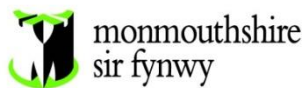


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Friday 21st August 2020

Notice of meeting:

Planning Committee

Tuesday, 1st September, 2020 at 2.00 pm
Remote Meeting

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 - 6
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
4.1.	Application DM/2018/02082 - Variation of condition 9 of previous application M/8467- Date of Decision: 11/06/2003 - to allow B1, B2 and B8 uses at the site. Gwent Euro Park, Bareland Street, Magor.	7 - 18
4.2.	Application DM/2019/00727 - Demolition of vehicle repair and storage garage, construction of two detached dwellings with garages and garden store. Works to also include realignment of existing access and creation of private driveway(s). Unit 1, New Barn Workshops, St Arvans.	19 - 36
4.3.	Application DM/2020/00234 - Erection of 2 x 4 no. detached residential dwellings. Pathways, Vinegar Hill, Undy.	37 - 50
4.4.	Application DM/2020/00537 - Two storey domestic extension. Rear Barn, Manor Farm, St Bride's Road, St Brides Netherwent, Caldicot.	51 - 56
4.5.	Application DM/2020/00616 - Retention of existing 1.65m high close boarded timber fence and reduction of existing ground level by circa 300mm. 21 Jasper Tudor Crescent, Llanfoist, Abergavenny, NP7 9AZ.	57 - 64

4.6.	Application DM/2020/00883 - Variation of condition 3 of planning permission DM/2019/01480 to enable up to 4 touring caravans to be parked on site for the use permitted under planning permission DM/2019/01480, and removal of condition 4 (the limitation to a personal consent) from planning consent DM/2019/01480. Land Adjacent Sunnybank, A48 Crick to Parkwall Roundabout, Crick, Monmouthshire.	65 - 76
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Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Edwards
P. Clarke
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 (Thursday 27th August 2020). Details regarding public speaking can be found within this agenda

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 may be viewed online by visiting the link below.

<https://democracy.monmouthshire.gov.uk/ieListMeetings.aspx?Committeeld=141>

This will take you to the page relating to all Planning Committee meetings. Please click on the relevant Planning Committee meeting. You will then find the link to view the meeting on this page. Please click the link to view the meeting.

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
- Affordable Housing Supplementary Guidance July 2019
- Infill Development Supplementary Guidance November 2019

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 at 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. **The conventional protocol has been modified to allow public speaking via pre-recorded videos.**

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee via a pre-recorded video. 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. This will also be via a pre-recorded video.

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 Monday and 12 noon on the Thursday before the Committee. To register a request to speak, objectors/supporters must first have made written representations on the application.

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

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

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

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

Once the request to speak has been registered by the Council the speaker must submit their pre-recorded video by midday on Monday before the Committee meeting. The video content must comply with the terms below and be no more than 4 minutes in duration. If the third party does not wish to record a video they will need to submit a script to the Council by the deadline above, that will be read out by an officer to the Committee Members at the meeting. The script shall contain no more than 500 words and shall also comply with the terms below.

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

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.
- If applicable, the video recording of the representative of the community or town council will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the community or town council has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the objector's video recording will then be played to the Members (this shall be no more than 4 minutes in duration) Alternatively, if a third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the supporter's video recording will then be played to Members (this shall be no more than 4 minutes in duration) Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the applicant's (or appointed agent's) video recording will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- 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 submit a video of their response of up to 5 minutes in duration.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - Speakers may speak only once.
 - Committee Members may then raise technical questions with officers.
 -
- Planning Committee members will then debate the application, commencing with the local member if a Member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.
- Where an objector or supporter or applicant/agent community or 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's decision regarding a procedural matter is final.
- When proposing a motion either 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 (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.

- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention.
- The Legal Officer shall count the votes and announce the decision.
-
- 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.

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Public Document Pack **Agenda Item 3**

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at Remote Meeting on Tuesday, 4th August, 2020 at 2.00 pm**

PRESENT: County Councillor R. Edwards (Chairman)
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 and S. Woodhouse

OFFICERS IN ATTENDANCE:

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

APOLOGIES:

None.

1. Declarations of Interest

County Councillor A. Easson declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2020/00238, as he is a governor of Ysgol Y Ffin Primary School.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting held on 7th July 2020 were confirmed and signed by the Chair.

3. Application DM/2019/01921 - Demolition of modern extensions and conversion of original public house building to residential. Erection of 4 new dwellings to the rear with car parking and associated external works. Chepstow Castle Inn, 12 Bridge Street, Chepstow, NP16 5EZ

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

The local Member for St. Mary's, Chepstow, also a Planning Committee Member, outlined the following points.

- The building to the south of the Board school will be used as the new base for Mencap. Concern was expressed that the proposed houses will be located very close to Mencap with the potential for overlooking to occur here.

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- Concern was also expressed that the site would be overdeveloped with too many properties proposed for the site.

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

- With regard to the elevations of the properties, plot 2 is lacking fascias and bargeboards. This could be added to the development.
- Chepstow Town Council had also expressed concern that the site would be overdeveloped if the application was approved.
- There is poor access to the site. This had been raised by the Highways Department. However, the access is straight, providing good visibility of the other exit point. The number of car movements to and from the site will be significantly less than the present situation if the development is approved.
- Currently there are 18 parking spaces with five dwellings proposed resulting in three parking spaces per dwelling.
- There will be visitor spaces for all of the properties to be used on a first come first serve basis. There is also a public car park located nearby.
- A condition would be added to request full details relating to the bin store.
- Refuse vehicles visiting the site are likely to be smaller vehicles as there is restricted access in the surrounding streets to the site.
- The proposed development would be an improvement to the site providing housing to the area.

It was proposed by County Councillor R. Harris and seconded by County Councillor P. Murphy that application DM/2019/01921 be approved subject to the eight conditions outlined in the report and subject to a Section 106 Legal Agreement. An additional condition to be added to request full details relating to the bin store.

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

For approval	-	11
Against approval	-	2
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/01921 be approved subject to the eight conditions outlined in the report and subject to a Section 106 Legal Agreement. An additional condition will be added to request full details relating to the bin store.

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4. Application DM/2019/01943 - Development of one dwelling and parking adjacent to 15 Burns Crescent (Amended plans received 04/03/2020). Land adjacent to 15 Burns Crescent, Caldicot

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

The local Member for West End, Caldicot, also a Planning Committee Member, expressed his support for the application.

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

- In terms of access, there is an on-site turning facility. The width could be narrowed to 2.5m to 3m, which could work as a shared driveway.
- A third parking space for the three bedroomed dwelling could be provided.

It was proposed by County Councillor D, Evans and seconded by County Councillor M. Powell that application DM/2019/01943 be approved subject to the seven conditions outlined in the report and subject to a Section 106 Legal Agreement.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/01943 be approved subject to the seven conditions outlined in the report and subject to a Section 106 Legal Agreement.

5. Application DM/2020/00238. 1no. classroom extension (103 sq.m) to existing school and an extension (67.9 sq. m) to an existing stand-alone nursery. There will be no change of use. Ysgol Y Ffin Primary School, Sandy Lane, Caldicot, NP26 4NQ

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

The local Member for Dewstow, also a Planning Committee Member expressed his support for the application.

In noting the detail of the application it was proposed by County Councillor A. Easson and seconded by County Councillor A. Davies that application DM/2020/00238 be approved subject to the four conditions outlined in the report.

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

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For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/00238 be approved subject to the four conditions outlined in the report.

6. Application DM/2020/00716. Proposed rear two-storey extension and part single storey extension to existing semi detached dwelling. Demolish existing detached garage and relocate with new single storey garage for one car. Kilkerran, Castle Street, Usk, NP15 1BU

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

In noting the detail of the application it was proposed by County Councillor P. Murphy and seconded by County Councillor G. Howard that application DM/2020/00716 be approved subject to the three conditions outlined in the report.

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

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/00716 be approved subject to the three conditions outlined in the report.

7. Application DM/2018/01418 - New dwelling with associated works. Land south east of Sunnybrooke, Llanellen Road, Llanfoist

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

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

- Concern was expressed regarding neighbour amenity, as the proposed new dwelling would be higher than other dwellings which would be located close to the new property. As there was no plan indicated identifying the siting of the proposed dwelling in relation to the nearest neighbours, the Planning Committee was unable to see how the proposed new dwelling would sit with the existing dwellings. There were potentially unacceptable overlooking issues. The Local Member asked that the application be deferred to be presented to the next

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Planning Committee meeting to allow officers to obtain a plan plotting the proposed new dwelling in relation to the existing dwellings.

- However, if Planning Committee did not support deferral of the application, the Local Member considered that there needs to be an additional condition to the application to remove permitted development rights for roof extensions / alterations.

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

- The proposed site plan in respect of the dining room / living room area indicated French doors opening onto the garden area. However, this was not replicated on the elevation drawing. Therefore, if the application was approved, this detailing could be agreed via the Delegation Panel.
- The Plan shown to the Committee was an accurate representation of where the proposed dwelling would be positioned. It was considered that when all plans were read in conjunction, it allowed a balanced consideration of the privacy impact.
- An additional condition to the application to remove permitted development rights for roof extensions / alterations could be considered.
- Planning Officers had looked at the site and considered the amenity issues with a view to obtaining a balanced judgement on the impact on residential amenity to the neighbouring properties. The submitted plans have finished floor levels and the intervening distances between the proposed dwelling and neighbouring properties has been fully considered in coming to the recommendation.
- There had been no objections to the proposed development by the Highways Department.
- With regard to the differing height levels between the proposed new dwelling and the existing properties opposite, the balanced view of Planning officers was that this was acceptable.
- The car parking spaces for the proposed new development were policy compliant securing off street parking and a turning area. This has resulted in a net gain of one additional parking space.

