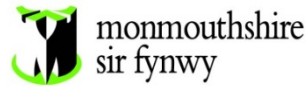


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 25 November 2019

Notice of meeting:

Planning Committee

Tuesday, 3rd December, 2019 at 2.00 pm
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 14
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
4.1.	Application DM/2019/00725 - Change of use and conversion of a traditional stone barn into a single residential dwelling (C3) along with associated curtilage and works. Llanant, Barn Brook Road, Penallt, Monmouthshire.	15 - 28
4.2.	Application DM/2019/01333 - Relocation of children's playground at Chippenham Mead Village Green, Monmouth. Chippenham Mead Playground, Chippenhamgate Street, Monmouth.	29 - 36
4.3.	Application DM/2019/01377 - Variation of condition 2 relating to application DC/2015/00938 (APP/E6840/A/16/3162841). Minor design amendment to include a Garden Studio and dwarf brick retaining walls with the dwelling curtilage in accordance with Condition 8 of Appeal Decision APP/E6840/A/16/3162841. Including regularisation of plan references in accordance with Non Material Amendment Application No: DM/2019/01118. Proposed Replacement Dwelling At Orchard House, Llanbadoc, Usk.	37 - 42
4.4.	Application DM/2019/01672 - Proposed sub-division of existing dwelling into two residential units. The Courtyard, Carrow Road, Carrow Hill, Caerwent.	43 - 50

4.5.	Application DM/2019/01740 - Change of use from C1 Guest House to C2 residential care facility and two storey rear extension. Black Lion Guest House, 43 Hereford Road, Abergavenny, NP7 5PY.	51 - 58
4.6.	Application DM/2019/01804 - Change of use of ground floor from a gymnasium and exercise centre to a facility for rough sleepers provided by a project run in partnership with Monmouthshire County Council and Gwent Police. The facility will be operational in the winter months, initially from January to the beginning of March, but may run to the end of March according to need and the availability of suitably checked and trained volunteers. Nelson Museum and Local History Centre, Old Market Hall, Priory Street, Monmouth.	59 - 64
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received.	
5.1.	New Appeals 23rd October to 20th November 2019.	65 - 66

**Paul Matthews
Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

Public Information

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

Access to paper copies of agendas and reports

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

Watch this meeting online

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

Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

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

Our Values

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

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

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

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

Purpose

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

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

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

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

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

Decision-making

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

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

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

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

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

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

Main policy context

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

Policy EP1 - Amenity and Environmental Protection

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

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

Policy DES1 – General Design Considerations

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

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

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

Supplementary Planning Guidance (SPG):

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

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (revised version) (adopted July 2019)
- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017

National Planning Policy

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

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

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

Other matters

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

Planning (Wales) Act 2015

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

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

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

Environmental Impact Assessment Regulations 2016

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

Conservation of Species & Habitat Regulations 2010

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

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

Well-being of Future Generations (Wales) Act 2015

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

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

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

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

Equality Act 2010

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

Children and Families (Wales) Measure

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

Climate Emergency

In May 2019 Monmouthshire County Council declared a Climate Emergency with unanimous support from Councillors. The Cabinet Member for Infrastructure and Neighbourhood Services has been appointed as the member responsible for climate change and decarbonisation.

Tackling climate change is very important, because if the planet's temperature rises by 2°C there are risks of drought, flood and poverty, impacting on hundreds of millions of people. In Monmouthshire impacts that could happen include more extreme weather events (such as storms), water shortages, droughts, species loss and risk of flooding. Planning has a key role in addressing climate change through the promotion of sustainable development.

The Council has formulated a draft action plan which will be subject to Member approval and will form the Council's response to tackling this issue. Council decisions will need to take into account the agreed action plan.

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

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

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

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

Applicants

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

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

Procedure at the Planning Committee Meeting

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

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

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

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

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

PRESENT: County Councillor R. Edwards (Chairman)

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

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Place-making, Housing, Highways and Flood
Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Denzil – John Turbervill	Commercial Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillors P. Clarke and M. Feakins

1. Declarations of Interest

County Councillor A. Easson declared a personal interest pursuant to the Members' Code of Conduct in respect of application DM/2019/00997 as he is a governor of Ysgol Gymraeg Y Fenni.

County Councillor A. Easson declared a personal interest pursuant to the Members' Code of Conduct in respect of application DM/2019/01327 as he is a member of the Police and Crime Commission for Gwent.

County Councillor L. Brown declared a personal interest pursuant to the Members' Code of Conduct in respect of application DM/2019/01327 as she is a member of the Fire Authority.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting held on 1st October 2019 were confirmed and signed by the Chair subject to the following amendment:

The resolution for Application DM/2019/00796 be amended as follows:

We resolved that application DM/2019/00796 be approved as per the original report which was considered by Planning Committee on 3rd September 2019 subject to the conditions outlined with an additional condition being added to ensure that three parking spaces per dwelling in perpetuity are marked out.

MONMOUTHSHIRE COUNTY COUNCIL

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

3. Application DM/2019/00426 - Change of use of ground floor (and small basement) from vacant Class A1 shop to Class A2 estate agency. 22-23 Agincourt Square, Monmouth, NP25 3DY

We considered the report of the application and late correspondence which was presented for refusal for one reason.

The applicant's agent, Ms. S. Matthews, attended the meeting by invitation of the Chair and outlined the following points:

- The Agincourt Square premises have been vacant for over 18 months.
- The estate agency would be an attractive new use which would maintain the vitality and viability of the street frontage through encouraging footfall and link trips with other shops and services on the high street as well as providing an attractive shop display.
- It would also double the number of existing estate agency staff creating three new jobs.
- The proposal has the support of Monmouth Town Council and the Chamber of Commerce.
- The application has a recommendation for refusal due to a minor breach of Policy RET1. In all, the proposal fails one sub point of one of the three criteria of Policy RET1, as this is considered to be a prominent unit which should remain in Class A1 use. The likelihood of securing a good quality tenant must be factored into the decision.
- The building's prominence makes it all the more important to find a new use. Particularly because this is a Grade II listed building which has been lying vacant for over 18 months.
- Marketing evidence has confirmed that there is little likelihood to securing a good quality retail tenant in the short to medium term because of the size of the unit and that retail occupiers tend to prefer other locations within the town centre.
- The challenges facing the high street are well documented with the proportion of empty shops having reached over 10% nationwide.
- Refusal of the application will perpetuate the long term vacancy which is creating a detrimental effect on the vitality and appearance of this part of the town centre. However, the granting of planning permission will bring the building back into gainful use, bringing investment, supporting an existing business, creating new jobs and enhancing the vitality of Agincourt Square.

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

- There is no need for change of use at this property. The property is located centrally within the town and ideal as a retail shop. Concern was expressed that the property had not been marketed thoroughly enough as a vacant Class A1 shop.
- Current retail property vacancy rates in Monmouth equates to 10.1% which has been worsening in the town in recent years.
- The upper floor of the building is currently vacant. The rear of the building has planning consent for two residential units reducing the amount of floor space for retail use.
- Link trips are unlikely for estate agencies as they tend to be single purpose trips.
- Town centres need to adapt and change in order to thrive. Currently there are 19 empty shops within the town.
- In response to a question raised regarding footfall, it was noted that in the past, the Planning Department has asked for information in respect of this matter from applicants with this type of application to provide evidence to justify the reason for going outside of planning policies. With regard to this site, the Planning Department has made a balanced judgement and this is a very large corner unit with a primary shop frontage which should be retained. It was considered that an estate agency at this location would not generate the same amount of footfall that a retail unit would create.
- The Agent informed the Committee that the service that the Estate Agency could not currently provide at its existing premises was lettings as it was not large enough. The Estate Agency is presently only able to undertake sales. Therefore, the larger premises would allow for the expansion into lettings and to employ more staff.
- The listed building status means that the building has some special characteristics that need to be retained. Officers have been working with the applicant to find alternative uses for the premises. The listing of the building is not holding back its use in terms of a Class A1 property.

It was proposed by County Councillor M. Powell and seconded by County Councillor G. Howard that application DM/2019/00426 be refused for one reason.

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

For refusal	-	10
Against refusal	-	3
Abstentions	-	1

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We resolved that application DM/2019/00426 be refused for one reason.

4. Application DC/2016/01342 - 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. Newbridge House, Tudor Street, Abergavenny, NP7 5DH

We considered the report of the application which was presented for refusal for one reason.

The application had been presented to the Planning Committee on 3rd September 2019. At this meeting, the Committee resolved to defer consideration of 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 2nd September 2019. The DWP had confirmed that a new 10-year lease had been signed on the entire building in December 2017, and covered the period from 2nd April 2018 to 1st April 2028. There was a tenant only break option at 31st March 2023.

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.

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

- Since the original submission the scheme has evolved to the proactive negotiations of the Local Planning Authority's professional officers and the Design Commission for Wales.
- The amended plans reflect all of the agreed variations to the proposed development.
- The amended scheme is an attractive and sustainable development which seeks to regenerate an existing building within the Abergavenny Conservation Area.
- The application had been recommended for approval at the September 2019 Planning Committee meeting. However, on the receipt of late observations from the Department for Works and Pension (DWP) it had been confirmed that the lease on the building had been renewed. The Local Planning Authority had then deferred consideration of the application to review the late observations.
- Following this review, the Local Planning Authority now believes that the application will fail to comply with Policy E1 of the Local Development Plan (LDP) and has presented the application with a recommendation for refusal.
- The Applicant disputes the stance taken by the Local Planning Authority and argues that, despite the late observations received from the current tenants, the proposed scheme would adhere to Policy E1 and would not prejudice the existing tenants.

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- The applicant does not dispute that the tenants renewed their lease on the existing building 12 months ago. However, there is a need to understand the context and history of the renewal of the lease and planning application presented to the Committee today.
- The application with a proposed extension and conversion of the building to residential apartments was submitted to the Local planning Authority in December 2016 following the confirmation of the tenants of their intention to vacate the building due to the gradual downscaling of the business requirements. This was supported by the fact that the owners had failed to secure tenants for the first and second floor of the building for approximately 14 years despite actively marketing the floors with local agents.
- Due to several requests to the Local Planning Authority regarding the design and viability of the building, the application has taken nearly three years to be determined.
- The Local Planning Authority has supported the change of use of this site to residential use.
- During the application process and several weeks before the tenants were due to vacate the building, the tenants contacted the applicant and sought an extension of the lease as they were still reviewing the status of the building in this location and had not decided on a suitable alternative premises.
- The tenants had therefore negotiated a new lease for ten years with a five year review of break laws. The applicant was unaware at the time that the renewal of the lease would prejudice the application.
- Given the uncertainty of the tenant's position, the applicant was aware that the tenants could renege on their lease or could agree to terminate the lease at any time with the owner. This remains a realistic prospect.
- The applicant was minded that any forthcoming planning consent would provide him with a fall-back position for five years in the event that the tenants reneged or terminated their lease when the break / renewal clause expired within four years.
- The Committee was encouraged to support the application given its prominent location within the conservation area.
- The issue of the planning consent would not prejudice the tenant's current position as they have a lease in place that can only be terminated with the agreement of both parties.
- In light of the information provided, the applicant considers that the application meets the requirements of Policy E1 and other relevant policies within the LDP.

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The local Member for Grofield, also a Planning Committee Member informed the Committee that:

- This is an area that was residential in the past. The lack of parking provision in the area was also a concern for residents.
- The height of the building is a concern to residents, in particular, the mansard roof extension. It was considered that the proposed extension would make the building too high for the surrounding area.

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

- This is an area that was residential in the past. The lack of parking provision in the area was also a concern for residents.
- The height of the building is a concern to residents, in particular, the mansard roof extension. It was considered that the proposed extension would make the building too high for the surrounding area.
- It was disappointing that there would be no Section 106 funding for affordable housing if the application was approved. However, it was noted that the applicant had provided the correct viability report that had been seen by the District Valuer. Therefore, if the application had been presented to Committee with a recommendation for approval, it would not have been presented with a recommendation to receive Section 106 funding based on the District Valuer's full assessment.
- The employment use has not been demonstrated to be defunct.
- The proposed conversion does not sit well within the street scene.
- Cadw had not been consulted as the scheduled ancient monument is in excess of 170 metres from the site.

