records provided are not conclusive of a continuing trend, and there are fluctuations within beef numbers, however these are indicative of an overall decline in livestock numbers. When considered alongside the reduction in land holding and changes to lambing practices, there is evidence of a change in activities, which has resulted in the appeal site becoming surplus to requirements. The proposed development would therefore comply with LDP Policy RE2.
10. The proposal has been submitted by the appellant as a form of agricultural diversification, which LDP Policy RE3 supports subject to meeting a range of detailed criteria. However, as it would accord with the approach to employment development in the open countryside as set out in LDP Policy S10 and has already been justified against LDP Policy RE2, which is the supporting policy specific to the conversion of buildings to employment use, it is not necessary for the proposal to additionally meet the more general requirements of LDP Policy RE3.
11. With regard to LDP Policy E2, the policy wording refers to proposals by 'new, non-speculative single-site users that cannot be accommodated on existing or proposed industrial or business sites'. The supporting text clarifies that this is to enable proposals for employment use by single-site users/specific large employers that cannot find suitable sites on existing or allocated industrial/business sites. Due to the scale of the proposal, and small size of the four units, it could not be considered to satisfy the requirements of a 'non-speculative single-site user' or 'specific large employer'. Policy E2 is therefore not applicable in the consideration of this proposal.
12. I conclude that the proposal would be an acceptable form of employment development in the countryside and would comply with Policies S10 and RE2 of the LDP, which seek to support the County's rural economy by enabling the provision of rural enterprise and permit the conversion of buildings in the countryside to employment use where appropriate.

### **Other Matters**

13. Regarding the potential for adverse impacts arising from noise and disruption as a result of the proposal, there is insufficient evidence provided to demonstrate the likelihood that significant harm would occur. Due to the scale of the proposal, and the limited numbers of nearby properties and separation distances involved, any increase in noise or disruption would be unlikely to result in a significant adverse effect on adjacent land uses or occupiers. However, this would not outweigh the harm identified and the conflict with national policy and the adopted LDP.
14. In reaching my decision, 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 (WCFG Act). I have taken into account the ways of working set out at section 5 of the WCFG Act and 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, as required by section 8 of the WCFG Act.

## **Conclusion**

15. Although I have found that the proposal would be an acceptable form of employment development in the countryside, the potentially significant consequences to life and property from the risk of flooding is an overriding consideration.
16. For the reasons given above, the appeal is dismissed.

*Claire MacFarlane*

INSPECTOR

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/09/19

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 07.10.2019

## Appeal Decision

Site visit made on 20/09/19

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 07.10.2019

**Appeal Ref: APP/E6840/A/19/3231697**

**Site address: Yew Tree Cottage, Raglan to A449, Raglan NP15 2HY**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mark Handcock against the decision of Monmouthshire County Council.
- The application Ref DM/2019/00218, dated 12 February 2019, was refused by notice dated 11 July 2019.
- The development is a proposed two bedroom bungalow on previous demolished dwelling site.

### Decision

1. The appeal is dismissed.
2. Procedural Matters
3. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and building resilient communities.

### Main Issues

4. The main issue in this appeal is whether the proposal is acceptable in principle, having regard to the development plan, in particular: development in the countryside; flood risk; and the provision of affordable housing.

### Reasons

5. Development in the countryside
6. The appeal site forms part of the garden to Yew Tree Cottage. It is an irregular shaped parcel of land which slopes downwards from the highway towards fields beyond. It is nestled within the local topography and bounded on all sides by established hedges and mature trees. At the time of my site visit, the appeal site appeared as a domestic garden; it was set to grass, contained an outbuilding and some domestic paraphernalia. The site is accessed via a five-bar wooden gate from the highway.