It was proposed by County Councillor G. Howard and seconded by County Councillor S. Woodhouse that consideration of application DM/2018/01418 be deferred to the next Planning Committee meeting to allow officers to obtain a plan plotting the proposed new dwelling in relation to the existing dwellings.

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

For deferral	-	6
Against deferral	-	9
Abstentions	-	0

The proposition was not carried.

It was proposed by County Councillor G. Howard and seconded by County Councillor S. Woodhouse that we be minded to refuse application DM/2018/01418 on the grounds that the Planning Committee would not sufficiently be able to judge whether there would be an acceptable impact on neighbours' amenity.

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

For refusal	-	3
Against refusal	-	9
Abstentions	-	1

The proposition was not carried.

It was proposed by County Councillor M. Feakins and seconded by County Councillor P. Murphy that application DM/2018/01418 be approved subject to the six conditions outlined in the report and subject to a Section 106 Legal Agreement. Also, that an additional condition be added to remove permitted development rights for roof extensions / alterations. The Delegation Panel to agree the revised elevation of the French doors.

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

In favour of the proposition	-	8
Against the proposition	-	2
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2018/01418 be approved subject to the six conditions outlined in the report and subject to a Section 106 Legal Agreement. Also, that an additional condition be added to remove permitted development rights for roof extensions / alterations. The Delegation Panel to agree the revised elevation of the French doors.

The meeting ended at 3.40 pm.

Application Number: DM/2018/02082

Proposal: Variation of condition 9 of previous application M/8467- Date of Decision: 11/06/2003 - to allow B1, B2 and B8 uses at the site

Address: Gwent Euro Park, Bareland Street, Magor

Applicant: Mr. Matthew Smith

Plans: Location Plan 4674 A0 0105 - B, Design and Access Statement - , Noise Impact Assessment 8242/FD - ,

RECOMMENDATION: APPROVE

Case Officer: Mr. Philip Thomas
Date Valid: 20.12.2018

This application is presented to Planning Committee due to there being five or more neighbour objections to the proposal

1.0 APPLICATION DETAILS

Site Description

1.1 This proposal is a section 73 application for the variation of condition 9 of planning permission M/8467 that allowed for the development of a site known as Gwent Euro Park for Class B8 (distribution use) together with associated office - B1 use. This application seeks to allow for B2 (general industrial) uses as well as the previously permitted B8 use and to allow primary B1 uses at the site (as well as B1 uses associated with a primary B2 or B8 use).

1.2 Condition 9 of the most recent outline planning permission stated:
"The premises shall be used for distribution centre purposes and for no other purpose (including any other purpose in Class B8 or B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, without the prior written approval of the Local Planning Authority."

1.3 Despite the site benefiting from an extant planning permission and being marketed over the last 23 years, the site has not come forward for a B8 use. The agent argues that it is clear that the sole use of the site for B8 is too narrow. The analysis provided by M4 Property Consultants that is submitted with this application supports this assertion.
This application seeks to vary the use of the premises to incorporate a B1 and B2 use, as well as a B8 use, which will make the site more attractive to future occupants and ultimately create employment.

1.4 It is therefore proposed to vary the wording of condition 9 to:

"The premises may be used for Class B1 (business), B2 (general industry) and Class B8 (warehousing and distribution uses) but for no other purposes of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order."

1.5 The application site comprises land towards the south west of junction 23a of the M4 (Magor). A significant proportion of the overall site falls within the administrative boundary of Newport City Council, with the smaller, eastern section located within Monmouthshire County Council's area. The site forms part of the Euro Park Industrial Estate and is flanked by the Tesco distribution centre to the south and Wilkinson distribution centre to the west. Beyond this and to the west is the remaining part of the Llanwern Steel Works site. The site in Monmouthshire is made up of around 7ha and is within the much wider Redwick and Llandeenny section of the Gwent Levels Site of Special scientific Interest (SSSI); it is also within an Archaeologically Sensitive Area and a C1 Flood Zone (defended floodplain). The hamlet of Llandeenny lies approximately 250m to the north east for the site.

Background

1.6 Outline planning permission for the MCC part of the overall site was granted in March 1995 under ref: A35349. This consent was subsequently renewed twice to extend the time for the submission of reserved matters by virtue of planning permissions granted in April 2000 under ref: M/4002 and in June 2003 under ref: M/8467. The operational outline planning permission is therefore M/8467. A reserved matters application was subsequently granted planning permission on 19/09/2007 relating to the site for a B8 distribution facility with associated two storey offices (63,000 sq.m. B8 use with 4,300 sq.m. B1 floorspace), single storey gatehouse and vehicle maintenance unit (VMU) (ref: DC/2007/00835). All pre-commencement conditions regarding that site were discharged and a meaningful commencement of that development was accepted by MCC officers in writing in August 2008. Thus, the site benefits from an extant planning permission for a B8 development with associated B1 offices and the outline permission M/8467 has, by implication, been implemented.

1.7 The associated application that mirrors this proposal in the Newport City Council part of the overall site has already been approved (NCC ref: 18/1234 refers).

Value Added

1.8 In the light of the B2 use now potentially proposed, a Noise Assessment was requested by your officers since the initial submission and that assessment has been evaluated by the Council's Environmental Health Officers.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2007/00835	B8 distribution facility with associated 2 storey offices, single storey gatehouse and vehicle maintenance unit (VMU)	Approved	19.09.2007
DC/2007/01083	B8 Distribution facility with associated 2 storey office	Approved	11.01.2008

A35349	Distribution development (joint with Newport Council)	Approved 13-03-95
A39263	Pursuant to Permission A39263 discharge of conditions 3, 8, 9 and 12 relating to landscaping	Approved 16-02-96
M/2065	Construction of 30,040 sq. m food distribution unit	Approved 12-02-98
M/4002	Variation of condition 1 of Planning Permission A35349 to allow time period for submission of reserved matters to be extended	Approved 27-04-00
M8467	Variation of Condition 1 of Planning Permission A35349 to allow additional 5 year time limit for reserved matters submission	Approved 11-06-03

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S8 LDP Enterprise and Economy S9
LDP Employment Sites Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design
SAE1 LDP Identified Industrial and Business Sites

Development Management Policies

E1 LDP Protection of Existing Employment
EP1 LDP Amenity and Environmental Protection
EP2 LDP Protection of Water Sources and the Water Environment
EP3 LDP Lighting
DES1 LDP General Design Considerations
GI1 LDP Green Infrastructure
MV1 LDP Highway Considerations
MV9 LDP The Road Hierarchy
NE1 LDP Nature Conservation and Development
SD3 LDP Flood Risk
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.

Technical Advice Note (TAN) 11: Noise
TAN 23: Economic Development

5.0 REPRESENTATIONS

5.1 Consultee replies:

Magor with Undy Community Council: APPROVE

However, before any final decisions are made in respect of the reserved matters then Councillors would recommend that the Planning Authority ensure that current regulations and TAN's are met due to time lapse between original approval and any final plans.

MCC Highways: No objection.

MCC Environmental Health: Having reviewed the submitted Noise Impact Assessment Reference 8242/FD dated 17th April 2020 I am satisfied that the B2 use can be implemented without substantial impact on nearby residential properties. I therefore have no objections to the granting of planning permission but I would recommend that any permission be subject to the following conditions, which for consistency mirror NCC permission 18/1234 noise related conditions:

"11. The rating level of the noise emitted from any building used for industrial and manufacturing processes and any fixed plant or equipment (mechanical and electrical) located at the site shall not exceed the existing background level at any premises used for residential purposes when measured and corrected in accordance with BS 4142: 2014.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the NLDP."

"12. No manufacturing or processing or other uses associated with B2 (General Industrial) shall take place at the site other than inside approved buildings.

Reason: In the interest of neighbouring amenity in accordance with Policy GP5 of the NLDP."

NRW: no objection.

Dwr Cymru-Welsh Water: no objection.

5.2 Neighbour notification

Twelve objections to the proposal from nine households from Llandeenny and Magor citing the following:

- Affect local ecology (SSSI)
- Increased pollution, including light pollution and run-off
- Loss of privacy

- Noise nuisance; the noise assessment was carried out in the summer months and with no great wind speed. I would like to make the point that we are on the Gwent levels and that the wind speed does increase greatly, especially in the winter months.

The noise impact which will be created, will greatly increase in the autumn and winter months due to the unmaintained hedgerows and the odd tree losing their leaves in these months, and as we are on relatively flat ground. Even with the cover we are still disturbed by the noise from the Tesco distribution warehouse which is approximately 680m away in our direct line of sight. This development will be closer to our home, with two of our bedrooms being in a direct line of sight for this development site.

The specialist environmental health office stated that any fixed plant or equipment located at the site shall not exceed the existing background level, and no manufacturing or processing shall take place at the site other than inside approved buildings. I would like to ask was the movement of heavy plant i.e. forklifts and shunting lorries which will be used for moving products and materials around the site for storage and loading onto HGV taken into account of background noise level, as there is a big difference in heavy plant movements to the existing background levels. These movements will or could be 24/7, this of course will affect our ability to have a good night's sleep

- Already impacted on by noise and flicker of wind turbine and noise from distribution yard areas
- Close to adjoining properties /amenity issues; the area is getting increasingly encroached upon by industrial development with only a smattering of fields separating the hamlet from the industrial units that already exist on either side; would spoil the enjoyment of gardens and the wider countryside
- Visual intrusion; would spoil local walks where wildlife and landscape are appreciated
- Increase in traffic, already impacted on by Brewery traffic
- This was meant to be a distribution park, not anything else
- Site was approved 23 years ago and is no longer suitable as it is a greenfield one in a SSSI and other sites at the former steelworks are more appropriate.
- The possibility of heavier industry being built so close to our homes would be an unwarranted invasion into our privacy and quality of life
- Good water quality in the Gwent Levels' ditch system is essential for the ecological integrity of the 7 SSIs that cover nearly half of the Levels. Water flows from the inland areas southwards across the width of the Levels to the sea. Because the ditch system is interconnected it is crucial to keep water in the inland areas of the ditch system free from pollution. Any pollution in these upper reaches will be quickly transferred "downstream" into the rest of the SSSI re-en system, with potentially disastrous consequences.