It was proposed by County Councillor G. Howard and seconded by County Councillor S. Woodhouse that application DC/2016/01342 be refused on the following grounds:

- 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.
- Design and massing of the additional storey as it was not in keeping with the street scene.

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

For refusal	-	12
Against refusal	-	0
Abstentions	-	2

The proposition was carried.

We resolved that application DC/2016/01342 be refused on the following grounds:

- 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.
- Design and massing of the additional storey as it was not in keeping with the street scene.

5. Application DM/2019/00136 - Change of use of agricultural land for the siting of 5 glamping pods and a new toilet/shower block. Land at Broadstone Farm, Duke of York Road, near Staunton, Monmouth

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

In noting the detail of the application, the concerns of the residents had been addressed.

It was proposed by County Councillor A. Davies and seconded by County Councillor J. Becker that application DM/2019/00136 be approved subject to the conditions as outlined in the report.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00136 be approved subject to the conditions as outlined in the report.

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6. Application 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. 34 Maryport Street, Usk, NP15 1AE and 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.

Both applications had been presented to Planning Committee on 1st October 2019 with a recommendation for approval subject to conditions. However, the Committee had been minded to refuse both applications due to concerns raised in respect of the design and neighbour amenity impact.

However, the applicant had provided amended drawings for both applications for consideration by the Planning Committee for approval subject to conditions. However, if the Committee still considered refusing the applications, they were presented with reasons for refusal.

In noting the details of the applications both applications were closer to the original designs proposed.

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 following the latest amendments as outlined in the report with the removal of permitted development rights for extensions.

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

In favour of the proposal	-	11
Against the proposal	-	0
Abstentions	-	3

The proposition was carried.

We resolved that applications DM/2019/00938 and DM/2019/01186 be approved following the latest amendments as outlined in the report with the removal of permitted development rights for extensions.

7. Application DM/2019/00997 - Proposed new demountable unit to form two classrooms, toilets, kitchen and cloak room. Ysgol Gymraeg Y Fenni, St David's Road, Abergavenny, NP7 6HF

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

The local Member for Croesonen, also a Planning Committee Member, informed the Committee that there is a history of parking problems in this location. However, there is a village hall located next door to the site that has car parking facilities. The school is

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very successful and is expanding and therefore requires additional classrooms. Whilst there will be some traffic issues at the beginning and end of the school day, this would be the same at any school within the County. The local Member therefore expressed his support for the application.

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

- The proposed new demountables would provide two new classrooms and associated facilities with capacity for up to 60 pupils and two teachers.
- In response to a question raised regarding Welsh Medium provision within the County, it was noted that the Planning Department had worked closely with the Children and Young People Directorate regarding the transport solutions for pupils. From a Planning point of view, it was about consideration of the additional highways impact. There are management measures that can be established that would not result in additional trips and additional harm to highway safety.
- A safe routes to school travel plan should be considered by the school if the application was approved. Also, a temporary permission of five years should be considered until the 3-19 school in Abergavenny is built. In response, it was noted that condition three within the report covers many of the aspects raised. In terms of a temporary consent, there are two demountables already in situ. No planning harm would be created by approving the application in perpetuity given that there are proposals for a new 3-19 school to be built in Abergavenny in due course which would lead to the re-provisioning of the Welsh Medium School.

It was proposed by County Councillor R. Harris and seconded by County Councillor R.J. Higginson that application DM/2019/00997 be approved subject to the three conditions as outlined in the report.

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

For approval	-	12
Against approval	-	1
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/00997 be approved subject to the three conditions as outlined in the report.

8. Application DM/2019/01017 - Change of use from garage to holiday let. Existing Double Garage At The Chateau, A466 Catchmays Court To Bigsweir Bridge, Llandogo, Monmouthshire

We considered the report of the application and late correspondence which was recommended for approval subject to the 12 conditions as outlined in the report.

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The local Member for St. Arvans, also a Planning Committee Member, outlined the following points:

- The application is supported by Planning policies.
- However, concern was expressed regarding the highways aspects as there have been significant changes since the garage was built. Traffic on the A466 has increased considerably during this period.

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

- Some members expressed support for the application as it was supported by Planning policies.
- Other Members expressed concern as traffic movements have increased considerably since the garage was built.
- When the kitchen extension is added the extractor will be located opposite the windows of a nearby residence.
- The proposed holiday let would look better than the existing garage.
- In response to a question raised, it was noted that the proposed holiday let would be required to meet building regulation standards.

It was proposed by County Councillor A. Webb and seconded by County Councillor J. Becker that application DM/2019/01017 be approved subject to the 12 conditions as outlined in the report.

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

For approval	-	8
Against approval	-	5
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/01017 be approved subject to the 12 conditions as outlined in the report.

9. Application DM/2019/01320 - First floor extension to create a new bedroom. 21 Ethley Drive, Raglan, NP15 2FD

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

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In noting the detail of the application, it was proposed by County Councillor A. Webb and seconded by County Councillor D. Evans that application DM/2019/01320 be approved subject to the two conditions as outlined in the report.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/01320 be approved subject to the two conditions as outlined in the report.

10. Application DM/2019/01327 - Planning approval for existing police office (installed October 2018) and additional unit for lockers, search bags and body armour. Abergavenny Fire Station, Hereford Road, Abergavenny, NP7 5PU

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 P. Murphy and seconded by County Councillor M. Powell that application DM/2019/01327 be approved subject to the two conditions as outlined in the report.

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

For approval	-	13
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/01327 be approved subject to the two conditions as outlined in the report.

11. Monmouthshire Adopted Local Development Plan Infill Development Supplementary Planning Guidance

We received a report regarding 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).

In doing so, a request was made that the draft Infill Development Supplementary Planning Guidance be amended to include the corner site sketch alongside the sketches of various types of infill development already indicated.

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We resolved to endorse the draft Infill Development Supplementary Planning Guidance (SPG) as well as including a corner site alongside the various types of infill development already indicated, with a view to issuing for consultation and to recommend to the Cabinet Member for Innovation, Enterprise and Leisure accordingly.

12. Monmouthshire Adopted Local Development Plan Draft Archaeology in Planning, Planning Advice Note

We received a report regarding the Draft Archaeology in Planning and Planning Advice Note (PAN) and 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.

In doing so, it was noted that the consultation period will commence on 18th November 2019 and close on 5th January 2020.

We resolved to support 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.

13. The Planning Inspectorate - Appeals Decisions Received:

13.1. 26 St George Road, Chepstow

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 28th August 2019. Site address: 26 St George Road, Chepstow.

We noted that the appeal had been 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.

13.2. Magor Pill Farm, Whitewall, Magor

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 5th September 2019. Site address: Magor Pill Farm, Whitewall, Magor.

We noted that the appeal had been dismissed.

13.3. Yew Tree Cottage, Raglan to A449, Raglan

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 20th September 2019. Site address: Yew Tree Cottage, Raglan to A449, Raglan.

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We noted that the appeal had been dismissed.

The meeting ended at 4.11 pm.

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Application Number: DM/2019/00725

Proposal: Change of use and conversion of a traditional stone barn into a single residential dwelling (C3) along with associated curtilage and works

Address: Llananant, Barn Brook Road, Penallt, Monmouthshire

Applicant: Mr & Mrs M & C Steuer

Plans: Site Plan 202 - A, Site Plan 201 - A, All Proposed Plans 200 - D, All Existing Plans 100 - ,

RECOMMENDATION: APPROVE

Case Officer: Mr David Wong

Date Valid: 13.05.2019

This application is presented to Planning Committee as requested by the Delegation Panel which took place on 30.10.2019

1.0 APPLICATION DETAILS

1.1 This application seeks full planning permission for a change of use of a stone building into a single dwellinghouse. The site is in the open countryside and is within the Wye Valley Area of Outstanding Natural Beauty (AONB). The building is constructed with natural stones and it has a clay pantile roof. The existing fenestration openings are made out of timber.

1.2 The main section of the building measures 13.2m in length, 6.9m in depth and 9.4m to the ridge. The secondary section of the building (the extension on the north-west elevation) measures 5.4m in length, 6.9m in depth and 7.8m to the ridge.

1.3 In terms of physical changes to the building, no extension is being proposed to the building. The large cart doors will be replaced by a full height timber frame window. The existing windows and doors will be replaced with triple glazing timber windows and doors. In addition, 5 new rooflights are being proposed to serve the rooms at the upper floors of the building i.e. bedrooms and an en-suite.

1.4 The forecourt of the building is currently enclosed by a stone wall and an agricultural field gate. As part of this application, the forecourt area will become the parking and turning provision for the proposed dwellinghouse. A total of four on-site spaces can be achieved. In addition, there is space for turning within the site.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
M/10767	Conversion of traditional barn to residential use. Installation of septic tank.	Refused (Appeal Dismissed)	18.08.2005 (17.05.2006)

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S4 LDP Affordable Housing Provision
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
H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use
LC4 LDP Wye Valley AONB
NE1 LDP Nature Conservation and Development

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Trellech United Community Council - Refused: Please note previous planning history: a very similar application made by the same owners in 2004, refused by MCC in 2005, and further refused on appeal to the Planning Inspectorate in 2006.

"The barn was substantially rebuilt in 1998 without the benefit of the necessary planning permission, ostensibly for agricultural purposes. The local Planning Authority is not satisfied that it has genuinely been used for this purpose." (MCC Corporate Director Environment 2005)
See attached photo of barn prior to 1998 (supplied by a TUCC resident).

It should also be noted that the Black Brook, which runs next to the property, has a history of severe flooding, most recently in 2009, when a number of properties downstream from the site were extensively damaged.

Glamorgan Gwent Archaeological Trust (GGAT) - No objection but the proposal will require archaeological mitigation. It is considered that the barn, which is present on the 1847 Tithe Map, is of historic importance by virtue of its architecture, history and cultural significance within the area and the proposal for its change of use will need to be mitigated.

Natural Resources Wales (NRW) - There are significant concerns with the proposed development initially because of the lack of ecological information supporting the application. However, additional information was later submitted for further consideration and there is no objection subject to conditions and informative being imposed.

MCC Biodiversity and Ecology - Further information was submitted and I am satisfied that if the report recommendations are implemented, then there should be no negative impacts on biodiversity as a result of the proposed development. If you are minded to grant planning permission for this development then suitable planning conditions are advised.

MCC SuDS - The conversion of barn with associated curtilage and works will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. If for any reason you believe your works are exempt from the requirement for SAB approval, please inform us so we can update our records accordingly.

LERC Search Results - some ecological record identified.

5.2 Neighbour Notification

There are neighbour objections from three different households and four letters of support.

Objections are highlighted below:

We objected to the previous application and that was refused (M/10767). This application is the same application as the one before. So, it should be refused.

The agent indicated that there is no evidence of negative or adverse planning history in relation to the building but it is factually incorrect.

This application is contrary to the Wye Valley Area of Outstanding Natural Beauty and Housing Policies (i.e. C3 & H8 respectively) within the Gwent Structure Plan 1991-2006.

The barn was a ruin in 1997 and it was substantially rebuilt by the current owners without planning permission.

Since the barn was substantially re-built, it was never used for agricultural purposes.

The agricultural building next to the building was allowed (M/8452) for agricultural purposes.

Therefore, the building in question was not used for agricultural equipment, crops, animals or any other agricultural purposes during the time when we were living in the area between 1990 until 2018.

It is wrong to treat this application as a conversion of a redundant agricultural building to residential use. It is in fact a conversion of a ruin into a house. The substantial re-construction was carried out without planning permission.

There is no garage (as well as telephone lines and electricity supplies) with this application. So, there will be pressure in the future to create these infrastructure, which will then have a significant impact upon the landscape of the area.

A new main supply will be needed, so stating that the barn has a mains water supply is disingenuous.

The water course, road and land close to the barn floods almost every year. A septic tank in this area needs to be fully assessed to avoid the risk of pollution from the tank.

The Black Brook is liable to flash floods. A dwelling in this location would exacerbate this problem.

The reasons for support are highlighted below:

The stone barn was rescued by the current owners from a derelict state in which the previous owner had sold off the roof tiles.

