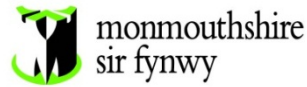


# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 24 February 2020

Notice of meeting:

## Planning Committee

Tuesday, 3rd March, 2020 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 - 18
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
4.1.	Application DC/2017/01335 - Full planning application for demolition of existing buildings and residential development with associated works. Cross Ash Garage, B4521 Hill House to Trebella Farm, Cross Ash NP7 8PL	19 - 30
4.2.	Application DC/2018/00218 - Retention of timber close boarded fence on south boundary, and raise level of no. 21 garden between 120mm and 810mm over the fence length. 21 Jasper Tudor Crescent Abergavenny NP7 9AZ	31 - 36
4.3.	Application DM/2019/01214 - The demolition of the existing corrugated arched tin shed and replacement by a two storey residential dwelling. Land Adjacent To 13 Fosterville Crescent, Abergavenny	37 - 46
4.4.	Application DM/2019/00632 - Convert existing 4/5 bedroom detached dwelling into 2 (3 bedroom) dwellings with minor extensions. Cayo Farm, Llandenny, Usk	47 - 56
4.5.	Application DM/2019/00655 - Conversion of former Quaker meeting house and adjoining barn into residential use. Unit 5, The Cayo, Cayo	57 - 64

	<b>Farm, Llandenny, Usk</b>	
<b>4.6.</b>	<b>Application DM/2019/00800 - Demolition of existing bungalow and outbuildings and replacement with 2no. detached two storey dwelling houses with altered driveway access from highway. Homestead, Wainfield Lane, Gwehelog, Usk</b>	<b>65 - 74</b>
<b>4.7.</b>	<b>Application DM/2019/01761 - Residential development of 130 dwellings, associated infrastructure and landscaping. Land to east of Church Road, Caldicot</b>	<b>75 - 96</b>
<b>4.8.</b>	<b>Application DM/2019/01839 - Modification of condition number(s): 2, 6, 13, 14 and 15 relating to application DC/2014/01226. Land rear of High Trees, Steep Street, Chepstow</b>	<b>97 - 108</b>
<b>4.9.</b>	<b>Application DM/2019/01879 - Alterations to outbuilding for use as a holiday let. The Haven, Gypsy Crescent, Llanfoist, Abergavenny</b>	<b>109 - 114</b>
<b>4.10.</b>	<b>Application DM/2019/02051 - Construction of 20no. affordable housing units, landscaping and associated works. Land At Wern Gifford, Pandy, Abergavenny, NP7 8DL</b>	<b>115 - 130</b>
<b>4.11.</b>	<b>Application DM/2020/00023 - Erection of 8 no. one-bedroom mews dwellings, landscaped car parking and amenity area, electrical charging point and associated works. Garages at Western Avenue, Bulwark, Chepstow</b>	<b>131 - 142</b>

**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](http://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](mailto: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, 4th  
February, 2020 at 2.00 pm**

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

County Councillors: 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, R.John and R.Roden attended the meeting by invitation of the Vice-Chair.

### **OFFICERS IN ATTENDANCE:**

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Heritage Manager
Denzil – John Turbevill	Commercial Solicitor
Richard Williams	Democratic Services Officer

County Councillors A. Easson and A Webb left the meeting following determination of applications DM/2019/01041 and DM/2019/01629 (which were considered together) and did not return.

### **APOLOGIES:**

County Councillor R. Edwards

#### **1. Declarations of Interest**

None.

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

The minutes of the Planning Committee meeting dated 3<sup>rd</sup> December 2019 were confirmed and signed by the Vice-Chair.

#### **3. Application DC/2018/00218 - Retention of timber close boarded fence on south boundary, and raise level of no. 21 garden between 120mm and 810mm over the fence length. 21 Jasper Tudor Crescent Abergavenny NP7 9AZ**

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

Mrs. H. Trotman, objecting to the application, attended the meeting by invitation of the Vice-Chair and outlined the following points:

- In August 2017 the applicant had built a breeze block wall along the full length of the mutual boundary.
- A new six feet six inches fence had been placed on top of the wall which raised the boundary level to 2.7 metres in height which breached permitted

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm**

development permission. This has been in place for two and a half years, severely impacting on her residential amenity.

- No prior consultation had been sought and it was considered by the objector that trespass would have been required to undertake the build, breaching the party wall act.
- The objector considered that the applicant has breached the David Wilson restrictive covenants by not gaining written approval from the local authority prior to development.
- As time progressed the ground works were causing harm to the objector's land. It was considered that the applicant had altered the natural flow of the land leaving the objector's garden water logged.
- The wall has caused a damming affect and subsequent severe pooling of water with nowhere for the water to drain away to.
- The applicant has raised the level of earth on his side of the boundary that is higher than the wall resulting in an overspill of sod and earth into the objector's garden.
- A meeting was held on 10<sup>th</sup> October 2019 involving all parties and it had been agreed that harm was being caused to the objector's property. The objector had been asked to draw up a plan indicating a system of drainage to attempt to resolve the problem at her cost.
- At a previous meeting, it had been suggested that a French drainage system could be installed which would alleviate the drainage issues. A plan had been drawn up on this advice. The plan provided a system of drainage for properties numbered 19 and 21 running the full length of both boundaries. This would be linked into the objector's storm drain on her property. This had been agreed by all present at the meeting.
- Access was granted to the objector's property to undertake this work. During the work, the objector considered that the applicant had failed to install the drainage pipe on the side of the objector's garden. The objector had not been advised of this change of plan. Therefore, the water continues to pool as it has nowhere to drain.
- Flooding also occurs on the objector's patio. The works undertaken have failed to address the harm being caused to the objector's property.
- Without a perforated pipe being installed on the objector's side of the boundary there will be no improvement, as the levels constructed by the applicant are alien to the original development.



## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm

- The density of the applicant's chippings has further exacerbated the flooding problems. Damage to the objector's garden in this area is severe.
- The objector owned her property for over a year from new before the applicant had built the wall. During this time there had been a severe winter and no flooding had occurred.
- The raising of the ground has impacted on the objector's residential amenity and continues to do so.
- On legal advice, the objector has withdrawn her good will gesture to allow the applicant to have access to her storm drain.
- No guarantees have been given by the applicant with regard to any of the work that has taken place.
- The objector is concerned that the value of her property is being affected by the applicant's actions who considers that adequate steps to prevent damage to the objector's property have not been taken.
- With regard to the fence, there is a detrimental effect to the objector's property. The current height is 2.7 metres. The applicant's revision indicates that the top 30 cm will now be replaced by trellis. However, this would still take the fence above regulated height.
- The objector considers that the options available will have a negative impact on her property.
- The objector asked the Planning Committee to consider refusal of the application and that the wall and fence be removed with the ground being returned to its original level.

The applicant was given an opportunity to respond but declined the offer.

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

- The local Member has no objection in principle to the land being raised. However, it could have been undertaken better without the need for a second fence and without exacerbating existing drainage issues.
- It was hoped that a resolution had been agreed between both parties. However, this had not been the case.
- There is perceived harm being done to the objector's property which is a material concern. Therefore, the local Member stated that he found it difficult to support the application without the issues surrounding the second drain being rectified.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm

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

- Monmouthshire County Council's Drainage Engineer has investigated the work that has been undertaken and had indicated that the work carried out will, in time, mitigate the circumstances. The Authority has done what it can to remedy the situation.
- The applicant's garden had been raised by 700 mm which takes the party fence up to 2.7 metres, which is above the two metres regulated height.
- The poor drainage will cause problems for the original party fence, which will rot over time. There will be issues over who is responsible for maintaining the original fence having had another fence erected on the inside of the original fence.
- Any extension to the party fence will be unsightly. The policy of permitted development should be protected by disallowing any raising of gardens which will change the nature of the ecology of the neighbouring properties.
- The drainage issues have not been satisfactorily resolved. Further investigations are required.
- There is no definitive evidence that the unfortunate condition of the garden of property number 19 is entirely as a consequence of the ground works undertaken at property number 21. It is not within the gift of the Local Planning Authority to find a solution within the red line boundary. The solution to the drainage issues has only been installed for a few months and has not yet had an opportunity to prove its effectiveness.

It was proposed by County Councillor G. Howard and seconded by County Councillor A. Easson that we be minded to refuse application DC/2018/00218 on the grounds of lack of evidence that harm to a neighbouring property has been resolved.

Upon being put to the vote 10 Members of the Planning Committee voted in favour of the proposal to refuse the application. The proposition was therefore carried.

We resolved that we be minded to refuse application DC/2018/00218 on the grounds of lack of evidence that harm to a neighbouring property has been resolved. The application will be re-presented to a future Planning Committee meeting with appropriate reasons for refusal.

#### **4. Application DM/2019/00898 - New detached two storey dwelling with integral garage and driveway access from highway with on-site parking and turning. Land to rear Of Rosemary, Beaufort Road, Osbaston, Monmouth**

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm**

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

The local Member for Dixton with Osbaston attended the meeting by invitation of the Vice-Chair and outlined the following points. He addressed the Planning Committee as the local Member and as a member of Monmouth Town Council Planning Committee.

- Monmouth Town Council Planning Committee had discussed the application and noted that the week before the meeting took place to discuss the application, Monmouthshire County Council Planning Department had made a recommendation to approve the proposed development. Concern was expressed that Monmouthshire Planning Department appeared to not consider the views of the Town Council and therefore not incorporate the Town Council's views into the report of the application.
- Monmouth Town Council considers that its role is to represent local residents. Questions have been asked as to whether there is any point in having a Monmouth Town Council Planning Committee if its views are not provided for Members of the Monmouthshire County Council's Planning Committee to consider.
- Monmouth Town Council Planning Committee considers that the process in respect of this application has been rushed. Ordinarily, the Town Council has 21 days in which to respond to a planning application. However, in this case only 14 days were provided.
- The Committee was unable to approve the application today. It could only recommend approval due to the consultation end date being 7th February 2020. Unfortunately, as the planning portal has been off line for a period of time the local Member is unable to verify this. Clarity is required before the application is considered.
- A deferment of the application had been requested to allow the local Member to gather information from residents. However, this had not been granted.
- Monmouth Town Council considers that the process has undermined local democracy. Monmouth Town Council Planning Committee is considering disbanding.
- A Welsh Government Inspector had turned down an appeal against a similar style of development on a larger plot about 50 metres away about 15 years ago. The reasons for overturning this previous application would apply equally to the current application being considered today.
- Beaufort Road has had little development in the intervening years, retaining its original character.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm

- The piecemeal development taking place leads to, over time, a radical and harmful change to the character of Dixton with Osbaston.
- To reach Beaufort Road there are three routes. All of these routes are of a sizable length of single track road, all impassable for two cars to pass. Therefore, vehicles are required to reverse or use residents' drives to allow vehicles to pass. Piecemeal developments have exacerbated this problem.
- The proposed development is too far to walk to senior schools. There are no shops or surgeries in the area which results in an unnecessarily high dependence on the use of cars.
- Pavements are few in number which hinders walking along this route.
- The proposed development does not make a positive contribution to the creation of distinctive communities. There is a risk that the character of the area will be adversely effected.
- Approval of the application will result in damage to wildlife, the flood risk will be exacerbated and there will be an increase in danger for pedestrians and cyclists.
- The local Member asked that the Planning Committee considers refusal of the application for the reasons identified.

Mr. J. Craig, representing objectors, attended the meeting by invitation of the Vice-Chair and outlined the following points:

- The proposal has received in excess of 60 objections which underlines the level of concern.
- The proposal is not a desirable and appropriate application and it does not conform to the Local Development Plan.
- Monmouth Town Council has voted on two separate occasions to refuse the application.
- The application does not meet with Central Government's Planning process which is to avoid garden grabbing, reducing amenity, harmony of the ecological system and places an unwelcome burden on local infrastructure.
- The application does not meet desirable street scene consideration being a tandem development.
- In the previous 12 months, two local applications were declined for the same reasons.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm**

- There are two examples of more acceptable use of garden developments which had been approved in the locality. These are side by side developments and not behind one another.
- The application does not improve the character and amenity of Osbaston. It is considered not to be a building necessity as there is a substantial development of new houses in Monmouth.
- If the application was approved, concern was expressed that further applications of a similar nature will be presented to Planning Committee for approval.
- There is a current lack of safe play areas in Osbaston.
- There is a danger that Osbaston was losing its uniqueness and was becoming a high density area.
- Welsh Government has indicated that climate change is a priority. Concern was expressed that existing infrastructure will not cope with anticipated adverse weather conditions, going forward. Flooding already occurs in the gardens of existing properties adjacent to the plot.
- With regard to access, the frontage is narrow hindering construction vehicles.
- There are no adequate pavements for pedestrians with no safe routes to school.
- Access to the property is via a single track lane resulting, on occasions, in some vehicles having to reverse 'blind' into Beaufort Road.
- The Highways Department is confident that one more dwelling will not adversely affect traffic flows. However, it was considered that no account of local conditions had been accounted for.
- There are no local shops, surgeries or play areas.
- There is very little parking provision for delivery vehicles. Visitors to the area will park on Beaufort Road causing traffic blocking, which already occurs on this road. Parking overspill already occurs with vehicles using pavements at Beaufort Road.
- The application contravenes the Welsh Government's spatial plan, does not respect the distinctiveness of the community and does not protect residential property.

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

- The site covers an area of 700 square metres which is more than adequate to support one dwelling.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm**

- The proposed new property has been designed to fit into the existing site and sits comfortably on the plot.
- The design takes into account neighbours' comments and comments raised in respect of ecology and biodiversity.
- The existing water course along the south eastern boundary of the site is to remain undisturbed ensuring that the existing wildlife habitat is maintained.
- The existing hedgerow and trees will form a screen for the existing properties in Duchess Road, to the south east.
- Access to the site is from Beaufort Road. It is proposed to demolish the existing garage and provide a new permeable driveway which will provide parking for a minimum of three vehicles serving the new dwelling and establish a turning area which will enable vehicles to enter and leave the site in a forward direction.
- The new driveway will provide access for the host property providing turning areas within the site.
- Every reasonable objection submitted has been addressed via careful redesign and providing expert ecological and landscape reports.
- Surface water drainage from the site will comply with Welsh Office legislation and will be subject to sustainable drainage proposals which will include rainwater harvesting.
- The application site is located within the development site of Monmouth and is in an area which has been developed extensively over the previous 50 years.
- When the applicant had purchased the property it stood alone in open fields.
- The proposed dwelling sits comfortably on the plot and within the surrounding area.
- There are numerous mixed designs in the area and the proposed development works well within its setting.
- The proposed development will use traditional materials. Being linked with a substantial landscape proposal will aid the development in fitting into the surrounding area.
- Amendments to the proposed development have been made following the concerns raised by neighbours and the potential impact minimised. There are no first floor habitable windows facing neighbouring properties and the proposed dwelling is almost in line with the adjacent property.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm**

- The overall height of the building has been reduced and is lower than the ridge of Charles Close. Also, the double garage has been replaced with a single garage.
- The existing tree belt and landscaping to the south east is to be retained with no adverse overlooking issues to the neighbouring properties.
- The applicant had appointed specialist ecologists to ensure that the proposals meet the biodiversity requirements. The proposal provides ecological enhancement with the inclusion of native species hedgerows.
- The applicant has provided all of the necessary information required by the Local Planning Authority, including boundary ownership, to confirm that the application site is able to accommodate the proposed dwelling and provides the required parking and turning areas.
- The proposal makes good use of brownfield land and adds a new, much needed sustainable property in the housing stock of Monmouthshire.
- The proposed dwelling fully complies with the recently adopted Supplementary Planning Guidance in respect of infill development.
- The proposed dwelling is a good design and totally sustainable.

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

- The application had been submitted in June 2019, whereby, the Planning Department had undertaken a 21 day consultation period. Monmouth Town Council had responded on 12<sup>th</sup> August 2019 outlining its concerns.
- As a result of the comments received, the scheme had been amended significantly and had been reduced in scale and size. Amended plans had been sent to neighbouring residents and to Monmouth Town Council for comment. A full consultation process had been undertaken.
- In response to a question raised regarding the access gradient, it was noted that Supplementary Planning Guidance states that the gradient should ideally be no steeper than 1:10 subject to a maximum gradient of 1:8. The Planning Department has discussed with the agent and it is proposed to add an additional condition on the consent for full site sections (cross section and long section) to ensure that the gradients are appropriate.
- Concern was expressed regarding the design of the proposed development, that it does not sit well within the surrounding area and that it affects the local amenity of the area.
- The applicant had complied with planning policies leaving no reason to refuse the application.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm

- The proposed dwelling was in keeping with the scale of the surrounding area.
- The proposed new dwelling will have a rainwater harvesting system to collect and store rainwater and make use of it to flush toilets and supply washing machines. There will be little, if any water discharging into the ground to soak away. The driveway will consist of a permeable surface to avoid water run-off. All surface water will be managed on site.
- The proposal is for one additional dwelling. Table four identifies the minimum access as 2.75 metres. The plans identify that as 3.5 metres. Therefore, the access is over the minimum required for one individual plot.
- The Highways Department has considered the gradient and access and consider it to be acceptable.
- An affordable housing contribution will be received in the sum of £8,000.
- There are windows at the rear of the property Llys-Wen. However, the front elevation of the proposed dwelling is 5.8 metres at an angle from the rear corner of Llys-Wen to the front corner of the garage diagonally. Therefore, the whole aspect of the front of the proposal looks forward to Beaufort Road and Llys-Wen looks behind to the boundary. There will be no overlooking issues.
- From the rear of Llys-Wen to the corner of the proposed dwelling at a 45 degree angle, it is 16 metres. The proposed dwelling sits at a lower level to the existing dwelling. Therefore, it is considered that there will be no adverse impact on residential amenity.
- There is a large buffer from the front of Beaufort Road to the rear of the property which shares the boundary between Llys-Wen, the proposed dwelling and Rosemary which is an existing boundary. It is proposed that this be replaced with a native hedge with the fence being retained in its existing position. There will be a significant amount of screening between the existing property and the proposed dwelling.
- A Construction Management Plan will be added as a pre-commencement condition.
- None of the existing trees enclosed by the protective fence shall be felled, lopped or topped and are protected by condition 6.

The local Member for Dixton with Osbaston summed up, as follows:

- The local Member refuted that objections have been sufficiently mitigated.
- The proposed dwelling is out of keeping and harms visual amenity.



## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm

- The proposed development will be visible from many houses in this area of Osbaston as it is located at the bottom of the valley.
- It would adversely impact the quality of the environment and visual amenity for many walkers.
- The access from the proposed development is directly onto a narrow lane with no visibility from the left side. Access is dangerous.
- Drainage is an issue within the local area. Various levellings could create an adverse impact on drainage in the area.
- Lack of parking provision could cause danger to pedestrians.
- The local Member asked the Planning Committee to consider refusal of the application.

It was proposed by County Councillor R. Harris and seconded by County Councillor P. Murphy that application DM/2019/00898 be approved subject to the seven conditions outlined in the report and subject to a Section 106 Legal Agreement. Also, that additional conditions be added to include full site sections (cross section and long section) to ensure that the gradients are appropriate as well as arranging a planting scheme.

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

In favour of the proposal	-	10
Against the proposal	-	1
Abstentions	-	4

The proposition was carried.

We resolved that application DM/2019/00898 be approved subject to the seven conditions outlined in the report and subject to a Section 106 Legal Agreement. Also, that additional conditions be added to include full site sections (cross section and long section) to ensure that the gradients are appropriate as well as arranging a planting scheme.

#### **5. Application DM/2018/00374 - Construction of seven dwellings and associated works. Land At Woodbine Field, Monmouth Road, Usk**

We considered the report of the application and late correspondence which was recommended for approval subject to the 14 conditions as outlined in the report and subject to a Section 106 Legal Agreement.

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

- The Committee welcomed the application.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm

- In response to a question raised regarding electric charging points, the Head of Planning stated that significant considerations are being given to how the Authority deals with climate change mitigation in the replacement Local Development Plan.
- It was agreed that an additional condition should be added to agree external finishes.

It was proposed by County Councillor M. Feakins and seconded by County Councillor A. Webb that application DM/2018/00374 be approved subject to the 14 conditions as outlined in the report and subject to a Section 106 Legal Agreement. Also, that an additional condition be added to agree external finishes.

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

In favour of the proposal	-	14
Against the proposal	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2018/00374 be approved subject to the 14 conditions as outlined in the report and subject to a Section 106 Legal Agreement. Also, that an additional condition be added to agree external finishes.

#### **6. Application DM/2018/01720 - Alterations and conversion of existing agricultural buildings to form two bedroom dwelling unit with ancillary works. Worthybrook Farm, Old Hendre Road, Wonastow, Monmouth**

We received the report of the application and late correspondence which was presented for refusal subject to the two reasons outlined in the report.

The local Member for Mitchel Troy attended the meeting by invitation of the Vice-Chair and outlined the following points:

- This is a re-submitted application that has been significantly changed. It has been reduced in scale by over 50%.
- The defective outbuildings had been omitted from the latest submission.
- A consulting engineer's report on the buildings to be retained within this development are deemed suitable for conversion and considered to be in serviceable condition.
- This application has given full consideration to the rural setting both in terms of its design and finishing.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm**

- The application does not have the modern, urban style and characteristics of the previous application.
- The re-submission proposes to lower the floor level of the building by adopting an underpinning exercise to accommodate a two storey element. The underpinning is not untypical of barn conversions and will enhance the foundations of the existing stone walls.
- It also increases the scale and the usable space in the building.
- The Planning Department had indicated that it would support conversion of the buildings as a holiday let. However, the local Member expressed concern as the appearance, design and scale of the development would be the same for residential use.
- The applicant's agent has drawn attention to a number of similar developments which have been granted planning permission. The applicant considered that the Authority could be seen to be inconsistent having approved similar applications for conversions of ancillary structures.
- The development, which includes an original stone barn structure, together with conversion of ancillary buildings built in the 1950s, would not be deemed modern in accordance with planning records.
- If the application is refused, it is likely that the applicant will consider submitting a formal appeal.
- The application has received many letters of support from nearby neighbours and from Mitchel Troy Community Council which recognises the need for affordable housing provision in rural Monmouthshire.
- The proposed development meets all supplementary planning guidelines.
- There have been no local objections to the proposed development.
- Development of this site for residential use would visually enhance the area and would ensure that the buildings currently falling into disrepair would be removed.
- If the site is not developed, it will continue to be an eyesore.
- Neighbours recognise that this would be a conversion to bring these buildings, currently in poor condition, back into use as a home.
- The local Member asked the Planning Committee to consider approval of the application.

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

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm

- There is not enough stonework or architectural merit to the buildings to allow conversion to take place for a residential dwelling.
- It would result in development in the countryside in an unsustainable location outside of the settlement boundary.
- The application is against planning policy.

It was proposed by County Councillor M. Powell and seconded by County Councillor G. Howard that application DM/2018/01720 be refused for the two reasons outlined in the report.

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

For refusal	-	13
Against refusal	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2018/01720 be refused for the two reasons outlined in the report.

**7. Application DM/2019/01041 - Reserved matters application for the erection of 271 dwellings with ancillary works. Land Development South Of Crick Road, Portskewett and Application DM/2019/01629 - Application for reserved matters pursuant to DM/2018/00696 relating to Layout, Scale, Appearance of Buildings, Means of Access (where not already approved) and Landscaping for the construction of a care home and associated works. Land Development South Of Crick Road, Crick Road, Portskewett**

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

In doing so, the following points were noted:

- The Committee thanked the officers for their hard work in preparing the two applications for consideration. Support was received for the residential properties and for the care home. Both applications will complement the area.
- An additional condition could be added to retain parking spaces for parking purposes only.
- A further additional condition could be added to remove permitted development rights for roof extensions.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm

- The construction traffic management plan was conditioned in the outline application. This application is for reserved matters.
- In terms of bus provision, there was a £50,000 contribution within the Section 106 Agreement for this site to be used in improving the local bus services. How that is used is a decision to be made by the Local Council's Transport Department where assessments will be made to determine where the improvements need to be made. Planning Officers could liaise with the Transport Department and the Estates Department to ascertain whether it is proposed to provide additional bus stops on this site.
- The site has been designed with permeability in mind with cycling and pedestrian links being provided. Funding is available from the Section 106 funding to develop the railway line.

It was proposed by County Councillor J. Higginson and seconded by County Councillor A. Easson that applications DM/2019/01041 and DM/2019/01629 be approved subject to the conditions outlined in the reports. Also, that the following conditions be added:

- The condition outlined in late correspondence regarding pumping station details.
- To retain parking spaces for parking purposes only.
- To remove permitted development rights for roof alterations.

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

For approval	-	14
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that applications DM/2019/01041 and DM/2019/01629 be approved subject to the conditions outlined in the reports. Also, that the following conditions be added:

- The condition outlined in late correspondence regarding pumping station details.
- To retain parking spaces for parking purposes only.
- To remove permitted development rights for roof alterations.

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th  
February, 2020 at 2.00 pm**

**8. Application DM/2019/01480 - Change of use of land to accommodate two park homes and up to four touring caravans - Traveller needs (private family site only). Land Adjacent Sunnybank, A48 Crick to Parkwall Roundabout, Crick, Monmouthshire**

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

In doing so, the following points were noted:

- Excavation work has taken place on the site and concern was raised that the land at the rear of the site may now be unstable with the removal of trees, vegetation and stones. This might need to be investigated before approval of the application is considered.
- Concern was expressed that the amount of proposed development would result in overdevelopment of the site, particularly when the touring vehicles are on site.
- The site adjoins Border Waste Crick. This site had not been granted planning permission as there was a concern regarding land slippage towards the motorway.
- Concern was expressed that the excavation work might adversely affect the residential safety of the applicant and his family as there might be the potential for a landslip at the site.
- Mathern Community Council had looked at Planning Policy H8 and consider that the application does not meet the requirements of the policy. It was considered that the site was not large enough to house the proposed development resulting in overdevelopment of the site. It was considered that not all of the site was suitable for development.
- Under the parking policy, the two park homes, as the residential units, will require five parking places. A turning area should be required in order to allow vehicles to leave the site in a forward gear when joining the highway.
- Caravan model conditions outline the need for a six metre gap between caravans and mobile homes due their flammable nature.
- The local Authority has undertaken a gypsy and traveller assessment and it has been outlined that there is a need for eight sites around the County.
- This site is privately owned and the applicant for this site falls within the assessment. The applicant has established a need to find a home within the County. This site would provide that need.
- The site has been looked at in terms of Policy H8 and it was established that the development meets that criteria.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm

- It is situated in a sustainable location.
- The visual amenity is considered to be acceptable.
- The highway safety aspect has been investigated and it has been identified that visibility is good from the site.
- In terms of the proposed amount of development on the site, if it is considered to be over development of the site, the applicant has indicated that he would be willing to have just the two park homes on the site for himself and his son, which would be a personal consent for him and his family to have a home within the County.
- With regard to the excavation work at the rear of the site, the applicant had indicated to the Planning Department that he had not undertaken any work which required planning consent. The removal of trees and landscaping does not require planning consent. However, if the Committee had concerns, there could be a pre-commencement condition added to ensure the stability and safety of the land at the rear of the site.
- The Environmental Health Department had indicated that a caravan licence would be required.
- This is a privately owned site.
- Removal of the four touring caravans would alleviate the issues regarding over development of the site.

It was proposed by County Councillor M. Feakins and seconded by County Councillor R. Harris that application DM/2019/01480 be approved subject to the seven conditions outlined in the report and subject to the following additional conditions:

- Re-describe and remove reference to touring caravans.
- Add a personal permission condition.
- That permission is for two park homes only.
- Condition landscaping including means of enclosure.
- Condition regarding a check to ensure that the bank to the rear (north) is stable to enable development to proceed.

Members did also suggest that there were conditions put on for a Construction Management Plan and also that a condition be added to outline that the site is for commercial use only.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th February, 2020 at 2.00 pm

Officers outlined that a construction management plan would not be necessary for the scale of development given it would be for the installation of two park homes. It was also outlined that a condition to restrict the use of the site for residential only was unnecessary given that any other use would be contrary to any planning consent and therefore the Council would be able to take appropriate enforcement action to any unauthorised uses.

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

In favour of the proposal	-	9
Against the proposal	-	0
Abstentions	-	4

The proposition was carried.

We resolved that application DM/2019/01480 be approved subject to the seven conditions outlined in the report and subject to the following additional conditions:

- Re-describe and remove reference to touring caravans.
- Add a personal permission condition.
- That permission is for two park homes only.
- Condition landscaping including means of enclosure.
- Condition regarding a check to ensure that the bank to the rear (north) is stable to enable development to proceed.

#### **9. New Appeals - 21st November 2019 to 27th January 2020**

We noted the new appeals received between 21<sup>st</sup> November 2019 and 27<sup>th</sup> January 2020.

**The meeting ended at 5.00 pm.**



**Application Number:** DC/2017/01335

**Proposal:** Full planning application for demolition of existing buildings and residential development with associated works

**Address:** Cross Ash Garage, B4521 Hill House to Trebella Farm, Cross Ash NP7 8PL

**Applicant:** Mr. Stephen Martin

**Plans:** Site Layout 1928-BK-01 - (SITE LAYOUT), Garage Plans 1928-GAR-01 - (SINGLE GARAGE), All Drawings/Plans 1928-HF-01 - (HOUSE FINISHES), Location Plan 1928-LP-01 - (LOCATION PLAN), Site Layout 1928-TP-01 - (PLANNING LAYOUT), Floor Plans - Proposed 1928/T1/01 - (TYPE 1), Floor Plans - Proposed 1928/T2/01 - (TYPE 2), Floor Plans - Proposed 1928/T3A/01 - (TYPE 3), Floor Plans - Proposed 1928/T3B/01 - (TYPE 4), Topographical Survey CD3699-01 - (TOPOGRAPHICAL SURVEY), Tree Survey E1884401 TREE SURVEYS ADDENDUM REPORT - ,

**RECOMMENDATION: Approve subject to a unilateral undertaking**

Case Officer: Ms. Kate Bingham  
Date Valid: 23.12.2019

**This application is presented to Planning Committee given the constrained deadlines for the delivery of the site having regard to Welsh Government funding arrangements for affordable housing**

## 1.0 APPLICATION DETAILS

1.1 This application relates to a former garage site to the north of the B4521 in the village of Cross Ash. The site is partially within the settlement of Cross Ash and partially allocated as a 60/40 affordable housing site under Policy SAH11(i)(b) of the Local Development Plan (LDP). The site layout proposed two open market houses within the village Development Boundary with one additional open market house and three affordable houses within the housing allocation area.

1.2 The site measures approximately 0.1 hectares in area. The site was previously used as a petrol filling station and there are two buildings remaining from the previous use including a service workshop and main garage building with timber frame office extension.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2017/01335	Full planning application for demolition of existing buildings and residential development with associated works	Pending Determination	

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

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S2 LDP Housing Provision  
S4 LDP Affordable Housing Provision  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design  
SAH11 LDP Main Villages

#### **Development Management Policies**

H2 LDP Residential Development in Main Villages  
H7 LDP Affordable Housing Rural Exceptions  
GI1 LDP Green Infrastructure  
LC5 LDP Protection and Enhancement of Landscape Character  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
SD2 LDP Sustainable Construction and Energy Efficiency SD3 LDP Flood Risk  
SD4 LDP Sustainable Drainage  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
MV2 LDP Sustainable Transport Access  
MV3 LDP Public Rights of Way  
EP3 LDP Lighting

### **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**

**Llangattock Vibon Avel Community Council** - Councillors have examined the site and proposal, and recommend approval.

1. The removal of a derelict eyesore, clearance of contaminated ground, and the provision of affordable housing are welcome.
2. The provision of affordable housing should be a condition of any consent. Councillors would also prefer the detailed plans to specify that the outward appearance and materials of the buildings are more in keeping with other buildings in the village.

**NRW** - We note from the above report that recent surveys found lesser horseshoe, common pipistrelle and myotis species of bats using the buildings that are to be demolished for day roosting. A small maternity roost of common pipistrelle bats is also present. In addition, the above report states that 2015 surveys found evidence of use by brown long-eared and whiskered bats. We welcome the general mitigation and avoidance measures proposed. However, in our opinion, in order to be satisfied that the proposals will not lead to a detriment to the favourable conservation

status of the species in question, more information is required regarding the location and nature (size of the structure and the void, materials, access points, orientation etc.) of the replacement bat roosts, in particular the proposed structure containing the bat loft. We advise that the structure containing the void is designed in accordance with best practice guidelines ('Bat mitigation guidelines' by English Nature, 2004). Furthermore, we advise that architectural drawings illustrating the finalised proposals need to be submitted to your Authority for approval prior to the determination of this application. A lighting plan for the proposed development, which shows how illumination of bat roosts, access points and flight lines is avoided is also required.

We will review our position and advise further when this further information has been submitted.

**\*\*This information has been submitted by the applicant and MCC is awaiting a further response from NRW at the time of writing this report\*\***

NRW note the site's historic use as a petrol station and its environmental sensitivity, due to directly overlying a Secondary aquifer and bordering surface waters. Therefore, we recommend conditions are included in any planning permission granted.

**DC-WW** - No objections. Note that foul drainage will be by private means. Also note that the site is crossed by an abandoned water main which DCWW must retain access to at all times unless it is diverted.