7. I am required to have regard to the development plan in considering this appeal, and to make my determination in accordance with the plan unless material considerations indicate otherwise. In this regard the Council draws attention to policies of the Monmouthshire Local Development Plan, adopted in February 2014, (LDP). In particular LDP Policy S1 sets out the spatial distribution of new housing provision in order to drive sustainable growth.
8. As the site is situated outside any settlement boundary, as defined in the LDP, it is therefore within the open countryside for planning purposes. In these circumstances Policy S1 allows the following types of development: acceptable conversions; sub-divisions of existing dwellings; and dwellings necessary for rural workers.
9. From the evidence before me the only relevant circumstance is 'acceptable conversions'. In this respect the appellant refers to the foundations of an earlier dwelling which was demolished in the 1960's. Whilst I do not dispute the existence of this dwelling, I consider that the proposal would require substantial reconstruction and thus tantamount to a new dwelling in the countryside and not an acceptable conversion.
10. I also note that the appellant states that due to the existence of the demolished dwelling the site should be considered as brownfield land, or Previously Developed Land (PDL) rather than 'open countryside'. However, as set out in Planning Policy Wales, edition 10 (PPW) sites where the remains of any structure have blended into the landscape over time so that they can be reasonably considered part of the natural surroundings are excluded from the definition of PDL.
11. Accordingly, I do not find the proposal to be consistent with local policies relating to the location of new housing development and, as such, would be contrary to LDP Policy S1.
12. Flood risk
13. PPW aims to minimise and manage environmental risks and pollution and contains relevant policies on flood risk. Paragraph 6.6.22 states that "*Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.*" Paragraph 6.6.25 asserts that "*Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself.*" And paragraph 6.6.26 sets out that "*TAN 15: Development and Flood Risk should be referred to for further policy advice on development and flood risk.*"
14. The site lies partially within Flood Zone C2, as defined on the Development Advice Maps (DAMs) that accompany the Welsh Government's Technical Advice Note 15: Development and Flood Risk (TAN15). Flood Zone C2 is defined as areas of the floodplain without significant flood defence infrastructure, and TAN15 prescribes that 'highly vulnerable development', which includes all residential premises, should not be permitted in such zones. Thus, the proposal is contrary to the principles of this national policy.
15. TAN15 para 6.2 states "New development should 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. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted." This recognises that some flexibility is

necessary to enable the risks of flooding to be addressed whilst recognising the negative economic and social consequences if policy were to preclude investment.

16. However, the appellant has not submitted a Flood Consequences Assessment (FCA)<sup>1</sup> to demonstrate how the flood risk to the proposed development, or any increased flood risk elsewhere as a result of the development can be suitably managed or mitigated. Therefore, the proposal would be contrary to PPW, TAN15 and LDP Policy SD3 which aim, amongst other matters, to direct new development away from areas at high risk of flooding.
17. Affordable housing
18. LDP Policy S4 requires all new open market housing developments to make appropriate contributions to the provision of affordable housing. Whilst the appellant states that such contributions are not relevant as the proposed development is for his family use only, an exception for such personal circumstances is not cited within the policy or its explanatory text. Furthermore, I have no evidence before me as how the proposal would meet the '*Build your own affordable home*' policy. Accordingly, given the need for affordable housing as set out in the LDP, a financial contribution of £22,442 would be required<sup>2</sup>.
19. The Council makes it clear that a section 106 legal agreement will be required. Nevertheless, there is no section 106 obligation in place, either by way of agreement entered into with the Council or alternatively by way of unilateral undertaking. I find this to be a fundamental obstacle to allowing the appeal and granting permission for the development at this point in time.
20. Consequently, I conclude on this issue that the absence of a completed legal agreement to secure appropriate contributions towards affordable housing provision causes the proposal to be in conflict with the requirements of LDP Policy S4.
21. Conclusions
22. The appeal proposal would involve the construction of a new dwelling outside the boundary of any settlement and partially within flood zone C2. In the absence of a justification I have found this development to be unacceptable in principle having regard to the development plan and all other material considerations.
23. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.
- 24.
25. Joanne Burston
26. INSPECTOR

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<sup>1</sup> TAN15 specifies that this assessment must be undertaken by a suitably qualified person.

<sup>2</sup> As set out in correspondence dated 29 March 2018 from the Council's Senior Strategy and Policy Officer.

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