It would be a pity to allow it to turn into dereliction once again as a result of a failure to give planning permission.

The proposal seems sensitive to both social and ecological considerations.

Barns such as this have little to use in modern farming.

We would be interested in purchasing the barn once it has received planning permission.

Provided that important ecological and sewerage concerns expressed by the immediate neighbours can be adequately satisfied. I would like to support this application.

6.0 EVALUATION

Strategic & Spatial Choices

6.1 Principle of Development

6.1.1 PPW 10 recognises the need to provide sufficient housing in an area to meet that need.

There is a general presumption against new residential development in the open countryside,

however converting existing buildings can help to provide a range of housing provision within rural areas.

6.1.2 Whilst sites may not always be sustainable in term of transport these proposals can involve re-use of an existing building and materials and so are sustainable in terms of resources. As a conversion of a building in the open countryside to residential use the proposal needs to be considered under policy H4 of the LDP.

6.1.3 The building was formerly used for agricultural purposes. The walls of the building are constructed of natural stone and rubble stone. The roof is a traditional timber pitched roof with clay tiles. Existing openings are supported by timber lintels with windows and doors in place. No extension is required for the proposed conversion.

6.1.4 It is acknowledged that there was a previous attempt to apply for planning permission (M/10767) to convert this building into a residential unit in 2004 and it was refused for the following two reasons:

1. The barn was substantially rebuilt in 1998 without the benefit of the necessary planning permission, ostensibly for agricultural purposes. The Local Planning Authority is not satisfied that it has genuinely been used for this purpose. Policies H8 of the Gwent Structure Plan (GSP), H7 of the Monmouth Borough Local Plan (MBLP), and H7 of the emerging Monmouthshire County Council Unitary Development Plan (UDP) do not permit the conversion to residential use of modern buildings or buildings that required substantial reconstruction. In this instance the amount of reconstruction amounted to the construction of a new building and having regard to the limited time elapsed since the work was carried out, the proposal does not comply with the above policies and would be tantamount to the erection of a new dwelling in the open countryside, contrary to GSP Policy H7, MBLP Policy H6 and UDP Policy H6.

2. The proposal would, having regard to the creation of a residential curtilage with its associated activity and domestic paraphernalia and the extent of work necessary to create safe and satisfactory access, in a prominent roadside location, be visually intrusive and detrimental to the rural character and appearance of the landscape of the Wye Valley Area of Outstanding Natural Beauty, contrary to Policies C3 and C4 (GSP), C2 (MBLP) and C2 (UDP) which seek to protect this interest.

6.1.5 A planning appeal (in 2006) was submitted and the decision was dismissed. The Inspector dismissed that application because the proposal was considered to be contrary to national policy advice and criterion (e) of modified UDP Policy H7. Criterion (e) of modified UDP Policy H7 stated that... 'buildings of modern construction and materials such as concrete blockwork or portal framed buildings clad in metal sheeting will not be considered favourably for residential conversion. Other buildings will be expected to have been used for their intended purpose for a significant period of time and particularly close scrutiny will be given to proposals relating to those less than 10 years old, especially where there has been no change in activity on the unit'. In addition, it was considered that due to the prominent location of the building and the proposed changes to the existing openings (particularly the insertion of new glazed windows where the full height barn doors are), along with the potential of a new garage, garden outbuildings and the creation of a domestic garden (i.e. domestic paraphernalia) would be out of character of this unspoilt rural area.

6.1.6 Thirteen years since the appeal decision, several local planning policy documents referred to above have been superseded and the currently adopted Monmouthshire Local Development Plan (LDP) now forms the Development Plan for the area. It is useful to point out that Policy H4 of the LDP (Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use) is equivalent to the superseded UDP Policy H7. In particular, the wording of criterion e) of the LDP Policy H4 is the enhanced version of criterion e) of the modified UDP Policy H7, which states... 'buildings of modern and /or utilitarian construction and materials such as concrete block work, portal framed buildings clad in metal sheeting or buildings of substandard quality and / or incongruous appearance will not be considered favourably for residential conversion. Other buildings will be expected to have been used for their intended purpose for a significant period of

time and particularly close scrutiny will be given to proposals relating to those less than 10 years old'.

6.1.7 The nature and design of this application is the same as the previous application (M/10767) with the exception of the location and number of rooflights being proposed. Therefore, Policy H4 of the LDP is relevant to this application. This policy states that the conversion / rehabilitation of a building in the open countryside for residential use will be permitted where all the criteria are met. The criteria are set out below:

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

6.1.8 Each of the criteria of LDP Policy H4 is considered below:

- a) It is considered that the proposal does respect the character of the building. No extension is required and no additional window openings are proposed. The only openings required are in the form of rooflights which will be installed on rear of the building, away from the highway that runs along the front of the building.
- b) The curtilage of this application has been amended and reduced. The latest scheme excludes the large, existing agricultural building and the associated land. This application relates to a change of use of an existing building only and no extension is proposed. Therefore, there is no change to the scale of the building as a result of this application. The proposal will utilise the existing vehicular access to the site and the parking and turning provision is within the walled area to front of the building without requiring a garage. However, it does not prohibit planning applications being submitted in the future and each planning application must be treated on its merits.
- c) Having reviewed the planning history of the site, the evidence shows that the building has been in its current form in excess of 20 years. The walls of the building are in sound condition and no substantial re-building is required under this application.

d) No extension is required. The proposed treatment (timber) of openings is considered to be sympathetic to the building and the proposed rooflights are at the rear of the property. Glimpses of the building can be seen from a distance on the nearby public right of way. However, the physical change to the building is not considered significant enough to cause an adverse visual impact upon this part of the AONB. The proposed garden curtilage has been significantly reduced and kept tight to the building to minimise the spread of domestic paraphernalia/activities to the wider landscape of this part of the Wye Valley AONB.

e) The building is not constructed of utilitarian materials. This application describes that the building was significantly repaired in around 1998. Therefore, the building has been in its current form for nearly 21 years. Having reviewed the planning history of the site, including the appeal documents, the evidence shows that the building has been in its current form in excess of 20 years. In addition, it is indicated by the planning agent that the building has been in ancillary use to the wider agricultural use of the land for the last 21 years or so including the storage of farm implements, timber, fodder and so on. However, a neighbour is disputing that the building has been used for any agricultural purposes and suggests the use was for the occasional storage of hot air balloon trailers. However, there is no firm evidence submitted to prove that the building (i.e. that re-built) had never been used for agricultural purposes. The Inspector's decision on the previous appeal described that the access to the building is difficult and the building has split levels making it less suitable for agricultural purposes. This is partly agreed, as large machinery cannot access the building due to the split levels. However, it does not mean that it could not be used for agricultural activities i.e. storage of timber and fodder on the ground level.

f) The building is capable to provide adequate living space with sufficient parking and turning provision at the front of the building.

g) The agent has submitted a business re-use statement. The agent describes that the building is isolated. A commercial use of the building would be expected to accommodate employees and their vehicles as well as delivery vehicles and commercial waste collection. Therefore, the number of trips generated for a commercial use would be far greater than a residential dwellinghouse. Also, there would be a requirement for larger windows, ventilation, fire exit doors, disabled access and signage to be accommodated on the exterior of the building for a commercial use. Therefore, these additional elements would have a significant adverse visual impact upon the appearance of the building and on the character of the AONB.

6.1.9 Given the above, the proposal therefore accords with the objectives and criteria of policy H4 of the LDP.

6.2 Design/ Place making

6.2.1 PPW 10 considers that the special characteristics of an area should be central to the design of a development and that the layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. In this case Llananant Farm is of a traditional agricultural style and this is being respected through the conversion.

6.2.2 There are very few external alterations to the elevations. New rooflights are being added but they are on the rear elevation of the building and will not adversely affect the appearance of the original building. These alterations are not so great that they impact on the wider landscape. The design of the proposal remains the same as the existing building so it does respect the character of the existing buildings and contribute to a sense of place.

6.2.3 The proposed conversion does respect the existing form, scale and materials of the existing building and no extension to them is required. The existing window and door frames will be replaced with timber and are acceptable in this location. The existing rainwater goods are black uPVC. Whilst aluminium or cast iron are the preferred materials for rainwater goods for barn conversions, the submitted information suggests that they have been installed in excess of 20 years. Therefore, it would be difficult to refuse this element.

6.2.4 The proposal would require telephone line and electricity supplies. However, that is to be expected for this type of development in the open countryside. Some neighbours are concerned that there is no garaging or garden structures with this application and there will be pressure in the future for new domestic related outbuildings to be erected, which would have an adverse visual impact upon this part of the Wye Valley AONB. However, the Local Planning Authority (LPA) can only consider the proposal as submitted rather than on speculative future intentions and each planning application will be treated on its merits. In anyway case, permitted development rights for extensions can be removed for this type of application in the event of an approval.

6.2.5 Given the above, the proposal is therefore consistent with the objectives of policies DES1 and H4 of the LDP. There is a public footpath some 110m away, running along the south-west of the building. Due to the topography of the area, along with the field boundary made up of dense trees/vegetation, glimpses of the building can be viewed from this footpath. However, the proposed changes to the building are not significant enough to have an adverse visual impact upon the wider area.

6.3 Impact on Amenity

6.3.1 There is no neighbouring property within close proximity of the site. The closest neighbouring property is some 130m east of the building. Therefore, the proposal will not harm the privacy, amenity and health of the occupiers of any neighbouring properties. For that reason, the proposal does accord with the objectives of policy EP1 of the LDP. In addition, the creation of new places to live in the open countryside away from pollution and contamination, with the opportunity to be active in the outdoors will help the health and well-being of the new occupiers and in this way accords with the main objectives of PPW10.

6.4 Sustainable Management of Natural Resources

6.4.1 The re using of this redundant buildings conforms to Welsh Government's view of a circular economy, the aims of which are to keep materials, products and components in use for as long as possible. The re-using of materials, in this case building materials, has environmental, social and economic benefits. The proposal to provide additional housing through conversion rather than new build therefore accords with PPW10 Waste Hierarchy in chapter 5 as it is reusing existing materials.

Active and Social Places

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

6.5.1 In terms of the Sustainable Transport Hierarchy promoted in PPW10, Llanant Barn does not occupy a sustainable location. The site lies in a rural location. Therefore, the journeys will be made by car.

6.6 Access / Highway Safety

6.6.1 MCC Highways have no objection to the application. It is considered that the local road network has capacity to take the small increase in traffic from one additional dwelling. The parking provision meets the requirements of the adopted Monmouthshire Parking Standards. A total of three car parking spaces are required for this conversion and these are shown on the layout plan. The development will utilise the existing access into the proposed dwellinghouse; the proposal does not require any alteration to the existing public highway.

6.7 Productive and Enterprising Places

6.7.1 The applicant did consider the possibility of using the building for employment generating activities and submitted a business re-use statement. A commercial use of the building would be expected to accommodate employees and their vehicles as well as delivery vehicles and commercial waste collection. Therefore, the number of trips generated for a commercial use would be far greater than a residential dwellinghouse. Also, it is an isolated location. Therefore, it is not a

sustainable location for businesses. Also, there would be a requirement for larger windows, ventilation, fire exit doors, disabled access and signage to be accommodated on the building which would have an adverse visual impact upon the appearance of the building.

6.8 Tourism

6.8.1 This building has not been considered for conversion to holiday lets; this is not proposed and a residential conversion is considered acceptable in its own right.

Distinctive & Natural Places

6.9 Landscape/ Visual Impact

6.9.1 PPW 10 underlines the importance of protecting and enhancing a rich and varied landscape but at the same time understanding the social and economic benefits they can provide. This site is open countryside and within the AONB. Therefore, all development is expected to conserve or enhance the natural beauty of the area as well as to protect the general rural landscape from inappropriate development.

6.9.2 In this case the building already exists. The proposed change of use to a residential property will have little visual impact on the wider landscape. Additional rooflights are being proposed to the building but this will not impact on the wider landscape as the changes being made are relatively minor.

6.9.3 It is considered that the conversion is in keeping with the rural character of the area and would conserve the natural beauty of the area, in accordance with policies DES1 and LC4 of the LDP. Policy LC5 of the LDP does allow for development provided that it does not have an adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspect. The proposal does not cause significant visual intrusion and it does not change the landscape character of the area. The use is compatible with its location and harmonises with the landscape. The proposal therefore accords with the objectives of policy LC5 of the LDP.