The site in this application is in the upper reaches, in what is known as Back Fen. The Back Fen was always the wettest and therefore the least agriculturally altered land on the Levels. It thus retained a lot of the ecological interest that had been lost in 2000 years of agricultural improvement that had taken place elsewhere on the Levels. Most of the Back Fen had been lost to industrial development by the time the steel works was completed in the 1960s, leaving just a fragment between the steel works and Magor.

It was the fact that the Gwent Europark development lay on one of the last areas of Back Fen and was within the Redwick and Llandeenny SSSI that the strict condition was made that industrial development should not be permitted in view of the pollution risk to the SSSI features.

Warehouse and distribution use was deemed the least bad option for development, the pollution risk from Industrial Development being too high. This risk has not changed and for this reason no change to the original conditions should be countenanced.

- The protection and improvement of people's health and wellbeing is a core component of sustainable development and economic benefits should be given equal consideration with social and environmental issues.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The site is allocated in the adopted LDP as being suitable for B8 uses (distribution and warehousing) under Policy SAE1 c) – Gwent Euro Park, Magor. The site also benefits from an extant B8 use as planning permission DC/2007/00835 which was commenced and an associated B1 office use was approved as an ancillary element of that permission. What needs to be considered is the implications of extending the range of permissible uses to include an outright B1 (office/ light industry) and B2 (general industrial) use.

6.1.2 The failure to deliver a B8 use for the site has led to an analysis by a marketing company that sets out:

"We understand that the site has been offered to the market several times by the retained property agents of Argos, but no deal has ever been secured to this date.

The difficulty with the B8 distribution market is that much of the demand for such space is "contract led". This effectively means that third party logistics (3PL) operators may be asked by a retailer to undertake distribution for them but often on a 3 or 5 year contract. The contract will often start within 6-9 months of the contract being tendered. The result of this is that firstly these 3PL operators can only consider existing buildings as they do not have time to wait for a building to be constructed. Secondly, they can only commit for a relatively short period (particularly when considering the financing of such a large facility).

Those that have been successful in the distribution market in recent years, have had to be brave enough to undertake speculative development. This means building without a particular occupier committed to taking the space, in the hope that once it is constructed, a suitable tenant can be found.

It is simply unrealistic to expect that a commercial developer would purchase the land at Gwent Europark to undertake such speculative development. The associated risk and possibly poor return on investment just don't make it a commercially viable option. Both rental values and sale values are considerably lower in south Wales than many other parts of the UK and demand in the region, has until late largely been focused on Avonmouth, a short distance away.

As agents we actually have introduced the site to several developers trying to get them to buy the land for distribution use. All of them rejected the site for the above reasons.

The broader industrial market (including B1 and B2 uses) has slightly different characteristics. Many of the production and manufacturing businesses in the region take a more long term view of their property. A significant proportion would prefer to own their units rather than let, but are stuck renting due to lack of opportunities to purchase.

Those that are renting and wish to continue to rent, will often commit for a longer period, particularly where they use machinery that is very costly to relocate. They will also often plan further in advance than logistics occupiers due to the logistics of moving and minimising downtime.

There is a real shortage of good quality B1 and B2 industrial space across South Wales. Industrial development has been extremely limited within the last 10-15 years across the region and as such, those looking to expand or relocate within South Wales face a very difficult task to

find suitable premises. In many cases this is preventing their business from expanding.

We already have numerous interested parties in the site from a B1 and B2 perspective, but not for B8 use. It is not impossible that a B8 operator may be identified going forward for part of the site. However, the site has had consent for B8 for 23 years, has been marketed numerous times and is well known as being available for such use across the property sector. Despite this it has not been developed in that period.”

6.1.3 While the site was originally identified as a distribution hub near the strategic road network, the site has failed to bring forward development of this nature and a review of this limitation is therefore valid.

6.1.4 PPW10 and TAN23 stress the need for sustainable development and the need for the planning system to encourage employment growth. It is acknowledged that there is a need for good quality manufacturing units in the SE Wales area. This site could be suitable for that sector which would lead to skilled jobs being made available to the local job market. However, given its proximity to the hamlet of Llandeenny account needs to be taken of the potentially harmful effects of a B2 use and whether this could be mitigated to ensure the amenity of the residents is safeguarded.

6.1.5 This is considered under the headings below, with the chief potential concerns being noise and odours emanating from a B2 use. A B1 use at the site would be acceptable in terms of impact on local amenity being a use compatible to being in or close to residential areas, although its impact in relation to traffic generation would need to be considered.

6.2 Noise

6.2.1 PPW10 identifies that air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible.

6.2.2 The application has been subject to a noise assessment by acoustic consultants which was then analysed by the Council's EHOs (as well as Newport City Council's equivalent officers).

6.2.3 A site noise survey was undertaken between 13th-16th February 2020 to determine the existing noise climate across the site and area. Further analysis using a worst case scenario of likely noise from a B2 use was then assessed. The consultant's conclusions were that with these noise limits being met the impact will be low at the sensitive receivers around the site (i.e. the nearest dwellings in Llandeenny).

6.2.4 The Council's Environmental Health Officer has not objected to the request to extend the use to B2 use but has requested two planning conditions to ensure that:

1. The rating level of the noise emitted from any building used for industrial and manufacturing processes and any fixed plant or equipment (mechanical and electrical) located at the site shall not exceed the existing background level at any premises used for residential purposes when measured and corrected in accordance with BS 4142: 2014.
2. No manufacturing or processing or other uses associated with B2 (General Industrial) use shall take place at the site other than inside approved buildings.

6.2.5 These would coincide with the conditions already applied by Newport City Council to the larger part of the site.

6.2.6 Subject to these safeguards, your officers are satisfied that noise associated with the development can be managed to an acceptable degree so that it does not harm local amenity. In this regard, the proposal is considered to comply with LDP Policy EP1.

6.3 Odours / air pollution

6.3.1 Any odours and emissions from an industrial process would ultimately be regulated by NRW and the Council's Environmental Health Team (the latter in the case of there being a statutory nuisance issue). These aspects would be addressed by the regulator when the building is commissioned and specific industrial processes have been identified. There is a distance of 250m to Llandeenny and to the north-east which is a reasonable distance in the context of this site and other B2 uses close to the hamlet, including the Magor Brewery.

6.3.2 NRW has no objection to the principle of this proposal. There is no need for the proposal to adversely affect residential amenity if the processes are properly regulated. The principle of this proposal is considered compliant with Policy EP1 of the LDP.

6.4 Lighting

6.4.1 Given the proximity of the site to Llandeenny and the sensitivity of the site as a SSSI with attendant wildlife interest including the presence of internationally protected species there is a need to control lighting at the site to avoid light spillage to surrounding areas.

6.4.2 This would have been material to the use of the site for B8 development and was conditioned under earlier outline and reserved matters permissions which have been implemented. This can be managed in a similar manner under this proposal and a condition is recommended accordingly.

6.5 Archaeology/historic landscape interests

6.5.1 The previous outline permission for the site required the implementation of a programme of archaeological investigation. GGAT confirmed that they had no objection to the reserved matters application DC/2007/00835 subject to the satisfactory completion and submission of the archaeological work which was ongoing. The test pitting carried out by GGAT in the early part of 2007 identified a series of archaeologically significant features including a potential medieval road surface, an area of peat extraction and a stabilised land surface, possibly dating to the Roman period. The next stage, namely, a field evaluation based on a layout of evaluation trenching was carried out in July 2007 and identified a series of archaeologically significant features including a road surface of Roman or medieval age. The results of the field trenching will inform the excavation work to be carried out at Stage 3, with the archaeological resource being further protected by a watching brief while groundworks are carried out by the developer. A condition is proposed to cover the need for any further investigative works. The controls in place mean that the development need not harm archaeological interests, in line with the requirements of WO Circular 60/96.

6.5.2 The impact of the proposed development on the Historic Landscape of the Gwent Levels was appraised under previous outline and reserved matters permissions. Gwent Europark was specifically excluded from the Register of Historic Landscapes because of the allocation of the area for development. The proposed development would have some impact on the historic landscape of the adjoining area but that impact would be limited and would not be unacceptable, the application site lying to the north of the distributor road and a Tesco depot and in broad terms being bounded on its northern side by the railway and motorway.

6.6 Traffic/ Highway Safety

6.6.1 The allocation of Gwent Europark in successive development plans was made in the context of a range of considerations including the suitability of road access. The site is served by a wide distributor road which links directly into the main highway network just west of Magor at J23A of the M4 motorway. The Council's Highway Officers have no objection to the proposed development on highway grounds.

6.6.2 In relation to parking requirements, the site approved under reserved matters accommodated 521 car spaces and covered cycle/motorcycle spaces and 241 lorry bays with extensive areas for HGV manoeuvring. This is technically an under-provision in relation to the Monmouthshire Parking Guidelines given a building of this scale for a B8 use as well as a B1 and B2 use. However, in the light of the policy thrust of PPW10 and the need to promote sustainable forms of transport and active travel, it is considered that this scale of parking is sufficient. To ensure more sustainable modes of transport are employed to serve the building, it is proposed to apply a Travel Plan condition that should reduce the reliance on the private car and promote cycling, use of public transport and car sharing for travel to and from work. This would meet the terms of Policy MV1 of the LDP.