**MCC Environmental Health** - Having considered the information available in relation to this application I am of the opinion that I am unable to substantiate an objection to the proposal. I

would however recommend that conditions in relation to contaminated land and lighting form part of any planning consent granted for the development.

**MCC Biodiversity** – final response awaited.

**MCC Highways** – response awaited.

**MCC Tree Officer** - Satisfied that there is enough evidence on aerial photography to show that further arboricultural information to support this application is not required.

**MCC SAB** - The applicant will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

**MCC Housing Officer** - We have been working with Monmouthshire Housing Association and the landowner to bring this site forward for development. As you are aware it is allocated under policy SAH11 (i) and there has been a planning history with this site.

Through working with MHA we are in a position to bring forward six units of accommodation three of which will be affordable, two will be built for the open market by MHA/ Capsel and the landowner will build his own property on the site. To assist with viability and other issues, I have agreed to support the affordable housing through the Social Housing Grant programme and have committed £368,000 of SHG in this financial year.

There is a need for affordable housing in this area, and the proposed 3 x 2 bedroom houses best meet the identified need. I am in full support of the application and affordable units are much needed in the village, they will be administered through a rural allocations policy to ensure those with a local connection are allocated a property (assuming the application is successful).

## 5.2 Neighbour Notification

Two representations received. Object on the following grounds:

Affect local ecology

Close to adjoining properties

Inadequate access

Inadequate parking provision

Inadequate public transport provisions

Increase danger of flooding

Increase in traffic

Increase of pollution

Loss of light

Loss of privacy

Noise nuisance

Out of keeping with character of area

Over-development

Potentially contaminated land

Strain on existing community facilities

Cross Ash is a Hamlet not a Village. Why is it classified in the MCC LDP as a Major Village (Policy S1, page 52) when places such as Llantilio Crossenny, Mitchell Troy are classified as Minor Villages. Cross Ash has no amenities (except a Hall), no Church, no public transport.

The proposal also increases the population in the hamlet with the resulting effect of:

i. Increase the Carbon Footprint

ii. Increase noise pollution

iii. Increase light pollution

Storm water etc., will be drained via the culvert opposite the old garage but this feeds into the stream across our land and has already caused erosion of the bank plus there has been no public consultation with us.

We have concerns over where the discharge will end up as there are several water courses which feed into our fish/wildlife ponds which support a great deal of wildlife: otter, heron, white egret, duck, goose and kingfisher and are also spawning sites for toad, frog and newt.

The following is also, if this proposal went ahead:

- a. How long the building works would take and how would this be managed by the contractor to not impact the current inhabitants (noise, dust, large machinery etc.)?
- b. How the demolition of the workshop and associated asbestos roofing would be handled to ensure that there would be no asbestos ingress or threat to the current inhabitants and wildlife?
- c. How, exactly, would the proposal ensure that the build would be in keeping with the current hamlet?
- d. How the proposal would not impact current skyline, as the existing building is single storey and the proposal suggests that the houses would be 2 storey with roofs?
- e. Where will the water supply come from - rising main or reservoir?

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### 6.1.1 Principle of Development

Part of the site is allocated for around five dwellings in Policy SAH11. Policy S4 relates to affordable housing provision and states that in Minor Villages there is a requirement for at least 60% of the dwellings to be affordable. In this case, on the allocated part of the site, three dwellings are affordable and one is open market, which equates to 75%. Therefore, this part of the proposed development meets the requirements of this policy. On the area of the site within the Development Boundary of the village, in accordance with Policy S4 an additional financial contribution would be required for these open market dwellings. However, after pre-application discussions with planning officers relating to economic viability, it was agreed that this could be waived due to the fact that this site is a brownfield allocation and the additional market dwellings would help with remediation costs to bring the overall site forward.

#### 6.1.2 Good Design/ Place making

The site is a currently vacant and partially derelict petrol filling station and the redevelopment of the site for residential purposes will have a betterment to area in terms of character and appearance.

The existing residential vernacular in proximity to the site comprises of traditional stone and rendered houses with slate roofs.

The proposed new dwellings are traditional in form and scale being two storey with pitched roofs but include more contemporary features such as non-symmetrical windows, vertical timber cladding and zinc roofs.

Three types of houses are proposed. Types 1 and 2 are the open market housing and will be detached and front the main road. Type 3A is the affordable housing, which will comprise three two-bedroom dwellings in a terrace side on to the road.

House type 1 is a four bedroom dwelling and very traditional in appearance with symmetrical double frontage around a central front door and porch. It will be finished in stone with a slate roof.

House Type 2 is also four bedroom but includes a steep gable on the front and rear elevation which forms an overhang for the front door. It also includes vertical timber cladding on the gables with smaller more contemporary fenestration in this area as well as a zinc roof.

House Type 3A which is the affordable housing will be similar in its appearance and external finishes to House Type 2. This house type also includes a feature first floor rectangular bay window.

Other materials proposed will be a mix of multi coloured brickwork for the terrace and reconstituted stone walls for the detached dwellings. uPVC is proposed for the windows and timber or timber effect doors and garage doors.

The introduction of more contemporary design features in the proposed development is considered to be appropriate in the context of the existing village which has a mix of house types and styles. However, to ensure that the proposed development blends well with the surrounding street scene, it is considered that the finishing materials should be controlled by condition with samples being required prior to construction, as good quality materials will be key to the success of the more contemporary design aspects of the proposal.

Overall, it is considered that the scale, form and design of the proposed dwellings will not harm the overall appearance or character of the area and the application therefore meets the requirements of LDP Policy DES1.

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

The houses have been designed with no habitable room windows on the side elevations that would cause overlooking either between them or over the gardens of the existing properties to the west. All rear gardens will also benefit from relatively high degrees of privacy due to the layout of the proposal. As such, it is not considered that the proposed development will harm residential amenity and does not conflict with LDP Policy EP1.

### **6.2 Active and Social Places**

#### 6.2.1 Sustainable transport issues (Sustainable Transport Hierarchy)

Cross Ash is designated as a Main Village in the LDP. The Council's methodology for assessing a settlement's sustainability centred on access to facilities and services, including public transport. Although the bus service is not particularly frequent, there are opportunities to get to Abergavenny and further transport links from the site.

#### 6.2.2 Access / Highway Safety

Access to the dwellings is proposed via the formation of two new accesses off the B4521. Visibility is relatively good in both directions from each of the access points and there is space within the site for all traffic to enter and leave in a forward gear. Given the small scale of development, the use of these access points is unlikely to adversely affect highway safety in the area or have any impact on the wider highway network.

Parking has been provided at a rate of one space per bedroom for each dwelling (up to a maximum of 3) which meets the Monmouthshire Parking Guidelines standard.

### **6.3 Distinctive & Natural Places**

#### 6.3.1 Landscape/ Visual Impact

The site is a currently vacant and partially derelict petrol filling station and the redevelopment of the site for residential purposes will have a betterment to the area in terms of the character and appearance of the wider landscape. The relatively small site will be a redevelopment of an existing site with limited loss of green areas and the landscaping plan submitted with the application shows additional tree planting which is welcomed. Furthermore, the site is located on the edge of the existing settlement meaning that the wider landscape impact of the proposed new dwellings will be limited.

#### 6.4.4 Green Infrastructure

Given the small scale of the proposed development, there are limited opportunities for new Green Infrastructure as part of this development. However, there are areas of landscaping outside the boundaries of individual dwellings that will have to be managed. The detail of who will be responsible for the management of the retained/mitigation habitats and strategic GI areas needs to be provided. A GI Management plan will be sought for these areas to ensure they are appropriately managed for biodiversity and provide net benefit on the site. This will be conditioned.

#### 6.4.5 Biodiversity

There are no statutory or non-statutory designated nature conservation sites on the survey site; however, there are three non-statutory sites (the closest is 360m away) within the 1km study area. No rare habitats were recorded. Protected species recorded on the site are common toad, roosting and foraging bats and nesting birds (including swallow). No reptiles were recorded during specific surveys. The site provides potential amphibian and reptile cover and sheltering habitat, badger sett building and foraging habitat and hazel dormouse habitat. Previous records for the 1km study area include bluebell, bats and birds.

During the bat scoping survey bats were seen roosting behind the boarded window areas along with several hundred fresh bat droppings in the same areas. Throughout the survey season, six common pipistrelle bats, a single myotis bat and a maximum of four lesser horseshoe bats were seen roosting either behind the boarded windows and within the building itself. No lesser horseshoe bats or any other bat species were seen hibernating within the buildings during the two hibernation checks. During the bat dusk surveys a maximum of six common pipistrelle bats and three lesser horseshoe bats were seen emerging from the building. Noctule bats, Leisler's bat, serotine bat, soprano pipistrelle bat, brown long-eared bat and myotis bat species were also recorded foraging and commuting on the site.

The main potential ecological constraints associated with the proposed development are (i) loss/disturbance to habitats, (ii) harm and injury to roosting bats, (iii) loss of bat roosting habitat, (iv) harm to nesting birds, (v) loss of nesting bird habitat and (vi) harm and injury to hazel dormouse. There are ecological opportunities through habitat creation, native planting/sowing and enhancements for faunal species. Evidence has shown that bats are currently using the buildings as day-time bat roost sites, including a small maternity roost. An EPS mitigation licence for roosting bats from Natural Resources Wales will be required for building demolition works. A Hazel dormouse survey will also be required if any hedgerows/scrub are to be removed.

Any works must be implemented in accordance with the mitigation measures detailed in the ecological survey accompanying the application. This has been conditioned. Enhancement measures include landscaping areas to include native species, species-rich hedgerow planting on any fence lines/site boundaries, house sparrow nest boxes on the new houses on the site, insect boxes in the retained hedgerows/scrub and hedgehog boxes in the bases of retained hedgerows/scrub. Grassland loss will be compensated by sowing a native flowering lawn mixture in new gardens (suitable for more frequent mowing).

The application also proposes native tree, shrub and hedgerow planting to equal or preferably exceed the number/length lost due to the development and a new purpose-built bat void in a stand-alone structure such as a garage or bin store for lesser horseshoe bats. The proposed new dwellings themselves will include ridge tunnels for bats and bat tiles in the roofs for common pipistrelle bat and myotis bat species, use of bituminous (bat friendly) roof liner in the roofs of the new houses and new bat void and also bat friendly timber treatments. Swallow and other general bird nest boxes are also proposed to be installed on the new houses and trees on the site.

The boundaries of the development site (currently close-boarded fencing) should also look to provide a buffer to this area and could be planted with hedgerow and/or native species planting and the existing hedgerow to the north noted as defunct should be enhanced through additional planting. The grassland should be managed to encourage its floral diversity and provide compensatory priority habitats. Management of this area could also include retention of some of the scrub habitats and inclusion of reptile hibernacula. This will be controlled through the submission of a GI Management Plan (conditioned).

#### 6.4.6 Flooding

The site is not within any designated flood plain and therefore issues of this type are not anticipated.

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

The applicant is proposing to discharge the development's surface water run-off to ground via soakaway/infiltration methods. Validation of this approach remains subject to site investigation and should the ground be unsuitable then they will explore alternative disposal methods in accordance with the SuDS hierarchy.

The existing culvert is too high to make a gravity connection to serve as a site wide solution and so if any connection to the watercourse were to be sought it would be downstream of the culvert and its outlet to the open stream to avoid pumping. Given the brownfield nature of the site, there are comparative hardstanding areas, generating similar run-off profiles, between the existing and proposed scenarios. Should a positive outfall (to watercourse/sewer) be sought then this would be restricted to an appropriate discharge rate, which would provide significant betterment in terms of reducing loadings and downstream flood risk.

In terms of foul drainage, with no existing mains sewerage, the application proposes package treatment solution(s). Again, whether the treated 'clean' effluent then discharges to ground or a positive discharge point will be governed by the ground conditions and the same testing referenced above. NRW environmental permits and/or exemption licences will be pursued if required in the detailed design stages.

All drainage will have to be a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

#### 6.4.8 De-risking (contamination issues)

Having reviewed historical mapping, the Council's land contamination database, and petroleum license files, Environmental Health advise that there is a potential for contamination to be present on the site due to the former use as petrol station/garage.

The most up to date information Environmental Health hold is from October 2015. This information identified that the underground storage tanks (and the pumps and pipework) were still in place and that contamination of the surrounding soil had been identified. There was also a significant amount of perched/groundwater located up against the tanks which was also contaminated. As such, conditions requiring site investigation/risk assessment procedure be undertaken by the developer have been included below. This will ensure that any contamination is identified and mitigated.

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

6.5.1 A local resident queried why Cross Ash is designated as a Main Village in the LDP. The Council's methodology for assessing a settlement's sustainability centred on access to facilities and services, including public transport. Villages which scored 5 or more, and were then ranked in the third tier or above, had the potential to be designated as Main Villages and suitable for a housing allocation. The results of the ranking exercise were modified by the consideration of additional factors such as the size of the village, its landscape setting and, crucially, a suitable supply of land. Although not weighted in the original assessment the types of facilities available were also taken into account. Cross Ash is a fourth tier village but designated as a Main Village by reason of a having school.

6.5.2 In terms of noise, disturbance, safety and protection of wildlife during construction works, a Construction Environmental Management Plan (CEMP) will be required to be submitted to and approved in writing prior to development commencing. This plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise (including proposed hours of on-site working), vibration, dust, and waste disposal (including asbestos) resulting from the site preparation, groundwork and construction phases of the development and the management of Heavy Goods Vehicle (HGV) access to the site. This will be secured via condition.

Other issues raised by local residents are addressed earlier in this report.

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

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



## **7.0 RECOMMENDATION: APPROVE**

Subject to a Unilateral Undertaking requiring the following:

### Heads of Terms

The three affordable housing units referred to on the plans shall remain as affordable homes in perpetuity.

### **Conditions:**

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

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

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

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

3 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise (including proposed hours of on site working), vibration, dust and waste disposal (including asbestos) resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with LDP Policy EP1.

4 Prior to the commencement of development, a written scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be implemented and maintained for the lifetime of the approved development.

REASON: To protect the amenity of the locality, in terms of light pollution to ensure compliance with LDP Policy EP1.

5 No part of the development hereby permitted shall commence until:

a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.

b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.

c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

d) Following remediation a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

REASON: To ensure that any potential risks to human health or the wider environment which may

arise as a result of potential land contamination are satisfactorily addressed in accordance with LDP Policy EP1 and EP2.

6 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed in accordance with LDP Policies EP1 and EP2.

### **INFORMATIVES**

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

0 The applicant will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the

SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sustainable-drainage-approving-bodysab>.

0 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk). This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

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**Application Number:** DC/2018/00218

**Proposal:** Retention of timber close boarded fence on south boundary, and raise level of no. 21 garden between 120mm and 810mm over the fence length.

**Address:** 21 Jasper Tudor Crescent Abergavenny NP7 9AZ

**Applicant:** Mr & Mrs S Johnson

**Plans:** All Proposed Plans BP2612/00 - Rev E,

## **RECOMMENDATION: Refuse**

Case Officer: Mr Andrew Jones

Date Valid: 26.03.2018

### **1.0 APPLICATION DETAILS**

1.1 This planning application was deferred at the meeting of Committee held on 4th February 2020 to be refused, contrary to the recommendation of officers. The application is therefore represented to Committee with a reason for refusal as set out in paragraph 1.2 below.

1.2 Members concerns related to there being insufficient information regarding the harmful effect on neighbour amenity from surface water. The reason for refusal offered to reflect those concerns is set out below:

“1. Insufficient information has been provided to demonstrate that the harmful effect on neighbour amenity from surface water, as a result of the changes to the garden level, has been mitigated. The development is therefore contrary to Policies DES1 (d), EP1 and SD4 of the adopted Monmouthshire Local Development Plan.”

### **PREVIOUS REPORT**

**This application is presented to Planning Committee at the request of the Local Ward Member, Councillor Giles Howard.**

### **1.0 APPLICATION DETAILS**

1.1 This application relates to a detached property on a modern housing estate on the edge of Llanfoist. The application has been submitted as the result of an enforcement case as the owners of the property carried out works to raise the ground level of the rear garden to make the area one level. In addition because of the alteration to the new ground levels works were also carried out which led to a new close boarded boundary fence being erected at a higher height than the original fencing. The ground levels were raised at No.21 up to 810mm at the highest point. As a result of increasing the height of the ground level the close boarded fencing was raised from 1.82m to 2.52m at its highest point.

1.2 Since the application has been submitted several amendments have been made which include a reduction in the height of the existing fence and the proposed introduction of trellis fencing and a planting scheme. It is now proposed to reduce the solid fence to 1.3m in height and to install trellis panels above that would see the overall structure stand 1.72m at its highest point.

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

Reference Number	Description	Decision	Decision Date
DC/2017/01142	Retention of 1.65m timber close boarded fence on south garden boundary.		05.12.2017
DC/2018/00218	Retention of timber close boarded fence on south boundary, and raise level of no. 21 garden between 120mm and 810mm over the fence length.	Pending Determination	

### 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

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

Llanfoist Fawr Community Council - Members reviewed the case file documents and noted that this application is (i) connected with enforcement proceedings and (ii) the subject of a neighbour's objection. Members considered that this application rests on planning technicalities upon which this Community Council does not feel it constructive to comment further.

The community council also followed up with comments on amended drawings that were submitted - comments were the same as originally stated

Local Member – requests that the application be presented to the Council's Delegation Panel on the grounds of amenity and privacy.

#### 5.2 Neighbour Notification

Objections from one party have been made in response to the consultation period and amendments to the scheme.

Comments are as follows:

1. Fence Height - object to the new fence height which now stands at 2.7 metres off the original land fall, clearly way above the approved planning regulations. The new fence which has been attached to the original existing fence towers above our garden overshadowing the property and preventing light from entering the downstairs windows.
2. Land raising - groundworks have been carried out where a breeze block wall has been built at height of 70cm for several metres across the boundary length. This has raised the land level next door across the boundary considerably and does not fall under permitted development; this has consequently raised the height of the fence.  
Regarding the latest application, should this level is given approval and the fence reduced by 280mm it would lead to a privacy issue with the neighbour being able to see over the top into our garden. Thus any land raising consent causes overlooking and a breach of our privacy.
3. The building work has altered the natural flow of water drainage and we now have severe waterlog in that area of the garden. This has now caused movement in the original fence due to the excess build up of water.
4. The new fence has been attached to the original fence, thus directly abutting the existing fence and therefore does not allow any maintenance works to be carried out.

Amended drawings were submitted following discussions and neighbours consulted. Objections to the proposed amendments are as follows:

Issues that have led to this objection result from the significant groundworks that have been implemented by the owners of No.21. The re-profiling of the site has resulted in levels that are alien to those that existed when the original development was completed. Objections are raised with regard to the description of the application as the applicant has not included extensive groundworks into the description. The problems have not just resulted from the erection of the means of enclosure but the totality of the extensive works that have been undertaken at No.21. Comments received are as per the original consultation with the addition of comments regarding the revised drawings.

1. Revision B is merely replacing part of the height with a trellis and planting. This means the height will still be the same and overshadow the garden, thus, impacting on our residential amenity, with the lack of light impacting this area and the benefit enjoyed from our physical external space. The proposed plans submitted also indicate the trellis is to be put on top of the fence at a higher level in some parts than the feathered edge board is now.
2. Land Raising Rev B - once again has not applied for planning permission for such groundworks making the application deficient and it does not include the change in the land profiles which have created the issue. Should this new ground level be given approval and the fence reduced with trellis, it would lead still to a privacy issue with the neighbour being able to see over the top into our garden; thus any land raising consent causes overlooking and a breach of our privacy.
3. The plans submitted for revision B are most confusing and omit essential detail. Although BS Technical Services state in their supporting letter that the close boarded fence will be reduced to the original level, their diagrams indicate otherwise. They still show a proportion of feather edge board remaining above the original level. Furthermore they do not show the original level of the land next door or the measurements of the retaining wall built to increase the level of the lawn.

Revision C - the proposed trellis on top of fencing will still be the same and overshadow the garden, thus impacting on our residential amenity with the lack of light impacting this area. In terms of the land raising - new revision clearly states that their groundworks have been built in excess of permitted development regulations of 810mm.

The plans submitted for revision c) again are most confusing and omit essential detail. Although BS Technical Services state in their supporting letter that the close boarded fence will be reduced to the original level, their diagrams indicate otherwise. They still show a proportion of feather edge board remaining above the original level.

Furthermore, the original level of the land at no.21 was always the same as no.19, not as shown on the diagram; if it had been different then the original fence would have been supporting the

earth which it was not. There was no earth against the fence. If there had been it would be visible on the rear fencing panels.

The latest revision indicates shrubs which they intend to plan. We must note here that the applicant has already planted in this area with planting towering above the fence already.

## **6.0 EVALUATION**

### 6.1 Visual Impact

6.1.1 The application relates to the retention of a close boarded fence along the southern boundary and the change of ground levels to the rear garden of No 21 Jasper Tudor Crescent. The works undertaken are largely only visible from within the application site and from the neighbouring dwelling No 19 Jasper Tudor Crescent. The impact with regard to amenity impact and No 19 are considered in Section 6.2 and 6.3. However, the provision of close board fence between neighbouring properties is prevalent within the wider residential estate. Therefore with regard to visual impact the development is considered to be in accordance with relevant criteria set out within Policy DES1 of the adopted LDP.

### 6.2 Residential Amenity

6.2.1 In relation to the effect the development has on the neighbouring property the issues have been raised in the objections to the application. Discussions have taken place with the applicant and agent in order to resolve these issues and subsequent revisions have been submitted to overcome this.

6.2.2 In terms of the changes to the ground level at No.21 the reason for the groundworks was so that the garden was made level across the rear of the property. This was carried out because of personal reasons which are not part of the application details. The difficulty in this issue is that when the housing estate was developed No.21 was constructed on higher ground than that of the neighbouring property below, therefore any alteration to the enclosure or raising of ground levels could have potential impact on residential amenity. The changes to ground level were such that they required the benefit of planning permission.

6.2.3 As a result of the change to ground levels, the new fence that was erected along the southern boundary posed an issue with regard to having an overbearing impact on the neighbouring property as well as obstructing the neighbours right to have access to natural light. In order to overcome both issues it was discussed on site with the agent and applicant and separate meetings with the neighbour what could be done in order to deal with these issues. It was therefore proposed to reduce the height of the close boarded fence to the internal frame and replace the solid structure with trellis fencing. By securing these amendments via a planning condition it would alleviate the overbearing impact of the solid fencing but allow for light to go through the trellis fencing, but at the same time still give privacy to both No.21 and the neighbour.

6.2.4 The implementation of this revision is not considered to have a harmful impact on any other party's residential amenity. The harmful overbearing impact of the unauthorised fence would be mitigated; furthermore the revised plans would not have an unacceptable impact on any party's privacy or obstruct any party's access to natural light. The application is therefore in accordance with Policies DES1 c) and EP1 of the Local Development Plan.

### 6.3 Drainage

6.3.1 In light of the correspondence received from the objecting third party with regard to drainage issues within the garden of 19 Jasper Tudor Crescent the Local Planning Authority (LPA) engaged in consultation with the Flood Risk Management team within the Council. A number of site meetings were conducted and it was determined that the unauthorised works to the rear garden levels in 21 Jasper Tudor Crescent could have led to the wet conditions affecting the garden of 19 Jasper Tudor Crescent. Whilst the advice from the Flood Team was that it was impossible to be



certain, they did advise there was a potential mechanism for the works to be causing the problem or exacerbating an existing problem.

Drainage solutions were discussed between all parties and it was proposed that, prior to determination of the planning application, the owners of number 21 install a French drain (shallow gravel filled trench) in the garden of number 19, discharging into the surface water drainage system of number 19. As these works, in part, would have to take place outside of the red line boundary of the planning application and within land not in the ownership/control of the application it was agreed that these works would need to take place prior to any decision being taken on this planning application as they could not have been controlled through planning condition.

The works were undertaken in December 2019 and whilst required no formal consent from the Flood Risk Team, were inspected by one of their Engineers. However, this has not resulted in the objection on this matter being withdrawn from No 19 who had anticipated that the drainage solution would have included a land drain being laid along the grassed area to the rear of No 19.

Whilst it is acknowledged that the drainage works did not include this, the Council's Flood Risk Team are satisfied that the works undertaken were sufficient to alleviate any detriment to the drainage system in the neighbouring garden caused by the unauthorised ground works. Upon inspection the Engineer confirmed that the new drainage system was working well to remove water from the area around the wall. Although water was standing in the lawn of No 19 it is heavy clay soil - typical of the natural soils of much of Monmouthshire. Moreover, ground conditions have also been affected by the very heavy rainfall since the autumn.

6.3.2 Therefore with regard to the issue of land drainage and in particular the impact on the rear lawn of the lower neighbouring property, No 19, it is considered that the applicant has undertaken reasonable and appropriate works to mitigate any adverse drainage impact on third parties. This matter has been very carefully considered in close consultation with the relevant technical expert within the Council's Flood Risk Team, who is satisfied that even though no land drain extends along the lawn of No 19 the solution installed is sufficient to alleviate any unacceptable harm.

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

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

#### ul 6.5 Conclusion

6.5.1 The application has been subject to considerable negotiation and amendment in order to mitigate the impact caused by the changing of the rear garden levels and new close board fencing. It is also noted that the amendments proposed and mitigation measures implemented (drainage) have not resulted in the objection from the neighbouring property No 19 being withdrawn and their concerns remain.

However, it is considered on balance that subject to a planning condition to secure implementation of the revised fence together with associated landscaping and the drainage works already undertaken to mitigate any drainage impact, that the harm caused by the unauthorised works can be overcome and therefore acceptable.

### **7.0 RECOMMENDATION: APPROVE**

#### **Conditions:**

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

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

2 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 completion of revised fence line and trellis as shown on drawing no. BP2612/00 Rev E, 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.

3 The lattice design spacers on the trellis fencing shall be no more than 70mm spacing and retained in perpetuity.

REASON: In the interests of residential amenity.

4 The fence shall be reduced and the trellis panels installed in accordance with drawing BP2612/00 Rev E within 2 months from the date of this permission and retained in perpetuity.

REASON: In the interests of residential amenity.

## **INFORMATIVES**

1 The developer is advised that the provisions of the Party Wall etc. Act 1996 may be applicable to the proposal and is advised to seek appropriate advice prior to any work commencing on site.

**Application Number:** DM/2019/01214

**Proposal:** The demolition of the existing corrugated arched tin shed and replacement by a two storey residential dwelling

**Address:** Land Adjacent To 13 Fosterville Crescent, Abergavenny

**Applicant:** Mr. Mike Giles

**Plans:** Location Plan Location Plan - , Heritage Statement Heritage Impact Assessment - , Design and Access Statement Design, Access and Planning Statement - , All Drawings/Plans MG - 01 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms. Kate Bingham  
Date Valid: 29.07.2019

**This application is presented to Committee at the request of the Council's Delegation Panel who met on the site on 15th January 2020**

### **1.0 APPLICATION DETAILS**

1.1 This application seeks to remove an existing concrete block and corrugated iron building and replace it with a two-bedroom dwelling. The site occupies a parcel of land between the Edwardian semi-detached property, number 13 Fosterville Crescent and the more modern dwelling occupying the corner plot, number 14. The site is long and narrow, stretching the distance between Fosterville Crescent and Belmont Crescent. The site is situated within the Development Boundary as designated by the Local Development Plan. As such, the principle of a new dwelling is acceptable subject to other relevant policies and material considerations. Notably, the site is also within the Abergavenny Conservation Area and so will be expected to preserve or enhance the character and appearance of that designated area.

1.2 The existing structure is in a somewhat dilapidated state and is currently used for storage only. However, the existing access remains and the area in front of the garage building has been used for parking.

1.3 The dimensions of the existing structure from existing ground level are:  
Floor area - 54.7m<sup>2</sup>  
Height to eaves - 2.14 metres  
Height to curved ridge - 3.37 metres

1.4 The dimensions of the proposed dwelling from excavated ground level:  
Floor area - 75.4m<sup>2</sup>  
Height to eaves from DPC (min 150mm above ground level) - 3.67 metres  
Height to ridgeline from DPC (min 150mm above ground level) - 5.76 metres

1.5 The proposal has been amended since it was submitted following discussions with officers and has sought to address design concerns.

1.6 There is a concurrent Conservation Area Consent submitted for the demolition of the existing garage which is recommended for approval. There are no other constraints such as flood zones or other designations.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2011/00946	Demolition of corrugated iron workshop/garage and erection of new single storey dwelling.	Refused	19.12.2012
DC/2016/01239	Demolish existing garage in anticipation of erection of dwelling.		11.01.2017
DC/2016/01374	Demolish existing garage in anticipation of erection of dwelling.		08.12.2016
DC/2016/01062	NO DESCRIPTION GIVEN.		04.10.2016
DC/2016/01004	Demolition of an existing workshop and garage and them erection of a mews type house.		23.11.2018

### **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  
S12 LDP Efficient Resource Use and Flood Risk

#### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
HE1 LDP Development in Conservation Areas  
DES1 LDP General Design Considerations

EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
SD4 LDP Sustainable Drainage  
EP5 LDP Foul Sewage Disposal

#### **4.0 NATIONAL PLANNING POLICY**

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

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

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

#### **5.0 REPRESENTATIONS**

##### **5.1 Consultation Replies**

**Abergavenny Town Council** - Object on the following grounds:

This proposed building does not conform with LDP Policies DES1 and HE1. The materials are not appropriate to the setting. The size and shape of the plot does not lend itself to a residential property and consequently the design being proposed offers poor quality accommodation. The ground floor is partially sunken creating a dark ground floor space and accessibility to and around the property and garden are poor. The restricted size and shape of the building i.e. long and narrow restricts design opportunities. At the minimum this application should be considered by the delegated panel.

**Dwr Cymru- Welsh Water** - Advise that development will be subject to SAB approval. Suggest condition requiring a drainage plan prior to commencement of development.

**MCC Heritage** - No objection to demolition or replacement.

**MCC Highways** - Objection withdrawn following the submission of additional information in relation to the existing access.

**MCC SuDS Approval Body** - Please be advised that we believe your proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

SEWBRc Search Results - No significant ecological record identified.

##### **5.2 Neighbour Notification**

Four representations received. Object on the following grounds:

###### **Structural Issues**

1. The plan requires the excavation of a significant volume of earth from the existing site. The effects on the existing boundary wall and the adjacent properties have not been considered. No evidence has been submitted regarding the risk of structural failure.

2. The proposed excavation may increase the risk of flooding with either ground water or sewage and cause a nuisance to the adjacent properties.

3. During building works on 12 Fosterville Crescent extensive spring activity was discovered. An existing extension was removed and rebuilt. During the works a 24 hour pump was required to reduce flooding to the foundations as they were dug and rebuilt. This naturally occurring spring activity is also present at Number 11 and therefore I would assume it to be an issue for the proposed site also.

4. The retaining walls required for the subterranean building will need to be deep and extensive to prevent the land on either side collapsing onto the proposed building. I am very concerned how this excavation could affect the free movement of subterranean water in the vicinity of number 12 and 13 and the long term effect on our foundations. Number 12 and 13 are semi-detached and approximately 3metres from the proposed new dwelling.

5. This current proposal does not acknowledge that both water and gas mains run through the site.

6. There is an absence of any detail relating to any retaining structure along the boundary of 14 and 13 Fosterville Cres. At the Delegated Panel site meeting with officers and some Members there was a suggestion that these were not matters for planning but for Building Regulation approval. However it would appear that retaining walls over 2m high do require planning permission. Such walls may escape the provisions of Building Regulations altogether.

Accordingly I would ask you to reject the present application on the basis of insufficient information which is crucial to the ability to use the site in the way proposed. However if you are minded to approve the application I would ask that you include condition(s) to control the construction and design of any retaining walls

#### Design

7. The proposed development is within the Conservation Area. I agree that the demolition of the existing corrugated arched tin shed would enhance the area but consider that the proposed development would not be in keeping with the area. It is suggested that the proposed structure would appear "secondary and supplementary as a garden outbuilding to 13 Fosterville Crescent". There are no other examples of secondary structures, such as coach houses, within the Crescent.

8. The proposed infill is planned to be squeezed into a narrow gap and will have a detrimental effect on the architectural layout of the Crescent and the houses were designed to be well spaced.

9. The proposed new dwelling, by virtue of its scale and design, will not preserve or enhance the character and appearance of the Abergavenny Conservation Area, contrary to Policy CH1 of the Monmouthshire Adopted Unitary Development Plan.

#### Residential Amenity

10. The final elevation of the proposed structure is higher than the existing structure and will reduce the light on the southern aspect of number 13 Fosterville Crescent.

11. The proposed new dwelling, by virtue of its scale and design, would be out of keeping with the surrounding street scene, which is characterised by large dwellings and plots and a high degree of spaciousness and privacy. The proposed development would therefore be contrary to Policy H3 of the Monmouthshire Adopted Unitary Development Plan.

#### Highways

12. The existing properties have limited on-road parking and this is exacerbated by commuters and other Abergavenny visitors, seeking to avoid paying for parking in the Town. A new building will only increase the congestion. The regular refuse and recycling lorries already struggle to manoeuvre in the crowded crescent.

#### Other

13. I urge the planning committee to refer to a letter from Simon and Chelsey Buttler dated 31/05/2012 in relation to DC/2011/00946 and DC/2011/00955. Many of the points raised in that letter still apply to the current application.