6.10 Historic Environment

6.10.1 The application area is situated within an Archaeologically Sensitive Area. GGAT acknowledge that the proposed development is for the change of use and conversion of the barn into a single residential dwelling (C3) along with associated curtilage and works. They note the application's supporting documents and that the proposed works to the exterior of the building are of a limited scale; however the proposed interior works will significantly alter the original layout of the barn. It is considered that the barn, which was present on the 1847 Tithe Map, is of historic importance by virtue of its architecture, history and cultural significance within the area and the proposal for its change of use will need to be mitigated. Conditions are therefore proposed.

6.11 Biodiversity

6.11.1 A preliminary roost appraisal identified bat roosting for pipistrelle and long eared bats, three activity surveys were undertaken which confirmed the building as roosts for a maximum of three soprano pipistrelle and three long eared bats. The proposed development will result in the destruction of these roosts, mitigation details have been submitted as part of the application and compliance with these plans must be secured by condition. The development will result in the loss of known brown long eared and soprano pipistrelle bat roost and as such the works will need to be subject to a licence from NRW before commencement of works. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species.

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii. There is no satisfactory alternative; and

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

6.11.2 In this case the derogation is to provide a residential dwelling in an existing building which is to be converted. This dwelling unit would provide much needed housing for local residents. There is a social benefit in providing another dwelling in this location as it helps with the local housing market and reduces the need for families with young children to move out of the County. The building is already located in this position, the alternative would be to build a new dwelling and this is not acceptable in policy terms in this area of open countryside. If the building was not converted an additional residential unit intended for local people would be lost. The third test is considered by NRW who say "In this instance, we do not object to the proposal as submitted... provided that the mitigation measures outlined in section 6 of the ecology report and on the above drawing are implemented."

6.11.3 The three tests are therefore satisfied and the applicant will need to apply for an EPS Licence from NRW accordingly.

6.12 Flooding

6.12.1 The area may have experienced flash floods. However, the building is not in a flood zone as defined by the NRW. Therefore, no FCA is required to inform the planning decision.

6.13 Drainage / SuDS

6.13.1 The site area of this application has been reduced. Therefore, this application may now be exempt from the SuDS regulations. The requirement to obtain SAB consent sits outside of the planning process. Therefore, an informative will be sent to the applicant advising them to contact the SAB officer accordingly.

6.14 Affordable Housing

6.14.1 The latest Affordable Housing SPG was adopted in September which superseded the previous version (March 2013). Therefore, no contribution for affordable housing will be required due to the recently adopted amendment to Policy S4 (Affordable Housing) SPG.

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

6.15.1 The community council recommended refusal of this application. This application is very similar to the previous application that was refused by MCC in 2005 and the site has a history of severe flooding. LPA response: Please refer to paragraph 6.1 for the principle of development and paragraph 6.13 for flooding.

6.15.2 It is factually incorrect for the agent to suggest that there is no evidence of negative or adverse planning history in relation to the building. LPA response: The LPA is aware of the planning history of the site and the relevant planning application and appeal have been highlighted in paragraph 6.1 of the report.

6.15.3 This application is contrary to the Wye Valley Area of Outstanding Natural Beauty and Housing Policies (i.e. C3 & H8 respectively) within the Gwent Structure Plan 1991-2006. LPA response: The LDP is the latest adopted Local Development Plan for Monmouthshire County Council. The Gwent Structure Plan 1991-2006 is no longer relevant. This is referred to in Paragraph 6.1 above.

6.15.4 The barn was a ruin in 1997 and it was substantially rebuilt by the current owners without planning permission. LPA response: There is no dispute about this fact; the building has been in its current form in excess of 20 years.

6.15.5 Since the barn was substantially re-built, it was never used for agricultural purposes. LPA response: The building could have been used for some form of agricultural purposes over the past 20 years. There is no compelling evidence to the contrary,

6.15.6 It is wrong to treat this application as a conversion of a redundant agricultural building to residential use. It is in fact a conversion of a ruin into a house. The substantial re-construction was carried out without planning permission. LPA response: The building has been in its current form in excess of 20 years. Therefore, Policy H4 of the LDP (Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use) is relevant to this application. Please refer to paragraph 6.1 for more information.

6.15.7 There is no garage (as well as telephone lines and electricity supplies) with this application. So, there will be pressure in the future to create these infrastructure, which will then have a significant impact upon the landscape of the area. LPA response: The Local Planning Authority (LPA) can only consider the proposal as submitted rather than on speculative future intentions. In any event permitted development rights for extensions, outbuildings, means of enclosures and so on, can be removed via planning condition to manage any future development of the site. However, removing the permitted development rights does not prohibit planning applications being submitted in the future as each planning application will need to be treated on its merits.

6.15.8 A new mains supply will be needed, so stating that the barn has a mains water supply is disingenuous. LPA response: The connection requirements relating to a mains water supply is a matter for the developer and Welsh Water.

6.15.9 The water course, road and land close to the barn floods almost every year. A septic tank in this area needs to be fully assessed to avoid the risk of pollution from the tank. The Black Brook is liable to flash floods. A dwelling in this location would exacerbate this problem. LPA response: The site is not within a flood zone as defined by the NRW. The requirement to obtain SAB consent sits outside of the planning process. Therefore, an informative will be sent to the applicant advising him to contact the SAB officer accordingly.

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

6.16.1 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.

3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order

2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: If substantial extensions or alterations were necessary this development would not normally be favourably considered and would be contrary to LDP Policy H4.

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 dwellinghouse.

REASON: In the interests of visual amenity and to safeguard the appearance of the area and to ensure compliance with LDP Policy DES1 & H4.

5 No occupation of the proposed dwellinghouse shall take place until car parking and turning provision have been provided in accordance with the approved plan and that area shall not thereafter be used for any purpose other than the parking of vehicles. The parking and turning provision shall be made available at all times for the parking and turning of motor vehicles associated with the residential use of the dwellinghouse hereby approved.

REASON: To ensure provision is made for the parking of vehicles and its loss for this purpose may lead to parking problems and to ensure compliance with LDP Policy MV1.

6 The roof lights shall when fitted be flush to the roof pitch, with no greater upstand than 25mm above the slate. They shall have a surround of a dark matt finish. Precise specifications of the proposed rooflights shall be submitted to, and agreed in writing by, the Local Planning Authority prior to commencement of development.

REASON: To safeguard the character and appearance of the building and to ensure compliance with LDP Policy DES1 & H4.

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

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1 & H4.

8 No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority

REASON:

As the building is of architectural and cultural significance the specified records are required to mitigate impact and to ensure compliance with Planning Policy Wales (Edition 10, December 2018).

9 Any additional lighting on the building shall be low level (<2.4m) PIR lighting only which does not illuminate the bat roosting locations and allows dark corridors for bats.

REASON: To safeguard foraging and commuting routes in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2010.

10 Mitigation shall be provided in strict accordance with the measures described in Section 6 of the submitted 'Bat and roof nesting bird survey. Llananant Barn, Pen-y-Garn, Penallt, Monmouthshire (version 3).' by AVA Ecology dated 3/4/19" and illustrated on "Revised drawing M029 (Rev D) entitled 'Llananant Farm, Penallt, Monmouthshire. Proposed Plans, elevations and sections' dated 07.08.19."

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

11 No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building(s) for active birds' nests immediately before the work commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

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.

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

4 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.

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

5 Please note that Barn Owls are protected as Schedule 1 birds under the Wildlife and Countryside Act 1981. This means that the birds, their nests and their young are protected. A licence from Natural Resources Wales will be required for work likely to disturb barn owls including survey work that involves nest inspections.

6 This proposal may require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. Please contact the SuDS Approving Body (SAB) prior to any construction work commencing on 01633 644708 for more guidance.

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Application Number: DM/2019/01333

Proposal: Relocation of children's playground at Chippenham Mead Village Green, Monmouth

Address: Chippenham Mead Playground, Chippenhamgate Street, Monmouth

Applicant: Mike Moran

Plans: Site Plan MH-7254 - , Tree Protection Plan 190606-CMPA-TPP-NB - , Tree Protection Plan 190605-CMPA-TCP +Proposals-NB - , Other Images of Play Equipment - , Tree Survey Tree Survey - , Design and Access Statement Design and Access Statement - ,

RECOMMENDATION: APPROVE

Case Officer: Mr David Wong
Date Valid: 19.08.2019

This application is presented to Planning Committee because it is a Council planning application

1.0 APPLICATION DETAILS

1.1 This application is seeking the relocation of children's playground at the Chippenham Playing Field. The existing play area is known as the Chippenham Mead Playground, which is situated off Chippenhamgate Street in Monmouth. It is understood that the play equipment is coming to the end of its life and some items are beyond economic repair. Following an inspection by the Council's insurers the play area had to be closed to the public for a short time in 2017 on the grounds of user safety, until repair works were undertaken. In 2014 the Council allocated £85,000 from local Section 106 funding to upgrade the existing play area or to move it to another location on the village green. That funding was due to have been used by the end of June 2019, but the developer has agreed to extend the 'use by' date for this money until the end of June 2021.

1.2 It is understood that there has been extensive consultation with local users, the Town Council and other organisations regarding the play area over the last three years. The vast majority of responses received have been in favour of relocating the play area rather than refurbishing it in its existing location. In July 2018, the County Council's Cabinet decided that it wished to relocate the play area to a different part of the village green and authorised officers to submit a planning application and a village green consent application to achieve this outcome.

1.3 The proposed new play area will have a similar footprint to the existing play area. The proposal is to reinstate the site to an open grassed area with some tree planting. The current play area is enclosed by a 1.2m high bow top fence, which measures 107m in length. The new play area will have a much shorter length of enclosure fencing. The new play area is triangular in shape and there will be three shorter lengths of 1.2m high bow top fencing, each measuring 13m in length. This equates to 71m less fencing than that relating to the existing play area.

1.4 In terms of the design of the new play area, its detailed layout is not yet finalised at this stage as the Council's Recreation Department intends to hold a public consultation exercise with the stakeholders to make sure that the new provision reflects the needs and aspirations of the users. However, for the purpose of this planning application, images of certain items of play equipment which it is intended to incorporate in the new play area have been submitted. There is one vehicular access point onto the village green from a field gate located immediately adjacent to the

entrance to the Monmouth Sportsground. This access will be used by any construction vehicles used to carry out the play area installation works.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
None			

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
GI1 LDP Green Infrastructure
HE1 LDP Development in Conservation Areas
MV1 LDP Proposed Developments and Highway Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Monmouth Town Council – Recommend approval.

MCC Public Rights of Ways – No response.

MCC Heritage Management – There is no adverse heritage comment to make. The proposal is within the Monmouth Conservation Area, Monmouth ASA and the Registered Park and Garden G16, Grade II, the latter two GGAT and Cadw shall comment on. It is considered the proposal will not harm the special character of the conservation area or harm the setting of the listed buildings at Henry Burton Court.

Glamorgan Gwent Archaeological Trust – No objection; an archaeological condition is requested. It is considered, as the proposed development will be of a relatively small scale, that pre-determination works are not necessary on this occasion. However, it is noted that the detailed play area layout has not been finalised at this stage and the possible installation of a soakaway is included within the proposed works (Design and Access Statement, sections 3.7 and 4.2).

Consequently, given the proposed development's location and the results of previous archaeological investigations, it is highly likely that archaeological remains will be encountered during any ground disturbance works.

Cadw – No response.

LERC Search Results – There are ecological records identified within close proximity of the site.

5.2 Neighbour Notification

There are a total of five letters of support:

The current playground site is abysmally located - and always has been polluted, dirty from vehicular debris and grime. This is a fantastic opportunity to remake a much needed play space for this town's children.

Current site is cut-off, unpleasant and passed by intolerable levels of traffic.

Please do not prioritise pollutants and vehicles passing by the town - not even through it - over a prefunded gesture of care and appreciation towards your constituents, families and children.

Children's activities, including creative, non-competitive play should be part of the main park, not hidden in a corner.