6.7 Ecology

6.7.1 The site forms part of a SSSI which has been notified for its range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system; in summary, the

special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Any development which has an adverse impact on any of these factors will have an adverse impact on the wildlife for which the area was notified. Previous permissions for this site were approved in the context of the SSSI status of the site. The conditions that have been recommended will safeguard the designation and ensure the integrity of the reed system and the ecology it supports.

There are also specific ecological monitoring conditions relating to the reserved matters approval DC/2007/00835 that will need to be addressed.

Subject to these measures, the proposal will accord with LDP policies S13, GI1 and NE1.

6.8 Drainage / Flooding

6.8.1 The site can be drained by mains sewer and there is no objection from Dwr Cymru – Welsh Water. A drainage condition is proposed to ensure full details are submitted to the Council and approved before works commence on site. Previously, the drainage proposals for the site were designed in consultation with the then CCW and the Independent Drainage Body to ensure that the quality and quantity of water at and around the site is safeguarded since any derogation would adversely impact on nature conservation interests (the SSSI). A surface water drainage condition will also be imposed to ensure the acceptability of these arrangements.

6.8.2 The site lies within a flood risk zone category C1 where new development such as this may be permitted subject to an acceptable flood consequences assessment. In 2007 the FCA by Veryards Opus for the applicant showed that the site and its access were at risk of flooding during an extreme tide coincident with breach of the sea defences. Following a breach, the analysis predicted that the depth of flooding on the access road would be less than 1m in the first ten hours – a degree of risk which NRW considered to be acceptable subject to the implementation of suitable evacuation procedures. The current proposal would not introduce vulnerable development into the C1 zone and is in accordance with TAN15 which addresses the subject of development on flood plains, and would also comply with LDP policies S12 and SD3.

6.9 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 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

6.9.1 This is a longstanding allocation for an industrial (B8) use which has been marketed for many years but has not led to any firm interest in its development for warehousing/ distribution. Extending its use to B1, B2 and B8 uses can be acceptably managed to avoid harm to environmental interests, including those of the residents of Llandeenny, the integrity of the SSSI and the local wildlife.

6.9.2 The proposal may be more likely to deliver skilled jobs to the local economy than a more limited B8 allocation/ permission.

6.9.3 It should be noted that a previous s.106 agreement has been discharged in relation to sewerage and highways' requirements and the ecological issues are covered by the conditions set out below.

7.0 RECOMMENDATION: APPROVE

CONDITIONS:

1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for any revised submission shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

REASON: The application is in outline only.

2 Any application for approval of revised reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.

3 The development shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.

4 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.

5 No development shall take place until full details of foul and surface water drainage have been submitted to and agreed by the Local Planning Authority. The development shall be carried out fully in accordance with the approved drainage details before the development is brought into use.

REASON: : To ensure the site has adequate drainage and in the interest of protecting the quality and quantity of water in reens and ditches to safeguard nature conservation interests in accordance with Policies S13, GI1 and NE1 of the LDP.

6 The development shall not commence until comprehensive baseline surveys have been carried out (at locations and times to be agreed in writing by the Local Planning Authority) of (a) Flora and Fauna and (b) of Water Quality (covering a full range of determinants including: nutrients, heavy metals, pH, basic salts, ammonia, BOD oil and greases and total organic carbon), and the results of each of the surveys have been submitted to and approved by the Local Planning Authority as baselines for the purposes of monitoring the environmental impacts of the development.

REASON: To ensure that there is baseline data available for the purposes of monitoring the impacts of the development upon site area of the Redwick and Llandeenny SSSI in accordance with Policy NE1 of the LDP.

7 The development shall not commence until such time as details of a programme of environmental monitoring of the potential impacts of the development upon both the site area and the Redwick and Llandeenny SSSI generally, have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include details of the method and means of monitoring and shall include a timetable of the monitoring activities to be carried out to counteract any adverse impacts of the development upon the interests of the Redwick and Llandeenny SSSI. The monitoring scheme shall commence as soon as the development is begun and shall continue throughout the carrying out of the development and for such further period following the completion of the development as may be referred to in the approved details. The scheme shall be carried out as approved.

REASON: : To ensure that the environmental impacts of the development are closely monitored during its construction and operational phases, in the interests of protecting the Redwick and Llandeenny SSSI in accordance with Policy NE1 of the LDP.

8 Prior to the occupation of any building, details of a programme of maintenance and environmental management of that phase of the development and all watercourses (reens, drainage ditches and other surface water storage/regulation features, including amenity, balancing and settlement ponds and storage lagoons, remaining or newly created as a result of the development) and vegetation, have been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a schedule of works and detailed timetable for the carrying out of the works and the scheme shall be carried out as approved. The details of the programme of environmental monitoring shall include detailed provisions of the carrying out of measures for effective maintenance.

REASON: In the interests of protecting the Redwick and Llandeenny SSSI in accordance with Policy NE1 of the LDP.

9 Before the development is commenced, written approval of the Local Planning Authority is required in respect of a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved scheme shall include measures for the protection of the existing vegetation along the northern boundary of the site and shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

REASON: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner in the interests of visual amenity in accordance with Policy GI1 of the LDP.

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

REASON: to ensure the development acceptably considers the archaeological resource in accordance with WO Circular 60/96.

11 As part of the submission of the reserved matters, a scheme of external lighting shall be submitted to and agreed by the local planning authority. The development shall be carried out in strict accordance with the scheme, as approved, prior to the building and external areas being brought into use.

REASON: in the interests of residential amenity and to protect the Redwick and Llandeenny SSSI in accordance with policies EP1 and NE1 of the LDP.

12 The premises shall be used for Use Class B1, B2 or B8 and for no other purposes of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.

REASON: To limit the terms of the permission as per the application details and to accord with employment policies in the adopted LDP.

13 No development shall take place within 7 metres of any ditch or reen (existing, diverted or newly created as a result of the development) and a Buffer Zone of that distance shall be preserved between land drainage ditches, reens and any other water body, newly created for the development and any other physical development. The Buffer Zone shall, at all times, be kept free of any spoil, stored materials, plant, machinery and any other structures. There shall be no trafficking of vehicles or plant within the Buffer Zone.

REASON: To ensure that access can be retained for maintenance purposes and reduce the risk of pollution of the drainage network, in the interests of efficient land drainage, flood prevention and protection of the Redwick and Llandeenny SSSI in accordance with Policy NE1 of the LDP.

14 The rating level of the noise emitted from any building used for industrial and manufacturing processes and any fixed plant or equipment (mechanical and electrical) located at the site shall not exceed the existing background level at any premises used for residential purposes when measured and corrected in accordance with BS 4142: 2014.

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

15 No manufacturing or processing or other uses associated with any B2 (General Industrial) use shall take place at the site other than inside approved buildings.

REASON: In the interest of neighbouring amenity in accordance with Policy EP1 of the LDP.

16. Before the building is occupied, a Travel Plan shall be submitted to and approved by the Local Planning Authority to promote alternative modes of transport to the site other than individual use of the private car. The recommendations of the Travel Plan shall be implemented once the use commences and monitoring reports at the end of years 3 and 5 following the occupation of the building shall be submitted to the Local Planning Authority to demonstrate compliance with the recommendations.

Reason: to support the use of sustainable forms of transport and to reduce congestion and pollution, as promoted by Planning Policy Wales 10.

INFORMATIVES

1 The development should be carried out fully in accordance with the proposals shown in the application and in the plans and particulars accompanying such application as varied and amended by this permission.

2. This decision notice is issued in respect of Planning Permission only and does not convey any approval which may be required under any other legislation or provisions, such as, but not limited to, Highways and Building Regulations.

3. Where there are conditions which require details to be approved prior to the commencement of development, failure to submit these details prior to commencement of development may result in the permission being invalidated.

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

5. This planning permission must be read in conjunction with the decision notice for the reserved matters permission DC/2007/00835 which features planning conditions that need to be addressed.

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Application Number: DM/2019/00727

Proposal: Demolition of vehicle repair and storage garage, construction of two detached dwellings with garages and garden store. Works to also include realignment of existing access and creation of private driveway(s)

Address: Unit 1, New Barn Workshops, St Arvans

Applicant: Stephens Bros

Plans: Location Plan - , Block Plan 1381[PL] 01 - Rev. d, Elevations - Proposed 1381[PL] 03 - Rev A, Floor Plans - Proposed 1381[PL] 02 - Rev A, Planting Plan 2488.02 - , Tree Survey 2488.03 - , Green Infrastructure Framework Plan 2488.01 - , Other GI Management plan - , Ecology Report - , Garage Plans 1381[PL] 10 - , Other Geo tech and Geo enviro - , All Proposed Plans Bat mitigation - , All Proposed Plans Shed/ store 1381[PL] 11 - Rev B,

RECOMMENDATION: Approve subject to S106 agreement

Case Officer: Mrs Helen Hinton
Date Valid: 30.08.2019

This application is presented to Planning Committee at the request of Cllr Webb to assess the implication of losing the industrial site; the size of the homes and affordable housing implications and highway safety implications arising from access/ egress onto the A466 which has experienced an increase in the volume of traffic on the highway.

1.0 APPLICATION DETAILS

1.1 Site Description

The site the subject of the current application comprises the land and buildings forming part of New Barn Workshops, Tintern Road, St Arvans. The site, 0.46ha, is irregular in shape and is positioned to the south-east of Mistletoe Cottage and Wykes Cats Cattery; it lies to the east of the A466 and the west of Piercefield Park (Chepstow Racecourse and grounds). A triangular area of land to the south-west of the site, indicated as being within the applicant's ownership is excluded from the application. The site as a whole is located within an area of open countryside, approximately 135m to the north east of the development boundary of St Arvans as identified by the proposals map of the Monmouthshire Local Development Plan (LDP).