14. The current application has been notified by a small notice put in place during a time when many residents are away. We have not received any written notification, and are concerned that the residents of Belmont Crescent, to the rear of the site, will not be aware of the new proposal.

### 5.3 Other Representations

Abergavenny & District Civic Society - We are aware of previous unsatisfactory proposals for a house on this very narrow plot in the Conservation Area, and we note that it seems that the applicant has been given pre-application advice that any successful proposal must at least be for a building that appears subservient to No 13.

We agree with that advice and note that the latest proposal attempts to satisfy these requirements by excavating the site to accommodate a gabled two-storey building. That may cause drainage problems. In terms of LDP policy HE1, the demolition of the existing building will enhance the Conservation Area, but the new building's elevation to the road is extensively glazed and therefore visually insubstantial as a neighbour to the massive No 13. Detailing such as slim brick mullions, a truncated hip roof and/or more substantial barge boards might help.

We wonder if the 'proposed landscaping/retaining structure' at the front of the house main steps to counter ponding, conflicting with the DAS accessibility provision. Compliance with disabled access requirement will require close control - the side access way appears to be only about 650mm wide.

However, our overriding concern is that this home is squeezed between a retaining wall and a hedge or shrubs. Accordingly, the extensive ground floor side windows will admit little light and provide little outlook, perhaps acceptable for bedrooms but not for living areas. We object on the basis that this will not be a satisfactory home, inconsistent with PPW10 (p20) by being unlikely to promote physical and mental health and well-being. LDP policy DES1 requires 'high quality sustainable design' and in our view this does not meet that requirement.

It may be that a satisfactory small dwelling could be designed here, perhaps single-storeyed with a light-admitting courtyard between two corridor-linked sections, but the site is quite probably unsuitable for residential use. Of course, there may at some time be a possibility of using this site as an access to a new house in the extensive garden of No 14.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### 6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

The site is within the development boundary of the town of Abergavenny within which new residential development is acceptable in principle under Policy H1 of the Local Development Plan (LDP) pending an appropriate design that must be justified in a Heritage Impact Assessment (HIA) as part of the Conservation Area Consent needed for demolition.

Under Policy S4 of the LDP and the supporting SPG, a financial contribution of £3809 will be required towards the provision of affordable housing in the local area. This will not be payable if the dwelling is a self-build.

#### 6.1.2 Good Design/ Place making

The existing building significantly detracts from the Conservation setting. Its replacement with a new building will positively enhance the quality of the area.

The status of the existing building is ancillary to the larger dwellings surrounding it and the proposed replacement continues this hierarchy. In this respect it is considered that the traditional but basic detailing is appropriate in this case as it reflects the scale and status of the proposed new dwelling and avoids creating a 'mini-domestic' building. Using the massing of a traditional cart shed and ancillary status materials, such as the timber cladding further adds to the ancillary

character of the proposed dwelling.

Glazed openings are on the wall spaces rather than in the roof as the roof is the most visible area of the building and multiple rooflights would not be in keeping with the character and appearance of the surrounding roofscape. Instead, natural light will be gained from large glazed areas on each gable end. These windows should be recessed from the external walls (this is conditioned).

As one of the most visible elements of the building, the natural slate roof proposed is the most effective choice in terms of reaching a level of quality while respecting the status of the lower building rather than the tile of the main house. Windows are to be powder coated aluminium windows and doors. The lower parts of the walls are to be red brick.

It is considered that the character of the proposed building will reflect dwellings in the vicinity in regard to finished external materials; the new build proposed is considered to achieve a habitable dwelling which will still be visually subservient to adjoining properties.

Supplementing the planted areas that exist on neighbouring gardens with indigenous species planting within the site's curtilage will assist in assimilating the building into the landscape. It will also have ecological benefit.

A previous application on the site for a small dwelling to replace the existing garage was refused in 2012 for the following two reasons:

1. The proposed new dwelling, by virtue of its scale and design, would be out of keeping with the surrounding street scene, which is characterised by large dwellings and plots and a high degree of spaciousness and privacy. The proposed development would therefore be contrary to Policy H3 of the Monmouthshire Adopted Unitary Development Plan.
2. The proposed new dwelling, by virtue of its scale and design, will not preserve or enhance the character and appearance of the Abergavenny Conservation Area, contrary to Policy CH1 of the Monmouthshire Adopted Unitary Development Plan.

This previous application proposed a building that was similar in design to the existing garage having a curved corrugated galvanised steel sheet roof and a large front window designed with shutters so that the building continued to look like a garage. However, these shutters would have to remain open most of the time in order to achieve any natural light. This current application uses a more imaginative design that utilises the natural gradient of the site while setting the building down by excavating the land so that more windows on the side elevations can be included. The current design also proposes the use of higher quality materials than the previous refusal and a more traditional roof pitch.

Since the refusal the applicant has come in for pre-application planning advice on three occasions and the current design has responded to advice from the Council's Heritage Officer. As such, it is now considered that the current proposal has overcome the previous reasons for refusal.

On balance therefore, it is considered that the proposed new dwelling will be in keeping with the area and will not harm visual amenity. It would enhance the character of the Conservation Area. The proposed development therefore complies with LDP Policies DES1 and HE1.

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

LDP Policy EP1 requires development to have regard to the privacy, amenity and health of occupiers of neighbouring properties. The presence of high brick/stone boundaries and neighbouring vegetation along with an excavated footprint for the new dwelling ensures all established privacy and amenity of neighbouring occupiers is retained. Only a single roof light is proposed within the roof which will serve a bathroom. As such there will be no overlooking from this opening and overall, the proposed development is considered to meet the requirements of LDP Policy EP1.



## **6.2 Active and Social Places**

### **6.2.1 Sustainable transport issues**

The site is within the town of Abergavenny which is well served by employment opportunities and services as well as public transport. This site is especially close to the main railway station. As such the location of the proposed new dwelling is considered to be high up within the Sustainable Transport Hierarchy and conforms with the principles and objectives of PPW10.

### **6.2.2 Access / Highway Safety**

The proposed dwelling will utilise an existing access onto the public highway, albeit with an altered gradient. The proposed dwelling will have two bedrooms and two parking spaces are provided to the front which meets the Monmouthshire Parking Standards. There is no space on the site within which to turn in order to allow vehicles to enter or leave in a forward gear. Visibility to the right and forward, due to the gradient, is also below normal standards which has generated an objection from MCC Highways. However, following the submission of additional information in relation to the existing access arrangements provided by the applicant in response to this objection, Highways have had the opportunity to consider the additional information and review the previous highway comments. This has included the consideration of previous applications for the site, the existing highway environment, the impact the proposal would have on the existing on-street parking situation and whether the proposal would be detrimental to highway safety.

It is noted that the existing properties in Fosterville Crescent have varying degrees of off-site parking provision ranging from zero to a rear parking court in one case. Generally, the older properties rely on on-street parking whilst newer properties have simple drive access with no turning provision. The proposed site benefits from existing vehicular access via a substantial iron gate that appears to have been used on a commercial basis for a number of years. The site therefore benefits from an existing means of access and the application proposal indicates that the access is to be retained and improved should the proposal proceed.

The road is a Crescent meaning that it does not lead to any other properties and therefore only residents and visitors to the Crescent use the road by vehicle or on foot. On this basis, it is not heavily trafficked. Furthermore, due to the bends in the road, speeds are generally below the 30mph limit that is imposed. Based on the low vehicle/pedestrian movements, the speed of the traffic and the fact that the access is existing, it is not considered that it would be reasonable to refuse the application on highway grounds as the proposal would not be detrimental to highway safety or increase parking stress on Fosterville Crescent. On this basis, the development is considered to meet the requirement of LDP Policy MV1.

## **6.3 Productive and Enterprising Places**

### **6.3.1 Sustainability**

The dwelling will be primarily orientated in a south-west to north-east direction and it is considered there will be solar gain for those primary habitable rooms facing south-west. Energy efficient methods will be incorporated within the structure and such details will be provided at the Building Control stage.

The dwelling will be orientated to fit the site and designed in harmony with the locality. Passive solar energy will be ensured and direct sunlight will be available to all primary glazed elevations. Because of the glazing areas, the house will be lit both naturally and with energy efficient light fittings for night-time use. There will be high levels of insulation and highly efficient glazing. This coupled with potential solar panels installed within the curtilage on for example the southward facing stepped garden area and possibly incorporating an air source heat pump, will provide the central heating and hot water system.

The main construction frame material will be timber. This timber will be FSA sourced from sustainable managed forests and sourced as locally as possible. There is potential for the main insulation materials to be recyclable mineral wool, which will be positioned inside the timber framing. Roof tiles will be of natural slate to reflect the character of the locality. Elevations will be of brickwork (colour/finish to be agreed). Soffits/fascias, window frames, doors and rainwater goods will be of aluminium.

All materials resulting from excavation will either be reused on site for garden re-profiling/ planting purposes or sorted for reuse and/or recycling locally.

## **6.4 Distinctive & Natural Places**

### **6.4.1 Historic Environment**

The site is located within the Abergavenny Conservation Area and therefore any impact of the proposed development should preserve and enhance the Conservation Area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. The existing garage is not traditional in materials or building design and its demolition is not objected to by MCC Heritage or any local residents or other interested parties.

The proposed new building is relatively modest in scale and will have the height of a single storey building, similar to the existing but will have two floors. This will be achieved by utilising the natural slope of the site and setting the building down by excavating the land.

By virtue of the fact that this is the redevelopment of a site with a more appropriate building it is concluded the proposals will not result in a significant impact on the Conservation Area thus ensuring the setting is enhanced. Furthermore, the Heritage Officer has raised no objection to the application.

The proposal is therefore considered to meet the requirements of the relevant Planning (Listed Buildings and Conservation Areas) Act 1990 Act and the development in the context of the Conservation Area is acceptable.

### **6.4.2 Biodiversity**

The existing building was assessed for its potential as a habitat for bats. However, given that it is constructed of metal sheeting and concrete block and its past industrial use, which is unfavourable to bats, it was judged to be of low potential for bats and therefore no further action is required.

### **6.4.3 Water (including foul drainage / SuDS)**

A rainwater harvesting system will be installed and used within the dwelling, garden and for ancillary uses (car washing etc.) as grey water supply. Any excess water will be directed to new soakaways on site and with the requirements of an endorsed sustainable drainage system (SuDS). The existing access arrangements from the adopted road will remain. The current concrete surface will be removed and land re-profiled with a permeable surface resulting in natural percolation into the earth with no run-off. Foul water will be directly into the mains sewer along Fosterville Crescent. Any scheme for disposal of surface water will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Therefore, it is not considered necessary to impose a separate drainage condition as suggested by Dwr Cymru-Welsh Water.

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

6.5.1 The issue of potential flooding as a result of excavation works is a matter for the developer to overcome. Surface water drainage will be covered by the requisite SAB approval.

6.5.2 The structural integrity of the whole development, including the retaining walls will be covered by the Building Regulations that are in place to make sure that all new buildings are safe. Any wall retaining land over that is over 1.5m in height requires a Building Regulations application which would have to include full details of the construction and materials to be used and all calculations. The Party Wall Act may also apply.

6.5.3 Residential amenity is covered in Paragraph 6.1.3 above.

6.5.4 A neighbour commented that the current application has been notified by a small notice put in place during a time when many residents are away. The planning notice was posted on the site as required by legislation. Unfortunately the timing of the application is not within the control of the planning department. Letters were also sent to neighbouring occupiers.

## **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' wellbeing objectives set out in section 8 of the WBFG Act.

## **7.0 RECOMMENDATION: APPROVE**

### Section 106 Heads of Terms

A financial contribution of £3809 will be required towards the provision of affordable housing in the local area. This will not be payable if the dwelling is a self-build.

Conditions:

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

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

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

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

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

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

4 Prior to commencement of development, a plan showing provision within the site for the parking of a minimum of two cars shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved drawings and a minimum of two car parking spaces shall be retained thereafter.

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

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

REASON: To ensure a satisfactory form of any future development in accordance with LDP Policies DES1 and HE1.

## **INFORMATIVES**

0 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk) This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

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

**Application Number:** DM/2019/00632

**Proposal:** Convert existing 4/5 bedroom detached dwelling into 2 (3 bedroom) dwellings with minor extensions

**Address:** Cayo Farm, Llandenny, Usk

**Applicant:** Mr. William Jones

**Plans:** Location Plan OS Site Location Plan - , Site Plan Site Plan as Proposed - PL03, All Existing Plans House Elevations as Existing - PL01, All Proposed Plans House Plans as Proposed - PL02 B,

**RECOMMENDATION: APPROVE subject to s106 agreement**

Case Officer: Mr. David Wong  
Date Valid: 20.08.2019

**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 large farmhouse to create two properties at the Cayo Farm, Llandenny. The site in question is in the open countryside and is situated immediately adjacent to some redundant listed barns, which are also being considered under a separate planning application for residential use DM/2019/00655). As part of this application each of the properties will be added a new single storey lobby extension. There is no change to the existing access arrangement to the site. However, an additional hardstanding will be created to serve the proposals with a total of six spaces being created as a result.

1.2 Due to that fact that this farmhouse is within close proximity of the listed barns (known as Cayo Farm), the Council's Heritage Management Team has had a significant involvement in this application to ensure that the setting of the adjacent listed barns will not be adversely affected. It is useful to note that some on-going repair works have commenced i.e. repairs made to several walls that are part of the listed barn as well as a collapsed wall and the boundary wall that runs along the south-east elevation of the farmhouse. The Council's Heritage Management Officer had advised the applicant that a 'like for like' repair is acceptable.

1.3 Another key point to note is that the submitted ecology report identifies that four different species of bats are using the building, with maternity roosts for common pipistrelle and brown long eared bats, and day roosts for natterers and soprano pipistrelle bats. After lengthy negotiation, all of the initially proposed rooflights have been removed from the proposals and the Council's Biodiversity Officers have now withdrawn their original objections, subject to appropriate conditions being imposed.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/00655	Conversion of former Quaker meeting house and adjoining barn into residential usage.	Pending Determination	
DM/2019/00656	LBC - Conversion of former Quaker meeting house and adjoining barn into residential usage.	Pending Consideration	

DM/2019/00840	Discharge of condition 7 (written scheme of investigation) relating to application DC/2016/01381.	Approved	24.06.2019
DM/2019/00950	Discharge of condition no.8 of planning permission DC/2016/01381 (bat method statement)	Approved	01.08.2019
DM/2019/01061	Conversion and minor extension of curtilage cow byre & lambing shed to 2x residential units (6 & 7)	Pending Consideration	
DM/2019/01062	Proposed conversion and extension of former cow byre and lambing shed into two residential units 6 & 7	Pending Consideration	
DM/2019/01311	Discharge of condition 7 - W.S.I. relating to application DC/2016/01381	Approved	10.09.2019
DM/2019/01312	Discharge of condition 6 (photographic survey) relating to application DC/2016/01379.	Approved	26.11.2019

DC/2016/01381	Proposed conversion of former Quaker meeting house and attached long agricultural range into two dwellings. Single storey cow byre and lambing barn proposed to be converted into a single dwelling including demolition of timber framed cattle shed. Alterations to structure externally and internally including new roof finishes, windows, doors, floors and fittings associated with conversion to residential premises.	Approved	11.10.2017
DC/2016/01379	Proposed conversion of former Quaker meeting house and attached long agricultural range into two dwellings. Single storey cow byre and lambing barn proposed to be converted into a single dwelling including demolition of timber framed cattle shed. Alterations to structure externally and internally including new roof finishes, windows, doors, floors and fittings associated with conversion to residential premises.	Approved	11.10.2017

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES Strategic Policies**

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

#### **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**

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

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

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Raglan Community Council** – No response to this application.

**MCC Heritage Management** – There is no objection to this application. Due to the sensitivity of the farmhouse i.e. being within close proximity of the listed barns, appropriate permitted development rights need to be removed from these dwelling-houses in order to manage any future development.

**MCC Biodiversity** - The ecology report identifies that four different species of bats are using the building, with maternity roosts for common pipistrelle and brown long eared bats, and day roosts for natterers and soprano pipistrelle bats. The proposed mitigation detailed on plan (Plan 8A) is acceptable and it is noted that the proposals will retain known access points that are not associated with the tying in of the extensions. Also, the development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. Appropriate conditions requested.

**MCC Housing** – It is a basic principle of LDP Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. Under the latest adopted Affordable Housing SPG, the amount required in this instance is £14,129. The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken.

**GGAT** – The house itself is not listed, and has undergone extension and change to



fenestration. We have therefore considered the likelihood of archaeological deposits, or changes to the historic asset, being encountered by the proposed development. Internally, the house has been historically extended and changed since the 16th Century. We note from the supporting information that the changes proposed are small scale, with the blocking of an opening to create two properties, and two small extensions. Given our understanding of the current information, it is unlikely that any significant archaeological material would be encountered and therefore we do not propose any archaeological mitigation.

**NATS Safeguarding** - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

## 5.2 Neighbour Notification

None received.

## 6.0 EVALUATION

### 6.1 Principle of Development

6.1.1 The site lies outside of any town or village development boundary as identified in the LDP. Strategic Policy S1 seeks to enable the acceptable sub-division of existing dwellings, subject to detailed planning considerations.

6.1.2 Given 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 significant demolition, reconstruction or alteration.

6.1.3 In light of the above, the principle of subdividing the property to provide two dwellings is considered compliant with the requirements of policy S1 of the LDP subject to the application satisfying a number of material considerations.

### 6.2 Good Design

6.2.1 With the exception of a single storey extension to each of the properties and a new first floor landing window on the north-east facing elevation, the works of subdivision and conversion would take place within the existing fabric of the buildings with no significant alterations to the external appearance of the building.

6.2.2 Some of the existing stone boundary walls are being repaired and the Council's Heritage Management Officer had advised to carry a 'like for like' repair. Although no additional outbuildings is proposed under this application, the Council's Heritage Management Officer advised that this eventuality needs to be managed as the site is within close proximity of some listed barns. Thus, the officer advised the removal of appropriate permitted development rights as being necessary to protect the special interest and setting of the listed farm complex surrounding this site. Given the above, there is no object to this element, in accordance with Policy DES1 of the LDP.

### 6.3 Impact on Amenity

6.3.1 The building in question is an existing dwellinghouse. With the exception of a single storey extension (lobby) to each of the properties and a new first floor landing window on the north-eastern elevation, it requires no additional habitable openings.

6.3.2 The closest distance between the building and the adjacent listed barn the subject of a proposed residential conversion is appropriate, being 10m away and this proposal will not generate a greater loss of privacy than the current situation.

Therefore, there is no substantive reason to refuse this application based on the loss of privacy to the potential occupiers of these properties. Given the above, no further loss of privacy is anticipated, which is in accordance with the principle of Policy EP1 of the LDP.

#### 6.4 Affordable Housing

6.4.1 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.

6.4.2 In line with the Council's adopted Affordable Housing Supplementary Planning Guidance 2019, the commuted sum contribution associated with this proposal would be £14,129. The applicant has confirmed that they are willing to enter into a Section 106 Agreement in order to make the contribution and thus the proposal would be compliant with the requirements of Policy S4 of the LDP.

#### 6.5 Access and Highway Safety

6.5.1 Due to its rural location, the site will be principally accessed via private vehicle. The site layout plan submitted indicates that there is no change to the current vehicular access arrangement. There will be six on-site parking spaces created to serve the two dwellinghouses and this would be in accordance with the Council's Parking Standards SPG (January 2013). In light of the above, the application is considered compliant with the requirements of policies S16 and MV1 of the LDP.

#### 6.6 Landscape/Visual Impact

6.6.1 The Council's Heritage Management Officer has been heavily involved regarding the design evolution of the proposed extensions. It is considered that their design, size and scale is small-scale and they would not have a detrimental impact on the overall character, appearance, landscape or visual amenity of the site or wider area. The proposal is therefore considered compliant with the relevant requirements of policies S17, EP1 and DES1 of the LDP.

#### 6.7 Biodiversity

6.7.1 New rooflights were proposed on the initial scheme but they have now been removed due to significant ecological concerns from the Council's Biodiversity Officer. The submitted ecology report identifies that four different species of bats are using the building, with maternity roosts for common pipistrelle and brown long eared bats, and day roosts for natterers and soprano pipistrelle bats. The removal of the proposed rooflights, coupled with the latest proposed mitigation is acceptable. Therefore, there is no objection to this element, which is compliant with the requirements of policies S13 and NE1 of the LDP.

6.7.2 The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species. The LPA needs to consider tests i) and ii); test iii) has been considered by NRW:

(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.*

Certain parts of the building are deteriorating. If this were to be allowed to deteriorate further then the bat roost could be lost. The subdivision of the building would also provide housing in the area and will add considerably to the economic value of the land. This would give rise, albeit indirectly, to some local social and economic benefit by further enhancing the fabric of the surrounding area.

(ii) *There is no satisfactory alternative*

The development is necessarily site specific. So, there is no other alternative in planning terms. The do nothing scenario has been considered and would result in the potential loss of the roost within the building as outlined above.

(iii) *The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*

The proposed mitigation is considered to be appropriate and would not adversely affect the maintenance of the population of the bats. There is no objection from the Council's Ecologist.

6.7.3 The Council's Ecologist has advised the removal of the relevant permitted development rights in order to protect the European Protected Species. It is considered to be reasonable and appropriate to remove the relevant permitted development rights as proposed. This will also tie in with the protection of the special interest and setting of the listed farm complex surrounding this site, as requested by the Council's Heritage Management Officer.

#### 6.8 Water (including foul drainage / SuDS)

6.8.1 This is an existing dwellinghouse and the surface water and foul drainage would be drained via the existing arrangement.

#### 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 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.

#### 6.10 Conclusion

6.10.1 Having regard to the above report, it is considered that the farmhouse 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, NE1, EP1, MV1, DES1 and MV1 of the Monmouthshire County Council LDP and is recommended for approval subject to conditions.

Subject to a 106 Legal Agreement requiring the following: To make an Affordable Housing Financial Contribution of £14,129.

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.

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

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

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

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

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3 No occupation of the hereby approved dwellinghouses shall take place until car parking and service vehicle 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.

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

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4 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 without the express permission of the local planning authority.

REASON: In order to protect the special interest and setting of the listed farm complex surrounding this site and to protect the European Protected Species as identified, in accordance with LDP Policies DES1 and NE1.

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5 Design details of all replacement windows and doors shall be submitted to, and agreed in writing by the Local Planning Authority, including product design, material, colour and finish as part of a schedule, prior to the commencement of works to those windows and doors. The approved details shall be used on the properties prior to the first occupation of the hereby approved dwellinghouses and they shall remain as such in perpetuity.

REASON: In order to protect the special interest and setting of the listed farm complex surrounding this site, in accordance with LDP Policy DES1.

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6 A sample of the following materials shall be submitted to and approved in writing by the local planning authority, prior to commencement of works on the element those materials affect. The approved materials shall be used and implemented prior to the first occupation of the hereby approved dwellinghouses and they shall remain as such in perpetuity: -

- Replacement roof coverings
- Rainwater goods

- Fascia and soffits
- Rooflights
- bricks

Reason: In order to protect the special interest and setting of the listed farm complex surrounding this site, in accordance with LDP Policy DES1.

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7. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 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 fence, wall or other means of enclosure other than any approved under this permission shall be erected without the express permission of the local planning authority.

REASON: In order to protect the special interest and setting of the listed farm complex surrounding this site, in accordance with LDP Policy DES1.

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8. Mitigation shall be carried out in strict accordance with the approved Ecology report "Bat and Nesting Bird Survey Report- The Cayo Farmhouse, Llandenny - produced by Acer Ecology dated December 2019". The mitigation shall be completed prior to the first occupation of the hereby approved dwellinghouses and shall remain as such in perpetuity.

Reason: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1.

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9. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. These details should include the following;

-Soft landscape details shall include details of hedgerow planting based upon the principles provided in Plan 12 and section 6.7.5 of the submitted ecology report "Bat and Nesting Bird Survey Report- The Cayo Farmhouse, Llandenny - produced by Acer Ecology dated December 2019", including planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.

The landscaping as approved shall be implemented within the first planting season following the occupation of either of the dwellings 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, unless the Local Planning Authority gives written consent to any variation.

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

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10. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) only lighting as specified and illustrated within the approved Ecology report "Bat and Nesting Bird Survey Report- The Cayo Farmhouse, Llandenny - produced by Acer Ecology dated December 2019" described in Section 6, and illustrated on Plans 10 & 11 and Appendix 12 & 13 shall be provided on site. The approved details shall be completed prior to the first occupation of the hereby approved dwellinghouses and they shall be maintained as such in perpetuity.

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

## INFORMATIVES

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

2        Warning: A European Protected Species (EPS) licence is required for this development. 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.

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/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

We may wish to discuss aspects of the proposed bat mitigation with the applicant in more detail at the EPS licence application stage. Please note that any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.

3        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.

**Application Number:** DM/2019/00655

**Proposal:** Conversion of former Quaker meeting house and adjoining barn into residential use

**Address:** Unit 5, The Cayo, Cayo Farm, Llandenny, Usk

**Applicant:** Mr. William Jones

**Plans:** Site Layout 1247-01 - , Bat Survey P955.6 Bat Survey Report The Cayo Barns V5 - P955.6 BP955.6 Bat Survey, Location Plan 1247-06 - , Other 1266(BD)01 - , Other 1266(BD)02 - , Elevations - Existing 1266(BD)03 - , Elevations - Existing 1266(BD)04 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms. Kate Bingham  
Date Valid: 20.12.2019

**This application is presented to Planning Committee due to the applicant being related to a County Councillor**

### **1.0 APPLICATION DETAILS**

1.1 The application site relates to a group of farm buildings within the open countryside south of Raglan. Originally a working farm with a large farmhouse, the application building is a large threshing barn with what is reputedly an old Quaker meeting house attached and a number of ancillary buildings. It is no longer considered suitable for modern agricultural use and having fallen out of use it is slowly deteriorating. The building is Grade II listed as an early meeting-house, added to an earlier agricultural range of fine double barn and stable of early C18 date, an unusual development.

1.2 It is considered that the most sustainable option which will ensure their long-term preservation is to convert the barns on the site into residential use. Whilst a scheme for this has already been approved, it is considered that a more sympathetic scheme for the unit incorporating the Old Meeting House could be produced which is the subject of this application. The current proposal would result in two dwellings.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/00632	Convert existing 4/5 bed detached dwelling in to 2 (3 bed) dwellings with minor extensions.	Pending Consideration	

DM/2019/00656	LBC - Conversion of former Quaker meeting house and adjoining barn into residential usage.	Pending Consideration	
DM/2019/00840	Discharge of condition 7 (written scheme of investigation) relating to application DC/2016/01381.	Approved	24.06.2019
DM/2019/00950	Discharge of condition no.8 of planning permission DC/2016/01381 (bat method statement)	Approved	01.08.2019
DM/2019/01061	Conversion and minor extension of curtilage cow byre & lambing shed to 2x residential units (6 & 7)	Pending Consideration	
DM/2019/01062	Proposed conversion and extension of former cow byre and lambing shed into two residential units 6 & 7	Pending Consideration	
DM/2019/01311	Discharge of condition 7 relating to application DC/2016/01381.	Approved	10.09.2019
DM/2019/01312	Discharge of condition 6 (photographic survey) relating to application DC/2016/01379.	Approved	26.11.2019
DC/2016/01381	Proposed conversion of former Quaker meeting house and attached long agricultural range into two dwellings. Single storey cow byre and lambing barn proposed to be converted into a single dwelling including demolition of timber framed cattle shed. Alterations to structure externally and internally including new roof finishes, windows, doors, floors and fittings associated with conversion to residential premises.	Approved	11.10.2017



Proposed conversion of former Quaker meeting house and attached long agricultural range into two dwellings. Single storey cow byre and lambing barn proposed to be converted into a single dwelling including demolition of timber framed cattle shed. Alterations to structure externally and internally including new roof finishes, windows, doors, floors and fittings associated with conversion to residential premises.

### **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

#### **Development Management Policies**

H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
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 which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Raglan Community Council** - Do not consider that the proposed application is detrimental to its surroundings and offers no objections.

**Natural Resources Wales** - No objections subject to conditions relating to bat mitigation.

**GGAT** - Request a programme of building recording (already completed).

**MCC Biodiversity** - No objections subject to conditions.

**MCC Heritage** - concurrent Listed Building Consent application recommended for approval.

## 5.2 Neighbour Notification

No comments received.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### 6.1.1 Principle of Development

The building is redundant and not suitable for business use due to the long narrow private access track that serves it as well as the fact that there is an existing farmhouse on the site. It is also unsustainable having little or no access to public transport. Although the building is deteriorating, it remains structurally sound and capable of conversion with no need for rebuilding or extension. Being listed it is clearly of traditional construction and therefore considered to be suitable for development under Policy H4 of the Local Development Plan (LDP) subject to detailed design considerations and other policies in the LDP.

Under LDP Policy S4, financial contributions towards affordable housing provision are sought for new residential development. However, the adopted supplementary planning guidance clarifies this and excludes conversions of listed buildings when providing up to four dwellings as the works are generally economically unviable with the contribution.

#### 6.1.2 Good Design/ Place making

It is proposed to remodel the upper floor to provide three bedrooms, with new stairs inserted into the adjacent threshing barn. The ground floor would also be re-modelled with the lounge within the Quaker meeting house enlarged as a consequence of moving the stairs and a revised arrangement for the entrance hall and downstairs cloakroom.

Three new catslide windows would be provided to allow greater levels of light into the bedrooms, as well as a view over the surrounding open countryside. There is substantial evidence that such windows would have existed until the last re-modelling of the barn. The existing arrow-slit window between the main barn and the external store will be altered to become a doorway to enable this space to be become more usable as a utility room.

This building is currently unoccupied and in a poor condition. The Quaker meeting house has significant historic and evidential value which it is important to retain. It is considered that the current scheme offers a number of advantages to the previously approved scheme by simultaneously providing a higher quality of development than the approved scheme whilst retaining more of the most valuable historic fabric. This proposal will enable the continued use of this building and ensure its preservation for future users.

It is considered that the proposed conversion of the meeting house and adjacent barn to residential accommodation will not harm the fabric of the listed building and will meet the requirements of LDP Policy DES1.

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

There are no neighbouring dwellings outside of the Cayo Farm site that are within close proximity to the site that could be affected by the proposed conversion. In terms of closer neighbour impacts, the barns are in a linear form meaning that window to window overlooking will be avoided. The proposed development will not adversely affect residential amenity and therefore meets the requirements of LDP Policy EP1.

### **6.2 Active and Social Places**

#### 6.2.1 Access / Highway Safety

The proposal will utilise the existing access to the site which has an established junction with the main highway. Parking is to be provided for the proposed dwelling in accordance with the Monmouthshire Parking Standards at one space per bedroom (up to a maximum of 3). This will

comprise 3 spaces to the front of the Quaker House with additional parking for at least 3 cars further into the site closer to the barn. The proposal therefore meets the requirements of Policy MV1.

### **6.3 Distinctive & Natural Places**

#### **6.3.1 Landscape/ Visual Impact**

The sensitive conversion of the building will have a minimal impact on the wider landscape.

#### **6.3.2 Biodiversity**

Updated bat surveys were undertaken in August and early September 2019 to inform the current planning applications. The update identified the Quaker House (units 4 & 5) as a confirmed roost for common and soprano pipistrelles, brown long eared bats, natterers bats; the previous survey (2016) also identified Brandts bats using the building. The mitigation identified in the submitted bat report is considered to be acceptable by the Council's Biodiversity Officer and the additional measures identified at section 6.3.7 for additional access points are welcomed. These will need to be secured by condition.

The development will need to be subject to a licence from NRW before work can commence at the site. As a licence is required, the Local Planning Authority has considered the 'Three Tests' for European Protected Species. The Council as LPA need to consider tests i) and ii); test iii) has been considered by NRW:

*(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.*

The building is currently redundant and is falling into a state of disrepair. If this were to be allowed to happen then not only would the listed building be lost which is of historic value, but the bat and barn owl roosts would also be lost. The conversion of the building would also provide housing and will add considerably to the economic value of the land. This would give rise, albeit indirectly, to some local social and economic benefit by further enhancing the fabric of the surrounding area.

*(ii) There is no satisfactory alternative*

The development is necessarily site specific. The do nothing scenario has been considered and would result in the loss of the building as outlined above.

It is noted that NRW have significant concerns pending a condition which secures mitigation, NRW request that identified features and those illustrated on the elevation plans are secured as part of the consent.

Two barn owl pellets were also found in the loft space of Unit 4 as well as two little owl feathers. A barn owl was observed inside the loft space of Unit 5 on 27th of September 2016 and there was also barn owl guano staining present on the two beams inside the loft. The building was also noted to be used by other bird species, with three active nests identified. The recommendations and details of the submitted report are acceptable and should be secured via condition.

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

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

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 No part of any wall of the existing building other than shown on the approved plans is to be demolished .

REASON: This conversion is granted having regard to LDP Policy H4 which relates to the conversion of redundant buildings in the countryside and the information supplied with the application. If substantial demolition and rebuilding are necessary the development may be beyond that which has been permitted.