The current site has cars parked directly next to the fence on one side (meaning it's impossible to let children safely wander) and a dual carriageway on the other (right next to traffic lights, where pollution is at its peak). The mental and physical wellbeing of the town's children could be improved by this move.

This is a fantastic opportunity to equip the younger people of the town with the amenities they deserve.

The existing play area is dark, dilapidated, and within range of the many fumes from the dual carriageway that could permanently damage the lungs of our children.

The pollution tests when previously carried out were done so based on Adult heights, not those of children, and as pollution is heavier than other components in the environment levels are almost certainly far worse at child-height than at those measured.

The opportunity to make "Chippy Fields" a destination for families in the town should not be passed up, and I strongly commend this application to the committee.

The existing play area is very old and outdated.

Because of noise and air pollution it was decided to move the playground within Chippenham Mead which has necessitated the planning application.

The aim of this application also to replace the existing playground of metal materials with natural materials and make the space more eco-friendly for the benefit of the community and town.

There are other playgrounds which are also getting older and erected with metal materials.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 Policy S5 of the Monmouthshire Local Development Plan (LDP) relates to Community and Recreation Facilities. This policy advises that development proposals that provide and/or enhance community and recreation facilities will be permitted within or adjoining town and village development boundaries subject to detailed planning considerations. Development proposals that result in the unjustified loss of community and recreation facilities will not be permitted.

6.1.2 This application is for the relocation of a play area, including the installation of new play equipment. It is noted that the existing play equipment is coming to the end of its life and some items are beyond economic repair. In addition, the current location of the play area is poor i.e. in a hidden corner and is close to the A40 trunk road. There will be no loss of the existing community facility and there would be an enhancement of this amenity by the installation of new play equipment in a more appropriate location, in accordance with Policy S5 of the LDP.

6.2 Design/ Place making

6.2.1 As noted in the application, the detailed layout and design of the new play equipment are not yet finalised at this stage. A public consultation exercise with the stakeholders would ensure that the new equipment reflects the needs and aspirations of the users. Notwithstanding this, it is advised that the highest equipment would be approximately 2.6m from the ground to the top of the frame.

6.2.2 It is considered that the design and appearance of the proposed play equipment would be visually acceptable in this setting. Although the final layout of this new play area is not yet finalised, it is possible to control the overall height and the design of the play equipment via the use of a planning condition. In terms of place making, the existing play area is poorly located with little natural surveillance, whereas the new location, it is within the Chippenham Playing Field itself and is an open space. In addition, the new play area is in a car free area, unlike the existing play area, which is located immediately adjacent to Chippenhamgate Street,

6.2.3 Given the above, the new play area should offer a safer environment for its users than the existing site. Furthermore, the new play area is further away from the A40 than the existing play area and it will be screened by the mature tree line and the earth bund along the boundary of the playing field. Therefore, the noise and air pollution from the A40 will be significantly reduced, offering a safer, more secure and pleasant environment, in accordance with Policy DES1 of the LDP. As mentioned above, the detail of the equipment will be requested and agreed before installation.

6.3 Impact on Amenity / Promoting Healthier Places

6.3.1 The closest residential properties are those at Henry Burton Court. However, there is sufficient distance between these properties and the proposed play area - approximately 40m - to ensure that residential amenity is not adversely affected, in accordance with Policy EP1 of the LDP.

6.3.2 The proposed play area is actually within the playing field itself and that should encourage more people to use the play equipment, which supports Welsh Government policy (Planning Policy Wales Edition 10) to promote healthier places.

6.4 Active and Social Places

6.4.1 The existing play area not well located with little natural surveillance and the equipment is coming to the end of its life. The new play area will be located within the playing field itself. It is considered that the location of the new play area will offer better/new equipment as well as a safer, more secure and more pleasant environment than the existing play area. Therefore, it should promote better use of the play equipment and enable people to engage with each other, which is in accordance with Policy DES1 of the LDP and the Planning Policy Wales Edition 10, which embraces the creation of active and social places.

6.5 Access / Highway Safety

6.5.1 The nature of this application will unlikely to attract a significant amount of traffic movements by users. In terms of access for the construction and maintenance vehicles, there is currently a vehicular access point onto the playing field from a field gate located immediately adjacent to the entrance to the Monmouth Sportsground. This access will be used by any construction vehicles involved in the installation works. It is understood that this access point is used on a regular basis throughout the year for grounds maintenance purposes. Therefore, it is considered to be acceptable and does not conflict with Policy MV1 of the LDP.

6.6 Tourism

6.6.1 Monmouth Town is one of the main tourism destinations for Monmouthshire. The location of the existing play area is poor and its equipment is coming to the end of its life and some items are

beyond economic repair. It is considered that this proposal i.e. an improved location and new play equipment, would be a valuable asset for the local residents and would also enhance visitors' experience of the town, especially, for families with children.

6.7 Historic Environment

6.7.1 The site lies within a registered park and garden, Monmouth's Conservation Area and an Archaeologically Sensitive Area. It is in a sensitive location so its design and layout needs to be sympathetic to the area. Although the layout of the play area is not yet finalised, the majority of the equipment will be constructed from sustainable hardwoods and it will be set well apart. In addition, the siting of the playground in this location (being located towards the corner of the field) is not considered to have significant harm to the special character of the conservation area or harm the setting of the listed buildings at Henry Burton Court.

6.7.2 According to Planning Policy Wales Edition 10, planning authorities should value, protect, conserve and enhance the special interest of parks and gardens and their settings included on the register of historic parks and gardens in Wales. This application is minor in scale and will be located to the corner of the wider playing field. It is considered that the scale of the proposed railings and hardstanding would be minimal and so the value of this Historic Park and Garden would be protected and conserved.

6.7.3 There is no objection from Glamorgan Gwent Archaeological Trust as the proposal is of a relatively small scale; no pre-determination works are considered necessary on this occasion. However, they note from the application's supporting documents that the detailed play area layout has not been finalised at this stage and the possible installation of a soakaway are included within the proposed works (Design and Access Statement, sections 3.7 and 4.2). Consequently, given the proposed development's location and the results of previous archaeological investigations, it is highly likely that archaeological remains will be encountered during any ground disturbance works. Therefore, an archaeological condition and informative is requested.

6.7.4 The Council no longer uses wet pour rubber as a safety surfacing material; it uses artificial turf with safety shock pads installed underneath, which is natural-looking. Also, it is the intention of this project to minimise the amount safety surfacing used i.e. it would only be used if it is absolutely necessary. The remainder of the site will have a natural grass surface to respect the setting of the surrounding natural environment, which is in accordance with Policy GI1 of the LDP. A hard landscaping scheme shall be agreed prior to installation by condition.

6.8 Biodiversity

6.8.1 It is noted that there are ecological features on the playing field but no tree will be removed as a result of this application. It is considered that the amount of ground disturbance is not significant and no lighting is proposed under this application. Therefore, no further ecological information is requested. However, the standard ecological informative will be applied to the decision notice should the application be approved.

6.9 Flooding / Drainage

6.9.1 The scale of this proposal is minor and the proposed hard surfacing would be set well apart within the site, the majority of the area being grassed. Therefore, it is considered that this proposal would not result in any significant additional flood risk in the area and/or cause flooding elsewhere.

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

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

6.11 Conclusion

6.11.1 It is considered that the result of this application would create a safer and more secure play space for the children than the existing play area can offer. The new play area is on an existing playing field and is well screened by the existing mature tree line along the boundary. Also, it is located further away from the A40 with less pollution than the existing play area. In addition, it has minimal impact on the historic setting of the site and is in accordance with Policies S5, S13, S17, DES1, EP1, G11, HE1 and MV1 of the LDP. Therefore, this application is supported subject to condition.

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

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

4 No development shall take place until full details of the equipment have been submitted to and approved in writing by the Local Planning Authority. These details shall be carried out prior to the beneficial use of the approved development and shall remain as such in perpetuity.

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

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.

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 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).

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 We also recommend that a note should be attached to the planning consent explaining that: The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an MCIfA level accredited Member.

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Application Number: DM/2019/01377

Proposal: Variation of condition 2 relating to application DC/2015/00938 (APP/E6840/A/16/3162841). Minor design amendment to include a Garden Studio and dwarf brick retaining walls with the dwelling curtilage in accordance with Condition 8 of Appeal Decision APP/E6840/A/16/3162841. Including regularisation of plan references in accordance with Non Material Amendment Application No: DM/2019/01118

Address: Proposed Replacement Dwelling At Orchard House, Llanbadoc, Usk

Applicant: Mr & Mrs L. Warner

Plans: BAT SURVEY REPORT BY ACER ECOLOG - , 1198[BD]12 - , 1198[BD]11 - , 1198[BD]10 - , 1198[BD]104 - , 1198[BD]103 - , 1198[BD]13 - , Location Plan OS Site Location Plan - , Elevations - Proposed 1198[BD]30 - , Block Plan 1198[BD]16 B - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham Date
Valid: 28.08.2019

This application is presented to Planning Committee at the request of the Delegation Panel

Following comments from the Delegation Panel and observations from neighbours, additional information in relation to site levels was requested and received.

The applicant maintains that ground levels on site have not been altered. The topsoil has been scraped aside as is normal with many builds, and stored in a spoil heap ready for relaying prior to completion of the new dwelling.

Topographical surveys show that the floor level of the proposed studio is 16.32AOD which is above the 1 in 200 year flood event level of 16.29m AOD and equal to the 1 in 100 plus climate change level of 16.32m AOD.

The development is also not classed as vulnerable development within a C2 Flood Zone. The proposed structure is ancillary to the dwelling and does not include proposals for any sleeping accommodation and there are no proposed foul drainage connections to the structure or sanitary conveniences necessary for habitation.

There is also a 450mm - 500mm wall proposed along the eastern (front) boundary of the site that was not addressed in the initial report. The proposed low level wall along the boundary will principally be used as a retaining wall to adjust the levels along the property frontage where the hedge will be translocated/replanted behind the line of the required visibility splay. The existing walls and railings serving the former dwelling at Orchard House are of similar proportion.

In relation to the appearance of the proposed studio, the structure is a bespoke design rather than 'off the shelf' and is considered to be in keeping with the approved contemporary dwelling under construction in terms of its form and materials. The proposed studio will be set almost 1 metre below the floor level of the adjacent dwelling and the view from the road will be further screened by the hedgerow and access gates. It is small in scale and therefore subservient to the main house.

The original officer report to the Delegation Panel is included below.

1.0 APPLICATION DETAILS

1.1 This application seeks to modify condition no.2 from planning consent DC/2015/00938 which was for a replacement dwelling. Condition no. 2 refers to the list of approved plans. It is proposed to include an amended block plan to include a detached outbuilding to be used as a studio. A drawing showing the floor plans and elevations of the proposed studio is also submitted. The original application was allowed on appeal.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/00080	Discharge of conditions 3 and 4 from previous application DC/2015/000938 - samples for roof, rainwater goods, fascias and soffits, windows and doors, landscape and planting scheme.	Approved	22.02.2019
DM/2019/01118	Non materials amendments in relation to DC/2015/00938 (appeal decision) - reconfiguration of windows and door apertures, including style changes and elevational treatments. Photovoltaic panels removed from dwelling pitched roof. to be located on Garage flat roof. Marginal increase in height and footprint to incorporate design development of working proposals. Regularisation of materials in line with Discharged Planning Condition. WC & Plant Room added to rear of Garage serving Ground Source Heat Pump.	Approved	29.07.2019
DC/2015/00938	Demolition of existing dwelling and detached Garage. Erection of replacement dwelling and detached Garage. Relocation of existing vehicular access.	Refused	11.10.2016 Appeal allowed 13.2.2017

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

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.

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

Llanbadoc Community Council - Object. The proposal is an over-development of the site.

SEWBREC Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Three representations received. Object on the following grounds:

This is not a minor design amendment. The garden studio is large.

The studio is too close to Ivy Villa and will lead to loss of privacy.

The house is already 57% larger than the previous dwelling. In addition further permission was recently granted to increase the size of the garage.

The studio would allow even further development far in excess of permitted limits.

We are concerned that the studio would encroach on the flood plain leading to increased flooding risk to neighbouring properties.