The site is also located within the Wye Valley Area of Outstanding Natural Beauty (AONB), a minerals (limestone) safeguarding area and is immediately adjacent to but outside of the Cadw registered Historic Parks and Gardens of Piercefield Park. Public rights of way 379/32/1 pass through the site with 379/32/2 adjacent to the eastern boundary.

At the time of inspection the site was largely contained visually within a screen of vegetation on the western and southern boundaries, by the buildings of the commercial cattery business, along with a horse walker and stables, to the north and by some edge of parkland tree cover to the east. Gates, and a section of stone wall, secure the southern boundary adjacent to the public footpath. Internally the site accommodated a number of enclosed areas; two steel portal frame buildings finished externally with a combination of stone facing and metal sheeting, set within a yard area enclosed by 1.8 - 2m high stone walls and sheet panel gates.

Access to the site is gained via an existing tarmac surfaced 14.5m wide entrance apron and 5.25m wide driveway leading from the A466. A five-bar gate providing access to Piercefield Park is positioned in the eastern boundary of the site. Public right of way 379/32/1 passes through the site and gate into Piercefield Park. The proposal has been publicised as affecting a public right of way and also as being a departure to the Development Plan.

The site is also the subject of a candidate site application for C1 hotel use as part of the Replacement Local Development Plan. Candidate site reference: CS0106

1.2 Value Added

There was a change to accommodate the plotting of the definitive alignment of PROW 379/32/1, PROW 379/32/2 & PROW 379/32/4 on the site layout plan and the plotting of the proposed re-alignment of PROW 379/32/1 which has been the subject of Local Authority consultation but is currently undetermined.

The foul water drainage proposals for the site have been amended to provide an enhanced system with further reed bed filtration to reduce the potential for acidic erosion of the limestone cave system beneath the site.

The proposed bat loft mitigation has been moved outside of any residential curtilage boundary to the area adjacent to the reed bed system to reduce potential conflict.

1.3 Proposal Description

The plans submitted detail the removal of the existing steel portal frame buildings, making good the adjacent property and the development of two detached dwellings, two detached double garages with store attached, a further garden store within the garden of plot 1, the provision of an onsite drainage system to include reed beds and the provision of ecological mitigation and enhancement through the construction of a detached 'bat house' adjacent to the drainage system but outside of the residential curtilages of the dwellings. Works also include realignment of the existing access

The proposed dwellings would be T shaped in design measuring at their greatest 12.65m wide, 16.29m deep with a ridge height of 7.15m falling to 5.17m at eaves level. Internally the dwellings would provide an entrance hallway, study, utility room kitchen-diners, living room and garden room at ground floor level with four double bedrooms, 2 en-suites, a family bathroom and a seating area at first floor level. A balcony area overlooking Piercefield Park would be provided on the south-eastern elevation of each property. Externally the dwellings would be finished with a natural slate roof, through-colour rendered elevations with natural stone wall and horizontal timber clad detailing, anthracite grey colour coated aluminium framed windows and doors finished with a light grey colours anti-sun glass to reduce glare and anthracite grey colour aluminium rain water goods.

The proposed garage buildings would measure 10.5m wide, 7.45m deep with a pitched roof with a maximum height of 5.3m falling to 2.4m at eaves level. Externally the buildings would be finished with natural slate roofs, a combination of stone and timber weather boarded elevations, a timber pedestrian door with anthracite grey coloured aluminium garages doors, windows, rooflights and rainwater goods.

The proposed garden shed/ store within the curtilage of property 1 would measure 6.5m wide, 4.4m deep with a pitched roof with a maximum height of 4.25m falling to 2.12m at eaves level. Externally the building would be finished with timber weather boarding, a natural slate roof, timber doors and anthracite grey coloured aluminium framed windows and rainwater goods.

The proposed bat mitigation building would be positioned to the south-west of the dwellings on the opposite side of the main driveway access, adjacent to the drainage and reed bed system. The proposed structure would measure 1.2m wide, 1.8m deep with a pitched roof with a maximum height of 3.17m falling to 2.2m at eaves level. The main 'house' would be set of legs 0.9m above ground level and would be constructed from timber with a natural slate roof.

Although the dwellings would utilise the existing point of access onto the A466, the driveway would be altered and realigned to provide separate driveways to serve the dwellings. Within the curtilage of each dwelling the driveway would be finished with Marshall drive sets of a natural-bronze colour finish.

The landscaping plans submitted detail the removal of a bank of conifers on the northern side of the internal access road and the removal of ash saplings and Japanese knotweed in the north-western part of the site adjacent to the A466. The area would be replanted with a mix of native woodland trees to include silver birch, hazel, hawthorn, holly, crab apple, oak and guelder rose. New native deciduous trees and hedgerows comprised of beech, dogwood, hazel, hawthorn holly and dog rose would be provided around and through the site.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2015/01336	Proposed change of use to the storage and repair of light motor vehicles. Storage and repair of up to two HGV motor vehicles and a trailer and ancillary parking areas (Revised scheme).	Approved	08.08.2016
DC/2013/00456	Change of use to the storage and repair of light motor vehicles. Storage and repair of up to two HGV motor vehicles and a trailer. Retention of vehicle washing area and ancillary parking.	Refused	07.10.2015
DC/2012/00886	Variation of condition 11 of planning application 21850	Withdrawn	03.06.2013
DC/2012/00613	Proposed Change of use to allow for the storage of builders materials, construction machinery and equipment, including metal storage containers and the security gates.	Withdrawn	04.08.2015
DC/2012/00594	Certificate of Lawful Use of land for vehicle repairs	Withdrawn	25.10.2012
DC/2012/00243	Revision to previous consent (ref DC/2011/00697) to allow the storage of metal containers and amendment to operating hours within the area designated for the storage of building materials. Introduction of an office unit for use in conjunction with the workshops and installation of new gates and landscaping.	Withdrawn	16.05.2012

DC/2011/00697	Change of use of existing workshop and adjacent land, to now include for the maintenance of motor vehicles and storage of building materials, in addition to the commercial vehicles granted consent under ref A21850.	Withdrawn	05.09.2012
21850	Construct A Commercial Garage APP_TYP 02 = Outline DEV_TYP 01 = New Development MAP_REF = 352070196720	Approved	08.02.1985

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S11 LDP Visitor Economy
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S15 LDP Minerals
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC4 LDP Wye Valley AONB
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP2 LDP Protection of Water Sources and the Water Environment
EP3 LDP Lighting
EP5 LDP Foul Sewage Disposal
M2 LDP Minerals Safeguarding Areas
MV1 LDP Proposed Developments and Highway Considerations
MV3 LDP Public Rights of Way
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

St Arvans Community Council – No objection but express concerns at traffic entering the A466. Request speed awareness be incorporated on the highway.

MCC Highways - No objection, informatives recommended.

MCC Public Rights of Way - Public footpath No. 32 runs through the site of the proposed development. This must be accurately indicated on the site layout plans.

MCC Landscape - The current applications design, mass, height, alignment, access and layout of buildings set within the proposed landscaped grounds, plant and species selection, materials choice, GI assessment and supporting documentation that informs the proposal have broadly responded to the pre-application advice. Additional details requested.

Cadw - No objections to the impact of the proposed development on the scheduled monuments or registered historic parks and gardens.

AONB Officer - No response received.

MCC Biodiversity and Ecology - The lesser horseshoe provision should be positioned outside of any residential curtilage.

Amended plans - Concerns raised with regards to the external materials proposed and the specific location of the mitigation indicated.

Natural Resources Wales (Environment) - We continue to have significant concerns with the proposed development. It is recommended that planning permission should only be granted subject to conditions.

SEWBRcC Search Results - No significant ecological record identified.

MCC Sustainable Drainage Approving Body - The development will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards

Wales and West Utilities - we have no apparatus within the application site.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification with letters issued on 27th June 2019, the erection of site notices and publication of press notices (departure and affecting a right of way)

An objection has been received from one property and is summarised as follows:

- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Traffic on Highways

MCC have not formally written and notified the Owner of Mistletoe Cottage of this development as is their legal obligation.

Monmouthshire County Council, by approving this planning application, are allowing new residential development in a controlled Area of Outstanding Natural Beauty, SSSI and SAC and creating a new residential area and extension to the village of St Arvans.

The two units have asbestos roofing – condition are required from Environmental Health. The safe removal of this roofing is critical and will affect the new development site, Mistletoe Cottage stables and surrounding areas, and the health of all people.

The demolition of the garages will expose the internal wall between the garages and the stable block of Mistletoe Cottage. The exposed internal wall needs to be made good, weatherproofed and access easement rights need to be provided to Mistletoe Cottage to allow for maintenance of the wall. An agreement also needs to be drawn up with regard to works to remedy the current damage and future management of the historic wall, facing the Racecourse which forms a boundary with Mistletoe Cottage as well as the proposed development site.

The planting scheme along the entire boundary to Mistletoe Cottage needs to be amended to provide secure equine stock proof fencing of a minimum height of 10 feet. The boundary behind Plot 1 garden store is stated as a pathway and a native hedge and trees, there is no stated provision for equine safe stock proof barrier to Mistletoe Cottage.

No provision is made for additional footpaths going down to the village. Children will need to cross the busy A466 to access the footpath down to the village shop, nursery, and the King George the V playground. The current A466 speed limit needs to be changed to accommodate the creation of the residential site and the village boundary and signage should be moved to include these properties as part of the village boundary.