5 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 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 fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

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

6 Bat Mitigation shall be provided in strict accordance with the measures described in Sections 6.2-6.3 'Bat and Nesting Bird Survey Report', prepared by Acer Ecology, reference: P955.6, dated November 2019. In addition to those features illustrated on drawings entitled, 'S.E + S.W Elevations proposed', drawing number: 1247.04, prepared by Lyndon Bowkett Architectural Designs, dated April 2019 and 'NE + Part NW Elevations proposed', drawing number: 1247.05, prepared by Lyndon Bowkett Architectural Designs, dated April 2019.

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).

7 Bird mitigation shall be provided in strict accordance with the measures described in Sections 6.2-6.5.2 and Appendices 15-19 of the submitted 'Bat and Nesting Bird Survey Report', prepared by Acer Ecology, reference: P955.6, dated November 2019.

REASON: To safeguard species protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), including Sch.1 species and to mitigate for loss of habitat.

8 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:

- a) lighting type, positioning and specification
  - b) measures to minimise light spill from glazed areas
  - c) drawings setting out light spillage in key areas for bats based on technical specifications
- The strategy must demonstrate that the roost and key flightlines are not illuminated. The scheme shall be agreed in writing with the Local Planning Authority and implemented in full.

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

## **INFORMATIVES**

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

0 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.

0 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.0 We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2) e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats [amend if another species is involved]. Please note that the granting of planning permission does not negate the need to obtain a licence.

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**Application Number:** DM/2019/00800

**Proposal:** Demolition of existing bungalow and outbuildings and replacement with 2no. detached two storey dwelling houses with altered driveway access from highway

**Address:** Homestead, Wainfield Lane, Gwehelog, Usk  
**Applicant:** Mr. & Mrs. Newman

**Plans:** Site Plan 1416[BD]01 - REV D, All Proposed Plans 1416[BD]02 PLOT 1 - REV B, All Proposed Plans 1416[BD]03 PLOT 2 - REV B, Location Plan - , Topographical Survey

## **RECOMMENDATION: APPROVED SUBJECT TO S106 AGREEMENT**

Case Officer: Ms. Kate Bingham  
Date Valid: 24.05.2019

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

### **1.0 APPLICATION DETAILS**

1.1 The site comprises a garden area around the existing bungalow that is predominantly lawn, a limited amount of overgrown shrub borders and some individual shrubs within the garden to the rear of the bungalow. The majority of the existing vegetation is restricted to the boundaries of the site. Extending from the south to east a concrete block wall forms the boundary between the site and the neighbouring property of Ty Cwtch. The concrete block wall is some 1.8m high.

1.2 At the request of planning officers, the proposed development has been amended since it was first submitted. The revision was from two dwellings arranged as one to the front of the plot and one to the rear, to two smaller dwellings sited to the rear of the plot in a line next to each other. This was to ensure that the proposed development accorded with LDP Policy H3 relating to infill dwellings in minor villages.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2007/01071	New house & detached garage (revised scheme following permission DC/2006/00303).	Approved	07.12.2007

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

#### **Strategic Policies**

S4 LDP Affordable Housing Provision  
S1 LDP The Spatial Distribution of New Housing Provision  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

H3 LDP Residential Development in Minor Villages  
LC5 LDP Protection and Enhancement of Landscape Character  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
SD4 LDP Sustainable Drainage

### **4.0 NATIONAL PLANNING POLICY**

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

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

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

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

##### **Gwehelog Community Council - Objects:**

1. The proposed development is an additional development on the lane and not infill. It will make this the third division of a single plot. The plot is only big enough for one house in a rural, countryside setting.
2. Allowing the application will set a precedent for extended development outside the current LDP.
3. Foul drainage remains a significant issue. The potential amount of waste on a small plot will not be managed by a soakaway. The soil in this area will not tolerate the amount of waste that will be produced.
4. The positioning of the plot will not be acceptable - any development should remain on the existing plot or move back, keeping the roof line the same as the other houses on the lane.
5. The proposed development will have a significant impact on traffic along the lane and driveways appear to be directly opposite other properties.



**Natural Resources Wales (NRW)** - We have no objection to the application as submitted but request that an informative is attached to any planning permission granted advising that a bat licence is required for the works.

**MCC Urban Design/ Landscape Officer**- The increase in garden to the frontage is welcomed and could provide an opportunity for a suitable landscape scheme based on the concept planting schedule 1416[BD]06 August 2019 and species selection to reduce the impact of the proposed development (dwellings and garage to plot 2) on the village form and character as seen from Wainfield Lane.

Plan 1416[BD]01D indicates the retention of trees to the northern boundary which is welcomed. The retention of boundary hedges are also welcomed. Further tree and planting to eastern, southern and western boundaries to reduce the impact of the northerly property plot 1 ridgeline would be welcomed as viewed from the approach to the village via Wainfield Lane and as viewed from Bank Road and Llancayo Road (this has now been added to the proposal).

**MCC Highways** - No objection to access and parking arrangement. Concern of adverse impact on highway safety should this application set a precedent for further plot divisions. Recommend condition requiring the provision of the new access prior to development commencing and a Construction Traffic Management Plan.

**MCC SAB** - the proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

**NATS Safeguarding** - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

SEWBRc Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

Nine representations received. Object on the following grounds:

The proposal extends the furthestmost line of building beyond the bungalow to be demolished and as such does not constitute true infill.

The two dwellings together are too big for the plot, too close together and out of character with other properties in the lane.

The development would add additional traffic on the lane which has no passing places at the bottom end and an access on to the main road which is potentially dangerous.

Any foul drainage system for the proposed housing development would need to cope with the impact of the full potential occupancy of the 2 x 4 bedroomed houses - which given the number and size of the bedrooms would be at least 16 persons (i.e. 8 persons per property) - and not just the average sized families that would in reality probably reside there. Therefore, it would be interesting to know the applicant's plans for foul drainage given the very limited space that is available on the plot to install the necessary plant and soakaways etc., and, given the well documented history of drainage issues in the area.

It is disappointing to note that despite meeting with MCC Planning on two occasions the Agent/Applicant has once again submitted an application that is contrary to Supplementary Planning Policies H3 and H5 regarding infill and replacement dwellings respectively.

The scale and massing of the application is in line with a housing estate not a country village.

It is not 'in-fill'. The two proposed dwellings are not in the 'building line' and do not 'in-fill' between any properties, therefore in conflict with Policy H3 of the Supplementary Planning Guidance.

It is not a replacement dwelling. The proposed two properties are not on the original bungalow footprint so therefore in breach of Policy H5 of the Supplementary Planning Guidance. The proposal is clearly overdevelopment.

There are no other three storey properties on the lane. This would set a new precedent for further development.

The drawings are misleading. No adjacent properties are shown on the drawings. There is no demonstration of how the proposal relates to existing properties, especially in terms of building line and the proposed heights. Please note, in other recent planning applications along Wainfield Lane,

'Ty Cwtch' has been stated as NOT setting a planning precedent for ridge height in planning applications by MCC. These recent applications also have permitted development with restrictions on ridge heights and increased distances from adjacent boundaries to minimise the visual impact. (Street elevations now submitted with the application).

Pipistrelle bats are roosting at the property. The removal of hedgerow, as proposed in the creation of the new driveway would damage the bats 'route to roost', limiting food source and causing them disorientation for their established routes to feed and roost. This has not been looked at or taken into consideration.

The positioning of the proposed new driveway, the third one for the 'Homestead' plot in less than three years. Usually in a village, driveways are staggered. The relationship to other drives is not shown on the drawings, but it looks as though the new proposal would be directly opposite Meadowside's drive.

The planning precedent this application would set. Allowing this proposal would allow neighbouring garden/land owners to build similar schemes which would cause significant harm to the identity of our small country village. The plans submitted are still not to scale and are therefore misleading.

The revised plans still do not address my major concerns and objections. I had hoped that any new application submitted would have been for one home and not a two house development. Sadly this second attempt to once again gain planning permission for two houses being constructed on this small plot is still overcrowding of the site and is clearly for profit without consideration for the local plan or aesthetics of the area.

The development is 270% bigger than the existing bungalow, and would dominate the horizon being at the highest point of Wainfield Lane, which again is not in keeping with the local plan.

Believe the development will impact Meadowside both on loss of privacy and local amenity.

Both dwelling houses are considerably higher and each has three storeys, whereas the existing property is a bungalow.

The proposed dwellings are located close to the highest point on Wainfield Lane (and at what is in fact the highest developed part of the east side of the lane, which is higher than the west side) and as such would have a significant negative visual impact from the lane and the surrounding countryside.

Contrary to LDP Policy H6 relating to replacement dwellings in the open countryside.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### 6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

Gwehelog is classed as a minor village suitable for infill residential development under Policy H3 of the Local Development Plan (LDP). This policy states that:

In Minor Villages planning permission will be granted for minor infill of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings, or residential redevelopment, or conversion to residential or sub-division of large dwellings, subject to detailed planning considerations, including no unacceptable adverse impact on village form and character and surrounding landscape, and other policies of the LDP that seek to protect existing retail, employment and community uses.

In this case replacement of the existing bungalow with plot 1 is acceptable under LDP policy without the requirement to meet the criteria of Policy H6 as this relates to replacement dwellings in the open countryside which this site is not. Once Plot 1 is constructed the area between Ty Cwtch and the replacement dwelling then becomes suitable for infill development under Policy H3 as it would constitute the filling of a small gap between two existing dwellings. On this basis it is considered to be counter-intuitive to require the construction of plot 1 prior to plot 2 as this would lead to unnecessary additional noise and disturbance for neighbouring occupiers during construction. On this basis it is considered that the proposed application would be acceptable in principle.

It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is £8,491 which will be secured by a Section 106 legal agreement.

### 6.1.2 Good Design/ Place making

The existing bungalow is relatively modern and is not a traditional dwelling that is intrinsic to the landscape character of the area. As such its demolition will not harm the appearance of the area.

The proposed replacement dwellings will be traditional two storey houses with natural or man-made riven edged slate roofs, fine texture render and natural cedar/larch clad walls and aluminium or uPVC windows with traditional glazing bar arrangements.

There is a mix of house types on Wainfield Lane with post war detached houses and bungalows and more modern infills. The proposed new houses are considered to be in keeping with the vernacular of the area and the other dwellings within the vicinity of the site.

The proposed layout will see a single central access point leading to a detached garage to the front of Plot 2 and then onto Plot 1. The shape of the plot differs from others along the lane as the boundary is straight along the southern edge but is more like a dog-leg to the north which allows more area to accommodate the two buildings. The two dwellings will follow the building line established by the neighbouring dwelling Ty Cwtch. Street elevations submitted with the application show that the ridge height of the proposed new dwellings will be similar to Ty Cwtch with Plot 2 which is immediately adjacent having the same ridge height and Plot 1 slightly higher. The properties have accommodation in the roof space in the form of a bedroom but are not overtly three storey.

On balance, it is considered that the proposed layout will not appear at odds with the general ribbon pattern of development in the area and will not therefore adversely affect the street scene or character and appearance of the wider area. The proposed development is therefore considered accord with LDP Policy DES1.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

There are likely to be views southeast from Plot 2 towards the rear garden area of the property of Ty Cwtch however these views will be limited to a 45 degree angle. There will be no windows on the side elevation of Plot 2 facing this neighbour. A substantial laurel hedge within the Ty Cwtch garden together with the concrete block boundary wall would screen all views from the ground floor of this neighbouring property and vice versa.

Distances between the existing dwelling on the other side of Wainfield Lane and the proposed new dwellings are well over 21 metres and views between will be distant only. The proposed dwellings are set back from the front boundary at distance of over 22m (72ft).

On the basis of the above, it is considered that the proposed new dwellings will not adversely affect local residential amenity and meet the requirements of LDP Policy EP1.

## **6.2 Active and Social Places**

### 6.2.1 Access / Highway Safety

With regard to highway safety it should be noted that there is only a net increase of one dwelling and it is considered by the Highway Authority that traffic flow on Wainfield Lane will not be adversely affected and would in isolation, not be sufficient reason to sustain a highway objection. However, Highways are concerned that should further plot divisions be allowed as a result of this application then there could be the potential to cause strain on the public highway in terms of traffic flow etc., along the single lane Wainfield Lane. Any additional proposals for sub-division will be the subject of a planning application which can be assessed on its own merits having regard to the cumulative impact of additional traffic.

Parking spaces are provided on the site and this arrangement would avoid cars parking in Wainfield Lane. A turning area is also provided within the site meaning that cars can enter and leave in a forward direction. As such the proposed development meets the requirements of the MCC Parking Standards.

The proposed relocated position of the proposed access provides greater separation between the proposed dwelling on Plot 1 and the boundary with Ty Cwtch and also provides improved visibility. Thus it is considered that the proposed development will not harm highway safety in accordance

with LDP Policy MV1.

## 6.3 Productive and Enterprising Places

### 6.3.1 Landscape/ Visual Impact

The village form along Wainfield Lane from the junction of the Monmouth Road to the crossroads junction with Bank Road is in general a ribbon settlement consisting of predominantly individual houses of mixed size, architectural form and age set within their own grounds and driveways leading onto a tree and hedge-lined Wainfield lane.

The settlement of Gwehelog is quite dispersed overall, set within the context of the historic landscape of Gwehelog and Trostrey commons as defined by LANDMAP and in the visual and sensory landscape setting of Gwehelog characterised by wooded hillside and scarp slopes. Both evaluated through LANDMAP as being of High value.

The existing mature boundary hedge screens the view of the new dwellings from the road and all existing boundary hedges and trees are to be retained including the translocation of the hedge to infill the existing site access. Additional planting using native species is also proposed and its implementation and maintenance can be ensured by planning condition.

The frontage of the site along the lane is 34.5m wide and the plot measures over 52m deep front to back. The site area is just under a third of an acre (1,270 sq. m) which is considered to be adequate to accommodate two dwellings and still provide on-site parking, turning areas and large gardens and soft landscaped space. The landscape proposals also seek to contain the two buildings within hedgerow perimeters to emulate the landscape character along Wainfield Lane.

The size and shape of the site allows for an enhanced lane frontage, appropriate to the village form. The site is considered to be of sufficient width to accommodate two dwellings without causing a significant visual impact and no physical impact to the existing vegetation or site context. The density of the residential ribbon development, alongside Wainfield Lane, varies considerably and the density of the proposal is no more than found at Woodgate House, Hafan Dawel, Tan-y-Deri and Ty Derwen.

Taking this into consideration and the fact that National Planning Policy encourages the best and most efficient use of residential land then it is concluded that the proposed development is acceptable in terms of landscape impact.

### 6.3.2 Biodiversity

Daytime inspection survey (internal and external), with two dusk emergence/activity observations were conducted on the bungalow in August and September 2018. Internal inspection found no live bats, or evidence of bats, but external survey found evidence with fresh bat droppings noted on the exterior wall at the south-eastern end of the bungalow. During the summer observations, a consistently low number of common pipistrelle bats were seen to emerge from the bungalow with the same pattern of behaviour during the two surveys: a single bat emerged at the north-west gable apex area and four bats at south-east gable, low, towards the front (west) slope. Only common pipistrelle bats emerged and no other species was recorded in the observation zone during survey.

When the nature conservation significance of the site is considered against recognised criteria, the nature conservation status of the site is assessed to be medium, due to the presence of what is likely to be a small maternity roost for a low number of common pipistrelle bats. The scale of the impact of the development will affect current roost locations, with a low risk of detrimental impacts to the conservation status at a local level, on the basis that the colony at this site is a small number of animals of a common and widespread species.

As bats are fully protected in British legislation, as well as their places of rest, for the development to proceed, the owner will, in addition to planning consent, need to obtain a European Protected Species licence from Natural Resources Wales prior to commencing any works for demolition of the bungalow, because such works will affect the current bat roost. A scheme of mitigation is proposed and can be conditioned so that the site continues to provide roost opportunities for the protected species currently present.

In consideration of this application, Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) 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 have been considered in consultation with NRW and the Council Biodiversity and Ecology Officers as follows:

(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.*

The replacement of the existing bungalow will provide additional housing for the local area as well as a financial contribution toward affordable housing. The development would add considerably to the economic value of the land. This would give rise, albeit indirectly, to some local social and economic benefit by further enhancing the fabric of the surrounding area.

(ii) *There is no satisfactory alternative*

The 'do nothing' scenario has been considered and rejected as it leaves the applicant with an unsuitable property, the condition of which could steadily worsen. This approach would eventually give rise to dereliction, with loss of bat roosting habitats. The application is necessarily site specific.

(iii) *The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*

Based on the bat report submitted with the application, NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. This is provided the report is included in the 'approved list of plans / documents' condition within the decision notice, should consent for the project be granted.

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

The proposed development must comply with Welsh Government Legislation regarding sustainable drainage which strictly controls surface water run-off. To achieve compliance with Sustainable Drainage legislation the new dwellings will have rainwater harvesting systems to collect and store rainwater and make use of it to flush toilets and supply washing machines, as well as water gardens. There will be little if any water discharging to the ground and to soakaway. The driveway will be of a permeable surface to avoid run-off. The development will not be allowed to commence unless it can be demonstrated that the proposed drainage meets the requirements of the SuDS legislation.

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

6.4.1 The issues raised by third parties in relation to compliance with LDP Policies, residential amenity, drainage, bats and highway safety is covered earlier in this report.

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

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

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

((£120 x 122m2) x 58%).

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

**Conditions:**

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

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

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

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

3 No development hereby approved other than that associated with the proposed accesses shall commence until the access has been constructed in accordance with the approved plans.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

4 Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include traffic management measures, hours of work, measures to control dust, noise and construction related nuisances and measures required to protect adjoining users from the construction works. The development shall be carried out in accordance with the approved CTMP.

REASON: To ensure the development is carried out in a safe and considerate manner in accordance with LDP Policies MV1 and EP1.

5 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.

6 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

**INFORMATIVES**

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

0 The Naming & Numbering of streets and properties in Monmouthshire is controlled by

Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)

This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

0 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).





**Application No:** DM/2019/01761

**Proposal:** Residential development of 130 dwellings, associated infrastructure and landscaping

**Address:** Land to east of Church Road, Caldicot

**Applicant:** David Wilson Homes/ Harvington Properties Limited

**RECOMMENDATION: APPROVE**

**Case Officer:** Kate Young

**Date valid:** 28.10.19

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

## 1.0 APPLICATION DETAILS

1.1 In April 2019, outline planning permission, with all matters reserved except for access, was approved for up to 130 dwellings on this site. This current reserved matters submission seeks residential development of 130 dwellings and associated infrastructure and landscaping. The access into the site was considered as part of the outline permission. The proposal would provide a total of 85 open market houses and these would include a mix of 2, 3 and 4 bedroom properties (10 two bedroom, 22 three bedroom and 53 four bedroom units). There would also be 45 affordable homes 'pepper-potted' throughout the site. This would include 20 one-bedroom flats, 3 two-bedroom bungalow (one of which would be adapted to accommodate a person with disabilities) and the remainder would be 2, 3 and 4 bedroom houses. All of the dwellings except for the three bungalows would be two storey in height.

1.2 The site would be developed in accordance with the approved, Illustrative Master Plan, reflecting a Green Infrastructure led scheme with Placemaking at its heart. There would be a green spine running through the site with amenity open space, woodland and a community park in the northern part. There would be footpaths running through the site and also pedestrian links to the existing residential developments to the west of this site. Informal children's play provision and a trim trail will be provided within the community park.

1.3 The main access into the site, in accordance with the outline approval, is off Heol Sirhowy, with a secondary access, serving seven properties off Clos Ystwyth. There would be a series of cul-de-sacs off the existing spine road. Parking will be mainly to the front and side of the properties but there will also be some parking courts. In total 259 parking spaces will be provided on the site.

1.4 One attenuation basin will be provided on the site; other attenuation measures will include areas of crating underground.

1.5 The site measures 10.1 ha and consists of four fields immediately to the north-east of the new housing development off Church Road. The land generally slopes downwards from west to east and the site is close to the Nedern Brook Wetland which is designated as a SSSI for its importance for over-wintering and wading birds. To the south of the site is the Caldicot Country Park. Two public right of ways dissect the northern part of the site. There are several mature hedges crossing the site and the eastern boundary is formed by a wide woodland belt. The site is outside of the Caldicot Development Boundary. The northern part of the site is a Mineral Safeguarding area for Limestone. The agricultural land classification is made up of Grades 1 and 3 agricultural land.

1.6 The outline application was the subject of a section 106 legal agreement requiring 35% of the dwellings on site to be affordable homes as well as financial contributions the purposes of Education, Green Transport, Green Infrastructure, Biodiversity and play provision on and off site.

1.7 Conditions 6, 7 and 8 of the outline application all relating to landscaping are being considered under a separate application DM/2019/01785. The drainage scheme that was required under condition 4 of the outline permission is being considered under application DC/2020/00047. The management and maintenance of streets is also considered under separate application DM/2020/00047.

## **2.0 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

Comments received after re-consultation on the 20/12/19

**Caldicot Town Council** – Recommends approval.

#### **MCC Housing**

Responded stating that the mix and layout of the affordable housing was acceptable. The housing provided through MHA was to be DQR compliant in line with policy. It was requested that the one-bedroom flats should be more dispersed rather than eight provided in one location. The Hawthorn is considered acceptable and they welcome the lift included in the flats as requested.

#### **Monmouthshire Housing Association**

Considered the scheme in relation to DQR compliance and made comments in relation to the internal arrangements of the properties, such as bathroom layouts, lighting, the stair circulation, boilers and kitchen layouts. However they stated that Alder, Cherry, Hawthorne, Larch, Olive and Spruce broadly appear to be DQR compliant, however limited information is available at this time to assess all aspects.

#### **MCC Biodiversity**

MCC Biodiversity – Further Information is required

Responded stating that the reserved matters proposals should follow the principles set out in the outline application and made the following key points:

- The proposals should follow the principles of supporting pollinating species, together with the community park management and Hornet Robber fly management plan. Suggestions were also provided to improve the mix of grassland types.
- Some errors, or conflict between plans were identified and clarity sought.
- The detention basin and surface water outfall features should be wet features that maximise the value for biodiversity. The value needs to be enhanced and maintained as a wet basin for at least part of the year using other wetland planting/marginal plants and improving adjacent planting connections.
- Requested further details of the surface water outfall arrangements to understand any potential conflicts with the SSSI and protected species such as water vole. Further information is required in relation to the current ecological value of the basin and the ecological impact of the outfall. The application should ensure protection of the SSSSI from grazing with appropriate landscape treatment.
- Measures to prevent/reduce misconceptions of grey water to surface water systems should also be included to prevent damage to the water quality of the Nedern which is a slow flowing watercourse.
- Ecological enhancements should be sought throughout the scheme and suggestions for the positions and types of enhancements were provided.
- Request a condition requiring an Environmental Construction Management Plan.

### **NRW Drainage**

At outline stage, NRW Drainage Team requested a condition for a scheme of foul and surface water treatment. This is currently being considered under application DM/2020/00047. They note that the whole site is located within a Zone 1 of the Great Spring Source Protection Zone used for public water supply. Surface water is proposed to be collected and discharged into the local watercourse, as the site is adjacent to a SSSI it is important that surface water entering the watercourse is not contaminated. Therefore we assume that surface water will be treated (for sediment and pollution) prior to discharge into the Nedern Brook. We note that there is no technical note or drainage strategy with this application. All foul drainage must be connected into an existing public sewer. Having regard to the above this shall be considered under the relevant aforementioned condition. NRW Drainage Team cannot advise at this stage whether it will impact on the reserved matters application. However based on the information available, they have no objection to the reserved matters application.

### **MCC Landscaping and GI**

Responded stating that they support the application and being party to a number of meetings in relation to the development has resulted in an improved scheme, in terms of GI. The general specification of plants, densities and sizes are acceptable. As mentioned above confirmation of location and alignment with planting specification and anchoring for some trees should be clarified and reflected in the planting specification and GI management plan.

It is easier to maintain areas by machine with flowing sweeps of bulbs, flowing shaped wild flower / grass cutting regimes prescriptions and grouped trees as opposed to loose collections of individuals or areas of bulbs / wildflower grass with angular or sharp shapes. It is suggested that the softworks plan is also informed by the engineering plans 1-3 to ensure that trees are not planted over any drainage infrastructure, service points and attenuation crates.

All plans need to be based on the same layouts to ensure approved landscape and GI plans can be assessed and evaluated effectively and accurately during development, completion and hand over.

They note a number of discrepancies between the plans, and identify these for information and clarity. Some other issues relating to the details of the hard and soft landscaping were specifically identified as:

- Question ownership and responsibility in relation to the pumping station near plots 18/19, ensuring that the proposed grass-crete surfacing.
  - Clarification of the strategic landscaping ownership in relation to plots 20-12 and 24-36
  - Grouping of trees outside the easement but within the Public open space and ensuring tree pit details are compatible with the easement for the pipeline.
  - Details required such as tree pits, hogging paths, lawn mixes and flower mixes
  - Requested more native species in relation to planting and tree specification
  - Elements of planting in certain areas to be increased to soften boundary treatments
  - Improving connectivity in line with the landscape and GI strategy
  - Clarification in terms of off site linking paths
  - General comments in relation to conditions attached to the outline permission.
- DM/2018/00880.

**MCC Highways – No objections.**

The comments relate to the issues within the reserved matters application only. The highways officer has met with the applicant regularly where the plans have been amended and re-considered the layout taking on board the highway authority's recommendations. The latest drawings submitted in support of the application generally reflect these discussions.

- The applicant has taken on board comments in relation to the general layout, including introducing vertical features to promote slower vehicle speeds and create a more inclusive environment and reduced lengths of private and share drives improving the number of dwellings served by introducing adoptable turning areas.
- In relation to pedestrian provision, the improvements generally reflect the recommendations made previously however improvements are requested in relation to footpaths, requiring a footpath link to the existing footpath at plot 92. The Highways Authority considered this amendment essential in providing future footway linkages to adjacent and wider pedestrian provision and promote and encourage walking.
- Relocate the footpath to the north-east kerb to the front of plots 1-7 as previously requested. Reducing the need for pedestrians to cross unnecessarily
- Shortfall in parking provision to plots 18 & 19 can be accommodated on the street and not adversely affect immediate neighbours - accepted
- As plots 28-30, and 78 & 79 are served by a private driveway and the shortfall in parking is likely to be restricted to the private drive if we do not control the use of integral garages - accepted
- Plots 34 & 35 have a shortfall in parking, however as these are served directly off the main thoroughfare and only these plots are affected then any on street parking is limited and will be restricted to the plots concerned and not adversely affect immediate neighbours or use of the main thoroughfare, if we do not control the use of integral garages – accepted.
- Plots 129 & 128 are served off a short cul-de-sac and that all other properties served have allocated off street parking then any shortfall in parking is limited, can be accommodated on street and will be restricted to the plots concerned and not adversely affect immediate neighbours - accepted.
- Plots 82 to 92, 99-100 & 109 – 114 have a shortfall in parking that will be displaced into the immediate highway and adversely affect neighbours. It is recommended that a suitably worded condition to control the use of garages at the aforementioned plots.

**Health and Safety Executive**

Responded stating that they did not advise against the development of the site on safety grounds. As the proposed development is within the consultation distance of a major hazard pipeline the determining authority should consider contacting the pipeline operator as this may result in changes to the layout of the proposed development or to modify the pipeline, or its operation if the development proceeds. The advice provided is based on the current situation and the advice will not be altered by the outcome of any consultation with the pipeline provider.

**Western Power** – No response to date.

### **Wales and West Utilities**

WWU have confirmed with the developer that our legal easement is 6 meters either side of the pipeline however the HSE give the final decision on distances. WWU confirmed that the distance which has been confirmed to be a 15m no build zone either side of the pipeline which is adhered to.

### **Welsh Water**

No objection for the approval of the Reserved Matters subject to compliance with the requirements of the drainage conditions imposed on the outline consent and any subsequent applications to vary the conditions.

### **Glamorgan Gwent Archaeological Trust**

As this application is for the reserved matters GGAT did not wish to make any further comments other than to refer back to the request for a condition requiring the submission of a written scheme of historic environment mitigation to be attached to any consent, as per their comments on the outline application.

### **MCC Public Rights of Way**

Responded stating that the authorities responsibility is to ensure that all rights of way affected by the development are identified. Further clarification is sought in relation to the impact and diversion of the current line of the right of way. As a proposed diversion is shown this will be subject to a separate application for path order. Given the details provided it is suggested that dropped kerbs are provided in the 5 locations where roads cross the proposed new route. In addition in order to comply with the requirements of the Active Travel Act the link to Heol Glasyn should be made up to multi-user standards including a link from within the site to the current walkway running adjacent to 20 Heol Towy and a southern link to Heol Teifi.

### **MCC Environmental Health**

Responded requesting that conditions be attached to an approval based on the information submitted in the Remediation Strategy and Verification Plan. These conditions request that:

- Remediation strategy including method statement and full risk assessment to be submitted
- A Completion/Validation report confirming that the remediation has been carried out in accordance with the approved details
- Any additional unforeseen contamination encountered during the development shall be notified to the local planning authority and suitable revision of the remediation strategy shall be fully implemented.
- Imported soil shall be tested and a report provided to the local planning authority

It is also suggested that an informative be added that a site investigation/risk assessment procedure to be undertaken by the developer in accordance with CLR11 'Model Procedures for the Management of Land Contamination'. In addition the applicant should be aware of the guidance document from the South East Wales Land Contamination Working Group 'The development of potentially contaminated land'.

**Sustainable Drainage Approval Body / MCC Flood Risk Management** - This site was submitted and verified before the cut off so SAB approval is not required.

As LLFA we are holding our previous objection to the proposed development drainage system as further information is still required before the system can be approved.

1) There are some elements of the drainage system still to be designed and until we have seen the detailed designs for this we are unable to approve the system. The developer

will need to supply detailed design drawings for all flood storage areas including cellular storage tanks.

2) Details of the proposed drainage of the highway network within the site and the roofs of the properties. The current design documents do not show the proposed location of gulleys and connections into the surface water system, nor identifies the areas that are flowing into the surface water system at each manhole locations.

3) The site still fails to achieve any treatment for water quality as outlined in our previous objection in December 2019, any drainage system design should fully explore the potential use of rainwater harvesting and at source infiltration drainage as a first step in water quality. Treatment of runoff then needs to be considered before discharge to a watercourse or surface water sewer. No evidence has been provided that this scheme has explored this potential.

Paragraph 6.3.26 of the LDP also states: "SuDS also represent a significant opportunity to enhance biodiversity and should, where possible, be maximised."

The drainage system needs to demonstrate that the Hierarchy for Disposal of Surface Water has been followed which it currently does not. H3 – Approved Document Part H.

All the water will be staying in pipes and tanks underground except in extreme rainfall events, so the comments I made regarding DM/2019/01785 would stand as the proposals offer no interception, treatment, amenity or biodiversity benefits.

This relates to the DOC application DM/2019/01785

We recommend that the proposed drainage system is redesigned using modern SuDS in accordance with the SuDS Standards for Wales.

## 5.2 Neighbour Notification

Letters received from seven addresses following re-consultation (up to 06/01/20).  
Objection letters received from 44 Addresses (up to 20th December 2019 on the original submission).

A large number of comments were received which have been summarised below.

- Concerns that digging has already occurred on the site which has potentially damaged any archaeological artefacts. Concerns that the archaeological watching brief has not been complied with.
- Concerns over the over development and poor layout of the site. It is too tight, there are too many properties on the site. Properties are overlooking each other and are too close. There are properties over bearing and existing houses will be facing brick walls. The residential amenity of existing properties has not been properly considered and is unacceptable. Concerns are also raised in relation to security of existing properties, an example provided of a 'dead end' road proposed to the rear of an existing property.
- The northern spur has too many houses on the land and has a poor layout.
- Proposed flats are now facing rear gardens
- Concerns over the potential impact on drainage of the site and any mitigation. The site is boggy and water should be managed effectively, the implications on the local water system and Nedern brook need to be considered, together with the protected SSSI.
- Concerns over the impact of the development on ecology. The site is close to a SSSI - how will this be effectively managed and protected? The site also has reptiles which should be removed before any works take place. In addition, concerns were raised over the impact on barn owls and any potential impact on bats in relation to light pollution.