There is a culvert on the flood plain and a large earth bank has recently been formed adjacent to it in contravention of planning requirements.

The proposed studio will be completely out of character with the natural environment and existing dwellings in the hamlet.

Any openings on the proposed building facing Ivy Villa would result in a loss of privacy. The building is only a few feet from our garden and decking area and we would lose privacy into our garden. The building also has direct view into our bedroom and again would result in loss of all privacy into our bedroom.

Designed to be lived in and exceeds LDP Policy volume limits for replacement dwellings.

6.0 EVALUATION

6.1 Flooding

6.1.1 The proposed studio would partially encroach on the C2 flood plain but given the small scale of the building and the size of the remaining garden and flood plain, it is considered highly unlikely that the building would have a significant impact on flooding. It is also worth noting that the soft landscaping within the garden curtilage that is within the flood plain could be replaced with patio or decking without the need for planning consent. This would also have been the case with the original dwelling that has since been demolished. As such it is considered that there are no grounds on which to refuse this application on flooding grounds.

6.2 Response to the Representations of Third Parties and Community Council

6.2.1 There is a single window on the north elevation of the proposed studio facing the neighbouring property, Ivy Villa's garden area. There is a distance of approximately 11.5m between this window and the boundary which is normally deemed to be a sufficient distance to protect residential amenity. Notwithstanding this, given the concerns raised, this window should be conditioned to be obscure glazed given that the proposal is for a studio and not a dwelling and the lack of aspect out of this window will not affect residential amenity. There will be a distance of approximately 14m between the openings on the east elevation and the boundary with Ivy Villa at an oblique angle and 44m between the east elevation and Ivy Villa itself. Views between are further obscured by the boundary hedge. As such it is considered that there will be no loss of privacy for the occupiers Ivy Villa.

6.2.2 Outbuildings are not included in the volume calculations for replacement dwellings in accordance with the Supplementary Planning Guidance that has been adopted to support LDP Policies H5 and H6 relating to extensions to rural dwellings and replacement dwellings.

6.2.3 Permanent habitation of the proposed studio as a separate dwelling would require a further application for planning permission.

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 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.

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

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

4 No demolition of any buildings or structures, or removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building and vegetation for active birds' nests immediately before and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. ~ To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

5 The development hereby permitted shall not be occupied until the bat box (Schwegler 1FR) and bird box (Schwegler 1SP) have been installed in accordance with details shown on submitted plan 1198[BD]05 A.

Reason: To provide net benefit for biodiversity conservation and comply with Section 40 of Natural Environment and Rural Communities Act 2006 and LDP Policy NE1.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995, as amended (or any order revoking and re-enacting that Order with or without modification) no development within Part 1 of Schedule 2 to the Order, shall be carried out on land to which this permission relates, without express planning permission having first been obtained from the Local Planning Authority.

Reason: This conversion is granted having regard to the Council's policies which relate to replacement dwellings in the countryside. If further extensions were necessary this development would not normally be favourably considered.

- 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/2019/01672

Proposal: Proposed sub-division of existing dwelling into two residential units.

Address: The Courtyard, Carrow Road, Carrow Hill, Caerwent

Applicant: Mrs. Margaret Reynish

Plans: All Proposed Plans 1255.03 - , All Proposed Plans 1255.04 - , Location Plan 1255.05 - ,

RECOMMENDATION: APPROVE

Case Officer: Mrs. Helen Hinton
Date Valid: 15.10.2019

This application is presented to Planning Committee as the applicant is a close relative of an Elected Member

1.0 APPLICATION DETAILS

1.1 This application seeks full permission for the subdivision of an existing five bedroom dwelling to create two properties, one three bed and one two bedroom at The Courtyard, Carrow Road, Carrow Hill.

1.2 The dwelling the subject of the application is a large detached property, formerly an agricultural barn granted consent for conversion in 1989 via application 30595, situated in the hamlet known as Carrow Hill. In 2006, the dwelling was granted planning permission via application DC/2006/00679 for the development of a two storey garage/ annexe linked to the eastern elevation of the original dwelling via a glazed porch. As part of the current application it is proposed that the link be removed and the units separated.

1.3 As approved and developed the main dwelling comprises two former agricultural barns arranged in an L-shape, with internal accommodation comprising a kitchen, lounge, dining room, bedroom and bathroom at ground floor with two bedrooms both with en-suite and a study area at first floor level.

1.4 The linked extension originally accommodated a double garage with utility room and w.c. at ground floor level with two en-suite bedrooms at first floor level set within the eaves and roof space of the building. In 2017, a certificate of lawfulness was granted via application DC/2017/00763 to replace the existing timber garage door with full height windows. As part of that application the internal garage space was indicated as being used as additional living space.

1.5 As part of the current application the glazed porch that links the buildings would be removed. Access to the main dwelling would be gained via the existing principal access in the southern elevation, with access to the separated unit gained via the existing doorway in the western (side) elevation.

1.6 The site layout plans also indicate the provision of a new boundary (indicated as being fence and hedging) to the north and south of the buildings to provide separate curtilage spaces. A former field access alongside the eastern side of the plot has also been included within the red line of the application site and would be used as the point of access to Carrow Road for the two bedroom unit and would form part of the residential curtilage for the two bedroom dwelling. The site layout indicates that a parking area capable of accommodating two and three cars to serve the

resulting dwellings and an area of garden would be provided to the south (front) of each building. The existing point of access for the main dwelling would be maintained.

1.7 Private area of amenity space would be provided to the north (rear) of each dwelling.

1.8 In 2017, planning permission was granted for the development of a new detached garage to the north (rear) of the main dwelling, with access gained from the lane to the west of the site (Application DC/2017/00766 refers).

Site Appraisal

1.9 The site as whole is located in an area of open countryside, beyond the closest development boundary as defined by the proposals map of the Monmouthshire Local Development Plan (LDP), within the community of Caerwent. The buildings the subject of the current application are set above the level of the Carrow Road - an adopted but unclassified highway to the south but are roughly level with the dwellings known as The Court House and Home View to the west and east respectively.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2017/00766	New detached garage.	Approved	18.09.2017
30595	Rehabilitation/Conversion Of Existing Barns To Residential Use.	Approved	15.06.1989
DC/2006/00679	Extensions to existing property and retention of adjacent agricultural land as garden/residential curtilage	Approved	06.10.2006
DC/2017/00763	Replacement of existing timber garage doors with new sliding folding glazed windows	Approved	03.08.2017
28929	Rehabilitation/Conversion Of Existing Barns To Residential Use.	Refused	02.06.1988

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision

S4 LDP Affordable Housing Provision

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

Development Management Policies

H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use
LC1 LDP New Built Development in the Open Countryside
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 10

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Caerwent Community Council - Recommend approval

MCC Highways - Raise no objections

Dwr Cymru/ Welsh Water - conditions recommended with regards to the disposal of surface water from the site.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. No objections or representation have been received.

6.1 EVALUATION

6.2 Strategic & Spatial Choices

6.2.1 Principle of Development

The site lies outside of any town or village development boundary as defined by the proposals maps of the LDP. Strategic policy S1 seeks to enable the acceptable sub-division of existing dwellings, subject to detailed planning consideration.

Although no longer an agricultural building, the requirements of policy H4 - Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use - are considered relevant to the proposal.

As specified the main dwelling is a pair of former agricultural barns granted consent for conversion to residential use in 1989, with the new build extension/ garage building approved in 2006. Aerial photographs indicate that external works of the extension were completed prior to late summer of 2010. Given the established use as residential accommodation and the size, scale and internal layout of the buildings, it is considered that the property is capable of subdivision and use as independent dwellings without demolition, reconstruction or significant alteration.

Based on aerial photographs it is evident that the annexe building has been on site since at least late summer 2010 and is therefore likely to have been used for its intended purpose approaching, or possibly more than, 10 years. Despite being a modern building, being mindful of its extant use, it is considered that the structure is of a high quality and building standard capable of conversion. The design and external appearance warrant its retention in compliance with the requirements of criterion e) of policy H4.

In light of the above and being mindful of the traditional form and design of the main dwelling and the design of the annexe which seeks to replicate the traditional features of the main dwelling, it is considered that the buildings warrant retention and the principle of subdividing the property to provide two dwellings is considered compliant with the requirements of policies S1 and H4 of the LDP subject to the application satisfying a number of material considerations.

6.2.2 Good Design/ Place making

As specified above, with the exception of the removal of the glass link extension, the works of subdivision and conversion would take place within the existing fabric of the buildings with no further extensions or alterations proposed to the external appearance of either building.

When originally approved for conversion and development, the buildings were sympathetically designed with external materials to maintain the character of an agricultural building and respect the wider rural landscape. Although the proposal would create a smaller two bedroom dwelling a little at odds with the size and scale of the dwellings closest to the site, the proposal would help diversify the housing stock in the immediate area, which on the whole would be respectful and in keeping with the local vernacular, character and appearance of the area in compliance with the relevant requirements of policies H4, EP1 and DES1 of the LDP.

6.2.3 Impact on Amenity/ Promoting Healthier Places

The buildings the subject of the current application, are positioned approximately 12.5m to the north of Carrow Road, approximately 8m and 3m, behind the principal elevations of The Court House and Home View respectively.

Whilst the eastern (side) elevation of the two bedroom unit does contain two windows at ground floor level serving the living room space, overlooking the garden of Home View, this is an existing arrangement. Therefore it is considered that the application proposed would not generate an intensified level of overlooking or loss of privacy relative to the existing arrangement. If deemed necessary a condition could be imposed requiring the provision of new planting along the eastern boundary of the site, to safeguard the privacy and amenity of Home View further. Conditions could also be imposed on any grant of consent removing permitted development rights for the insertion of windows and development of extensions in order to protect the residential amenity of Home View further and to control future development at the site. Subject to the imposition of such conditions the application is considered compliant with the requirements of policies DES1 and EP1 of the LDP.

6.2 Active and Social Places

6.2.1 Affordable Housing

In accordance with the requirements of strategic policy S4 of the LDP, all residential developments (including at the scale of a single dwelling) should contribute to the provision of affordable housing in the local planning area, although this is subject to the viability of each individual scheme.

In accordance with the Council's adopted Affordable Housing Supplementary Planning Guidance 2019, the commuted sum contribution associated with the new two bedroom unit (as this would form the new dwelling) would be £6,264. Confirmation that the applicant is willing to enter into a Section 106 Agreement in order to make the contribution has been sought. Subject to the applicant entering into the agreement, the proposal would be compliant with the requirements of policy S4 of the LDP.

6.2.2 Access / Highway Safety

Due to its rural location, the site will be principally accessed via private vehicle. The site layout plan submitted indicates that the each building would benefit from its own independent access and parking area with the original dwelling having three parking space and the two bedroom unit 2 spaces with the garden to the south (front) of the buildings. Although the development would create two independent dwellings, no increase of bedroom numbers is proposed. It is therefore considered that relative to the existing arrangement, there would be no material increase in the number of vehicle movements generated by the development and that the highway network adjacent to the site is capable of accommodating the movements associated.

Following consideration of the details submitted, the Council's Highway department has raised no objection to the application noting that the provision is in line with the requirements of the adopted Monmouthshire Parking Standards (January 2013). In light of the above the application is considered compliant with the requirements of policies S16 and MV1 of the LDP.

6.3 Productive and Enterprising Places

6.3.1 Economic Development and tourism

Criterion g) of policy H4 of the LDP specifies that conversion and adaptation of buildings to residential use that are well suited for business use will not be permitted unless the applicant has made every reasonable attempt to secure suitable business use and the application is supported by a statement of the efforts that have been made.

Being mindful of the annex's established use as additional residential accommodation; the site's relatively isolated location; the limited width of the highway infrastructure leading to the site and the building's positioning relative to the main dwelling and the neighbouring properties either side, it is considered unlikely that the building would be suitable for an alternative commercial use such as a workshop. However, it would be possible for it to be used as holiday accommodation with little disruption to the applicant and neighbouring dwellings.

A request for additional information with regards to marketing and potential alternative uses has been sought from the applicant's agent and will be reported verbally to Members.