5.3 Local Member Representations

The Ward Member Cllr Webb, was notified of the application and has requested it be presented to Committee for determination to assess the implication of losing the industrial site; the size of the homes and affordable housing implications and highway safety implications arising from access/ egress onto the A466 which has experienced an increase in the volume of traffic on the highway.

6.0 EVALUATION

6.1.1 Principle of Development

The site the subject of the current application has an extensive and contentious planning history and has previously been the subject of a non-conforming B2 use in the countryside (AONB). The last approved consent for the site was for - proposed change of use to the storage and repair of light motor vehicles. Storage and repair of up to two HGV motor vehicles and a trailer. Retention of ancillary parking areas. Application DC/2015/01336 approved on 8th August 2016 refers.

Application DC/2015/01336 was a resubmission following the refusal of application DC/2013/00456 which was refused by the Council having been remitted back to the Council to re-determine following the decision of the High Court to quash the planning permission granted on 4th October 2013. At the time of inspection, the site did not appear in active use. However, vehicles and machinery around the site inferred that the use had not been abandoned or deviated from. As such there is potential for the use to be recommenced in line with the consent without further reference to the Authority, although it is noted that certain landscaping works approved under permission DC/2015/01336 are yet to be completed.

The current proposal seeks to clear the site of all industrial uses and develop two residential properties with associated outbuildings, grounds and extensive landscaping and new green infrastructure provision. As specified above, the application site is located in an area of open countryside, beyond the defined development boundary of St Arvans, within the Wye Valley Area of Outstanding Natural Beauty. In such locations Policies S1, H1 and LC1 presume against new-build development unless justified with regards to policies S10, RE3, RE4, RE5, RE6, T2 or

National Planning Policy. As the application proposes the development of new build, open market dwellings none of these policies appear to be applicable.

Being mindful of the setting and location Strategic Policy S11 relating to the visitor economy is of relevance. The second part of the policy refers to development proposals that would have an unacceptable adverse impact on areas of tourism interests and their setting. As specified above the site is located adjacent to a key vehicular route into the heart of the AONB with public rights of way running through and adjacent to the site.

As identified by the objector, if approved the development would provide new residential development in an area of open countryside within the AONB. On balance, however, given the close position of the site to the development boundary of St Arvans, its existing pedestrian links with the facilities within (i.e. the local shop, public house, nursery, community hall, sports field and church) the positioning and transport links to Chepstow, which benefits from further amenities and wider transport connections, the small scale of the development relative to the site area that has previously benefited from consent for industrial use and the advantages the redevelopment of a brownfield site would have, it is considered that the proposal could be considered an appropriate exception as a result of the betterment that would arise to local amenity. In addition, there would be a marked improvement to the nationally important landscape, the setting of the Registered Park and Garden and racecourse as a result of the removal of a historically non-compliant, discordant use relative to its setting.

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 each dwelling of the size indicated would be £7,030 giving a cumulative sum for the site of £14,060 that would be secured through a section 106 Legal Agreement. Following consideration the applicants have confirmed that they are willing to enter into an agreement.

6.1.2 Good Design/ Place making

Although the site comprises an industrial site, it is located within an area of open countryside with a residential property to the north and the village of St Arvans to the south. The Registered Piercefield Park and the racecourse adjoin the eastern boundary of the site. Although the dwellings and outbuildings proposed are relatively large, they are considered proportionate to the overall scale of the plot with the plans detailing a design, mass, height, external material, alignment, access, layout and landscaping that would be complementary to the area. The properties have been designed to be as low profile as possible with a reduced finished floor level relative to Mistletoe Cottage to the north and the A466 to the west.

The dwellings would benefit from a sufficient and proportionate area of amenity space, new soft landscaping and green infrastructure to help off-set the dwellings and prevent the appearance of overdevelopment.

It is considered that the design of the dwellings proposed in conjunction with their staggered arrangement and density of development makes the development acceptable in design terms and compliant with the requirements of Policy DES1 of the LDP.

6.1.3 Impact on Amenity/ Promoting Healthier Places

Whilst in an area of open countryside the residential property known as Mistletoe Cottage with its associated outbuildings is located to the north of the site, with the village of St Arvans to the south. Based on the plans submitted it has been determined that a distance of approximately 40m, an outbuilding owned by Mistletoe Cottage, existing and proposed boundaries, green infrastructure and a proposed garage would be maintained between the closest proposed dwelling and the existing neighbour.

As part of their initial consultation the Council's Public Rights of Way team raised concerns that the route of the public footpath that crosses the site has not been accurately marked. Following discussions with that team, an amended site layout plan has now been submitted indicating the current definitive route and the redirected route proposed by the Council. Whilst the redirected route has been the subject of consultation, the order has not been completed. The applicant has been made aware that they would need to seek a separate consent relative to any planning permission to divert the path.

As part of their consultation response, the Council's Landscape and Urban Design Officer has requested a commuted sum of £500 for improvements to the local PROW network. Being mindful of the work that is already being undertaken by the Council to divert the definitive route of the footpath and the applicant's responsibilities to ensure that the path is either diverted prior to the commencement of development or maintained to ensure use, the request for a further sum of money is considered unnecessary and would not meet the tests for a legal planning obligation in this instance.

Although the development would alter the use, character and visual appearance of the site and may result in the need to divert an existing footpath it is considered, relative to the existing approved use of the site, the proposal would create a more neighbourly form of development, complementary to and in keeping with the adjacent residential properties and the adjacent village and would not have a significantly detrimental impact on the amenity of the area in compliance with policies DES1 and EP1.

6.1.4 Sustainable Management of Natural Resources

Given the brownfield nature of the site and the extant consent for use as a vehicle repair premises, it is considered that the development proposed would not have a detrimental impact on the sustainable management of natural resources.

6.2 Active and Social Places

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

Whilst it is likely that the development would be served by private vehicles it is noted that the site is located approximately 150 metres from the village of St Arvans which contains a shop, public house, village hall, place of worship and nursery. The village also benefits from a bus service which links to Chepstow bus and train stations.

6.2.2 Access / Highway Safety

The site layout plan submitted indicates that the dwellings would be served off a single point of access from the A466 with separate drives then provided to serve each dwelling. Although the site benefits from an existing point of access, this would be repositioned slightly to the north and reduced in width to provide a 15m wide entrance apron and shared driveway width of 5m. A visibility splay measuring 160m wide would be provided either side of the point of access.

Internally within the site, each dwelling would benefit from a double garage and a driveway long enough to accommodate at least three vehicles and an on-site turning facility. The adopted MCC Parking Guideline requires that one car parking space be provided for each bedroom up to a maximum of three. Given that the proposal is for two, four bedroom dwellings, the proposal accords with the adopted standards.

Following consultation the Council's Highways Department has raised no objection but noted the following:

"The existing A466 public highway, at the location of the development proposal's vehicular access, is within a derestricted speed zone, with a road width of approx. 6.5m and on a straight horizontal alignment. This combination is likely to encourage high traffic speeds. It would be advantageous to

cut back the vegetation over the length of the existing property boundary adjacent to the public highway, in order to enhance visibility sight lines for vehicles exiting the development”

The provision of a new or altered junction with the A466 would necessitate the need for an agreement via a Section 184 of the Highways Act 1980. It is considered that details of this requirement and the comment above could be added as an informative note to any grant of consent.”

Although the Community Council have raised no objection to the proposal, they and the objector have expressed concern with regards to the traffic exiting the site onto the A466 and have requested some form of speed awareness be incorporated into the highway. In this instance, given the reduced volume and type of traffic that would be generated by the proposal relative to the extant use and the alterations to the access and visibility splay shown as part of the application, it is considered unreasonable to request the developer provide further traffic calming measures along/ within the carriageway; this would fail to meet the tests for a condition or planning obligation in this instance. Whilst the objector has raised concerns with regards to pedestrian safety and requested that pavement facilities be provided on the application site of the highway, based on the plans submitted the applicant does not own all the land between the site and the pavement adjacent to the community hall and would therefore be unable to do so. Given the scale of the development, the likely pedestrian traffic generation and the existing pavement in place on the opposite side of the highway, it is considered unreasonable to request the developer to provide further facilities alongside the carriageway and such a request would fail to meet the tests for a planning condition or planning obligation in this instance

Given the traffic generation associated with the extant use of the site, in terms of HGV and light motor vehicles, it is considered that the development proposed would represent a significant betterment to the area in terms of traffic generation and movement to the benefit of the of the highway safety and free flow of traffic and is considered compliant with the requirements of policy MV1 of the LDP.

6.2.3 Recreational Spaces

It is considered that each of the dwellings proposed would benefit from a sufficient and proportionate area of amenity space relative to the size of the properties. As the ‘net gain’ of dwellings to be provided is less than ten units a recreation contribution to be used towards existing areas of play cannot be sought.

6.3 Productive and Enterprising Places

6.3.1 Economic Development

Although the development would result in the loss of a vehicle repair business, the site is not identified as an allocated employment site under Policy SAE1 of the LDP. By contrast it is considered that the benefits gained from the proposal in terms of the associated spending within the local community by new residents and the amenity improvement generated to the setting and appearance of the AONB, registered park and race course would be more than sufficient compensation for the loss of the enterprise.

6.3.2 Tourism

The site is positioned to the east of the A466, which acts as the principal highway leading to the AONB. In compliance with the second part of Policy S11, it is considered that the development proposed would result in the beneficial redevelopment of a brownfield site that has previously had an adverse impact on areas of tourism interests and their setting. Although the proposal would change the appearance and use of the site, in the longer term it is considered that the development would make a positive contribution to tourism in the area.