- There is inadequate parking provision on the site and a lack of visitor provision. There is a shortfall that needs to be addressed; the compromise is too much. The garages are too small for modern cars and will not be used for parking. This creates congestion and problems.
- There is too much parking on the site, need to encourage use of public transport
- There is inadequate public transport provision in the local area to cope with the increase in traffic
- Concerns over the implications of building over the gas pipeline, little consideration for health and safety given implications and consequences elsewhere
- More open space is required, there is no Green Infrastructure on the site. The Council has declared a climate emergency and done nothing to consider this in the application.
- There will be an unacceptable strain on community facilities. In particular reference is made to adequate school provision and health facilities such as GP surgery's
- There are concerns over the impact on flooding and the potential impact on existing properties, this is not properly considered.
- There is information missing on the plans.
- Concerns over the impact on the public right of way and that the proposals are not compliant with MV3 of the LDP. Specific concerns relate to the new position of the right of way crossing 5 roads and whether the right of way could go through the adjacent open space. The enjoyment of users of the PROW would be taken away and they would be in danger of conflict with traffic.
- Concerns over the impact of construction traffic for the duration of the build. This relates to vehicles, debris, noise, dust, mud and movements of the workforce.
- Concerns are raised over highway safety within the development.
- Concerns raised over the implications of the contaminated land and the mitigation required. This is in relation to properties within the site, the impact of digging and the potential contamination for existing properties together with the impact of contaminants getting into the watercourse.
- General support for an additional access at Heol Teifi to avoid bottlenecks and congestion.
- General opposition for an additional access at Heol Teifi and concerns over the disregard of the covenants placed on the land adjacent to Heol Teifi.
- Concerns over the impact of the development on Caldicot Country Park and the Nedern Brook.
- Issues in relation to the affordable housing provision, concerns raised over the concentration of affordable housing in certain areas on the site, that it is not in keeping with the area, that it is adjacent to existing houses.
- Impact of the proposals on the protected trees on the site. The plans show removal of Trees and hedgerows which should be retained, the proposed removal is excessive. There is also concerns over the increased soil levels and the proximity of houses to trees and the impact that this will have on tree roots. MCC have declared a climate emergency, however are allowing trees to be felled
- Concerns raised over the impact of the proposed basins being located over the mains gas pipeline. The basins also raise safety concerns which need to be carefully considered
- Concerns raised over the impact of the development in the landscape and the look of the buildings adjacent to the edge of the town
- Concerns that the requirements of the section 106 attached to the outline planning permission is not being complied with
- The proposed dwellings are not compliant with PPW Ed. 10 which requires homes for life
- The proposed Alder properties are not appropriate, they have no windows and no proper maintenance access. In addition they are proposed to be raised 2.3m above ground level, but there are no details of this
- There is no CEMP or arboricultural report provided by the developer
- There should be hedgerows between the new properties
- The development of the fields will result in a loss of agricultural land.

Queries in relation to the outline application.

- Concerns over the impact of increased pollution from the increase in traffic generation into and out of the site. The surrounding infrastructure can't cope with the increase, there will be a detrimental impact on Caldicot and Caerwent.
- Concerns over the impact of building over the pipeline and the health and safety implications of the high pressure mains pipe in the centre of the site.
- Concerns over the capacity of Heol Sirhowy to cope with the traffic generated by the 130 houses
- This is an unallocated site and should not be developed. There are more appropriate housing sites elsewhere.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### 6.1.1 Development Plan context and the Principle of Development

The site is not within the Caldicot development boundary, nor was the site allocated within the Local Development Plan. However, as the outline application for residential use considered as a departure from the plan, following correct procedure the recommendation for approval by Planning Committee Welsh Government were informed of the intent to approve the residential development of the site. The application was carefully considered by the Welsh Government and the Welsh Ministers determined that the development was acceptable and deferred the application back to the Local Planning Authority for approval. In April 2019, outline planning permission, with all matters reserved except for access, was approved for up to 130 dwellings on this site. Therefore the principle of housing development on this site is already established and the current application seeks approval of the details of the scale, layout, appearance and landscaping of the development. The access into the site was considered as part of the outline proposal and approved to be suitable for a maximum number of dwellings of 130.

#### 6.1.2 Good Design/ Place making

The design of the development has been informed by the Green Infrastructure of the site and is largely in accordance with the indicative master plan which formed part of the outline application. The main entrance into the site, as approved in the outline application, is from Heol Sirhowy. From the entrance, there will be two storey dwellings on either side of the main access to the site, mostly with pitched roofs but one would have a hipped roof. Beyond this it is proposed to create a raised road junction with one spur going north to serve 18 dwellings and the community park together with an area of greenspace, containing a footpath. A block of two storey single bedroom flats are proposed to face onto the area of open space forming an important landmark building within the site. From there the main spine road through the site runs south with a cul-de-sacs and private drives forming the general highways arrangement. A large area of green open space runs through the centre of the site (north to south) containing an important public footpath connection. To support this there are a number of pedestrian links from the existing housing development to the west into the proposed new development allowing for permeability throughout the site and linking to the existing residential development. There is a second vehicular access into the northern part of the site off Clos Ystwyth and serves 7 dwellings. Just to the south of this proposed cul-de-sac is a Welsh Water Pumping station which serves the recently completed dwellings to the west. Owing to the site's shape and constraints the layout of the development is largely linear with many of the dwellings facing onto the green open space and the highway to maximise active frontages. The site is narrower and more linear where it is located between the existing dwellings at Clos Ystwyth and the woodland to the east. The density of the development tends to reduce towards the



southern and eastern part of the site which gives a softer edge to the interface of the development and the open countryside beyond.

The proposed dwellings will be built to modern standards and they will reflect the character of the existing dwellings recently constructed to the west of the site. The heights of the dwellings comply with the height parameters set out in the outline permission. The majority of the dwellings will be two storey although three bungalows are proposed throughout the site, which make up a part of the affordable housing provision. The maximum height of the dwellings on the site will be 9 metres from FFL to ridge. The larger four bedroom dwellings are proposed to terminate views in line with design guidance. The proposal uses standard house types with mostly hipped roofs. The hipped roof will allow for more light and sunlight around the dwellings and also will be more suitable for solar panels in the future if the occupiers so wish. The 45 affordable housing units will be built to DQR standards. The walls of the dwellings will be finished in brick and render; there will be no distinction in finishing materials between the market housing and the affordable units. All of the dwellings on the site would have grey roof tiles, providing uniformity throughout the site and would reflect the character of adjoining housing developments.

The boundaries between properties would mainly be of close boarded timber fence except where the boundaries are particularly visually prominent within the public realm and here they would be of brick to match the adjoining properties.

#### House Types

Of the 130 dwellings proposed 45 of these will be affordable, equating to the required 35%. Of the 85 market houses, the majority have four bedrooms (53 units) and these are mostly detached. There are also 22, three bedroom units proposed as well as 10 two-bedroom units. A booklet of house types has been produced and forms part of this application. There are 10 basic house types, all of them two storey, with various finishing details and orientation, all following the same architectural style. The design of the dwellings reflects the recently completed housing developments on the western side of this site. The fenestration details are more elaborate on the front elevation rather than the rear; this is to reflect the secondary nature of the rear elevations and in most cases the rear elevations are not prominent within the public realm.

Of the affordable units, all are compliant with DQR standards and Monmouthshire Housing Association are satisfied with the designs. Twenty one-bedroom flats are being proposed with one block of eight units, named 'The Hawthorn' designed for elderly residents incorporating a lift as required. There are also nineteen two-bedroom units, three of which are bungalows (one built to adaptable standards) and 4 three-bedroom units with a further 2 four-bedroom units. This is in line with the need demonstrated on the local housing register and complies with the housing mix specified in the section 106 agreement signed as part of the outline application. The affordable units are dispersed throughout the site and would be of the same finishing materials as the market housing. Following the MHA management requirements none of the affordable units share private drives with market housing. The location of the affordable housing and other matters of the layout design have been discussed in detail to ensure a satisfactory form of development, meeting the policy standards, section 106 requirements and general design considerations. The location and impact of the affordable housing is discussed further in paragraph 6.5.3 in the response to public consultations. The layout and design of the whole of the site has been very carefully considered in order to provide a sense of place that reflects the design of adjoining developments. The development therefore accords with the objectives of PPW10 and Policy DES1 of the LDP.

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

##### *Sustainable Location*

The location of the site itself promotes healthier living. The site is located in a sustainable location within easy walking distance to Caldicot town centre and its many facilities. There would be less dependence on the car with the new residents being able to walk to the shops, schools and other community facilities. There are pedestrian links throughout the site encouraging residents to walk to the town centre and other residential areas in Caldicot. In addition, the site has access to bus routes both within Caldicot and to towns further away. The location of this development encourages walking and cycling which results in a healthier lifestyle in accordance with the active travel aspirations within PPW10.

An Active Travel Audit was submitted as part of the outline application and was prepared in accordance with the Welsh Government's Design Guidance: Active Travel (Wales) Act 2013. The Active Travel Audit gives an assessment of walking and cycling routes. A number of walking routes between the site and important destinations within Caldicot were identified. Each of the identified walking routes achieved a score equal to or above the 70% identified as a 'Pass' within the 'Active Travel Design Guidance'. These routes are all well-established walking routes, generally with footway, footpath or shared-use provision. Many of these routes also comprise part of the existing active travel routes. It did identify some areas where the routes could be improved for example by cutting back overhanging vegetation or by repainting road signs. An existing cycle route runs through Caldicot but is not adjacent to the proposed development site. The cycle route element of the Audit also scored 70% which is identified as a 'Pass' within the 'Active Travel Design Guidance', and as such, it is considered that this link between the site and National Cycle Network (NCN) Route 4 is suitable for cycling. There is currently no signage from the site to the cycling route but, as part of the Full Travel Plan, future residents of the site would be furnished with details on local cycle routes and this could include directions to connect into this local cycle route. As part of MCC's Active Travel Annual Report 2016 - 2017, improvements to the cycle infrastructure within Caldicot are identified. These comprise the "Installation of retro cycle hoops at six locations and large public pumps at two locations within and around the town centre, including Woodstock Way, Newport Road, Chepstow Road and Sandy Lane in Caldicot. It is noted that this equipment has been purchased but not installed, with installation envisaged during improvement works to the town centre which are currently being undertaken.

### *Public Open Spaces*

Overall, over half of the site will be retained as green open space for the public to enjoy. A 4 ha community park is provided in the northern part of the site which would contain a circular walking path and some informal play provision. In addition, there is a 30m wide green strip through the centre of the site, either side of the gas pipe line which is maintained as public open space which would have a public footpath running through it. There are also three other areas of open public space in the southern part of the site, one of which would contain an attenuation basin. These public open spaces will encourage residents to enjoy outdoor activities. There will be opportunity for walking and cycling in the Country Park as well as informal activities along the trim trail and green corridors. The design of the development encourages outdoor activity in the fresh air and this conforms to Welsh Government's objectives of healthier living.

There are several Local Areas for Play (LAPs) and a Local Equipped Area for Play (LEAPs) on the adjacent development. It would be more beneficial to the existing residents as well as the occupiers of the new development, to upgrade the existing play facilities in the area rather than creating more LAPs on the proposed site. This would provide a better overall provision within the locality, and help integrate the new development as part of the existing community. As per the requirements of Policy CRF2 the outdoor recreation and public space is being provided within the site in line with the Fields in Trust / NPFA standards and this will have benefit to the local community. The scheme will provide significantly more than the 0.5 hectares of informal open space and 1.6 hectares of adult outdoor recreational space than the policy requires. The proposal exceeds the requirements set out in Policy CRF2 of the LDP. A financial contribution

of £25,000 will be made for the installation of informal play equipment in the community park. This will include a Trim Trail and wooden logs. In addition, there would be requirement for a commuted sum of £233,152 for the maintenance of the community park for 20 years. A sum of £1566.00 per market dwelling would also be required for offsite recreational provision. This money could be used to fund facilities including the Caldicot Greenway Scheme, Caldicot Castle Country Park, Hall Park Open Space and the Caldicot Town Centre Regeneration Project. This was all agreed in the Section 106 Legal Agreement as part of the outline application.

*Impact on existing residential areas.*

**Residential Amenity**

The impact of the proposal on residential development can be divided into two distinct parts. Firstly the physical impact of the development on the existing residential properties immediately adjacent to the application site and secondly the impacts on the local area from increased traffic generation. Many of the properties along Clos Ystwyth, Heol Sirhowy, Heol Glaslyn and Heol Towy actually have garden boundaries that abut the development site. There is an existing footpath between Heol Towy and the development site and this would be retained giving a green buffer between the existing houses and the proposed housing. Many of the properties along Clos Ystwyth, Heol Sirhowy and Heol Glaslyn have their rear gardens abutting the development boundary. Since the original submission in October 2019 and following negotiations between officers and the developers, the orientation and position of some of the proposed dwellings have been altered to ensure that acceptable privacy distances are provided. Widely used guidelines that the Council tends to apply mean there should be at least 21 metres between front facing elevations and 12 metres between rear and side elevations and these are largely adhered to. In a few cases, there is less than 12 metres between the rear elevations of existing properties and the side elevation of proposed dwellings, but this is only the corner of dwellings and does not cover the whole extent of the rear elevation. This arrangement is considered by officers to be acceptable and there will be no significant loss of outlook or privacy to the occupiers of the existing dwellings.

The layout of the new development has taken account of privacy distances between the existing and the proposed dwellings. The layout has also been designed so that the proposed dwellings will not have an overbearing impact on the residential amenity of the occupiers of the existing properties. The proposal accords with the objectives of policies DES1 and EP1 of the LDP. The proposed development will provide a safe and secure pleasant environment. The new development will maintain reasonable levels of privacy and amenity to the occupiers of existing adjoining properties. The design of the new development will preserve the high standards of privacy and spaciousness that are currently enjoyed by the occupiers of the existing adjoining developments. The proposal does not constitute over development rather it accords with the parameters agreed at the outline stage. With regards to residential amenity, the principle of development on this site is already established. The purpose of this reserved matters application is to ensure that the layout of the development accords with general guidelines regarding privacy distances and that the new dwellings do not have an over bearing impact on the occupiers of the recently completed dwellings on Clos Ystwyth, Heol Sirhowy, Heol Glaslyn and Heol Towy. Following amendments to the design, officers believe that this has been achieved and that privacy standards have been adhered to.

With regards to impact of the proposed development on the local area as a result of increased traffic generation, there will inevitably be more traffic moving through the area and this will generate more noise. The TA submitted as part of the outline application demonstrated that the road network is capable of accommodating the increase in traffic. The increase in noise and disturbance along the existing residential streets over and above that already generated has been taken into account at the outline stage. A Construction Traffic Management plan has been submitted as a Discharge of Condition application of the outline permission. The

Construction Traffic Management Plan includes amongst other things, hours of operation, preferred traffic routes for subcontractors and deliveries, dedicated parking and turning provision within the site for staff and contractors, no deliveries during school drop-off and pick-up times, no unloading of plant and materials on the public highway, a wheel wash and road sweeping schedule. The full details of the Construction Traffic Management plan are available to view under application DM/2020/00025.

#### 6.1.4 The Welsh Language

The proposed development may lead to some new residents moving into Caldicot from outside of Wales, especially as a result of the removal of the bridge tolls. Caldicot is not, however, a predominantly Welsh-speaking area and the development will not impact on the Welsh Language. Children moving into the area will have the opportunity to learn Welsh in the local schools.

#### 6.1.5 Sustainable Management of Natural Resources

A primary objective of PPW10 is to maintain and enhance the resilience of ecosystems and the benefits they provide. Whilst the ecological value of the site itself is limited, the site is ecologically sensitive due to its proximity Neddern Brook which is a SSSI designated as a Wetland that makes provision for over wintering and wading birds. This sensitivity was considered in depth at the outline stage of the application and the footprint of the developable area has not changed. The existing woodland will act as a natural buffer between the development and the SSSI. The siting of the proposed footpaths have been carefully considered to deter dog walkers and others from walking too close to the SSSI and thus not disturbing the birds. Ecological enhancements have been provided throughout the site and the SSSI has been protected with fencing.

### **6.2 Active and Social Places**

#### 6.2.1 Sustainable transport issues

As stated above, this site is in a sustainable location. The Sustainable Transport Hierarchy for Planning outlined in PPW10 states that in relation to new development, walking, cycling and public transport are prioritised ahead of the use of private motor vehicles. The transport hierarchy recognises that Ultra Low Emission Vehicles also have an important role to play. In this case, walking and cycling are being promoted. There are several pedestrian links through the site which link into the surrounding residential areas allowing permeability and walking routes to Caldicot Town Centre. The pedestrian links will also link into public bus routes. The proposal complies with the objectives of the Sustainable Transport Hierarchy.

#### 6.2.2 Access / Highway Safety

##### *Access into the site*

The access into the site was considered as part of the outline application and the principle of a single main access into the development has already been approved. Policy MV1 of the LDP requires that all applications that are likely to have a significant impact on trip generation and travel demands must be accompanied by a Transport Assessment (TA). A TA was submitted as part of the outline application and was carefully considered MCC Highway Engineers and considered by Welsh Ministers. The principle of the development and single access are therefore not matters for this application.

### *Internal Road Layout*

The internal layout of the development does form part of the Reserved Matters submission and is therefore considered in detail at this stage. The main access into the site has capacity for 130 dwellings but serves 123 units. From this main entrance into the site, between 23 and 36 Heol Sirhowy, the central spine road runs in an easterly direction losing some height as it does so. One road spur turns off to the north and this serves 18 dwellings; there are two turning heads in this spur. The main spine road then does a 90-degree turn and runs in a roughly southerly direction.

There is one adopted cul-de-sac off this spur and a number of private drives. The adopted roads adjacent to the green spine running through the site have now been extended, at the request of officers to help with the refuse collection and avoid the need for communal bin stores on the public open space. There is a secondary access into the site between 36 and 38 Clos Ystwyth at the north, serving seven dwellings. Following negotiations with officers, this road configuration has been altered from the original submission, to make it easier for refuse vehicles to negotiate the bend in the road. There is a turning head at either end of this cul-de-sac. Vertical elements have been introduced at the road junctions aiming to promote slower vehicle speeds and create a more inclusive environment.

With regards to the footways adjacent to the road ways, the developers have amended the layout to include extensions to the footways where advised by MCC Highway officers. The two exceptions to this are adjacent to plots 1 to 7. Here the plans indicate the footway to be on the western side of the road adjacent to the proposed highway while the Highway Engineer would prefer it on the north-east side of the road to provide continuity of pedestrian movement and reduce the need to cross the street unnecessarily. Planning officers have considered this carefully and consider that the proposed arrangement is acceptable, given the presence of a footpath in very close proximity that links into the main footpath through the site. Highways have also suggested that the footway opposite to plot 98 in the southern part of the site be extended to the southern boundary of the site. Again, planning officers have carefully considered this request and consider that given the proposed footway on the opposite side of road and a link to an existing public footpath connecting Heol Towy with the play area, that the proposed arrangement is satisfactory. The proposals have allowed for a footpath link from the proposed development adjacent to plot 92 to link into the existing public footpath. The proposed footway extends up to the boundary of the land owned by the applicant in anticipation that this will be connected across the adjacent land into the existing public footpath in the future. The land adjacent to the site in this location is owned by MCC. This extension does not form part of the current application.

Overall MCC Highways consider that the layout is acceptable and accords with current design principles. Furthermore, the proposed road hierarchy conforms to the parameters set out at the outline stage.

### *Parking*

The adopted Monmouthshire Parking Standards require that there should be one off street parking space provided per bedroom up to a maximum of three spaces. Therefore the total number of parking spaces required for this development is 321 spaces. Parking provision could include detached garages but not integral ones. On this site 295 spaces are being provided, this forming a shortfall of 26 spaces throughout the site. Generally, the level of off street parking provision accords with the Council's adopted Garage and Parking standards, however in a number of locations the standards are not met. The Highway Authority has carefully reviewed the layout to ascertain where the reduction of off street parking provision may be considered detrimental or harmful. There are 26 plots throughout the site which have at least 3 bedrooms but only 2 off street parking spaces and an integral garage; they therefore

have 3 parking spaces but one of them is an integral garage. The adopted Monmouthshire Parking standards do not consider integral garages to be parking spaces as they could be converted into habitable rooms and the planning authority would have no control over this. To overcome this shortfall planning officers and highway engineers suggest imposing a condition requiring that the integral garages on these plots be retained for the parking of motor vehicles. There is a standard condition for this that the Council has applied in previous approvals. Given the sustainable location of this development and the objectives of PPW10 to support a modal shift towards walking, cycling and public transport it is considered that the shortfall in parking provision is acceptable. Policy MV1 of the LDP states that where appropriate, new developments should satisfy the adopted parking guidelines, but for the reasons stated above, a degree of flexibility can be allowed in this case.

#### **6.2.4 Community Facilities**

Community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places. In this case, a development of 130 dwellings is not of sufficient size to support major community facilities such as a community centre or place of worship. This development however is proposing a community country park, public open spaces and informal play provision, and these will help to provide focal points for the community and also will help to contribute to a sense of place. A contribution of £345,140 was also secured to this end via a S106 agreement as part of the outline application.

##### *Public Footpath*

There are two public footpaths crossing the site and these are both currently well used. The majority of the existing footpath length is in the area of the proposed country park and their alignment will not be affected by the housing development. Part of one footpath does cross the red line boundary, in approximately the position of plot 77 to plot 27. It is proposed to re-align this footpath so that it runs through an area of public open space to the south of plot 75 and then up through the central green spine of the site, taking advantage of the proposed green corridor and linking up into the country park and then catching up with its original alignment. A temporary diversion order has been submitted to divert but not close the footpath during construction and a diversion order will be considered separately from the planning application. The applicants are aware of their obligation to keep a public footpath running through the site and free from obstruction at all times. The new public footpaths through the southern part of the site of the development area will be finished in bonded resin while the footpaths in the country park to the north will be mown grass. This takes into consideration the need for future maintenance by the Council and are of an appropriate design for their respective locations. Once completed the development will offer a greater range of walking facilities, including a circular walk in the country park.

### **6.3 Productive and Enterprising Places**

#### **6.3.1 Economic Development**

There are economic development implications stemming from this development, most notably the jobs created during the construction phase when the houses and roads are being built. Obviously, this is a temporary benefit. Longer term, these houses will provide homes for people who may want to work in the area and in a small way will contribute towards growing the County's economic base. Future residents are also likely to use and support businesses within the town centre and local leisure amenities.

## 6.4 Distinctive & Natural Places

### 6.4.1 Landscape/ Visual Impact

A Landscape and Visual Impact Assessment (LVIA) was submitted as part of the outline application. The effect on the wider landscape will be less pronounced as the intervening vegetation, notably a substantial and well-established tree belt will restrict long distance views of the site. Beyond the site boundary views of the proposed scheme from public rights of way, road, commercial and play receptors surrounding the site will be in part filtered by the existing topography and vegetation. The proposed planting and green open spaces within the site itself including the Country Park on the northern and highest part of the site will also help to reduce the visual impact of the scheme. The proposed layout includes the planting of trees in the front gardens of main properties along the spine road. This will have a strong visual impact and these trees could be protected by a TPO as they are an important influence on the design of the development. In addition, there will be bulb and shrub planting in the public open spaces. Trees cannot be planted within the safeguarding area of the gas pipe line but areas of wild flowers will be allowed to grow which will enhance the ecology and the visual aspects of the public open spaces. The areas of tree planting in the community park have been rationalised, at the request of MCC Landscape officers to allow for visual permeability throughout the site. The proposal would not cause a significant adverse change in the character of the built natural landscape given that the site is adjacent to the built form of Caldicot and will be seen against a backdrop of existing residential development. The proposed housing development with its green corridors and open parkland is sympathetic to its surroundings and is compatible with its location. MCC Landscape officers have confirmed that the general specification of plants, densities and sizes are acceptable. The proposal therefore accords with the broad aims and objectives of Policy LC5 of the LDP.

The specific details of the landscaping are being considered under the separate application DM/2019/01785 which seeks discharge of conditions 6,7 and 8 of the outline consent. Condition 9 of the outline permission requires a schedule of landscape maintenance and this can be submitted later.

### 6.4.4 Green Infrastructure

Policy GI1 of the LDP states that development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network by ensuring that individual green assets are retained where possible and integrated into the new development. Developments should incorporate new and/or enhance green infrastructure of an appropriate type, standard and size. In this case, there is a substantial area of mature woodland along the boundaries of the site and these are to be retained. This will help to screen the proposed development from views when travelling west along the M48 Motorway and will also retain natural habitats. The tree belts will be adopted and maintained by MCC. The tree belt to the east of the site will be retained and this will help to protect the SSSI from the impacts of the development by providing some screening. The Landscape Plan shows enhanced tree planting along the eastern boundary of the development site. The existing hedgerows on the site are to be retained and incorporated into the scheme design. There will also be tree planting though the developable part of the site. The community park proposed for the northern part of the site will provide biodiversity opportunities and informal recreational provision. There will be a green corridor through the site, following the line of the gas pipeline. Other green corridors will be provided running east to west. In total, approximately 50% of the site will be retained as green space. There is no requirement for this site to comply with the SUDS regulations however the development does provide an attenuation pond which will control rates of flow during times of heavy rain fall and also provide some habitat diversity.

#### 6.4.5 Biodiversity

An assessment titled Church Farm, Caldicot Ecological Appraisal prepared by The Environmental Dimension Partnership Ltd on behalf of Harvington Properties Ltd dated May 2018 was undertaken and submitted as part of the outline application. It looked in detail of the impact of the proposal on the Nedern Brook Wetlands SSSI which has been designated for its breeding and wintering bird assemblages. The interface between the SSSI and the plantation woodland east of the southern and the broadleaved woodland north east of the of the northern fields sits above a steep cliff formed by a limestone outcrop. The Ecological Assessment considered the ecological implications of development on the site through a Desk Study, an Extended Phase 1 Habitat Survey and further detailed surveys for breeding and wintering birds, bats, badgers and Great Crested Newts. Both MCC Biodiversity Officers and NRW reviewed the Assessment and found it acceptable.

The majority of the existing hedgerows and woodland on the site will be retained and incorporated into the scheme. Protection and long-term management of these will need to be secured via the GI Management Plan. The layout also provides some east to west connectivity corridors which can be used by natural wildlife. The lighting scheme submitted as part of the application includes the identification of wildlife corridors and the addition of shields in the luminaires to minimise back spill of light at key locations. From an ecological perspective, this is adequate information and to be welcomed. An ecology plan has been submitted with the application which offers a range of ecological enhancements within the site, these include bat and bird boxes. Planting throughout the site, including wild flowers will be rich in pollinating species.

The attenuation areas are designed to be wet during prolonged periods of rain as this will help to control the rate of flow into the Neddern brook, there will be aquatic plant species at the bottom of the basin which will add to the diversity of habitats on the site. The need to ensure the quality of the water that is entering the Neddern as this is a SSSI will be considered in detail with the drainage details that have been submitted under a separate application.

The site is currently a home to The Hornet Robber Fly which is Priority Species. It was a requirement of the 106 agreement that a Hornet Robber Fly Management Plan be submitted to and approved by the LPA. This has now been submitted and will be considered by MCC Ecologists as a separate issue. The proposed development does retain, and where possible enhance, existing semi-natural habitats, linear habitat features and other features of nature conservation interest within the site. The existing trees and hedgerows that are to be retained will be protected during the construction phase. The development does incorporate appropriate native vegetation in the landscaping and planting scheme. Ecological enhancements will be provided throughout the site in the form of providing of wildlife corridors, dark corridors and bird and bat boxes on the site. All of the Green Infrastructure in the public realm will be maintained in the future by MCC. The proposal therefore accords with all of the objectives of Policy NE1 of the LDP.

#### 6.4.6 Flooding

A Flood Consequences Assessment and Drainage Strategy by Jubb Consulting Ltd, was submitted as part of the outline application. It was prepared in accordance with the requirements of the current national planning policy and in particular the Technical Advice Note 15: Development and Flood Risk (TAN 15) published by the Welsh Government. The FCA was considered in detail, at the outline stage. The topography of the site results in the land falling away in a south-easterly direction with a difference in levels of about 20 metres. The lowest part of the site is the south-east corner reaching a level of 7.5m AOD. This part of the site is within a C2 flood Zone. This zone is classed within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines. The majority of the site is outside either of the



flood zones and it is here that the houses will be built. The small area of the site which is in the flood zone will be an area of woodland with no houses or roads being located within the flood zone. Therefore, there are no adverse issues relating to flooding.

#### 6.4.7 Water (including foul drainage / SuDS)

The site does not require approval under the SuDS legislation, as this is a reserved matters application submitted before the January 7th 2020 deadline. However, Policy SD4 of the LDP states that development proposals will be expected to incorporate water management measures including SuDS to reduce surface water runoff and to minimise its contribution to flood risk elsewhere. Many SuDS features are, however, dependent on infiltration and the ground strata on this site does not have any useful level of infiltration potential. The development does contain a few elements of SuDS which will help to regulate water flow rates into the Nedern Brook. The surface water drainage design is based on drainage with interlinking tanks and a basin with rates of discharge controlled by hydro-brake controls and discharge to the adjacent off-site watercourse. The drainage design coincides with the Flood Consequence Assessment & Drainage Strategy approved as part of the outline permission. The approved drainage layout drawing (17147-SK002-P3) indicates below ground storage structures, discharging into the Nedern Brook as detailed on the reserved matters engineering drawings. The storm water system will be offered to DCWW for adoption under a S104 agreement. The application is proposing the use of some SuDS features which would incorporate a number of attenuation features such as tanks, an attenuation basin and large diameter pipes to provide the required storage for surface water. This is in line with the objectives of Policy SD4 of the LDP which requires that development proposals will be expected to incorporate water management measures, including Sustainable Drainage Systems (SuDS), to reduce surface water runoff and minimise its contribution to flood risk elsewhere. As with the recently completed site adjacent, the use of SuDS can control the rate at which the surface water enters the Nedern Brook and its catchment area thereby reducing the risk of flooding. NRW were re-consulted on the amended plans and have no comments to make, as of their letter on the 9th January 2020.

As the site is adjacent to an SSSI, it is important that any surface water entering the watercourse is not contaminated. The site is also located within Zone 1 of the Great Spring Source Protection Zone (SPZ). Source Protection Zones are designated by NRW to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface. Source Protection Zone 1 (SPZ1) areas are designated closest to the source of potable water supplies and indicate the area of highest risk for abstracted water quality. Inappropriate foul or surface water drainage disposal has the potential to pollute the SPZ1.

The surface water drainage details can be worked through as part of the discharge of condition 4 of the outline consent which is the subject of a separate application. These drainage details will not affect the layout of the development.

Welsh Water states in the consultation response, "The potable water hydraulic modelling assessment has recently been completed and it was confirmed that the development has three connection options into surrounding water mains network that would not cause an unacceptable level of detriment to existing water supplies."

Local residents have reported concerns regarding water pressure, with some residents in the older homes saying their water pressure has reduced since the new homes have been built. However, Welsh Water have no objection to the proposal, and confirms that sufficient water can be supplied to the site.

The foul water will discharge into the mains and Welsh Water have no objection to this provided that no surface water enters the public sewer. This is already controlled by a condition on the outline permission.

#### 6.4.8 De-risking (including contamination issues)

##### *High Pressure Gas Main*

There is a high-pressure gas pipeline crossing the site. It runs between Caerwent and Sudbrook with an operating pressure of 39 Bar and a diameter of 168mm. It is constructed of steel and is approximately 1.1 metres in depth. Prior to submitting the outline application the developers discussed the proposal with Wales and West Utilities confirming that the existing high-pressure gas infrastructure is located within the site and it was confirmed that an easement along the pipeline provides for 6m either side of the pipeline to be kept clear of buildings, to ensure access and maintenance to the pipeline at all times. The applicants also consulted with The Health and Safety Executive whose guidance identifies consultation distances (measured from the centre of the pipeline) within which lie sub-zones named “Inner Zone” (IZ), “Middle Zone” (MZ), and “Outer Zone” (OZ). HSE bases its advice on land-use proposals on features of the proposal and how the site area lies in relation to these Land-Use Planning (LUP) Zones. These distances are as follows:

Inner Zone – 15m

Middle Zone – 15m

Outer Zone – 21m

As this is a development of more than 30 dwellings, the HSE classify the development a Level 3 sensitivity. For a development with a sensitivity level of 3, HSE guidance suggests this type of development would be acceptable within the outer zone but would not be suitable within the inner or middle consultation zone. The developers considered various mitigation measures but decided that the site could be developed by leaving an area of 15 metres either side of the gas pipeline on which no houses would be constructed. This conforms to the HSE requirements and will also provide a green wildlife corridor through the centre of the site.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered with regards to both the outline and the reserved matters application. The HSE’s response to the consultation is that they do not advise, on safety grounds, against the granting of planning permission in this case. Wales and West utilities have confirmed that they have been in discussions with the developer about the protection of the gas pipe and do not offer any objections to the proposal.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered with regards to both the outline and the reserved matters application, using HSE's planning advice web application.

The Health and Safety Executive response is that they do not advise on safety grounds, against the granting of planning permission in this case. Wales and west Utilities have confirmed that they have been in discussions with the developer about the protection of the gas pipe and do not offer any objections to the proposal.

MCC Environmental Health Officers have offered no objection to the proposal but have suggested some standard land contamination conditions given the identification of a pocket of contaminated land within the site. In this case, planning officers do not consider that the standard conditions specified by the EHO are necessary or reasonable given the submission

of a Remediation Strategy and Verification Plan within the application by Geo Environmental. This would which would be conditioned to be implemented and verification required post remediation as set out in the conditions below.

#### 6.4.9 Archaeology

An archaeological assessment (EDP, dated November 2017) and a geophysical survey (SUMO Services Ltd, dated December 2017) and field evaluation were completed as part of the outline application. There are significant archaeological remains in the vicinity. There is the potential for similar remains to extend into the currently proposed development area. It is clear that in at least one instance, there are archaeological features present that are not apparent on the geophysical survey. GGAT had no objections to the outline application subject to a condition requiring a written scheme of investigation for a programme of archaeological work to protect the archaeological resource. A written Scheme of Investigation was discharged under application DM/2019/01848 on 13/01/2020.

### **6.5 Response to the Representations of Third Parties**

#### *Principle of development*

6.5.1 A large number of respondents object due to over-development of the site. However the number of houses on the site has been determined at the outline stage (up to 130 dwellings), approved by members of Planning Committee; this reserved matters reflects the outline.