6.4 Distinctive & Natural Places

6.4.1 Landscape/ Visual Impact

Given the existing design, size and scale of the buildings in associations with their recessed and staggered position relative to the established building lines of the properties either side, it is considered that the development would continue to form part of and integrate with dwellings in Carrow Hill and would not have a detrimental impact on the overall character, appearance, landscape or visual amenity of the application site or wider area. The proposal is therefore considered compliant with the relevant requirements of policies S17, EP1 and DES1 of the LDP.

6.4.2 Biodiversity

Being mindful that the proposal is purely for the subdivision of the property which is in active residential use and does not seek any further extensions or alterations to the building, a bat survey was not requested. In contrast the removal of the glass link porch between the buildings, with its

associated light spill, could have a beneficial impact on the foraging and commuting routes of species of conservation concern within the area.

Being mindful that the proposal seeks to provide additional soft landscaping and green infrastructure through the provision of additional hedge planting between the dwellings, subject to a condition requiring the planting schedule to be agreed, it is considered that the proposal could have a beneficial impact on the biodiversity and ecological value of the area and is compliant with the requirements of policies S13, GI1 and NE1 of the LDP.

6.4.3 Water (including foul drainage / SuDS)

Details submitted indicate that foul water from each dwelling would be disposed of via an existing septic tank. Following consultation Dwr Cymru/ Welsh Water have recommended conditions with regards to the disposal of surface water from the site. This is an existing converted building and the surface water would be drained via the existing arrangement.

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

6.5.1 Following consultation the Caerwent Community Council have recommended the application be approved. Following direct neighbour notification and the erection of a site notice, no objections or representations have been received.

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

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

6.7 Conclusion

6.7.1 Having regard to the above report, it is considered that the building is capable of subdivision to provide two dwellings without significant extension or alteration; the design and scale of the resulting buildings would respect the form, character and appearance of the original building; and the development would not have a detrimental impact on the residential amenity of those living closest to the site or the highway safety and free flow of traffic in the area.

On the basis of the above, the application is considered compliant with the relevant criteria of policies S1, S4, S13, S17, H4, GI1, NE1, EP1, EP5, MV1, DES1 LC1, MV1 and SD4 of the Monmouthshire County Council Local Development Plan and is recommended for approval subject to conditions.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:
S106 Heads of Terms

Provision of a commuted sum of £6,264 towards the provision of affordable housing within the County.

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

Conditions:

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

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

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

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

REASON: In the interests of the privacy and residential amenity of those living closest to the site and the character and visual amenity of the application site and wider area, in accordance with LDP policies H4, DES1 and EP1.

4 Notwithstanding the details of the approved plans, prior to the commencement of development, details of enhanced soft landscaping and boundary details along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of protecting and enhancing the residential amenity of those living closest to the site in accordance with LDP policies EP1 and DES1.

5 Notwithstanding the details of the approved plans, prior to the commencement of development a scheme of landscaping, to include detailed boundary information and planting schedule shall be submitted to and approved in writing by the Local Planning Authority. The details 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.

6 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.

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Application Number: DM/2019/01740

Proposal: Change of use from C1 Guest House to C2 residential care facility and two storey rear extension

Address: Black Lion Guest House, 43 Hereford Road, Abergavenny, NP7 5PY

Applicant: Mr Iles

Plans: Floor Plans - Existing LT1913 00 01 - , Elevations - Existing LT1913 00 02 - , Site Layout LT1913 00 04 - , Site Sections LT1913 03 01 - REV D, Floor Plans - Proposed LT1913 03 02 - REV E, Elevations - Proposed LT1913 03 04 - REV D, Location Plan LT1913 00 00 - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Lowri Hughson-Smith

Date Valid: 25.10.2019

This application is presented to Planning Committee due to 5no. objections being received from local residents in relation to the potential impact of the development in relation to parking

1.0 APPLICATION DETAILS

1.1 The application site is located along Hereford Road in the settlement of Abergavenny. The application site comprises a detached property which is currently a guesthouse although it has more recently been vacant. The property is of early 20th Century construction, which is double fronted with bay windows, with walls of white render and a hipped roof. Access to the property is gained via Priory Road and the site has a hard standing which is currently used for informal parking.

1.2 This application seeks permission for the conversion and extension of the existing guesthouse into a C2 use to provide a supported housing scheme for up to five persons living together and an associated staff office. The proposal will provide much needed housing for persons in need of supported living who will be referred via the All Age Disability and Mental Health team of Monmouthshire County Council. The Housing Officer has confirmed there is an urgent need for the housing.

1.3 To facilitate this the property will be reconfigured to provide 5no. studio bedroom/living room units with private bathrooms. There will be a communal lounge, dining room and kitchen. The property will also have a staff room including bed and private bathroom. The property will be staffed for 24 hours by up to two members of staff by day and one by night.

1.4 The physical works include the demolition of an existing rear extension and its replacement with a rear two storey extension. No changes are proposed to the front elevation. Other physical works include:

- 2no. roof lights and a sun tube along north eastern elevation to serve a bedroom and bathroom;
- Enlargement of a landing window and 2no. roof lights and a sun tube on the southern elevation; and
- 2no. new windows on rear elevation (within new extension).

1.5 The access point off Priory Road will be widened to enable the provision of 3no. parking spaces within the site grounds.

The rear garden will be reconfigured and new fencing (1.25m high) around the grassed area and patio.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2002/00905	Replace Ex Roof With New Hip Roof And Rear Extension.	Approved	27.09.2002
DC/2007/01456	Building of garage for guest house use.		

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

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 - no response received.

MCC Highways - no objection.

MCC Affordable Housing Officer - the proposed accommodation is urgently needed and Housing Services have committed £475,000 of Social Housing Grant towards the project. The affordable housing officer fully supports the change of use and extension to ensure good quality accommodation for future residents

MCC Environmental Health - I have no objection in principle to this proposed development. Concerns have been raised in respect of the means of escape from the bedroom of Flat 1 since it appears to be via the living room.

Sustainable Drainage Body - No response received.

5.2 Neighbour Notification

A total of 30no. neighbours were consulted and a site notice displayed near the site. 5no. neighbours have responded to the application raising objections on the following grounds:

- Loss of parking provision; and
- Inadequate parking provided.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

Strategic Planning/ Development Plan context/ Principle of Development

6.1.1 The site is located in the settlement of Abergavenny and the presumption in favour of development is established subject to the proposals being acceptable in respect of the relevant material planning considerations.

The main planning considerations in respect of the conversion of the former Black Lion Guest House are as follows:

- Loss of Guesthouse;
- Access / Highway Safety
- Impact on Amenity/ Promoting Healthier Places;
- Good Design/ Place making
- Biodiversity; and
- Affordable Housing.

6.2 Loss of Guesthouse

6.2.1 It is acknowledged the site has an existing use as a guesthouse. There is no policy requirement to protect this type of use and, therefore, its loss for a C2 use is acceptable. Furthermore, the proposed use will go towards fulfilling an urgent housing need which exists in the County for supported living accommodation.

6.3 Access / Highway Safety

6.3.1 The proposed use will change the nature of the site which may impact on the vehicular trips and parking generation. This in turn may impact on highway safety and needs full consideration. Notwithstanding this, there has been concern raised by neighbours in respect of the potential impact of the development on the parking provision in the area.

6.3.2 The site currently has an existing access point via Priory Road which is used as an informal car parking area. Priory Road is a residential street, where there is a significant level of on street parking and, as a result of on street parking, the road is often narrowed to a single carriageway. The site currently has informal parking within its grounds.

6.3.3 The application is accompanied by a technical transport note which provides a trip generation analysis between the existing use, as a guesthouse, and the proposed use as a C2 care home. The analysis indicates that the proposed care home is likely to generate less vehicular movements than the extant use and the majority of traffic generated by the proposed development

will be travelling on the highway network outside of peak hours. The Highway Authority has reviewed the technical note and agrees with the trip analysis provided and verified that they expect that the majority of vehicle movements associated with the proposal will not be coincident with the peak arrival and departure movements of existing residents in the area. As a result of this, the proposal is unlikely to exacerbate the current parking stress in the area.

6.3.4 Notwithstanding the above, the proposal provides 3no. off street parking spaces. The Council's Parking Standards require one space per residential staff, one space per three non-resident staff and one space per 4 beds. The applicant has indicated the home would be managed by 2no. staff during the day and accommodate 1no. sleep-in staff and 5no. service users. Based on this, the proposed parking requirement is 3no. spaces and the proposal would be policy compliant. The Highway Authority has raised no objection to the level of parking provided.

6.3.5 It is acknowledged the access point will be widened which could possibly result in the reduction of on street parking along Priory Road. The Highway Authority has consider the possible loss of on street parking and concluded that the benefits of providing off street parking outweighs the loss of space on the street. This conclusion is supported by the fact that the affected existing on street parking is directly opposite the vehicular access to no. 1 Priory Road and the rear of no. 45 Hereford Road. As such, the usability of these spaces are already limited. On balance, the limited loss of on street parking is considered acceptable and would not result in an adverse impact on neighbours.

6.3.6 To conclude, the proposal will not lead to an increase in traffic generation in comparison to the extant and proposed development use. The proposed parking provision is in accordance with the adopted Parking Standards. The development is considered to accord with LDP Policy MV1.

6.4 Impact on Amenity/ Promoting Healthier Places

6.4.1. The change of use of the existing property to a C2 supported living home is not expected to result in an impact on neighbour amenity which would be significantly different to the guesthouse use. The impact on neighbouring properties is, therefore, considered to be negligible.

6.4.2 The physical changes could result in an impact on neighbouring properties and these will be considered in more detail in respect of the most affected neighbours. The most affected neighbours are no. 45 Hereford Road to the north east, no. 41 Hereford Road to south west and No. 2 Priory Road to the south east. There is no impact on dwellings located on the opposite site of Hereford Road to the application site since there would be no changes to the front elevation of the property.

No. 45 Hereford Road

6.4.3 No. 45 Hereford Road is located on the opposite side of Priory Road, to the north east, and has a side-on relationship with the application site. There are 2no. existing roof lights on the application property. These will be removed and replaced with 2no. roof lights and 1no. sun tube on the roof plane and 2no. lower ground floor windows serving a bedroom and bathroom on the side elevation facing No. 45. There is a separation distance of approximately 13m from the application site and no. 45, separated by Priory Road.

6.4.4 Whilst the separation distance is limited, the roof lights and sun tube are located at a high level and, therefore, do not result in any adverse overlooking. The lower ground floor windows will face on to the boundary walls of no. 45 Hereford Road which restricts views from the proposed windows. Based on the limited windows proposed and their careful positioning there will be no adverse impact on the amenity of no. 45 Hereford Road.

6.4.5 The proposed extension will be no closer to No. 45 Hereford Road and, therefore, will have no overbearing impact.

No. 41 Hereford Road

6.4.6 No. 41 Hereford Road is detached bungalow located immediately adjacent to the application site. The changes proposed to the south western elevation is the enlargement of a window

serving a landing area at first floor level and the installation of 2no. roof lights and 1no. sun tube. The roof lights and sun tube are located at a high level and, therefore, do not result in any adverse overlooking. The landing is a non-habitable space, and, therefore, the enlarging of this window will not result in any adverse overlooking on no. 41.

6.4.7 The proposed extension is located approximately 3m from the common boundary with no. 41 and will replace an existing two storey extension. The extension will be approximately 2.4m higher but will not extend beyond the existing footprint of the application property or be any closer to no. 41. Also, the proposed rear extension has a hipped roof so the highest part of the roof (at the ridge) is a further 4.5m away from the eaves of the building, resulting in the bulk of the roof being offset from no. 41 by around 7.5m. The modest size of the extension, its limited height and its roof shape are considered acceptable and would not result in an adverse overbearing impact on the amenity of no. 41.

No. 2 Priory Road

6.4.8 The proposed rear extension will be located approximately 28m from the side of no.2 Priory Road. The extension includes 2no. upper floor windows each serving a living room. The separation distance between the extension and no. 2 Priory Road is ample to ensure there is no adverse overlooking or overbearing impact.

6.4.9 The proposed change of use, the proposed extension and other minor physical changes have been fully considered and it is concluded there would be no adverse impact on the amenity of surrounding neighbours. The proposals accord with Policy EP1.