6.3.3 The Rural Economy

In conjunction with the above it is considered that the redevelopment of this *brownfield* site would create a more neighbourly development, complementary to the wider rural area.

6.3.4 Transportation Infrastructure

The proposed development will be accessed from a publically adopted, category A highway, making use of an existing, albeit repositioned, access and dropped kerb. Relative to the approved use of the site, it is considered that the proposal will not have a detrimental impact on local transportation infrastructure.

6.3.5 Energy

The dwellings are likely to be served by mains electricity and mains/ LPG gas. Although no renewable energy systems are indicated on the proposed plans, technically they could be installed under Part 40 (Installation of domestic microgeneration equipment) permitted development rights. However, being mindful of the sensitive nature of the site, it is considered reasonable and necessary to control future developments by removing permitted development rights.

6.3.7 Minerals / Waste

The site is located in a minerals safeguarding area as designated under Policy M2. There is however a need to provide a buffer to protect existing residential dwellings in the locality from the impact of minerals working, as a consequence minerals extraction would not be feasible in this location. It is therefore considered that the development proposed would not sterilise the land beyond the existing buffer zone and the application is compliant with policies S15 and M2 of the LDP.

6.4 Distinctive & Natural Places

6.4.1 Landscape/ Visual Impact

As a result of the site's position within the AONB, adjacent to the registered park and garden, a Landscape and Visual Impact Appraisal (LVIA) has been submitted in support of the proposal. As part of the document a series of potential viewpoints were identified, based on desktop analysis of mapped information to give a representative impression of the appearance of the site in its wider landscape context; in particular, within the AONB and adjacent to and within the Registered boundary of Piercefield Park. The impacts generated have been assessed relative to the information and guidance provided as part of the LANDMAP system and the Council's Landscape and Sensitivity and Capacity study prepared by White Consultants in June 2010.

The document concludes relative to the existing arrangement and the potential impact arising from the approved and extant use of the site there will be negligible changes to topography to accommodate the development given the gentle nature of the existing contours, existing and proposed landscape and green infrastructure provision. Although residential receptors are amongst the most sensitive to visual effects, it is considered that Mistletoe Cottage will experience only minor effects on completion of construction. Otherwise, no other properties have been identified as having the potential of experiencing more than negligible effects. There are no substantial residual effects on the amenity of the users of the local footpath network and Designated Access Land. There would be only be very localised effects on users of the A466 given the extent of dense roadside vegetation. The wider road network would also be largely unaffected.

The overall conclusion from the author of the report is that the development proposal complies with the raft of applicable national, regional and local planning policies related to the landscape which has been evidenced as part of the document and would have no unacceptable effects on overall landscape character or on the AONB Landscape and on the setting of the Registered Park and Gardens of Piercefield Park.

Following consideration, the Council's Landscape and Urban Designer has in general raised no objection to the scheme but has requested additional information in the form of scaled photomontages to supplement the documents submitted. Following a review of the request the applicant's Landscape Architect is of the opinion that, as a result of the modest scale of the development in conjunction with the existing and proposed landscaping and green infrastructure provision the document will provide little additional information relative to the details previously submitted and has requested that the application is considered and determined based on the details submitted.

Beyond that, additional details requested as part of the Council's Landscape Architect could be secured by condition.

On balance, relative to the existing context it is considered that the removal of the utilitarian industrial use and structures at the site and replacement with the dwellings proposed would create a development of a form, bulk, size, layout and scale that respects the character of the surrounding countryside and through the use of appropriate design, materials and landscaping would enhance the landform and landscape of this particular site which in turn would have a beneficial impact on the designations of national importance. It is considered that the proposal would sensitively and sympathetically assimilate into the landscape and would not cause significant visual intrusion or create significant adverse change in the character of the natural landscape or have an unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value. The proposal is therefore considered compliant with the requirements of policies LC1, LC4 and LC5 of the LDP.

6.4.2 Historic Environment

Following review, Cadw have noted that the site is within 1km of the scheduled monuments of MM351 Wyndcliff Roman Site, MM355 St Arvan's Church Cross-slab, MM281 The Cold Bath: Piercefield and MM282 The Giant's Cave, Piercefield. However they determine that intervening topography, buildings and vegetation block all views between the monuments and the proposed development. Consequently Cadw determine the proposed development will have no impact on the setting of any scheduled monuments listed above.

With regards to the Registered Parks and Gardens the following information is provided:

"The registered Wyndcliffe Court historic park and garden (PGW (Gt) 4 Wyndcliffe Court (grade II*)) is located some 450m north of the application area. It is likely that intervening topography and vegetation are likely to block or significantly screen the proposed development in views from the historic park and garden.

The proposed development is located adjacent to the grade I registered historic park and garden at Piercefield and the Wyndcliffe, (PGW (Gt) 40) an outstanding example of an eighteenth century designed landscape and an essential part of the 'Wye Tour'.

The part of the historic park adjacent to the application area was known as the Upper Lawn and was largely open grassland with trees planted in scattered groves, and clumps. The historic park was designed with specific viewpoints presenting precise views and the application area is not located in any of the significant views identified in the citation included in the register; however, it may be glimpsed through screening vegetation in the periphery of an important view from the site of the Temple southwards across the Upper Lawn towards the Severn Estuary and is also visible in long views from close to Piercefield House, northwards across the Upper Lawn, but neither of these views are identified in the citation as being significant.

The application area is separated from the historic park by a stone built park wall and part of the area has been used for structures associated with Mistletoe Cottage (previously known as New Barn) since at least the early 19th century. The proposed development will see an existing large garage structure demolished and the erection of two, two storied, pitched roof houses of relatively conventional design. It will not be visible in any of the significant views identified in the citation for the registration of the historic park and whilst it may be visible in the two views identified above,

the proposed development will not block these views and as previously noted, buildings have been located in this general area and therefore been part of these views, since the early 19th century. It is also noted that the proposed planting in the gardens of the houses will also assist in partially screening them in these views.

As such whilst there may be slight visual changes in the views from the historic parks this will not have any effect of the way that they are experienced, understood and appreciated. Consequently the proposed development will have no impact on the settings of the registered Wyndcliffe Court historic park and garden or the registered Piercefield and the Wyndcliffe historic park and garden.”

Given the scale, design, layout and landscaping of the development proposed, and the comments provided by Cadw that the proposal would not have any direct physical impact on any of the designated sites of national importance identified, it is considered that the proposal would not have a detrimental impact on the historic assets of the area and is considered compliant with Technical Advice Note (TAN) 24 – The Historic Environment.

6.4.3 Green Infrastructure

At the time of inspection the western boundary of the site was defined by a number of mature deciduous and evergreen trees that had been left to grow with minimal maintenance. Within the site, several areas had become overgrown with sapling, briars and pockets of Japanese Knotweed.

As part of the works it is proposed to:

- Remove a belt of non-native conifers beside the internal access road;
- Eliminate a localised infestation of Japanese Knotweed;
- Remove ash saplings, to eliminate the threat of ash dieback, as well as other ruderal vegetation;
- Establish a new plantation of native woodland on the land between the A466 and the driveways to the two properties;
- Plant new hedgerows within and around the site, along the road frontage of the A466, and adjacent to the driveways to the two properties to delineate property boundaries; and
- Plant a mix of ornamental and native trees, as well as shrub beds within the two gardens.

The above proposals have been detailed as part of planting plans for trees and shrubs, hard and soft landscaping details and a Green Infrastructure Management Plan, which have been submitted in support of the application.

As part of their objection the neighbour has raised concerns that the development does not provide suitable enclosure for equines and has requested the boundary with Mistletoe Cottage be increased to 10 foot with suitable stock fencing used. Based on the plans submitted it is noted that native species hedgerow planting trees and shrubs would be provided within the boundary of the application site. However, the exact details of the boundary beyond are unclear. Whilst it is the responsibility of the owner to ensure their animals are appropriately contained, the works involved as part of the current application details with regard to the boundary could be secured by condition. However, the request to provide a 10 foot fence is deemed excessive. It is considered that the boundary could be appropriately secured through the use of post and stock wire fencing.

Collectively it is considered that the scheme increases nature conservation interest through the inclusion of pollinating species as well as providing food, shelter and connectivity for birds, insects, bats and other fauna. Subject to the above documents forming part of the approved plans for the site, it is considered relative to the existing arrangement that the development would have a positive impact on the green infrastructure of the area in compliance with policies S13 and GI1 of the LDP.

6.4.4 Biodiversity

Despite being close to ecologically sensitive sites including the Wye Valley Woodlands SAC (SSSI Pierce, Alcove and Piercefield Woods) which are less than 100m away to the north east and within the AONB, it has previously been determined that the site is not within a particularly ecologically

sensitive location. As part of the application a Preliminary Ecological Appraisal (PEA) and Bat Survey have been submitted.

Evidence of a day roost of common pipistrelle bats and an occasional night roost for lesser horseshoe bats were identified within the buildings on site. As the proposal is to demolish these buildings, bat species and their roosts will be impacted by the proposed works. It was initially proposed that mitigation in the form of bat boxes integrated into the garages and a loft within the outbuilding within plot 1 be provided in compensation.

Following consultation the Council's Ecologist requested that the main bat loft space be relocated to an area outside of any residential curtilage to reduce conflict between species of conservation concern and residents. Following the submission and consideration of amended details, the Council's Ecologist has raised further concerns with regards to the construction/ external materials of the mitigation proposed and the relocated position indicated. However, on review the Agent has indicated that they have previously gained European Protected Species Licences for such structures on other sites and is unwilling to provide further alteration to the scheme. Given the net benefit of the mitigation proposed, it is considered that the works would not have a detrimental impact on the bat species present on site.