#### *Privacy and overlooking*

6.5.2 Many of the issues by local residents in relation to privacy distances and impact from the built form have been addressed in the main body of this report. The illustrative masterplan submitted with the outline application showed most of the proposed properties in the northern part of the site had their side elevations facing towards the existing properties of Clos Ystwyth. In the revised (current) proposal some of the units have been rotated so that their front elevations face towards the rear elevation of existing properties, this is the case for plots 12 to 17. However, between the front elevations of these properties and the rear elevations is a road and a minimum distance of 20 metres which adheres to acceptable standards. Privacy of existing residents is respected throughout the development as the standard distances are in the most part achieved. In the few instances where distances are less than the guidelines, these have been mitigated to protect privacy of the existing residents. The proposals are considered to be acceptable.

#### *Affordable Housing*

6.5.3 Some existing residents have concerns that they will be surrounded by affordable housing in an area where there is already a lot of affordable housing. Legislation makes clear that we cannot consider the location of existing affordable housing but our own policies suggest that we should try to pepper-pot the proposed new affordable housing so that it is not concentrated in one location. The proposal is policy compliant with regards to the distribution of affordable housing, however given that 35% of the proposed new units are affordable, there will inevitably be some areas with groupings of affordable units.

The provision of and grouping of affordable housing is a material consideration of the planning application. The occupation of the units is not a material consideration and is managed by the registered social landlord (RSL). Residents have expressed concern over the potential behaviour of the occupiers of the affordable units; this is not a material planning consideration.

6.5.4 Residents have suggested that the proposed affordable units are too close to existing high value market housing, again the provision of affordable units on major residential planning applications is set out in legislation. The impact on individual property prices is not a material planning consideration.

6.5.5 There are also concerns that there are too many one-bedroom flats amongst the affordable units. The housing mix for the affordable homes reflects the need in the local area and the mix is a response to MCC housing officer's request. The provision is in line with both policy and the section 106 agreement attached to the outline planning permission and has been considered acceptable at the appropriate stage.

#### *Archaeology*

6.5.6 Concerns were raised regarding archaeology on the site suggesting work has started prematurely. To confirm, no development has started on site. Trial pits have been carried out to provide survey information; this does not constitute development. A written Scheme of Investigation has been submitted under application DM 2019/01848 to discharge the archaeological condition imposed at the outline stage condition and therefore the necessary mitigation has been carried out.

#### *Access and parking*

6.5.7 Concerns were raised suggesting that two access points should be provided. The outline approval considered a single access acceptable to bring forward the development, evidenced through the supporting Traffic Assessment. This application for Reserved Matters maintains this arrangement. However, the applicants are exploring whether a second access from Heol Teifi can be brought forward at some time in the future but that does not form part of the current application. This would be additional to, and not necessary for the delivery of the site.

6.5.8 The level of parking within the site has been discussed in detail on the main body of the report. The garages comply with modern standards.

#### *Public Footpath*

6.5.9 There are two public footpaths crossing the site and these are both currently well used. The majority of the existing footpath length is in the area of the proposed country park and their formal alignment will not be affected by the housing development. Additional pathway provision will also be provided in the country park. Part of one footpath which does cross the developable area will need to be the subject of a diversion order. A temporary diversion order has already been submitted. It will be a requirement of the order that a footpath across the site will be kept open at all times and this is shown on the proposed plans. To confirm, the formal diversion of the public footpath is subject to a separate application process.

#### *Green Infrastructure and open space*

6.5.10 Local residents have suggested that more open space is required, while in fact the proposal, including the community park is in excess of policy requirements. Residents have requested more landscaping between the existing dwellings and the proposed scheme. There is no policy requirement for this and it would lead to an area of un-maintained land between the two developments which is not desirable and does not result in good permeability.

6.5.11 There are also objections suggesting insufficient GI on the site. The level of GI is policy compliant and meets the objectives of ecology and water attenuation. The plans have gone through the HSE process and there was no objection to an attenuation pond being above the high pressure gas main pipe. The arboricultural report and accompanying plans have been

considered in detail by MCC's Tree Officer who considered that there was sufficient protection of tree roots as a result of the development.

### *Ecology*

6.5.12 Residents expressed concerns that the proposal detrimentally affects the SSSI. The redline boundary does not encroach onto the Castle Country Park or the SSSI. The reserved matters application has the same site boundary as the approved outline application. The applications have been considered by ecological specialists and where necessary mitigation is proposed. In relation to the remainder of the site, ecological interests, including bats and barn owls have been very carefully considered by MCC's Ecologist and suitable enhancement features have been incorporated into the design. The lighting strategy has also been considered carefully and found to be satisfactory.

### *Construction*

6.5.13 Concerns are also raised over the disruption caused during the construction phase of development. This is temporary disruption, although during that period there is potential for this to cause inconvenience. Thus, a construction management plan is proposed as a condition which will address issues such as noise and cleanliness e.g., debris on the existing roads (addressed via a wheel wash).

## **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**

The principle of this development has been established under the outline planning permission. The proposal accords with the parameters of the outline application and delivers 130 new homes including 45 affordable units. The design and layout of the proposal provides a high proportion of green infrastructure and public open space including a country park and planting throughout the site. The design of the houses reflects the character of the recently completed residential development, adjacent to this site. The development promotes a strong sense of place that accords with the objectives of PPW10 and the policies of Monmouthshire LDP. It reflects the guidance set out in the Council's innovative Green Infrastructure SPG. There are several pedestrian links to the existing residential development that will assist permeability through the site and link it to existing residential areas and the town centre. The proposal will create a development that provides a place where its new residents would enjoy living and its sustainable features and linkages will allow them to access all day-to-day facilities without having to use the private motor car.

## **7.0 RECOMMENDATION: APPROVE**

### Conditions:

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

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

2. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification) the garages hereby approved on plots 82 to 92, 99-100 & 109-114 (inclusive) shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. These garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.

Reason: The garage is the a key element of the parking being provided and its loss for this purpose may lead to parking and amenity problems and to ensure compliance with LDP Policy MV1.

3. No part of the development hereby permitted shall be occupied until the following actions have taken place:

a) Following remediation a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

b) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

4. Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

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

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

6. All of the trees in the front gardens of plots 34, 35, 81, 82, 83, 84, 88, 89, 90, 92,99, 100, 105, 109, 110, 111, 112,113 and 114, shall be retained in perpetuity and may not be felled without the prior written approval of the Local Planning Department. Any trees, in the front gardens of these plots that are removed shall be replaced with trees that are the same species and size during the next planting season following their removal.

REASON: To protect valuable tree or on the site in the interest of preserving the character and appearance of the visual amenities of the area in accordance with LDP Policy GI1. The trees on these plots form an important element of the strategic landscaping of this site

**Application Number:** DM/2019/01839

**Proposal:** Modification of condition number(s): 2, 6, 13, 14 and 15 relating to application DC/2014/01226.

**Address:** Land rear of High Trees, Steep Street, Chepstow

**Applicant:** Ms. McGee

**Plans:** Elevations - Proposed P06 - SECT73APP, Site Layout S01 - SECT73APP, Other SITE03 REV.B - SECT73APP, Elevations - Proposed P04 - SECT73APP, Site Layout P01 - SECT73APP, Other P03 - SECT73APP, Elevations - Proposed P05 - SECT73APP, Location Plan Location Plan - -, Other Issue Sheet - -,

**RECOMMENDATION: APPROVE subject to S106 agreement**

Case Officer: Ms. Kate Young  
Date Valid: 07.11.2019

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

## 1.0 APPLICATION DETAILS

1.1 In 2015 planning permission DC/2014/01226 was granted for a new dwelling in the grounds of High Trees in Chepstow. The dwelling was of contemporary design; the design of that proposal was then subject to a Non Material Amendment in 2018 which sought the provision of a space around the dwelling with the use of a gabion wall. The current application now seeks amendments to the original scheme. Due to some land ownership issues and the limited width of the site it is now proposed to reduce the width of the proposed building but to increase its length by adding an attached garage. The detached garage approved on the original application would be omitted. These alterations would necessitate the removal of the protected Yew Tree, permission for which has already been granted. The proposed dwelling would be built into the bank and would measure about 23.5 metres in length by 7 metres in depth. A considerable amount of the property would be below ground level but the eaves height from the finished floor level on the front elevation would be approximately 6.65 metres high while to the rear it would be about 2.4 metres. There would be a monopitched green roof and a large amount of glazing to the front. There would be an integral double garage as well as a turning and parking area at the bottom of the gravel driveway.

1.2 High Trees is a Grade II Listed Building and is within the Chepstow Conservation Area. The proposed site slopes steeply down from the south-west to the north-east and the proposal requires the removal of some of the existing trees on site.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2019/01840	Discharge of conditions 4 and 5 of planning consent DC/2014/01226 (additional new stone and cedar cladding)	Approved	17.02.2020
DC/2015/01383	Discharge of conditions 5, 7, 11, 12, 13, 14, 17, 18, 19 & 20 from previous application DC/2014/00947.	Approved	26.11.2015
DC/2014/01226	Proposed new dwelling within the setting of 'High Trees' - a grade II listed Georgian property. Proposed development comprises a new dwelling house, garage, gravel driveway and additional planting/trees.	Approved	15.05.2015
DC/2015/01166	Discharge of conditions from previous application DC/2014/01226.	Approved	15.02.2018
DC/2014/00948	Alterations to listed wall for access to proposed new dwelling.	Approved	07.01.2015
DC/2014/00947	Erection of one new house.	Approved	04.02.2015
DC/2015/01015	Construction of a single detached garage. The unit will be of simple style, block cement render with wooden door.	Approved	02.11.2015

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

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
HE1 LDP Development in Conservation Areas  
MV1 LDP Proposed Developments and Highway Considerations  
SD4 LDP Sustainable Drainage  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection



## 4.0 NATIONAL PLANNING

### POLICY Planning Policy

#### Wales (PPW) Edition 10

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

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

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Chepstow Town Council** – response not received.

**MCC Highways** - No comment as application issues do not relate to highways matters.

MCC Highways have previously provided a substantive response to DC/2014/01226 dated 17/11/2014, requesting that the applicant consider MCC Highways' comments in respect of the shared use access with a view to submitting further details for consideration.

**Welsh Water** – response not received.

**MCC Building Control** - without the aid of full construction drawings, looking at the visual impression, elevation drawings, it would appear that the position of the flue is compliant with Part J of the building Regulations.

If the flue is within 600mm of the ridge, it would need to extend 600mm above the ridge. If it is further down the roof it would need to be at least 1000mm above the roof covering or at least as high as the ridge. The position of the flue does appear to be compliant with these criteria.

### 5.2 Neighbour Notification

Letters of objection received from seven addresses (as of 27/01/20).

Close to adjoining properties

Conflict with local plan

Loss of privacy

Out of keeping with character of area

Significant alterations, should be a new application not a S73

Increase in size

Alterations to windows

Full-length veranda

Alterations to the setting

Increase in pollution. We object to the installation of a log burner or other combustible material burner and ask it be removed chimney will be less than 20 metres from our house and windows, it will be at head height.

The installation of this type of burner within the redesign will cause a statutory nuisance to my family and I and we would consider this to be a breach of the 1990

Environmental Protection Act

In other areas of the UK, where air quality is poor, such as London, wood burners are now banned. NB MCC have recently declared a climate emergency, so authorising further unabated emissions would seem contradictory

Development too high

Increase in traffic

Over-development of site

The proposal will be highly visible; it is located in a conservation area sitting in the garden of a listed Georgian house, High Trees, standing prominently high on the hill overlooking Chepstow and the Forest of Dean

A mature Yew tree has been felled I can find no evidence of permission being either sought or granted in the original planning application. I have been in touch with the Council's Tree Officer who tells me permission for a yew in the SE corner of the development to be felled was granted, the tree in question was in the NE corner. I can only assume that because it stood close to the proposed house it met its demise in anticipation of the application undergoing the minimal scrutiny.

Affects local ecology

Loss of light

There are changes to the layout and materials to be used, along with a slightly differing angle the building will infringe on my privacy further and will be seen from the A48

In the original only one room on the upper floor was a living room, the others were bedrooms. The outside terraced area was on the lower floor. The new plans have all the living area on the upper floor with a balcony extending along the length of that floor extending onto an outside terraced area

The actual level of the first floor is actually the ground level now; most of the building is underground

Overlooking of High View, the new proposal makes this issue inevitable by introducing an extensive balcony and a patio area at first floor level which will provide clear views over the retaining wall right into the upper floor (bedroom) windows and rear gardens of properties in High View, resulting in a greatly diminished degree of privacy

Not enough information given on application

Drainage - There is no methodology for directional drilling into solid rock. There is no guarantee that the drilling will not affect surrounding buildings. Needs an independent engineering assessment

Welsh Water should be consulted

Residents are still awaiting a geotechnical assessment providing assurance that the boundary wall will be undisturbed; the methods employed to remove the rock will cause not only significant noise disturbance but also vibration. It is therefore considered that the developer should carry out condition surveys of all properties in the direct proximity of the wall

A conditions survey is required for the existing walls

The retaining wall is actually an integral part of Cobweb Cottage and so the consequences of not having appropriate assessments completed could be catastrophic

Given that the proposal is now for additional drilling through solid rock to provide the new sewage connection this information has become even more critical

The angles of the roof on the plan appear to vary and are misleading

A garden patio area that is supported by a 2.5m high stone retaining wall. This area is now in excess of 1m in height above the existing retaining wall

Materials, design and raised roof height have changed fundamentally from those originally approved

A geotechnical assessment was required by condition. The agent says this has been done but local residents were not consulted

Considering this area is in a historical Conservation Area I am surprised that a more detailed investigation and research has not been carried out by the Architect prior to revised plans being submitted

On all submitted drawings Cobwebs Cottage is depicted as being detached from the

original retaining wall - in fact the wall itself is attached to Cobwebs Cottage and forms part of that dwelling. Would like assurance that the wall condition will not deteriorate due to excavation and drilling - many thousands of pounds have been spent on maintenance this year.

The three sheets of loading calculations that the original architect claimed were available, in relation to the amount of rock to be quarried from behind the 200+ year old retaining wall, as part of this development, have never been made available to the local residents for independent engineering assessment. This is all a matter of public record.

The drilling point is within approx. 4 metres of a 200 year old stone retaining wall which has no foundations and is within 15 to 20 metres of a number of adjacent properties, all of who would be likely to suffer from vibrations caused. An independent structural report (seen by MCC) conducted on the wall stated clearly that it is in poor condition, without solid foundations and that any great amount of stress could potentially lead to its collapse.

The old stone boundary wall IS NOT a

party wall. 5

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### 6.1.1 Development Plan context / Principle of Development

The principle of a new residential property is established in this location having been granted planning permission in 2015. The main issues in this case are the implications of the amendments to the design of the scheme. The main change is that the detached garage and pump room are no longer needed and have been removed from the scheme. The approved scheme measures 20 metres long by 8.5 metres wide while the current scheme measures 23.5 metres by 7 metres wide. The proposed plan shows an integral garage. The property is entered at ground level where there is living accommodation with the principal windows facing east. The bedroom accommodation is on the lower ground floor and again the principal windows are facing east.

There would be a balcony running along the eastern elevation above the lower

ground floor level. Affordable Housing

Policy S4 of the LDP requires that all new housing developments contribute to affordable housing within the County. Single dwellings are required to make a financial contribution for this and the amount will depend on the size and location of the proposed dwelling. In this case the financial contribution required for this property in Chepstow would be £17,260 that would be secured through a section 106 Legal Agreement. There is a clause however that if you are a self-builder who lives in the property for at least 3 years there is no requirement to make a payment. In this case the applicant intends to live in the dwelling after construction but will still need to sign the legal agreement.

#### 6.1.2 Good Design/ Place making

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. The proposed dwelling will be built into the ground due to the sloping ground levels so that from High Trees above the site only the green roof will be visible. The principal windows are all on the north-east

elevation, facing out over the town. The proposed dwelling will be finished in natural stone, timber cladding and render, and there would be garage doors on the side elevation. The rear elevation of the proposal will not be visually prominent as it is set below current ground levels and there would be a retaining wall between this property and High Trees. There would be a flue on the north-west end of the building serving a wood burning flue. The design of the dwelling is contemporary.

Properties in this part of Chepstow are of diverse character and layout with a variety of architectural designs and plot sizes, and it is considered there is no single, distinct character to influence the scale, mass or design of the proposal. It is considered that the proposed dwelling would be part of a cluster of houses of different styles, ages and designs, and so would not adversely affect the character of the area. The overall density of development and spacing of this proposal is comparable with other properties in the vicinity. The site is visible from parts of the town, being situated on elevated ground. Moreover, the design of the proposal is very similar to that of the approved scheme for this site. The design is considered acceptable and conforms with the objectives of Policy DES1 of the LDP. The proposed dwelling will contribute to a sense of place whilst its intensity is compatible with surrounding properties. The new dwelling will respect the existing form, massing and scale of neighbouring properties. It would be seen in wider views of Chepstow but will not dominate the skyline or be intrusive. The site is located within the Chepstow Conservation Area where Policy HE1 of the LDP applies; the design of the proposed new dwelling will preserve the character and appearance of the Chepstow Conservation Area and because it will be dug into the slope it will have no serious adverse effect on significant views into and out of the designated area. The use of contemporary materials in this location is considered acceptable. The proposal therefore accords with the objectives of Policy HE1 of the LDP.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

The site is surrounded by residential properties, and as the land slopes down the properties to the north-east of the site are set at a much lower level while High Trees to the west is set at a higher level. Cobwebs is a cottage set at a lower level which immediately abuts the site to the north. Due to the increase in the length of the proposed dwelling, the scheme under consideration here would be approximately 2.7 metres closer to Cobwebs than the approved scheme is. However given the difference in ground levels and the orientation of the properties the 18.8 metres between them is acceptable in planning terms. No. 2 High View is set to the north-east of the proposed dwelling and again is set at a much lower level; it has a blank gable end facing into the site. Under the approved scheme the dwelling was approximately 11 metres from the corner of no 2 High View while under the proposed scheme this would be approximately 10.4 metres. This is still an acceptable privacy distance, and while the proposed dwelling would look towards the side garden of no 2 this would be no more so than under the approved scheme. The effects of this relationship is mitigated by the significant difference in levels between the proposed and existing dwellings. The proposed dwelling is approximately 1 metre closer to 1 High View than the approved scheme but the detached garage has been removed from the scheme. The approved garage was within 15.5 metres of no. 1. Although slightly closer to 1 High View, the proposal conforms to privacy distances and there is at least 23 metres between the two properties. No 1 and 2 Steep Street are to the east of the site, and are set at a slightly lower level and over 20 metres from the proposed dwelling. In addition, there are mature trees between the site and the properties in Steep Street. High Trees is set at a much higher level, at some 14 to 20 metres from the new dwelling. From High Trees only the green roof will be visually prominent. The window and door on the rear elevation of the proposed dwelling would be below ground level and would not look towards High Trees.

overlooking of neighbouring properties. The approved scheme also had a balcony on the front elevation. The proposed veranda is longer than the one on the approved scheme and now has a steel hand rail and vertical railings giving it a different appearance. Notwithstanding this, given the extensive differences in levels between the proposed veranda and the gardens of Cobwebs and 2 High View, significant levels of overlooking will not result. Indeed, the general outlook of people using the veranda will be over the top of the gardens of Cobwebs and High View. There would be less overlooking from the veranda than there would be from the proposed garden, although again, the difference in levels means that any overlooking of neighbours' gardens would be very limited.

It is considered that the separation distance between the existing and proposed dwellings would be sufficient to ensure that the proposed dwelling would not have an unacceptably overbearing effect, or that the outlook from the neighbouring properties would be unacceptably oppressive. The proposed dwelling in this location will not have a significant detrimental impact on the privacy, amenity and health of the occupiers of neighbouring properties. Thus, the proposal would accord with the objectives of Policy EP1 of the LDP and with PPW 10 and is not dissimilar to the footprint of the dwelling already approved on this site.

#### 6.1.4 Sustainable Management of Natural

##### Resources

The proposal will utilise permeable gravel on the driveway and gravel, and grass in the garden area to resist water run-off from the parking areas and garden.

### **6.2 Active and Social Places**

#### 6.2.1 Sustainable transport issues

PPW10 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable mode of travel. In a county context, Chepstow is a very sustainable location and the site is in walking distance to the facilities in Chepstow Town Centre. The principle of a new residential development on this site is already established and the current application only seeks an amendment to the design.

#### 6.2.2 Access / Highway Safety

The location of the vehicular access into the site has already been approved. The altered layout of the site means that there would be better turning facilities within the site. An integral double garage is being proposed as well as parking for at least another car. Therefore three car parking spaces would be provided within the site which accords with the adopted Monmouthshire Parking Standards.

### **6.3 Distinctive & Natural Places**

#### 6.3.1 Landscape/ Visual Impact

The principle of a new dwelling on this site of contemporary design has already been established. This current application considers the impact of the altered design. PPW10 says that the special characteristics of an area is a central design consideration and we should seek to promote or reinforce local distinctiveness. In this case the property is within the Chepstow Conservation area and in the grounds of a Grade II Listed Building which makes the detailed design even more important. When viewed from outside the site the dwelling will appear longer as the front elevation increases from 20 metres to 23.5 metres. The detached garage that

was approved for the front of the site has now been omitted, however, so that the amount of built form when viewed from outside the site will be very similar to that on the approved scheme. The proposed dwelling will not be visually prominent from close up views from public vantage points; rather the alterations will be seen in long distance views. The erection of a dwelling on this site will require the loss of some mature trees on the site, although this has already been agreed with the Council's Tree officer as a result of the previous application and subsequent amendment. The current scheme will not result in the loss of any additional trees. There will be some shrub planting and two new trees planted at the front of the property within the site which will help to soften the appearance of the residential curtilage. Under the approved scheme there was to be a hedge planted along the western boundary with High Trees however now, due to the reduced size of the plot, the extent of the hedge planting will also be reduced and a wall will be erected on part of this boundary. Stone walls are a feature of this part of the Chepstow Conservation Area.

### 6.3.2 Historic Environment

The site is located within the Chepstow Conservation Area and is within the grounds of High Trees which is a Grade II Listed building. PPW 10 recognises the importance of the preservation or enhancement of the character of listed buildings and their settings. The impact of constructing a new dwelling in the grounds of High Trees was considered in great detail by heritage officers before the previous approval was granted, and the impact was considered to be acceptable. The principle of a new dwelling in the grounds of High Trees is therefore already established. In this case we should be considering the impact of the amendments on the setting of the listed building. The proposal will not come any closer to the existing dwelling at High Trees and the height of the roof relative to High Trees will remain the same. From High Trees the only part of the new dwelling that will be visible will be the roof; this will be a green roof that rises up from the rear and away from High Trees. The proposed alterations will not adversely affect the setting of the listed building. Therefore, High Trees, would remain the dominant feature on site and the proposal would not be in direct competition with it. It is now proposed to plant two new trees on the proposed courtyard area; this will have the effect of softening and reducing the mass of this dwelling when viewed from the east. The proposed alterations to the dwelling in the grounds of High Trees will preserve the setting of the heritage asset and therefore accords with the objectives of section 6 in PPW10.

The impact on the wider Conservation Area is considered to be acceptable and is considered in par. 6.1.2 above.

### 6.3.3 Biodiversity

The original scheme involved the removal of a group of trees and was informed by an ecological report. The submitted report was sufficient to inform a planning decision and there was no objection from the Council's Ecologist. The alterations to the scheme do not have an impact on ecology, and the removal of the trees has already been agreed

### 6.3.4 Flooding

The site is not in a designated Flood Zone

### 6.4.7 Water (including foul drainage / SuDS)

It is proposed that the foul water will connect into the Welsh Water main sewer in Steep Street. Due to the difference in levels, the approved scheme proposed that the water be pumped up hill to the main. There were planning conditions within the original approval that surface and foul water be drained separately from the site and

that a drainage strategy be submitted. The drainage scheme was approved under discharge of condition application DC/2015/01166. Under the current proposal there is no need to pump this water. A new lateral drain for combined foul and surface water will be installed close to the boundary with numbers 1 and 2 Steep Street. A plan SITE 03 has been submitted with the application indicating the position of new mains connection with Welsh Water. The invert levels and the location of the deepest parts of the pipe are highlighted on the below-ground drainage drawing submitted with the application. The new drain will be at a deeper level than that of the approved scheme but the alignment is the same. Welsh Water have been consulted on this current application.

This application will require approval by the SuDS Approving Body in respect of surface water drainage.

#### 6.4.8 De-risking

Local residents are concerned regarding the amount of excavation required for both the house and the drainage. They have concerns that this could damage properties and also the retaining wall along the common boundary. On the approved scheme a condition was required that a geotechnical assessment be submitted to and approved by the Local Planning Authority prior to the commencement of the development to ensure that the site is capable of accommodating the proposed development and to ensure the boundary wall will be undisturbed as a result. A similar condition could be imposed on this current application.

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

6.5.1 The Town Council have made no recommendations to date. The local residents have submitted representations and most of the points raised have been covered in the main body of the report including residential amenity and privacy issues. Local residents have suggested that this be a full application rather than a S73 application. The proposal has been considered as a fresh application but it must be noted that the principle of a residential property has already been established. The issue of a flue for a log burner has been considered by MCC Building Control who consider it to be acceptable and in line with current legislation. A geological assessment will be required by condition, as on the previous approval. The Geotechnical survey will have to be considered prior to the commencement of works on site to ensure that the site is capable of accommodating the proposed development and ensuring that the boundary wall is undisturbed. The legal responsibility for carrying out the development in a safe and reasonable manner lies with the developer.

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

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

## **7.0 RECOMMENDATION: APPROVE**

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

A financial contribution of £17,260 for affordable housing in the local area.

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 schedule 2, part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no means of enclosure, outbuildings, enlargements, improvements or other alterations to the dwellinghouse shall be erected or constructed other than those expressly authorised by this permission.  
REASON: To ensure the proposed development does not prejudice the amenities of the area.

4 Prior to construction commencing, rigid, immovable fencing e.g. Heras or similar shall be erected around each of the retained trees in accordance with the Tree Protection Plan (drawing no. 14/406/02 Rev B). Temporary removal of fencing for access purposes shall be agreed in writing with the Tree Officer prior to construction commencing

REASON: To safeguard the landscape amenities of the area

5 Prior to construction commencing, an arboricultural method statement shall be submitted to and approved by the Local Planning Authority

REASON: To protect the amenity of the area.

6 Tree and shrub species in accordance with the Planting Proposals Plan (drawing no 14/406/03D) shall be carried out upon completion of the development. Planting methods, maintenance and replacement of any dead trees or shrubs shall be carried out in accordance with the recommendations in the Tree Survey and Arboricultural Impact Assessment by Wyn Davies, inspection dated the 26th June 2014 (Version E).

REASON: To safeguard the landscape amenities of the area.

7 No development shall take place until there has been submitted to and approved by the Local Planning Authority the specifications of the grass types on the proposed green roof. The approved specifications shall be applied on the proposed green roof prior to the occupation of the dwelling.

REASON: To safeguard the landscape amenities of the area.

8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons 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, unless the Local Planning Authority gives written consent to any variation

REASON: To safeguard the landscape amenities of the area.

9 A traffic management method statement / programme of works, including the method of delivery, storage of materials and the construction period, shall be submitted to and approved by the Planning Authority prior to any works commencing on site. The development shall be carried out in accordance with that approved method statement / programme

REASON: To ensure a coordinated layout and in the interests of highway safety.

10. Land drainage and surface water run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system

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

11 Clearance of vegetation shall not be undertaken during the bird nesting season (March to August inclusive). However, clearance may take place during these months if preceded by a pre- construction check undertaken by an appropriately experienced ecologist and the results and any necessary avoidance measures needed submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details

REASON: To ensure that nesting birds are not disturbed by development works and to enable the Local Planning Authority to fulfil its obligation under Section 25(1) of the Wildlife & Countryside Act (1981).

12. A geotechnical assessment shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development to ensure that the site is capable of accommodating the proposed development and to ensure the boundary wall will be undisturbed as a result; the development shall be carried out in accordance with the approved assessment

REASON: To protect the existing stone boundary wall and to ensure that the site is capable of accommodating the proposed development

13. The garage, hereby approved shall remain available for the parking of two standard motor cars at all times.

REASON: To ensure a coordinated layout and to ensure provision is made for the parking of vehicles

14. 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.

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**Application Number:** DM/2019/01879

**Proposal:** Alterations to outbuilding for use as a holiday let

**Address:** The Haven, Gypsy Crescent, Llanfoist, Abergavenny

**Applicant:** Eleanor Hughes

**Plans:** Location Plan 1562 LP01 - , Elevations - Proposed 1562 LP01 - , Parking Layout Proposed Parking Layout 1562 LP03 - , All Proposed Plans 1562 LP02 Rev A - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Elizabeth Bennett  
Date Valid: 20.11.2019

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

### **1.0 APPLICATION DETAILS**

1.1 This application relates to the refurbishment and conversion of an existing garden outbuilding for use as a holiday let. The application is retrospective as the refurbishment has already been undertaken. The building is located at the bottom corner of the applicants' domestic garden and is a distance of 65m away from the rear of the property. The alteration has consisted of refurbishing the existing walls, replacing the clay-tiled roof with grey slate and inserting a roof light into the western part of the roof. The previous exterior walls were grey pebble dash, with the entrance door being of painted pale green timber and the windows being aluminium. The refurbished structure has a timber clad exterior with a replacement timber door and matching colour coated uPVC windows.

1.2 The applicant has provided a paved area to the front of the building along with a small hot tub which is located on a timber decking area. The building provides tourist accommodation for 1 to 2 people and consists of a bed / sitting area, kitchenette and shower room. It is self-contained with access via the garden path leading down from the property's garden gate.

1.3 The property is located within the Llanfoist Development Boundary, is outside the Abergavenny Conservation Area and is not a listed building or within close proximity to a listed building.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/1979/00051	Ground Floor Elevation APP_TYP 01 = Full DEV_TYP 05 = Alteration MAP_REF = 328949213202	Approved	28.03.1979
DC/1980/00272	Lounge Extension	Approved	08.05.1980

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

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

#### Development Management Policies

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

### 4.0 NATIONAL PLANNING POLICY

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

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

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

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

**Llanfoist Fawr Community Council** - Refusal is recommended based on the objections raised by neighbour concerns. The concerns expressed in those objections i.e. sewage/ drainage issues and parking limitations are considered valid by the Community Council.

**MCC Environmental Health Officer** - I have considered the information available in relation to this planning application and have also conducted a site visit. I have no reason to substantiate an objection to the application but I would recommend that a condition be attached to any planning permission granted (Building Control).

#### 5.2 Neighbour Notification

4 No. Neighbour objections have been received:

- Will have a detrimental effect on neighbouring properties
- A new pitched roof has been added and the shed expanded.
- The drawing of the original shed that has been submitted with this application bears no relation to the original shed
- There is no provision for the drainage and adequate disposal of waste, which is a major concern
- The plan does not show additional car parking
- The building will alter the quiet enjoyment of neighbouring properties with regular new people staying at the let on a casual basis.
- Unacceptable noise disturbance
- Not in keeping with the area
- The drainage from the 'so called shed' is being discharged onto the grounds of the Old Age Pensioners' Hall

- Affects ecology
- Increase in pollution
- Could potentially contaminate land
- How is the hot tub emptied? How is this going into the main drainage system as this will contain chemicals and there could be contamination as it sinks down into the ground?
- Parking causing a problem.

### 5.3 Local Member Representations

Councillor Giles Howard - had agreed the application be decided by the Delegation Panel giving any objectors the opportunity to speak to them. This opportunity would not be afforded to them at Planning Committee.

## 6.0 EVALUATION

### 6.1 Principle of Development

6.1.1 PPW10 recognises the importance of tourism to economic prosperity and job creation and its ability to act as a catalyst for environmental protection, regeneration and improvement in both urban and rural areas. Strategic Policy S11 of the LDP recognises that tourism plays a significant part in the Monmouthshire economy, particularly in assisting in the diversification of the rural economy and in sustaining the County's historic town centres.

In this instance the application site lies within the development boundary for Llanfoist, a Rural Secondary Settlement, and therefore the detailed requirements of Policy T2 - *Visitor Accommodation outside Settlements* are not applicable. The application site is considered to be well located for tourism purposes, including being within walking and cycling distance from the historic market town of Abergavenny.

It is therefore considered that subject to detailed planning considerations the development is acceptable in principle.

### 6.2 Visual Impact

6.2.1 Photographic evidence has been provided of the original outbuilding/ shed which shows it to have had an irregular angled clay tiled roof with a ridge height of 3.6m. The overall footprint of the shed was 22.4 sq.m. The walls were concrete blockwork having a grey pebble dash render and a detail of painted horizontal timber boarding to the front elevation above the painted timber door. The windows were double glazed aluminium units. There was black uPVC guttering in place with a down pipe towards the rear of the building.

6.2.2 The new structure is of similar scale and form but has a slightly larger footprint of 28 square metres. The ridge height has been slightly increased to 4 metres from ground level. The new roof is slate tiled having a roof light included into the western pitch. There is a flat roof to the eastern side elevation which does not appear to have any guttering included. The external walls are timber clad with the windows being coloured uPVC double glazed units and a coloured timber ledged braced door. The edge of the roof and guttering at the east elevation sits slightly within the boundary of the adjoining the neighbour.