6.5 Good Design/ Place making

6.5.1 Planning Policy Wales 10 and Policy DES1 of the Local Development Plan requires development to be well designed and functional.

6.5.2 In terms of design the proposed physical changes are minimal and are unlikely to significantly change the nature of the property.

6.5.3 There are no changes proposed to the front elevation. The changes to the side elevations are limited to the introduction of roof lights and the enlargement of a window.

6.5.4 The proposed rear extension would have a hipped roof to match the main dwelling and will be finished in matching white render. The windows will also match the main dwelling. To facilitate the proposed rear extension the existing large conservatory and rear extension, which have limited design credentials, will be removed. The removal of the rear extensions and their replacement with an extension more in keeping with the main property is considered a betterment in design terms.

6.5.5 In terms of the internal design and layout of the building, it has been carefully considered and will provide high quality private and communal living space for future occupiers.

6.5.6 Externally, the garden area will be improved and made more private with fencing to ensure sufficient amenity space for future occupiers. The fence will not be visible over the existing stone boundary walls and is considered to be acceptable.

The proposed design of the scheme is considered acceptable and in accordance with PPW10 place making principles and Policy DES1.

6.6 Biodiversity

6.6.1 The dwelling is modern in construction, located in an urban area and it well-lit internally and externally. Additionally, the upper floors have vaulted ceilings with limited attic space. The application is accompanied by a Bats in Buildings Part A form which has been assessed along with the supporting photographs. The roof is in good condition and well maintained, there is no evidence of bats and the surrounding area is predominantly urban and well-lit. As such, the

property has limited potential for bats. No further information in respect of bats is deemed necessary and the proposal is considered to accord with Policy NE1.

6.6.2 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.

6.7 Affordable Housing

6.7.1 The proposed C2 use does not trigger the requirement for affordable housing under Policy S4 and a Section 106 agreement is not required.

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

6.8.1 Five neighbour responses were received in relation to the application. All of the responses raised objections on the following grounds:

- Inadequate parking provided; and
- Loss of parking provision.

6.8.2 The Environmental Health Officer did not object but advised they have fire safety concerns with the flat 1 in relation to its fire escape route. This will also be addressed later.

Inadequate Parking Provided

6.8.3 This has been addressed in paragraphs 6.3.3 and 6.3.4 above.

6.8.4 The parking provision is acceptable and will be adequate to serve the proposed use without having an adverse impact on the existing highway network or neighbouring properties.

Loss of Parking Provision

6.8.5 This has been addressed in par 6.3.5 above.

6.8.6 Furthermore, the parking requirements for the six bedroom guesthouse is far greater than the parking requirements for the C2 use and, therefore, there will be an overall reduction in on-street parking demand and the proposals will not exacerbate existing parking issues.

6.8.7 The proposals are considered to provide sufficient parking provision and are not considered to result in an unacceptable loss of existing parking provision.

Fire Safety

6.8.8 The applicant would be required to provide a fire safety strategy in their role as the care provider. They have confirmed that this will fully address fire safety including features such as door closers, fire alarm systems and sprinklers throughout the property.

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

6.9.1 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.

6.10 Conclusion

6.10.1 The proposed change of use and associated physical works have been assessed fully against the Local Development Plan and deemed to be an acceptable form of development. The

proposal accords with Policy MV1 ensuring there will be no adverse impact on the highway or existing parking provision in the area. The proposal has an acceptable impact on surrounding residential amenity and will offer a high level of amenity for future occupiers in accordance with Policy EP1. The proposals also accord with other relevant policies including DES1 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 The materials and finishes of the external surfaces of the walls and roof of the development hereby permitted shall be of the same texture, type and colour as those on the external walls of existing buildings(s) and remain as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

INFORMATIVES

1 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).

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Application Number: DM/2019/01804

Proposal: Change of use of ground floor from a gymnasium and exercise centre to a facility for rough sleepers provided by a project run in partnership with Monmouthshire County Council and Gwent Police. The facility will be operational in the winter months, initially from January to the beginning of March, but may run to the end of March according to need and the availability of suitably checked and trained volunteers

Address: Nelson Museum and Local History Centre, Old Market Hall, Priory Street, Monmouth

Applicant: The Revd. Catherine Haynes

RECOMMENDATION: APPROVE

Case Officer: Mr. David Wong
Date Valid: 04.11.2019

This application is presented to Planning Committee because the premises is owned by Monmouthshire County Council

1.0 APPLICATION DETAILS

1.1 This application is for a change of use of the ground floor from a gymnasium and exercise centre to a facility for rough sleepers. The premises in question was a back office space within the Old Market Hall on Priory Street, Monmouth, which is owned by Monmouthshire County Council. There will no alterations to the external appearance of the premises as a result of this proposal. The application indicates that this facility will operate in the winter months, from January to March, on a yearly arrangement.

1.2 In terms of the rules of the facility, the arrival time would be 6pm to 7pm every day of the week. The proposal is to provide an evening meal and the guests must leave the premises by 8am the next morning. Also, the guests must arrive free from the influence of alcohol and illegal drugs. It is proposed to have eight camp beds within the facility and there will be staff on site to manage the facility. There will be only be one entrance for the premises (onto Priory Street).

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DC/2007/01551	Proposed installation of a heritage blue plaque on the east end elevation of the building.	Approved	30.04.2008
DC/1994/00171	Installation of Roller Shutters And Gate Internally.	Approved	25.05.1994
DC/1974/00191	Internal Alts & Fittings APP_TYP 01 = Full DEV_TYP 05 = Alteration MAP_REF = 350880213000	Approved	21.05.1974
DC/1994/00105	Removal Of Medium Amosite, Asbestos.	Permission Not Required	10.03.1994
DC/2000/00047	Exterior Fascia Signing For Museum and Post Office.	Refused	09.05.2000

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 HE1 LDP
Development in Conservation Areas
MV1 LDP Proposed Developments and Highway Considerations RET2 LDP
Central Shopping 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

Monmouth Town Council – response awaited.

MCC Housing -

1. The project is a Monmouth Churches project which is being supported by MCC. It's not an MCC project. Nor is it a project between MCC and the Police. The Police, however, are aware of the project and have no objections in principal to the proposal.
2. Housing & Communities are supportive of the proposal for the following reasons: It will mitigate against the need to sleep rough and will potentially offer emergency respite accommodation; the proposal will complement existing provision by the Council; the proposal will effectively extend and enhance emergency housing provision in Monmouthshire; the proposal will be operationally integrated into the Council's homeless procedures e.g. referrals will be through the Housing Options Team and in the event of anyone using the night-shelter, the Council will use the night-shelter to engage with any individuals and provide advice and assistance about moving on to more sustainable accommodation. In addition the proposal supports Welsh Government policy to tackle rough sleeping.

MCC Environmental Health – I have considered the information provided on the planning website in relation to this application and have no objections to make.

MCC Heritage Management – No objection. The application site is a building listed Grade II in 1952 for its special historic and architectural interest as 'part of an important piece of early C19 town planning in the Monmouth centre.' (Cadw 2005). The building is also within the Monmouth Town Conservation Area and Area of Archaeological Sensitivity. As such, any applications should seek to preserve the special interest for which the building is designated. However, as this application seeks no more than a change of use class and proposes no physical

change to the fabric or appearance of the building, no Listed Building Consent is required; nor is there considered to be any effect on the special interest for which the building is listed.

LERC Search Results - There are significant ecological records identified within close proximity of the site.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 This application supports Welsh Government policy to tackle rough sleeping. There is no specific planning policy within the Monmouthshire Local Development Plan (LDP) that relates to this particular type of application i.e. a night shelter. Therefore, the proposal is treated on its own planning merits.

6.2 Design

6.2.1 There is no physical alteration to the external appearance of the premises, which is in compliance with Policy DES1 of the LDP. Therefore, no issue of this kind is anticipated.

6.3 Impact on Amenity

6.3.1 This facility will be used by a wide range of customers. There would be strict 'house rules' for the users to comply with and the facility will be managed by trained staff on site who will oversee the facility, including dealing with any potential anti-social behaviour which may occur. In addition, the Police have no objections in principle to the proposal. They are aware of this project and are working closely with the staff.

6.3.2 The Council's Housing Department has advised that it is in support of this application as it will mitigate against the need to sleep rough and will potentially offer emergency respite accommodation. This proposal will effectively extend and enhance emergency housing provision in Monmouthshire. In addition, the Council will use the night-shelter to engage with any individuals and provide advice and assistance about moving on to more sustainable accommodation. Furthermore, the proposal supports Welsh Government policy to tackle rough sleeping.

6.3.3 In conclusion, there are strict rules for the staying guests and the facility will be managed by trained staff. The Police are aware of this project and would provide assistance when necessary. In addition, this project is being supported by the Council's Housing Department. Therefore, it should be a well managed facility that would not harm the amenity of nearby households in flats opposite the site. The proposal is considered to be in accordance with Policy EP1 of the LDP.

6.4 Access/ Traffic generation

6.4.1 This is a change of use application with no alteration to the external appearance of the premises. In addition, the nature of the application means there is unlikely to be significant vehicular movements associated with the proposal. Staff would be able to park at the rear of the premises if needed. Thus, the proposal would be in accordance with Policy MV1 of the LDP.

6.5 Retail & Commercial Centres

6.5.1 The site is within the Central Shopping Area (CSA). Therefore, Policy RET2 of the LDP is relevant in this instance. The thrust of this policy is to maintain active frontages at the ground floor for safeguarding the vitality, attractiveness and viability of the defined CSAs. The premises is located on the edge of the Monmouth CSA and has no direct shopfront on Priory Street, only a door entrance. In addition, there will be no change to the appearance of the premises. Furthermore, the opening hours of the facility are between 6pm and 9am the next morning. Therefore, this facility should have minimal impact upon the vitality, attractiveness and viability of the Monmouth CSA.

6.6 Historic Environment

6.6.1 The site is within the Monmouth Conservation Area (Policy HE1 of the LDP) and is a Grade II listed building. There is no change to the external appearance of the premises and the internally

there would only be a re-arrangement of furniture. Therefore, this application will preserve the setting of this part of the Monmouth Conservation Area and the character and appearance of the listed building. The Council's Heritage Management Department has no objection to this application; an informative is requested. The site is also within an Archaeologically Sensitive Area. However, this is a change of use application with no ground disturbance proposed. Therefore, no archaeological implications are involved.

6.7 Biodiversity

6.7.1 There are significant ecological records identified within close proximity of the site through the LERC Search Results. However, this is a change of use application and there will be no disturbance to the fabric of the premises. Therefore, no further ecological assessment is requested.

6.8 Flooding

6.8.1 The site is not within a flood zone.

6.9 Water (including foul drainage / SuDS)

6.9.1 There is no change to this element.

6.10 Response to the Representations of Third Parties and Monmouth Town Council

6.10.1 The response from Monmouth Town Council is awaited.

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

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

6.12 Conclusion

6.12.1 It is considered that this application is in accordance with Policies DES1, EP1, HE1, MV1 and RET2 of the LDP. Therefore, this application is recommended for approval.

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 There shall be no more than eight staying guests staying overnight during the hereby approved months and no other means of sleeping accommodation on the site at any one time.

REASON: To ensure compliance with the approved plans.

4 Only one entrance for the premises shall be allowed at any time once the facility is in operation.

REASON: To ensure a coordinated layout. **Page 63**

5 The premises shall not be used for the approved purposes outside the following months, January to March, of each calendar year.

REASON: To reflect the nature of this planning application.

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 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).

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 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.

5 Please note any physical changes to the buildings fabric should first be confirmed with MCC Heritage Department as not requiring consent before implementing. Fixtures, fittings and general decoration are not controlled under consent and can be carried out as required.

New Appeals 23.10.2019 to 20.11.2019

Local Ref	Appeal Site Address	Development	Reason for Appeal	Appeal Type	Date Lodged
E17/409	Land Adjacent Ty Coedwr B4521, Pont Gilbert To Hill House Llanvetherine Monmouthshire	Unauthorised change of use to a one family traveller site, including the stationing of 1 caravan, day room ,full drainage and accessed driveway	Appeal against Enforcement Notice	Hearing	07.11.2019

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