6.2.3 Whilst the overall height has been increased by 415mm, neighbours have expressed concerns that the colour of the external cladding has made a more obvious visual impact. However, given the scale of the building even given its close proximity to the boundary it is not considered to be overbearing. The applicant has agreed to provide screening, by way of, adding trellis fencing to the top the garden fence panels along with additional evergreen climbing plants. This will aid the screening of the building from view of the neighbours and can be controlled through an appropriate planning condition.

6.2.4 The building in-situ is considered to be an appropriate refurbishment of the previous building and given time would not appear as an alien addition. The newly refurbished building is not visible from the highway and can only be viewed by the immediate neighbours and through

various boundary hedges. It is considered to be in accordance with policies DES1 and EP1 of Monmouthshire's Local Development Plan (MLDP).

### 6.3 Residential Amenity

6.3.1 The building is in the same location as the original building but has a slightly larger foot print and ridge height. The building is approx. 65 metres away from the applicants' property and approx. 52 metres away from the nearest neighbours' rear conservatory. The properties along this northern side of Gypsy Crescent sit in an elevated position above the garden building, with the garden levels falling away steeply towards the gardens' rear boundaries. Having visited the neighbours' properties, it is not considered the building harms any other party's residential amenity and is not considered to obstruct any party's access to natural light. Owing to its scale and location, the building's use as a small holiday let is not considered to have a detrimental effect on any other neighbouring properties by way of noise or general activity.

6.3.2 The development is considered to be in accordance with Policies DES1 (d) and EP1 of the adopted LDP.

### 6.4 Highways Considerations

6.4.1 An additional parking space is to be provided at the front of the property for the use of third parties using the holiday let, which meets with MCC parking standards.

### 6.5 Surface Water & Foul Drainage

6.5.1 A statement has been provided as part of the application stating that a pump and pipework has been installed in order to pump waste water up the garden (pipes are buried in a trench) and connect into the mains household drainage. This will also apply to the 'Hot Tub'. The hot tub, does not need to be regularly discharged - it is designed for the water to stay in the tub. But if it were to be discharged it would be pumped via a hosepipe to a drain, then up to the main drains.

6.5.2 The overall combined hard surface area of the building, patio area and decking is 48.75 sq.m. All construction work with an area greater than 100 sq.m., or comprising more than one residential property, will require approval of storm drainage by the Sustainable Drainage Approval Body (SAB). The hard surfacing at this building is less than half the minimum requirement, and thus no SAB approval is required.

The development is considered to be in accordance with the above policies held within the adopted LDP.

### 6.6 Response to Third Party Correspondence

6.6.1 Further to meetings between the Local Planning Authority and two of the neighbours directly adjacent to the application property their concerns are summarised in Section 4.2 of this report.

6.6.2 With regards to the 'Hot Tub', this has been relocated from the applicant's rear patio for use by individuals staying at the holiday let. This appears to be a great concern to the neighbours who have been affected by its use by certain individuals. The 'Hot Tub' itself does not require planning permission to be installed and is therefore not a planning consideration. The applicant however has advised they are willing to install some additional screening.

6.6.3 The applicant has advised a pump has been installed and connects back up to the mains drains at the property in order to dispose of any foul waste from the building. Drainage is provided for the 'Hot Tub' to be emptied into and pumped back up to the mains drainage of the house.

6.6.4 Noise levels – the MCC Environmental Health officer has no reason to substantiate an objection to the application. Owing to the modest size of the holiday let the number of additional

persons that could be present at the site, above the existing dwelling, is not considered to cause an unacceptable increase in noise levels. In the event of unreasonable behaviour resulting in statutory noise complaints these matters would be investigated by the Council's Environmental Health Team

6.6.5 With regards to the site ecology, as this application is retrospective the works have already been undertaken and completed therefore any impact upon the ecology within the building and area has already occurred and cannot therefore be considered.

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

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

## 6.8 Conclusion

Monmouthshire County Council supports individual enterprise and tourism within the County. Where the proposal involves the conversion of buildings that are too small or are not suitable for conversions to permanent residential accommodation, but are suitable for tourist accommodation, these can be supported by the Council. Consideration has been given to the appropriate location of the building for use as a holiday let.

The applicant's site and property are located within the development boundary and it is considered the application for a holiday let is appropriate in scale, is located within the Llanfoist settlement, does not significantly harm the residential character of the area and would not lead to an over-concentration of such accommodation within the area. The proposal is therefore recommended for approval.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions**

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

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

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

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

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

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

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

REASON: The provision of permanent residential accommodation would not be acceptable.

5 Details of additional screening including trellis to the existing boundary fence with additional evergreen climbers to be planted shall be submitted to and agreed in writing with the Local Planning Authority within one month of the date of this permission. The trellis shall be installed within two months of the details having been agreed and all planting shall be carried out during the first planting season following the details having been agreed.

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

## **INFORMATIVES**

1 Should planning consent be granted for this development the applicant must obtain Building Regulations approval for the foul drainage system serving the outbuilding.



**Application Number:** DM/2019/02051

**Proposal:** Construction of 20no. affordable housing units, landscaping and associated works

**Address:** Land At Wern Gifford, Pandy, Abergavenny, NP7 8DL

**Applicant:** Mr. Tim Crooks

**Plans:** General 455 01A - , Site Plan LT1917 0402 - , All Proposed Plans LT 1917 04111 - , All Proposed Plans LT 1917 04112 - , Site Plan LT 1917 04 03 - , All Proposed Plans LT1917 04 04 - , Street Elevation LT1917 04 10 - , Site Layout LT1917 0401 - , Drainage LT3070 201 - , Site Sections LT3070210 - , Site Sections LT30700211 - , Drainage LT3070215 - , Drainage LT3070216 - ,

**RECOMMENDATION: APPROVE subject to a Unilateral Undertaking agreement**

Case Officer: Ms. Kate Bingham

Date Valid: 06.01.2020

**This application is presented to Planning Committee as there are five or more objections to the proposal**

## 1.0 APPLICATION DETAILS

1.1 The application is for the construction of 20no. affordable housing units, landscaping and associated works.

The area is identified in the current Local Development Plan (LDP) as being within the Wern Gifford (Pandy) development boundary. The proposed development of 20 no. dwellings comprises; 10 no 2 person one-bedroom houses, 5 no. 5 person three-bedroom houses , 4 no. 1 person one-bedroom flats and 1 no. 3 person two-bedroom bungalow.

1.2 The site is principally within an allocated main village site SAH11(xvi) which highlights some on site considerations i.e. a C2 flood zone, protection and enhancement of an adjoining scheduled ancient monument (SAM) and provision of community open space (play area / allotments).

1.3 The site is adjacent to a CADW listed SAM: Tramway embankment of Grosmont railway which also accommodates PROW 356/462/2 and ancient woodland. The field in which the proposed development is situated, and part of the SAM, also form part of a larger site of interest for nature conservation (SINC) site, a local designation valued for H4 neutral grassland & H2 veteran trees.

1.4 The proposed site is also immediately adjacent to a C2 Flood zone area. The principal access into the site would cross the flood zone area.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/02051	Construction of 20no. affordable housing units, landscaping and associated works.	Pending Determination	

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

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S2 LDP Housing Provision  
S4 LDP Affordable Housing Provision  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design  
SAH11 LDP Main Villages

#### **Development Management Policies**

H2 LDP Residential Development in Main Villages  
H7 LDP Affordable Housing Rural Exceptions  
GI1 LDP Green Infrastructure  
LC5 LDP Protection and Enhancement of Landscape Character  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
SD2 LDP Sustainable Construction and Energy Efficiency  
SD3 LDP Flood Risk  
SD4 LDP Sustainable Drainage  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
MV2 LDP Sustainable Transport Access  
MV3 LDP Public Rights of Way  
EP3 LDP Lighting

### **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**

##### **Llanvihangel Crucorney Community Council - object:**

1. Contrary to policy already outlined by MCC, relating to its preference for mixed housing developments, it was observed that this was a development relating completely to social/affordable housing. The answer given was that this was because partial grant funding has been obtained from the Welsh Government.
2. Access to the development (both when under construction and afterwards) would have an enormous impact owing to increased traffic flow into Wern Gifford Estate especially around the Primary School entrance with the children's safety issues already a great concern. The question was raised as to whether access could be created from the Grosmont/While House Pitch road through an area owned by the existing landowner who had released the present plots south west

of Wern Gifford for development. It was observed that the land accessed from the White House Pitch Road was as yet only a candidate site and part of the review process under the 2018-2033 LDP without planning status. It was forcefully stated by local people present at the meeting that all 'traffic surveys' had taken place in holiday time when traffic flow was at its minimum because of school holidays and that the results of the computer modelling which had taken place under the auspices of the agent for the applicant following the surveys were therefore misleading and could not be trusted. It was felt that theoretical data is not enough and that local residents' every day experiences should be acknowledged, considered and taken into account in any assessment. There seems not to have been any mention of every day school traffic or other Wern Gifford site traffic at all.

3. It was observed that not all residents of Wern Gifford had been informed of the proposals at pre-application public consultation stage.

4. Residents were extremely concerned that DCWW felt that the sewerage/drainage system serving Llanvihangel Crucorney and Pandy was capable of taking a sizeable development of this nature. The planning agent informed the community council that they had received a pre-consultation letter from DCWW which had replied in a positive manner when referring to the present system's ability to cope with any extra input. The latter statement was particularly infuriating to local residents and councillors who had suffered numerous sewerage and flooding disasters over the years especially since Wern Gifford and other more recent housing developments had taken place. Ongoing at the moment there are 2 housing developments which when finished will add another 24 properties to the already overloaded system in addition to the 20 properties proposed in the current social housing application. Moreover, DCWW's latest response would seem to be in complete contradiction to its statement in a letter to the community council dated 13 September 2013 in which it stated that "the findings of the HMA indicate that our 150mm diameter gravity foul sewer serving Pandy is hydraulically overloaded at present. The HMA confirmed that there is an amount of storm flows entering the bottom end of the catchment, which exceeds the design capacity of the sewers in this area in times of heavy rainfall". In this letter it is further mentioned that "land adjacent to Wern Gifford has a separate sewer system with no discernible storm response" and that there were a number of sections that had root ingress which required scheduled maintenance and patch lining. It also mentioned that there was a lot of surface water entering the public sewerage system upstream of the Rising Sun Public House. As far as the community council is aware, no major improvements or surveys have taken place to ameliorate these findings in recent years. The applicant's agent's stance on this matter was that a separate sewerage pipe would be installed in the new development and that an 'attenuation system' for surface water drainage would be installed and the problem would be solved. Recent legal requirements that no development be allowed which would increase the risk of flooding was disputed in this case by all local people as the community had suffered serious flooding in the past and the area in the vicinity of this development was in fact on the flood plain. It is not clear either as to how extra surface water from the proposed tarmacked access road will be accommodated as the ditch which seems to run alongside it on the plans does not lead anywhere. There does not seem to be a bridge planned over the nearby stream either and there is no mention of design, levels or clearance between the stream and the underside of any bridge which may materialise. Re: all discussions about drainage and sewage, it was pointed out by the various people at the meeting that the overriding problem lay with the main sewerage pipe into which all the lateral pipes ran insofar as it was insufficient for the needs of the community, This was the most important point to be addressed but none of the authorities were taking any notice. DCWW's favoured approach to problems seems to be purely reactive in dealing with each incident as it occurs on an ad hoc basis rather than being proactive when a recurring problem manifests itself and upgrade a failing system, despite great anxiety and distress that flooding and sewage disasters cause local residents.

5. Linked to no.2 above, is the intake capacity of the local Primary School. Councillors have it on good authority that the intake capacity will never change and no further accommodation will be built by the County Council. As the school is virtually always at full capacity, this will result in any extra children from this development being transported into Abergavenny. Once again it seems that little thought has been put into this aspect of the development by the planners.

6. The full site plan suggests that the area is landlocked in very close vicinity to the flood plain.

7. It was strongly felt that until DCWW had met with the community council and local residents that no final decision should be made with regards to this application by MCC.

8. It was observed that other matters relating to these proposals include planning statements regarding transport links and other aspects of infrastructure which contain inaccuracies as follows:

(a) the bus service X3 is every two hours, not one and there is no direct service to Abergavenny train station and parking there is inadequate;

(b) information re hotel accommodation as there is no longer a hotel in Pandy.

9. The following policies/guidelines mentioned in the LDP seem to have been breached and at the very least need further clarification/action before this latest application is progressed: Policies EP1, EP2 and EP5.

Councillors feel that, as well as all the other matters commented on, it is absolutely vital that Dwr Cymru/Welsh Water is closely quizzed about its opinion that the sewerage/drainage system in the area is fit for purpose as residents' experience suggests exactly the opposite; especially as housing development after housing development seems to be nodded through despite evidence to the contrary re the above. Dwr Cymru/Welsh Water will be attending the Community Council's next meeting on the 18 February at Pandy Hall. Councillors feel that no planning permission should be progressed until the sewage/drainage situation is fully clarified.

**Dwr Cymru-Welsh Water** - No objections:

Sewerage Treatment - No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharged from this site.

Water Supply - A water supply can be made available to serve this proposed development.

**Cadw** - Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments or registered historic parks and gardens.

The consultation includes an archaeological and heritage desk-based assessment prepared by EDP. This work considers that the proposed development will not have any impact on the above designated heritage assets and their settings apart from scheduled monument MM199 Tramway Embankment of Grosmont Railway.

The assessment considers that development in the application area will have an adverse impact on the setting of the scheduled monument. However, a buffer zone alongside the scheduled monument has been incorporated into the design of the development along with the retention of existing vegetation, which will be augmented by additional planting. These measures will reduce the impact of the proposed development on the setting of the scheduled monument to slight adverse, a level of impact that will not be significant.

**Glamorgan Gwent Archaeological Trust** - The area is adjacent to the Scheduled Monument MM199 Tramway Embankment of Grosmont Railway. The supporting documentation includes an Archaeology and Heritage Assessment from EDP (reference edp5440\_r001b, December 2019). This document does not meet current professional standards and the report cannot be deposited in the Historic Environment Record by the archaeologist. The assessment is missing information on which the consideration of the impact of the proposal is based. These include:

1. It was not undertaken to an agreed methodology with the archaeological advisor and therefore -
2. No study area was agreed
3. No bilingual summary or site walkover details are in the report
4. No details of aerial sorties examined
5. No historic mapping (apart from Tithe).

As the report cannot be accepted in its current form, please could you request that these changes are made and that the report is resubmitted. (This has been requested and is pending at the time of writing this report).

**MCC Landscape/GI/Urban Design** - No objections subject to conditions.

**MCC Highways** - There are no highway grounds to sustain an objection to the application subject to conditions relating to the construction of the roads.

**MCC Biodiversity** - Holding objection. Further information received. Awaiting revised comments.

**MCC Education** - The catchment school for the proposed development is Llanvihangel Crucorney Primary School. The total school capacity is suitable for 77 children and we currently have 68 on the roll, leaving nine surplus places. Four of the seven year groups have met its capacity. Our formula advises us that approximately four children would be generated from 20 dwellings. If any children arising from the development fall within a year group that is currently at capacity, the next nearest school with capacity is likely to be Deri View Primary at 4.5 miles. The capacity for Welsh Medium provision is currently pressured although we are looking at options to relieve this pressure.

**MCC Lead Local Flood Authority** - No objections. Notes to applicant:

The applicant will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The SAB is granted a period of at least seven weeks to determine applications.

The applicant will need to apply for Ordinary Watercourse Consent for the works over the watercourse.

SEWBRc Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

Seven representations received objecting on the following grounds:

1. The existing primary school, is heavily congested with school traffic. As it stands this already is hazardous because of the parking around the school by parents who pick their children up from the school.
2. Traffic coming north on the A465 have to turn right into the estate on a busy main road which in itself is not without danger. There has already been one fatal accident here in the past.
3. Increasing the amount of traffic coming into the estate by at least forty cars (assuming the new dwellings will probably need two vehicles), plus delivery vehicles, will make this turning more dangerous and the traffic flow around the school even worse.
2. The proposed new road to be constructed through the now cul-de-sac will be no more than a single track and together with the current residents' parking will cause more congestion.
3. At a time when we are being asked to cut down global warming you are encouraging development at a site where residents will have no alternative but to rely on their own cars.
4. The proposed site is metres from a stream that has always been prone to flooding. In fact the whole area suffers from sudden flooding (e.g. the 26th October 2019) . The residents around this area of the estate have suffered from flooding in the past.
5. The sewage and drainage infrastructure is already inadequate on Wern Gifford, with reports of sewage backing up in toilets in some parts of the estate.
6. Whilst we are aware of the need for new housing, because of the above points this development is in our opinion as Wern Gifford residents, totally unsuitable. However should the access to the new development be other than through Wern Gifford, it might then be more acceptable.
7. The school is already full, with no ability to add more children to existing classes, or to expand the site to create further classroom space. This would likely mean any additional families moving to these new houses being forced to take or send their children to the schools in Grosmont or Abergavenny, which would increase traffic to and from the development. .
8. There is a lack of any local infrastructure in the form of grocery retail, or service professionals such as doctors, dentists, etc. For these services, any resident is required to travel to Abergavenny or Hereford, and this will increase traffic and general car use.
9. You note the requirement from the PPW for developments to be located within existing urban areas, and to be well served by existing public transport. One bus an hour in each direction could hardly be termed 'well served', especially given that the bus is full of older children going to school in Abergavenny at the same time that any commuter wishing to brave public transport might want to use it, the buses do not go to the railway station in Abergavenny, and the last bus from Abergavenny to Hereford leaves at 5pm, which would make it unusable as a means of transport

for anyone working in the town, or returning to the town by train from working further afield. While the PPW acknowledges that increased car use as a side-effect of a development is possible, it is disingenuous to suggest that the increased car use would be a side-effect in this case; the schedules of the various forms of public transport make it certain that car use would be preferred over public transport.

10. Given the amount of land available for use in and around the proposed development, and the repeated mention in various proposal documents of the need to build within existing developed areas to concentrate around existing transport and other infrastructure, it is easy to see that this development could be used to provide justification for future development proposals within the same area; such proposals could only increase the difficulties already mentioned, and it would surely be desirable to ensure that any existing problems of access to schools or services, driven partially by public transport availability.

11. The affordable housing allowed by BBNP in Llanvihangel Crucorney should be completed before any other houses or flats are considered anywhere near Wern Gifford.

12. Question what steps will be taken to protect local residents during the construction phase.

### 5.3 Other Representations

Coed Cadw Woodland Trust - The Woodland Trust Objects to the proposals on the basis of the potential damage to the ancient woodland which is designated on NRW's Ancient Woodland Inventory (AWI) as Ancient Semi-natural Woodland (ASNW). ASNW are areas of broadleaf woodlands comprising mainly native tree and shrub species which are believed to have been in existence for over 400 years. By definition these sites are irreplaceable.

The application indicates the proposed development within 10m from the ancient woodland. Where such development is sited in close proximity to ancient woodland it is important that a buffer zone is maintained between the development and woodland to ameliorate harmful impacts. In this instance the Trust considers that the applicant should implement a buffer zone of at least 15m between the development and the ancient woodland. The buffer zone should be planted before construction commences on site and a fence should be put up in place during construction to ensure that the buffer does not suffer from encroachment of construction vehicles/stockpiles.

### 5.4 Local Member Representations

Supports the comments of the Community Council.

## **6.1 EVALUATION**

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

#### 6.2.1 Strategic Planning/ Development Plan context/ Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning application decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for the site comprises the Monmouthshire County Council Local Development Plan (LDP), which was adopted in February 2014 and covers the period 2011-2021.

This site is allocated for residential development under policy SAH11(xvi) of the LDP for 15 dwellings. It is proposed to bring forward the remaining part of the site, which lies outside of the LDP allocation boundary as affordable housing provision under Policy H7 of the LDP, to accommodate a further 5 dwellings.

Policy H7 states that favourable consideration will be given to the siting of small affordable housing sites in rural areas adjoining the Rural Secondary Settlements, Main Villages and Minor Villages identified in Policy S1 that would not otherwise be released for residential development provided that all the following criteria are met:

a) The scheme would meet a genuine local need (evidenced by a properly conducted survey or by reference to alternative housing need data) which could not otherwise be met in the locality (housing needs sub-area);

b) Where a registered social landlord is not involved, there are clear and adequate arrangements to ensure that the benefits of affordable housing will be secured for initial and subsequent occupiers;

c) The proposal would have no significant adverse impact on village form and character and

surrounding landscape or create additional traffic or access problems.

In terms of the three criteria, as of January 2019 there was a waiting list of 2021 affordable homes (Bands 1-4) in the County and in allocating this site for affordable housing the Inspector's Report on the LDP agreed that the overall scale, type and distribution (of the affordable housing sites) achieves the relevant objectives of the LDP in a sustainable manner consistent with the Wales Spatial Plan and national policy. Criterion b) is not applicable as this application is being made on behalf of Monmouthshire Housing Association and will not come forward without their involvement and funding. Criterion c) will be considered below.

#### 6.2.2 Use of Best and Most Versatile (BMV) Agricultural Land

Agricultural land in England and Wales is graded between 1 and 5, depending on the extent to which physical or chemical characteristics impose long-term limitations on agricultural use. Grade 1 land is excellent quality agricultural land with very minor or no limitations to agricultural use, and Grade 5 is very poor quality land, with severe limitations. Grade 3 land is subdivided into Subgrade 3a (good quality land) and Subgrade 3b (moderate quality land). Land which is classified as Grades 1, 2 and 3a in the ALC system is defined as best and most versatile agricultural land.

There is no detailed ALC data available for the site or locality but provisional mapping shows the site as Grade 2. The soils mapped as being present are generally well drained and medium loamy or coarse loamy throughout. The limitation to agricultural land quality is likely to be slight, to Grade 2, other than in the east of the site where flood risk may represent a more severe limitation to Subgrade 3a.

Paragraph 3.55 of Planning Policy Wales outlines that Grades 1, 2 and 3a agricultural land should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable.

In this instance there is a need for housing in the Wern Gifford area as evidenced by the LDP allocation for residential development, from which the majority of the site benefits. In addition, the surrounding area comprises similar grade land to that of the application site, and there are no alternative sites available for development. The development of the site for residential use is therefore consistent with paragraph 3.55 of Planning Policy Wales.

#### 6.2.3 Good Design/ Place making

The existing surrounding urban development is a typical low-rise housing with no structures raising higher than two storey. The school is a single storey building. The existing vernacular of the properties at Wern Gifford is consistent with a 1960's typical material palette of light facing brickwork, concrete roofing tiles and feature tile hanging dormers of gables. The majority of properties have upgraded their original windows and doors to white UPVC. The street layout is also typical of an urban housing estate road with adoptable standard roads and footways with off road parking.

It is difficult for the materials palette of the proposed development to incorporate many features of the surrounding properties as these were constructed in the 1960's and are somewhat outdated. However, a variety of different materials have been included which is similar to the surrounding area. A mix of stone, facing brickwork and render with grey reconstituted slates and uPVC windows with simple glazing patterns is proposed.

The development will have a standard two-storey height with the exception of one bungalow which is compatible with the adjoining development in the area. Being affordable homes, all of the proposed dwellings have been designed to ensure that they comply with the Welsh Government's Design Quality Requirements 2016.

On balance, therefore it is considered that proposed that the development will not have an adverse impact on the existing character of the surrounding area as the proposed development reflects local context and the existing settlement pattern. The proposed housing therefore meets the requirements of LDP Policy DES1.

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

It is generally accepted that development densities of 30-50 dwellings per hectare (dph) are

appropriate to make best use of identified development land and to protect the countryside from urban sprawl. The proposed development for the site of 20 units is considered to be an appropriate density (46dph) which balances the need to make the best use of the site whilst having due consideration to local densities and ensuring the provision of appropriate amenity and privacy standards.

The proposed dwellings are therefore limited to one and two storey with no additional accommodation in the roof spaces. This will ensure that they are not out of keeping with the existing properties. Furthermore, all overlooking and privacy distances (21m between habitable room windows and 11m between elevations and neighbouring boundaries) are considered to have been met in the proposed layout. In addition, boundary treatments and the general topography of the site will not only safeguard the privacy of the future occupiers of the site but also existing residents'.

On this basis, it is considered that the proposed development meets the requirements of LDP Policy EP1.

### 6.2.5 The Welsh Language

The properties are to be affordable houses for local people. As such the relatively small development is unlikely to have any impact on the use of the Welsh language in the area.

There is some pressure on Welsh Medium school places but that is an issue that the Council's Education Department is working to address.

## **6.2 Active and Social Places**

### 6.2.1 Sustainable transport issues

The site is accessible by walking and public transport at a local level as it is within walking distance to a number of local facilities including Llanvihangel Crucorney Primary School, Llanvihangel Crucorney convenience store and local pubs. The site is located within 500m walking distance from the nearest local public transport network on the A465. Here a bus service provides a two hourly connection to Hereford to the north and Abergavenny and Cardiff to the south. Given the infrequency of the current buses, it is likely that driving will be the preferred mode of transport, contributing to 81% of all daily movements, with walking and public transport contributing to 19% of all movements throughout the day. Notwithstanding this, existing footway facilities within the local area are generally good and provide reasonable access to local facilities. The site is also within reasonable distance from the national cycle network. The site is therefore considered to have reasonable links to promote active and sustainable travel from the site.

### 6.2.2 Access / Highway Safety

The main access to the development for both pedestrians and vehicles will be via the existing Wern Gifford residential estate to the east of the site, which links the site with the A465 to the north of the primary school. Access to the site is proposed at the most southern part of the Wern Gifford Estate. Access will be directly from the existing turning head and lead west into the site. The access road has been designed as a continuation of the existing Wern Gifford estate road.

From the traffic data outlined in the submitted Transport Statement, prepared by Lime Transport, the proposed development of 20 dwelling units will generate approximately 145 two-way vehicular movements throughout the day with a total of 20 trips in the AM peak and 12 in the PM peak. Based on this it is accepted that the proposed daily vehicular movements from the site will have minimal impact on the local highway network, as there is sufficient capacity along the existing network and at existing junctions within the vicinity to the development site.

The access road has been designed as a conventional 5.5m wide access road with a 2m footway on the northern side which connects to the existing footway at Wern Gifford. At the entrance from Wern Gifford a road narrowing and raised table is shown to act as a traffic calming feature to reduce vehicle speeds to a required design speed of 20mph. Where the proposed access road leads into the residential area there is an additional narrowing and raised table which leads into a 4.8m wide access road with 2m wide footways and 1.5m wide marginal strips. There are two access roads which serve the residential area, one which leads northwards with a turning area suitable to accommodate the turning movements of a refuse vehicle and one which leads further



west.

A small turning area is shown at the western estate road however, has not been designed to typical turning head standards. Based on this it is recommended that the small turning area be removed and the 1.5m strip be continued straight through. In addition it is recommended that the narrowing and table within the residential area be moved further east near to the proposed culvert so as to incorporate all of the residential area. The road could ramp up at this point and lead into a raised shared space area. The aforementioned revisions may be considered further through a condition, as outlined below.

Pedestrian access will be gained via an extension to Wern Gifford to the east of the site. As part of the development it is proposed to provide a 2m footway along the northern side of the proposed site access. This will form part of the existing footway at Wern Gifford, which has pedestrian footways on either one or both sides of the carriageway, connecting to the A465. The A465 itself has a 2.8m wide footway to the south of the existing Wern Gifford priority junction, providing connections to a local facilities and bus routes. Furthermore, as part of the development, it is proposed to provide a footpath to the north of the site which will provide direct connections to the A465 for pedestrians.

It is proposed to provide a total of 45 car parking spaces together with cycle parking (the latter to be within the shed of each house and bungalow and within a secure cycle storage facility within the curtilage of the proposed flats). The requirements of the Monmouthshire Parking Standards 2012 are 1 parking space per bedroom (maximum of 3). Having assessed the proposed parking provision it is accepted that each individual unit has the requisite number of parking spaces and therefore satisfies the Monmouthshire Parking Standards 2012.

### **6.3 Distinctive & Natural Places**

#### **6.3.1 Landscape/ Visual Impact**

The immediate site is identified in LANDMAP as being of various values for Visual and Sensory landscape quality: (Monnow valley) open lowlands valley of a HIGH value; Historical (East Abergavenny) irregular fieldscapes OUTSTANDING; Cultural landscape (Upper Gwent) HIGH value for Sense of Place; Landscape habitat (Llanvihangel Crucorney and surrounds ) mosaic MODERATE value and Geological (Stanton) MODERATE value.

The development proposes small pockets of landscaping comprising a buffer along the boundary and frontage of each dwelling. The site also proposes to introduce small, but intensively planted areas between the frontage of house and the road that will break up hard surfacing along the street frontage.

Additional planting on the western boundary of the site would also be secured to make the transition between the open countryside and the built up area softer. This will also protect the setting of the SAM.

Subject to this additional landscaping, it is considered that the proposed development will not have a significantly adverse impact on the wider landscape and accords with Policy LC5 of the LDP.

#### **6.3.2 Historic Environment**

To the west of the site there is a Scheduled Ancient Monument (SAM) which is the Grosmont railway line and embankment. These stand 3m above the site. The western field boundary is dominated with a mature tree belt that rises slightly towards the embankment.

The railway embankment can be viewed from both north and westward views and is currently overgrown by mature trees and scrub on both embankments. The top of the embankment hosts the remains of the Grosmont Railway line and is considered an important monument in the progression and understanding of transportation of the 18 / 19th Century. In light of this, the siting of plots 1-8 take into consideration the topography of the embankment, the need for maintenance (of both the bank and the trees), the need for a continued view of the monument and the need to control unwanted tipping from the proposed dwellings. To this end a green buffer zone has therefore been allowed for to the rear of plots 1-8, with no development being undertaken with the tree canopy and maintaining a 4m ecological green buffer zone between the rear fences and the embankment. This is considered acceptable in this respect and Cadw's comment offering no

objection is noted.

### 6.3.3 Green Infrastructure

Under LDP Policy GI1, all development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network by: a) Ensuring that individual green assets are retained wherever possible and integrated into new development. Where loss of green infrastructure is unavoidable in order to secure sustainable development appropriate mitigation and/or compensation of the lost assets will be required; b) Incorporating new and /or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off-site.

The tree retention and removal plan indicate approximately 25 trees to be removed. The planting plan indicates 27 new trees to be planted. The inclusion of rain gardens, swales and appropriate planting are all welcome.

A range of wider functions have been identified through the GI assets assessment, LVIA and DAS. The applicant seeks to provide further connectivity to the wider PROW network via a mown path connecting from the vicinity of plot 16. This has been agreed with the landowner and will be secured via a Unilateral Undertaking.

The GI management plan that has been submitted is broadly acceptable but may need to be updated to reflect any subsequent amendments due to changes in ecological and or landscape prescriptions. This will be a condition of any consent. The plans should also include in its appendix reference to the GI assets and opportunities assessment, landscape schedules, a chart showing timescales of activity and the location of the site.

The GI management plan should also include management prescriptions for the proposed swales and rain gardens inclusive of construction, cross section details and associated planting. Subject to the agreed GI Management Plan, the development is considered to meet the requirements of LDP Policy GI1.

### 6.3.4 Biodiversity

In accordance with PPW 10, the protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision, and LDP Policy NE1. This should be informed by relevant ecological assessments, included as GI opportunities for the site and subsequently to ensure long-term functionality detailed management prescriptions will need to be provided as part of a GI management plan.

The site that was allocated in the adopted LDP sits within a SINC (Wern Gifford SINC) which was identified & designated during the LDP process for its valuable Neutral Grassland and Veteran Tree habitats.

Development proposals that would have a significant adverse effect on a locally designated site of biodiversity and / or geological importance, or a site that satisfies the relevant designation criteria, or on the continued viability of priority habitats and species, as identified in the UK or Local Biodiversity Action Plans or Section 42\* list of species and habitats of importance for conservation of biological diversity in Wales, will only be permitted where:

- a) the need for the development clearly outweighs the nature conservation or geological importance of the site; and
- b) it can be demonstrated that the development cannot reasonably be located elsewhere.

The decision that the benefit of the development (affordable housing) would outweigh the harm to nature conservation was made at the time of allocation. Therefore parts a) and b) of the policy have been addressed. The policy goes on to state that:

Where development is permitted, it will be expected that any unavoidable harm is minimised by effective avoidance measures and mitigation. Where this is not feasible appropriate provision for compensatory habitats and features of equal or greater quality and quantity must be provided.

In this instance, two areas of land have been secured for management by the applicant adjacent to

the site. The hedgerows around the site and wider field boundaries have also been secured as part of a Dormice Conservation Strategy. It is important to note that Policy NE1 requires compensatory habitats to be of equal or greater quality and quantity. Notwithstanding this requirement, in terms of quantity, the proposed development is providing mitigation habitat for both the loss of priority habitat and in respect of Dormice, this equates to a total area which is in excess of the area required to facilitate the proposed development. In addition, in terms of quality, the management of these areas through a structured management plan will support and promote the long-term resilience of the habitat and secure its future use.

Further to the management of these areas, the proposed development also incorporates a comprehensive SuDs scheme, including the use of swales and other green features, which will in turn promote biodiversity. The water within SuDs components is vital for the growth and development of plants and animals to provide food and breeding opportunities. In addition SuDS features can provide shelter and foraging opportunities. SuDS also promote water quality by treating water runoff, which is also beneficial in terms of biodiversity, preventing harm from chemicals.

Finally the proposed layout also includes a comprehensive planting scheme, including hedgerows and tree planting around the periphery of the site, this provides additional habitat creation over and above the offsite areas. As such, the proposed development is considered to accord with the provisions of PPW and Policy NE1 of the LDP.

The future management of areas both within and outside the site will be secured through a Unilateral Undertaking.

#### 6.3.5 Flooding

The issue of flood risk is a valid material consideration in determining planning applications. The access to the site lies partially within a Zone C2 flood plain which is identified as being at a high risk of either tidal or fluvial (rivers/streams) flooding. As such a Flood Consequence Assessment (FCA) has been submitted which includes a levels survey (related to Ordnance Datum) to demonstrate the current extent of flood risk. This is necessary in order to determine what degree of mitigation measures would be required to meet the required standard of protection, and that suitable access can still be achieved in an extreme flood event.

The flood map (taken from NRW flood maps) has been considered within the site layout design, to ensure all dwellings are located outside of the areas that are likely to flood. The FCA concludes that the proposed development site is at low risk from all sources of flooding, including rivers, groundwater, surface water, reservoirs, sewers and overland flows as according to the calculated flood levels, there is more than 600mm freeboard provided between the 1 in 1000yr flood level and the finished floor level of the proposed houses. However, the proposed access road will pass through the floodplain as indicated by the NRW Flood Map. The results of the proposed flood modelling have the eastern part of the access road past the eastern bank of the stream as being in the floodplain and according to the calculated velocity and depth of flow, the Hazard Rating is 'Danger to Most' but not 'Danger for the Emergency Services'. In conclusion therefore, most of the access road is not going to be liable to flooding and the remainder of the site is not at risk of flooding at all. The Hazard Rating as calculated allows for access to the Emergency Services making the new access road a safe access and egress in the case of an emergency even when flooding is taking place.

Given the above, it is considered likely that planning consent should not be withheld on flood risk grounds. NRW are currently considering the flood modelling provided and will respond once this work has been completed. No issues that would preclude development are however anticipated and it is proposed that an 'in principle' decision on the application can be made by Members of Planning Committee subject to the final comments from NRW.

#### 6.3.6 Water (including foul drainage / SuDS) and Air Quality

Following implementation of Schedule 3 of the Flood and Water Management Act which came into full effect on 7th January 2019, all construction works with drainage implications with a construction area greater than 100 m<sup>2</sup> must be drained using sustainable drainage systems (SuDS) designed in accordance with the Statutory Standards for Sustainable Drainage in Wales. In addition to planning approval such works will require a separate SuDS approval from the SuDS Approving Body (SAB) which is also administered by Monmouthshire County Council.

In light of the above, sustainable drainage measures are proposed within the design. These include rainwater gardens fronting houses to take roof drainage linking into overall above ground drainage routes with all new surface water drainage will discharge into the existing stream, with filtration ponds en-route. Furthermore, private drives, car parking bays and other non-adoptable areas will be constructed in permeable paving systems to ensure surface water drainage is taken back into the ground water table system.

The Community Council and some local residents have raised concerns regarding the existing sewerage system in the area. As part of the consultation process Dwr Cymru/Welsh Water have been consulted on the application and have offered no objection to the application, nor raised any concerns in relation to the existing sewerage system. It should also be noted that this issue would have been considered when the site was designated in the Local Development Plan. On this basis it would be unreasonable to refuse the application on the grounds of inadequate foul drainage. All drainage including surface water from the proposed new roads will be subject to SuDS regulations which would look to ensure no surface water enters the public sewerage system.

In terms of air quality, as the development anticipates daily vehicle trips to be well under 500 (145) then an air quality impact assessment would not be necessary.

### 6.3.7 Contaminated Land

Our Contaminated Land database and historical mapping identified the presence of a former tramway or mineral railway crossing the site from north east to south west, as well as some unknown filled ground to west of the site. Both of these have the potential for land contamination. As such the applicant has already undertaken a Phase 1 site investigation of the site, including a desktop study, conceptual site model and soil sampling.

This sampling did not identify any contamination above the residential guideline values. However, the site is in an area where Basic Radon protection measures will be necessary in each property. Furthermore, imported materials must be validated as suitable for their end use, and any unidentified contamination found or suspected during site works would require further site investigation prior to continuation of works.

The trail pit locations for the phase 1 site investigation were spread evenly over the site and included the unknown filled ground, and either side of the tramline. However, no sampling was taken on the route of the former tramline, possibly due to access issues with the trees that have grown over it. It is therefore recommended that a condition for land contamination is included on any approval which stipulates that if contamination is identified upon further sampling then remediation would be required.

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

6.5.1 Concerns regarding sustainability, flooding and foul drainage have been considered in paragraphs 6.1.1, 6.4.5 and 6.4.6 respectively.

6.5.2 Further to previous assessment of highway issues in paragraph 6.2.2, it is noted the local community have expressed specific concerns over the development proposal and the potential increase in traffic. In this regard, the role of the Highway Authority in response to planning consultations is to provide advice and only to recommend refusal of an application where it can demonstrate real harm. Refusal is only recommended where shortfalls in highway standards would lead to a real deterioration in highway safety or capacity or where there is a clear conflict with transportation policy. Taking into consideration the potential impact of this development, the Highway Authority have advised that the traffic generated from the site would be negligible and would not exacerbate the current situation to the detriment of highway safety or capacity.

6.5.3 The capacity of the Llanvihangel Crucorney Primary School was considered to be adequate enough for the site to be designated for development in the LDP in 2006 and was not raised as an issue by the Inspector in his report. The total school capacity is suitable for 77 children and there are currently have 68 on roll, leaving nine surplus places. However, at present, four of the seven year groups have met its capacity. The Council's formula advises that approximately four children would be generated from 20 dwellings. Many children arising from the development fall within a year group that is currently at capacity, the next nearest school with capacity is Deri View Primary at 4.5 miles away. Given the surplus places available (and the relatively close proximity of the

nearest school should the school year be full at the time of occupation of the development) it is considered that over time, the Llanvihangel Crucorney Primary school will be able to cope with the additional pupils generated by the proposed new houses.

6.5.4 With reference to other affordable housing allowed by BBNP in Llanvihangel Crucorney, there is a genuine need for affordable housing in the area and the units already consented have been taken into account when calculating this need.

6.5.5 A Construction Environmental Management Plan (CEMP) has been submitted with the application. This states that site-working hours will be from 8.00 until 17.00 hrs Monday to Friday and 8:00 and 13:00 hrs on Saturdays but the manager and operatives will arrive approximately 20 minutes before these times to prepare for works; there would be no commencement of noisy operations until the above times. This will ensure every operative is at the site early enough so as not to add to the congestion around the adjacent school. A condition to ensure that the development is implemented in accordance with the CEMP is included below.

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

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

## **7.0 RECOMMENDATION: APPROVE**

Subject to a Unilateral Undertaking agreement requiring the

following:

### Heads of Terms

Off site financial contribution for improvement to grassland (amount to be agreed).

The affordable homes to be retained as such in perpetuity.

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

### Conditions:

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

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

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

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

- 3 No development shall take place, including ground works and vegetation clearance, until a dormouse conservation plan has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to identify likely impacts upon dormice and the mitigation and compensation measures that will be implemented to off-set these impacts. The strategy shall:

- a) detail the impacts of the scheme, both during and post-construction,
- b) how these will be mitigated or compensated for, including habitats to be retained, replaced, and/or enhanced for dormice including measures to minimise the impact of the development on dormice, and proposals to maintain connectivity of the retained habitats to the wider landscape. The development shall be carried out in accordance with the agreed details.

REASON: To safeguard breeding sites and resting places of Species of Conservation Concern and in accordance with The Conservation of Habitats and Species Regulations 2017 & LDP policy NE1.

4 No development shall take place (including ground works, vegetation clearance) until an updated Contractor's Construction Environmental Management plan has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

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

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and the Integrity of the watercourse and vegetation at the site.

5 No development shall commence until full engineering, drainage, street lighting and construction details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of highway safety and to safeguard the visual amenities of the locality and users of the highway in accordance with LDP Policies MV1 and DES1.

6 No part of the development hereby permitted shall commence until:

- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011+A2:2017, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

- d) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
- e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

7 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

8 Prior to occupation, a "lighting design strategy for biodiversity" for the scheme approved shall be submitted to and approved in writing by the local planning authority. The strategy shall:  
a) identify those areas/features on site that are particularly sensitive for bats and dormice and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and  
b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

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

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

## INFORMATIVES

- 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.

0 The applicant will need to apply for Ordinary Watercourse Consent for the works over the watercourse. Further details are available from <https://www.monmouthshire.gov.uk/what-is-ordinary-watercourse-consent/>

0 The applicant will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

0 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can

be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)  
This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.



**Application Number:** DM/2020/00023

**Proposal:** Erection of 8 no. one-bedroom mews dwellings, landscaped car parking and amenity area, electrical charging point and associated works

**Address:** Garages at Western Avenue, Bulwark, Chepstow

**Applicant:** Monmouthshire Housing Association

**Plans:** Floor Plans - Proposed TP104 - 3, Site Plan TP102 - 3, Floor Plans - Proposed TP103 - 4, Elevations - Proposed TP105 - 2, Location Plan TP100 - 2, Other Building Inspection Report - , Other Design Statement - , Transport Statement Transport Statement - ,

## **RECOMMENDATION: Approved Subject To S106 agreement**

Case Officer: Mrs. Helen Hinton

Date Valid: 07.01.2020

**This application is presented to Planning Committee given the constrained deadlines for the delivery of the site having regard to Welsh Government funding arrangements for affordable housing**

### **1.0 APPLICATION DETAILS**

1.1 The application seeks full planning permission for the development of eight, one-bedroom dwellings alongside associated highway, parking and landscaping works on land currently used as a parking and a garaging court to the north-east (rear) of Western Avenue, Bulwark. Vehicular access to the development would be gained via an existing access leading from Western Avenue, between numbers 39 and 41.

1.2 The layout plan indicates the development of a terrace of six dwellings in the northern part of the site, approximately 22m to the south-east (rear) of the properties in Aust Crescent; 14m to the north-east (rear) of the properties in Western Avenue and 15m to the north-west (rear) of numbers 81 and 83 Aust Crescent. The floor level and ridge line of the terrace would be staggered to follow the topography of the site. The properties would be orientated to face south-east with an area of amenity space and bin store provided adjacent to the front elevation, enclosed by 1.4m high block and render walls. A larger area of amenity space would be provided to the north (rear) of each dwelling defined by 1.8m high timber fencing. Vehicular and pedestrian access to the rear boundaries of the properties in Western Avenue and Aust Crescent would be maintained around the terrace.

1.3 A pair of semi-detached dwellings would be positioned 9.8m to the south-east (front) of the proposed terrace, 2.85m to the north (side) of 30 Somerset Way. The front elevations would be orientated to face north-east to overlook an existing pathway leading from Somerset Way to the south-east.

1.4 The dwellings would be of the same design and size, each measuring 5m wide, 12.60m deep with a single fronted, two storey front elevation with a maximum height of 7.1m falling to 5.4m. The rear roof plane would be finished with a catslide roof falling to 3.1m at eaves level. Externally the dwellings would be finished with clay pantile roof with a through colour render to the elevations and mid grey aluminium composite window units. A bank of photo-voltaic solar panels would be provided on the front roof plane of each dwelling with two roof lights in the rear roof plane. Internally the accommodation would comprise a kitchen, bathroom and open plan living-diner at ground floor level with one bedroom and a bathroom at first floor level.

1.5 As specified above each property would benefit from a semi private front garden and a enclosed rear garden which would contain a shed measuring 2m wide, 1m deep with a pitched roof measuring 2.4m high. Whilst the rear garden boundary of the terraced dwellings would be finished with 1.8m high fencing, the rear garden of the semi-detached properties, which would front the main vehicular access to the site would be enclosed by a 1.8m high block and render wall.

1.6 Nine parking spaces and a refuse store would be provided in the north-eastern part of the site, in close proximity to an existing electricity substation. Informal areas of parking would also be available adjacent to the south-western boundary, to the rear of Western Avenue.

1.7 The proposed dwellings would be constructed by Monmouthshire Housing Association and have been designed by architects as part of a larger project to build 'homes for life'. The design of the dwellings have been carefully considered to ensure high energy efficiency and versatility to adapt to change depending on the occupiers' circumstances. The design of the two storey dwellings is an evolution in design relative to the development of 4 mews housings at Elms Road, Caldicot which formed part of 'Innovative Housing Programme' (IHP1) backed by Welsh Government completed by Monmouthshire Housing Association in 2018 (application DM/2018/00380 refers). The current proposal is also the subject of a Welsh Government Innovative Housing Programme (IHP3) grant application.

### Site Appraisal

1.7 The application site comprises a parking and garaging court, located to the north-east (rear) of the residential properties in Western Avenue; to the south-east and south-west (rear) of the properties in Aust Avenue and to the north-west (side and rear) of the properties in Somerset Way. The site currently accommodates 46 garages that are leased to local residents by Monmouthshire Housing Association (MHA). Vehicular access is gained via a 26m long, 4.36m wide access between numbers 39 and 41 Western Avenue. A number of pedestrian pathways provide permeability through the site, leading from Aust Crescent and Somerset Way. An electricity sub station is positioned in the north-eastern part of the site. The site is positioned on a gentle gradient falling from north-west to south-east and south-west to north-east.

1.8 The site as whole is unallocated and falls within an established residential area within the development limits of Bulwark, Chepstow as identified by the Proposals Maps of the Monmouthshire County Council Local Development Plan.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/01975	Single storey prefabricated garage blocks	Approved	08.01.2020

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

## Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
SD2 LDP Sustainable Construction and Energy Efficiency  
SD4 LDP Sustainable Drainage  
NE1 LDP Nature Conservation and Development  
GI1 LDP Green Infrastructure  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design 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

**Chepstow Town Council** - No response received.

**MCC Ecology and Biodiversity** - Additional details required with regards to planting, landscaping and biodiversity enhancements requested.

**MCC SAB** - The proposed scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction works commencing.

**Dwr Cymru/ Welsh Water** - Advice provided with regards to the needs for sustainable drainage for surface water and conditions with regards to foul water drainage.

**MCC Highways** - Response will be provided verbally.

SEWBRc Search Results - No significant ecological records identified.

### 5.2 Neighbour Notification

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

Given the innovative design and technologies proposed, concerns are raised as to the sale price of the properties and whether they will be compliant with the definition of affordable housing given at paragraphs 4.4.25 and 4.2.26 of Planning Policy Wales.

The external materials do not reflect the local context of post-war housing. However more sustainable technologies and design are welcomed.

The design statement shows the ridge height of the dwellings exceeding the ridge height of nearby dwellings, raising concerns with regards to impact arising due to the level change of Somerset Way relative to the site. Concerns that the units will not seamlessly respond to the context.

The siting of the dwellings do not respond to existing established and well used pedestrian desire lines across the site.

Details are lacking with regards to the design of the public realm and how the shared surface will accommodate and support high pedestrian use of the site. It is important the development does not create an enclave of private dwellings with associated parking deterring its use as a thoroughfare. Consideration should be given to the use of demarcation through the use of paving colours, textures and/ or tactile materials.

The application wrongly suggests the garages are not used. The proposal will displace the current users of the area creating on-street parking issues on neighbouring streets which already experience high volumes of traffic and parking demand.

The peripheral local overnight parking is poorly reflected in the transport assessment and the impact of removing a huge area of both private parking (within garages) and pseudo on-street parking in the garage area. A clear indication of how many vehicles are kept in the garages regularly and will subsequently be displaced is needed.

The loss of parking will result in residents seeking alternative measures with front gardens subsequently used for parking to the detriment of the amenity and biodiversity value of the area and the attenuation of storm water runoff associated with landscaped front gardens

The area already experiences parking issues and congestion. This area is characterised by private vehicle use and an ageing population that will not decrease levels of car ownership.

The transport statement make uses of invalid, insufficient or outdated (2011 census) data. Limited data collection has skewed the representation of the area.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### **6.1.1 Principle of Development**

The application seeks to redevelop an existing garage area to the rear of Western Avenue to provide eight affordable housing units with associated parking and amenity space. Given the existing developed nature of the land, the site is deemed to be brownfield.

The site as a whole is located within an established residential area within the development boundary and community of Bulwark. The site is outside of the boundaries of the nearest flood zone as defined by the Development Advice Maps of Technical Advice Note (TAN) 15: Development and Flood Risk. Policies S1 and H1 of the LPD presume in favour of new residential development in such locations. Therefore, the principle of such this development is considered appropriate and acceptable subject to detailed planning considerations.

#### **6.1.2 Good Design/ Place making**

As specified above the application site comprises brownfield land that currently accommodates 46 garages. Given the size of the site indicated, it is considered that the plot is capable of accommodating the number of dwellings proposed in conjunction with associated areas of parking and amenity space without resulting in overdevelopment of the site. It is considered that the linear form and arrangement of the dwellings would be a contemporary interpretation of a terrace already

evident in the area with proportionate areas of amenity space, connectivity and permeability maintained throughout the site. Although enclosed on all sides by existing dwellings, it is considered that the works would create modern, sustainable adaptable dwellings and would create an active development to the benefit for the visual appearance, amenity and usability of the area.

Although more contemporary in design and form, it is considered that the form of the dwellings would reflect the existing pattern of terraced and semi-detached dwellings evident in the vicinity and would introduce a distinctive, modern design that would create an interesting destination and environment. It is considered that the demolition of the underutilised garages and the development of this proposal would significantly improve the appearance of the site which is currently underused and the subject of dilapidation and vandalism.

Whilst concerns were initially raised with regards to the orientation and boundary treatments associated with the semi-detached dwellings (including a request made to re-orientate the dwellings to provide units that addressed the entrance in order to create a more welcoming appearance and greater sense of place), it is acknowledged that the siting indicated reflects the established building line of the western side of Somerset Way. It allows for increased natural surveillance of the pathways leading from Somerset Way and Aust Crescent and the proposed parking areas and positions the tallest part of the dwellings adjacent to the blank side elevation of 30 Somerset Way rather than their private amenity space (which in turn could lead to overbearing concerns). Whilst the need for the block and render wall to the rear of the gardens facing the vehicular entrance to the site has been questioned, it has been confirmed that the boundary is required to provide enclosure, privacy and to prevent car headlights shining into the habitable accommodation of the proposed dwellings.

As part of the public consultation process, concerns have been raised with regards to the mass, size and scale of the dwellings and their visual prominence when viewed from Somerset Way and the external materials proposed. It is considered that the mass, size and scale of the dwellings are modest and comparable to many surrounding the site. Although the dwellings may appear taller and potentially visible above the ridge levels of the dwellings in Somerset Way, this is predominantly as result of the rising nature of the land as it climbs up from Somerset Way to Western Avenue/ Aust Crescent, rather than the development being disproportionately tall relative to the context. It is considered that the arrangement of the buildings on site would be reflective of the strong linear pattern of development in the area, which would help the development blend with the urban context and prevent it from being visually incongruous or overbearing.

The plans detail that the dwellings would be finished with pantile roofs, through-coloured render walls with aluminium grey coloured windows and doors. Although the majority of the dwellings in the immediate locale are finished with rough cast rendered elevations with uPVC framed windows and doors and concrete tiled roofs, it is considered that the development provides a modern interpretation of these materials which in turn would complement and enhance the character and appearance of the area, help revitalise the site and integrate the scheme with the locality.

Concerns have been raised with regards to the layout inhibiting desire lines, pedestrian movement and the demarcation of the shared surfaces spaces. It is noted that all existing pathways would be maintained in a close alignment to the existing desire line, to ensure maximum pedestrian permeability and that the public realm area would be defined by the use of colour clay block paving of grey and heather to informally differentiate primary vehicle access areas and those used as parking, open space or residential access. A number of trees would also be provided to soften the development and provide a boundary demarcation between public and semi-private residential areas.

On the whole it is considered that the development proposed would respect the existing form, scale, massing, materials and layout of its setting and would provide a modern and sustainable development. The proposal would vary the house type and housing stock availability in the area to the benefit of the vitality of the wider area and the appearance of the site in accordance with the requirements of policies S1, S13, S17, EP1, DES1 and H1 of the LDP.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

Although the proposed dwellings would be taller than the existing structures on site the proposed dwellings have been carefully designed to reduce their impact in respect of being overbearing to neighbouring properties, causing increased overlooking or a loss of privacy to the dwellings or private amenity space around the site.

Based on the plans submitted, a minimum distance of 22m would be maintained habitable room windows with 19m maintained between the proposed first floor windows and the closest garden boundary. Such distances are considered acceptable and sufficient to maintain the privacy and amenity of existing and proposed residents.

As a result of its enclosed position, the development could generate increased overshadowing and loss of light to the rear gardens of those surrounding the site. Having said this, the asymmetric nature of the roof design with elongated catslide roofs on the rear elevation reduces that scale and bulk of the building, thereby helping to maximise light fall. Thus, it is considered that any increased impact experienced would not be significantly detrimental to residential amenity.

Whilst technically backland development, it is considered that the disruption arising as result of proposed use and associated vehicle movements would be significantly less than that generated by the existing site was used and operated to its maximum capacity.

Given the above, it is considered that proposed development would not harm residential amenity and would be in accordance with Policy EP1 of the LDP.

## **6.2 Active and Social Places**

### **6.2.1 Affordable Housing**

As the application has been submitted by Monmouthshire Housing Association (a registered social landlord) and is to provide affordable housing, there will be no requirement for the developer to provide any financial contribution for the development. However, the application is required to sign a legal agreement to ensure that the housing would be for affordable purposes only in perpetuity. A unilateral undertaking has been submitted by the developer as part of the application.

Whilst an objector has questioned whether the resulting value of the properties would be compliant with the definition of affordable housing given in Planning Policy Wales, the applicant has provided a unilateral undertaking confirming that the dwellings would be retained as a social rented tenure and will not be sold on the open market. Rents for housing association properties are generally set within, or with reference to the Welsh Government's benchmark rent framework. The application is therefore considered compliant with the requirements of Policy S4 of the LDP.

### **6.2.2 Access / Highway Safety**

PPW10 makes it clear that the Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. The Policy moves on to require "the use of a sustainable transport hierarchy in relation to new development, which prioritises walking, cycling and public transport ahead of the private motor vehicles."

As specified above the application site is located within the development limits of Bulwark which benefits from facilities and services within tolerable walking distances of the site. Bulwark also benefits from public transport connections to Chepstow which is a principal town within the County with enhanced facilities and services and additional and wider reaching public transport mode options.

As part of the pre-application advice provided to the applicant, the Council's Highway Officer provided the following comments:

"Generally the highway authority considers the site to be well sited in a large residential area of Chepstow providing reasonable sustainable walking and cycling links to the main attractors and amenities.

- The local highway network is likely to be capable of accommodating the vehicle movements generated by the development of eight one-bedroom units.
- The highway authority consider that an appropriate junction with Western Avenue can be provided.
- The number of parking spaces proposed for the development for 8 one-bedroom units is considered too low, no provision for visiting parking has been provided although the layout is capable of accommodating short term parking on street.
- A garage audit will be required to substantiate and justify the loss of off street parking and determine the impact those vehicle displaced will have on the existing parking stress experienced in the area.

#### Further Consideration

- Loss of garaging will impact on the existing parking stress currently experienced on the local street in Bulwark. A garage audit will be required to substantiate and justify the loss of off street parking and determine the impact those vehicles displaced will have on the existing parking stress experienced in the area
- We would encourage the upgrading and adoption of a suitably designed access road and turning area
- Adequate internal provision to enable service and delivery vehicles to access and egress in a forward gear
- Applicant must take appropriate measures to ensure that MCC can operate and collect waste and recyclables from the kerbside and avoid where possible the need to travel over private areas.

In response, the applicants have provided the following information:

"It is proposed to utilise the existing lane that serves the existing (46) garages and car parking spaces, as well as garages and car parking spaces at the rear of properties fronting Aust Crescent, Western Avenue and Somerset Way. The existing lane is approximately 3.8-3.9m wide, which is not wide enough to allow two cars to pass and there is no scope to widen the access as the land either side of the lane is in third party ownership. The lane is fronted by front gardens of two residential properties on both sides of the carriageway and there is no scope to make alterations to the junction. However, from on-site observation it can be confirmed that this currently does not have an impact on vehicles accessing the existing garages.

A vehicle swept-path analysis of a range of vehicles likely to access the site from Western Avenue has been undertaken confirming that the site is accessible by a number of vehicles up to a 7.5tn box van size. As part of the re-development of the site, the bin store will be provided in the north-eastern corner of the site. It is anticipated that the refuse vehicles will collect the refuse from the turning head on Aust Crescent, where they will walk to the bin stores (approximately 15m) and collect it as part of the existing local authority refuse collection. All other servicing and deliveries will be undertaken from Western Avenue, within the site, with vehicles accessing via the lane. It is anticipated that the proposed development could generate approximately 10 service (delivery and service) vehicle trips per week. However, it is not proposed to provide any dedicated off-street facilities. Instead all deliveries will be undertaken from the internal road network.

It is proposed to provide nine formal car parking spaces for eight one-bedroom dwellings with additional informal parking available adjacent to the south-western boundary of the site. The Monmouthshire County Council's adopted parking standards require one space per bedroom (maximum of three spaces) and 1 space per 5 units for visitors. Being mindful of the sustainability of the site in conjunction with car ownership Census data shows that car ownership for socially rented dwellings is 0.66, where 71% are houses, with car ownership for one-bedroom properties being 0.55. The parking provision proposed is considered sufficient to service the site.

With regards to on street parking, typically, practical capacity is reached when 85% of the available spaces are occupied. Above this level of parking stress, finding a space may become

difficult and vehicles may need to circulate within an area. Also, depending on the layout and width of the carriageway, streets fully parked on both sides may have fewer passing places, which can affect vehicle circulation in an area and possibly access by large vehicles. Based on a on street parking survey of the area it has been determined that parking stress is at 50%, which is far below practical capacity, with 109 spaces available and, of these, 76 spaces available before practical capacity is reached at 85%. As part of the development it is proposed to demolish the existing garages. Assuming that all 46 garages are occupied, then these would need to be accommodated on the surrounding roads in the vicinity of the site. This would increase the parking stress in the area from 50% to 71%, with 30 spaces remaining for parking before the practical capacity is reached at 85%. Based on a garage audit it has been determined that 14 are not used for vehicular storage; 3 advised it is or has been used for vehicular storage and 29 were unconfirmed.

It is considered that the proposed on-site parking provision is more than sufficient to accommodate the likely demand generated by the proposed development as:

- The proposed development lies within a sustainable location;
- The likely car ownership for the proposed development will be low; and,
- There is sufficient capacity within the surrounding streets to accommodate any overspill parking."

Although concerns have been raised by an objector with regards to the loss of the garages and displacement of parking onto surrounding streets, based on the information supplied as part of the transport statement and garage audit, it is considered that any impact generated could be acceptably accommodated within the surrounding streets. One negative aspect of the removal of the garage block would be the subsequent loss of gardens to accommodate displaced off street parking. While this would be regrettable, given the existing relatively low level use of the site for parking, the urban context and the traffic generation associated with the development, it is considered that any increase in displaced traffic and potential alterations to the character and appearance of the area to compensate for this would not be so detrimental to the visual amenity of the area or highway safety to warrant refusal of the application.

An objector has raised concerns with regards to the use of invalid, insufficient and outdated data as part of the transport statement. It is considered that the level of work undertaken and the resulting statement submitted is commensurate to the scale of development and sufficient to allow for the consideration and determination of the application.

Whilst the concerns raised are noted and acknowledged, it is considered that the development of dwellings on the site would not be out of character with the area, the works would generate fewer vehicle movements relative to when the site was in active and full use for parking and that the proposed layout plan outlines sufficient parking provision with each property having one car parking space in accordance with Monmouthshire's Parking Guidance. The proposal is therefore considered compliant with the requirements of policies S16 and MV1 of the LDP.

## **6.3 Productive and Enterprising Places**

### **6.3.1 Economic Development**

As specified above, the site is located within the settlement of Bulwark. Being mindful of the position of the plot within an established residential area in close proximity to the central shopping area of Bulwark, it is considered that provision of further dwellings on the site and the income this would bring, could have a positive impact on the economic development, vitality and viability of facilities in the area.

## **6.4 Distinctive & Natural Places**

### **6.4.1 Landscape/ Visual Impact**

As specified above, the application site is located centrally within an established residential and urban area of Bulwark. Given the size and scale of the dwellings proposed in association with the overall site layout, it is considered that the development would be of a scale, form and density of development in keeping with and complementary to the overall character, appearance and



landscape. Furthermore being mindful of the requirements of the Council's Ecologist and Urban Designer to enhance and diversify the landscaping on the site, this could be secured by condition; the proposal is therefore considered compliant with the requirements of policies S17, EP1 and DES1 of the LDP.

#### 6.4.2 Biodiversity and Green Infrastructure

The existing garages buildings on site have been the subject of survey and inspection with regards to potential use by bats. As a result of the constructional materials and state of disrepair, no evidence of use by roosting bats was identified and the report findings have been supported by the Council's Ecologist. However, in accordance with the requirements of Planning Policy Wales 10, biodiversity enhancements should be secured. Following consultation, the Council's Ecologist has requested the installation of integrated bird nesting and bat roosting provision and greater variety in the landscaping and planting schedules to increase the biodiversity and landscape value of the site in line with the recommendations of the Ecological Report submitted. It is felt that these matters can be adequately secured by condition ensuring the application is compliant with the requirements of policies S17, EP1 and DES1 of the LDP.

#### 6.4.3 Flooding and water (including foul drainage / SuDS)

Based on the Development Advice Maps of Technical Advice Note (TAN) 15: Development and Flood Risk, the site is outside of any flood zone designations.

Following consideration, the Sustainable Drainage Approving Body (SAB) has advised that the proposed scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SAB prior to any construction work commencing. This information has been conveyed to the Agent for consideration.

Whilst Dwr Cymru/ Welsh Water have echoed the above comments they have also requested conditions with regards to foul drainage.

Subject to the completion of the SuDS process which would be sought independently of the planning process and the imposition of the conditions requested, the development is considered compliant with the requirements of policies S5 and SD4 of the LDP.

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

Following consultation, no response has been received from Chepstow Town Council. Whilst the application has been the subject of three letters of objection, the matters raised have been addressed above and are not repeated here.

Whilst an objector has queried whether parking improvements and alterations could be undertaken in Somerset Way to compensate for the loss of parking on the application site, it is noted that the land is not owned or controlled by the applicant. The works would therefore need to be undertaken by the Council if deemed appropriate.

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

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

### **6.7 Conclusion**

It is considered that the proposed dwellings would provide an innovative form of affordable housing to the community that would enhance the appearance of the site and the locality. The form, scale and design of the dwellings are considered to be appropriate for the site and the development would not have an adverse impact on the residential amenity of those living closest to the site. Subject to the imposition of conditions to secure details, it is considered that the development would not have a detrimental impact on the highway safety and free flow of traffic and has the potential to increase the biodiversity and ecological value of the site.

On the basis of the above, the application is therefore determined as compliant with the policies of the Monmouthshire LDP and is recommended for approval subject to conditions.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a s106 Legal Agreement requiring the following:

### S106 Heads of Terms

The retention of the dwellings for affordable purposes only in perpetuity.

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

### **Conditions:**

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

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

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

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

- 3 Prior to the commencement of development a detailed site layout plan shall be submitted detailing the internal access and parking layout; the development shall be carried out as approved.

REASON: In the interests of the functional operation of the site, highway safety and free flow of traffic in compliance with policies S15 and MV1 of the LDP.

- 4 Prior to the commencement of development (to include demolition), a construction management plan to included detailed site layout shall be submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period and shall provide for:

- parking of vehicle of site operatives and visitors
- hours of operation
- pedestrian and cyclist protection
- arrangements for turning vehicles

REASON: In the interests of safe operation of the highway in accordance with policies S13, S16, EP1 and MV1 of the LDP

- 5 Prior to installation of any landscaping, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development and a detailed planting, schedule and maintenance plan, for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plan and shall be maintained as such thereafter.

REASON: In the interests of the visual amenity and landscape value of the site in accordance with policies S13, DES1 and EP1 of the LDP.

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 G11.

7 Notwithstanding the provisions of Article 3, schedule 2, Part 1 Classes A BC D F & H of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwelling houses shall be erected or constructed.

REASON: If substantial extensions or alterations were constructed it may have an adverse impact on the design concept in compliance with policies S17 and DES1 of the LDP.

8 Prior to any works taking place above slab level of each dwelling unit, details of integrated provision for birds and bats (to include speciation, location and position to be shown on plan) shall be submitted to an approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: To mitigate and compensate for the loss of habitats, in the interests of the biodiversity and ecological value of the site in accordance with policies S13, NE1 of the LDP.

9 Prior to any works taking place above slab level of each dwelling unit, details and samples of the proposed external finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. 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.

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

REASON: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in compliance with policy EP5 of the LDP.

## **INFORMATIVES**

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

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