The PEA identified the potential for dormice within suitable habitats on site. However, the extent of vegetation removal required to facilitate the development would be limited and in conjunction with the new green infrastructure provision proposed, it is considered that the works would not have a detrimental impact on this species.

Dormice and all species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017. Legal protection relates to the animals themselves and the places they use to rest and breed. Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales. Details of this requirement could be added as an informative to any grant of consent.

As part of their response the Council's Landscape and Urban Design Officer has requested the provision of a £1,000 commuted sum to be used for biodiversity mitigation and enhancements. However, as mitigation and enhancements details have been submitted as part of the application and would be provided at the expense of the applicant, and given the scale of the development proposed it is considered that the request for further funding is not necessary and would not meet the tests for a legal planning obligation in this instance.

Subject to the conditions with regards to the redesigned and relocated bat house being imposed and its delivery being secured, it is considered that the development proposed would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range and is compliant with policies S13 and NE1 of the LDP.

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

As of 7th January 2020, all new dwellings are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The applicant has been made aware of this requirement and will be seeking consent from the SuDS Approving Body (SAB) independently of the planning application.

6.4.8 De-risking (contamination issues)

As part of their consultation response, Natural Resources Wales have identified that the controlled waters at this site are of high environmental sensitivity due to the underlying principal aquifer, which is comprised of karstic limestone. Geotechnical and Geo-Environmental reports prepared by Terra Firma have been submitted in support of the application. The reports and studies did not find evidence of gross contamination from historic operations on site. However, given the presence of made ground on site, the historic use as a garage and the tank identified, there is the potential for

unsuspected contamination to be identified during ground works. Following review of the documents Natural Resources Wales have requested additional conditions be imposed to ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

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

Following consultation St Arvans Community Council have raised no objection to the proposal but expressed concern at traffic exiting the site onto the busy A466, requesting consideration be given to incorporating speed awareness on the highway as part of the proposal. This request has been discussed above and will not be reiterated.

Following direct neighbour notification, the erection of site notices and publication of press notices, one representation has been received from Mistletoe Cottage. Other than the matter discussed above, the following concerns have also been raised:

Previous Judicial Review

The Objector identifies that the Council has previously lost three Judicial Reviews on the site brought by the Owner of Mistletoe Cottage, with each Judgement noting that any development on this site is not covered under Change of Use but is new development. There is no common ground with previous applications as the current application is an entirely separate proposal. The current proposal seeks to clear the site of all former industrial uses and develop two residential properties with associated outbuildings, grounds and extensive landscaping and new green infrastructure provision. The application has been advertised and considered as such.

Asbestos roofing

The objector specifies that the roofs of the existing buildings are clad with asbestos and has requested conditions be imposed with regards to its removal and disposal. Whilst the concerns are acknowledged the method for removing and disposing of any asbestos on site would be dealt with via other non-planning legislation.

Party Wall Act

The objector has identified that the removal of the existing buildings on site will require a party wall agreement between the owners of the application site and Mistletoe Cottage in order to make good and weather proof adjoining buildings and structures. As above this is a matter dealt with by other non-planning legislation. However, the need to enter into such an agreement is acknowledged on the proposed site layout plan.

Neighbour Notification

A Letter was sent to Mistletoe Cottage publicising the application and a site notice posted (as well as a press notice). Should the freeholder of the property not live on site it is the responsibility of any tenant to alert the owner about the notification.

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 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 creation of open market dwellings in this area, is deemed to be contrary to the principle policies of the LDP. However, being mindful of the brownfield status of the land and its extant industrial use, it is considered that the proposal could be considered an appropriate and rare exception as a result of the substantial betterment that would arise to local amenity, the nationally important landscape, as well as the setting of the Registered Park and Garden and racecourse owing to the removal of an historically non-compliant, discordant use relative to its setting.

Being mindful of the sensitive setting, it is considered that the site as a whole has been designed to create a development that would enhance the landform and landscape of this particular site and sympathetically assimilate into the landscape.

Given the extant use of the site and its associated impacts, it is considered that the development proposed would generate fewer vehicle movements and would create a more neighbourly form of development, to the benefit of the highway safety and the amenity of those living, working, visiting or enjoying recreation in the area.

Subject to the imposition of conditions and the applicant entering into a section 106 agreement to provide an affordable housing contribution, the application is considered compliant with the policies of the Monmouthshire County Council Local Development Plan and is recommended for approval.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

An affordable housing commuted sum of £ £14,060.00 (£7,030.00 per dwelling)

S106 Heads of Terms

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 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 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 garage hereby approved shall not be physically altered or converted to any other domestic purpose without prior approval of the Local Planning Authority. The garage 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 a key element of the parking being provided and its loss for this purpose may lead to parking problems and to ensure compliance with LDP Policy MV1.

5 Notwithstanding the details of the approved plans, no structure, erection or planting exceeding 0.9 metre in height shall be placed, erected or grown in the visibility splay.

REASON: To ensure adequate visibility is provided and to ensure compliance with LDP Policy MV1.

6 Prior to the first beneficial occupation of the dwellings, a site layout plan shall be submitted detailing responsibility for the management and maintenance of areas outside of the residential boundary pertinent to the development. The development shall be maintained in perpetuity in accordance with that approved plan.

REASON: In the interests of the landscape, visual amenity and ecological value of the site, in compliance with LDP policies S13, GI1 and NE1.

7 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

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 building(s) 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 ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features in compliance with LDP policies S13, GI1 and NE1.

8 Before any works commence on site, details of earthworks and boundary finishes shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

REASON: To ensure the provision afforded by appropriate landscape design and Green Infrastructure LC5, DES 1 S13, and GI 1 and NE1

9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

REASON: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks, in compliance with LDP policies S13 and EP1.

10 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, storage areas of spoil, oils, fuels, concrete mixing and washing areas.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

REASON: To ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in compliance with LDP policies S13 and NE1.

11 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H and Part 40 Classes A, B and I of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 and The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012(or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: In the interests of the visual amenity of the application site and wider area in compliance with LDP policies S13, S17 LC1, LC4 LC5, EP1, and DES1.

12 The detached bat mitigation shall be provided on site prior to the demolition of the buildings and shall be maintained as such thereafter.

REASON: To comply with Section 5 of Planning Policy Wales (2016), Technical Advice Note 5, T Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 the Environment (Wales) Act 2016 and LDP policies S13, NE1 and GI1.

INFORMATIVES

1 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. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sustainable-drainage-approving-body-sab>.

The requirements to obtain SAB consent sits outside of the planning process but it enforceable in a similar matter to Planning law. It is a requirements to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at early state may lead to significant unnecessary redesign costs.

If for any reason you believe your works are exempt from the requirement for SAB approval, please contact the SAB team so their records can be updated accordingly.

2 This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places.

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

3 It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

The existing A466 public highway from which access is gained, is within a derestricted speed zone, with a road width of approx. 6.5m and on a straight horizontal alignment. This combination is likely to encourage high traffic speeds. It would be advantageous to cut back the vegetation over the length of the existing property boundary adjacent to the public highway, in order to enhance visibility sight lines for vehicles exiting the development;

4 The applicant is advised that there are public rights of way within and in the vicinity of the development. The granting of planning permission does not give permission to close, divert or obstruct a public right of way. Obstructing a public right of way is a criminal offence for which you may be prosecuted. You should contact the Public Rights of Way Officer, Monmouthshire County Council (Tel 01633 644860/644862) for advice on procedure should you need to close or divert a public right of way.

5 It is recommended that the three Acer Campestre's at the junction with the A466 be replaced with another species. Acer campestre, if not managed, will tend to produce epicormic growth which could cause a visibility splay issue. A species replacement that does not tend to produce epicormic growth would be preferable and with a canopy spread that is retained within the verge and does not obstruct views from cars and larger vehicles at this junction.

6 The applicant will need to apply for an Environmental Permit from Natural Resources Wales (NRW) with respect to the discharge of effluent to ground or surface water.

The Applicant is advised to hold pre-application discussions with NRW's Permitting Team on 0300 065 3000, to ensure there is no conflict between any planning permission granted and the permit requirements. The granting of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible).

Application Number: DM/2020/00234

Proposal: Erection of 2 x 4 no. detached residential dwellings.
Address: Pathways, Vinegar Hill, Undy
Applicant: Mr. & Mrs. Peter & Sonia Whitfield
Plans: Site Plan 020 02 - Site Plan Tree Protection, Green Infrastructure Appraisal 021 02 - GI Plan, Site Plan 022 02 - Site Plan Suds, GI Masterplan GI Management Plan - , Location Plan 014 01 - , All Existing Plans 06602 - Existing House, All Proposed Plans 012 03 - Proposed Plans and Eleva, Site Plan 015 02 - Proposed Site Plan, Site Plan 016 02 - Site Plan Highways, Other 019 02 - Contextual Plan, Site Plan 017 02 - Site Plan Topography,

RECOMMENDATION: APPROVE

Case Officer: Ms. Kate Young
Date Valid: 12.02.2020

This application is presented to Planning Committee due to the application receiving more than four objections

1.0 APPLICATION DETAILS

1.1 Site Description

Pathways is a two storey detached dwelling which is located on a large plot, 0.3 hectares, within the Magor and Undy development boundary of the LDP. The existing property is located on the western side of the plot and is accessed by a long driveway from Vinegar Hill. The land slopes downwards steeply from north to south. The site is set between neighbouring dwellings. Adjoining the southern boundary is an area of amenity open space.

1.2 Value Added

Following negotiations between officers and the applicant significant amendments have been made since the original submission. The number of units has been reduced from three to two, the scale of the properties has been reduced and the design amended. The siting of the new dwellings has been altered moving them further away from the common boundary. The space between the proposed units has been increased and additional ecological information has been submitted as requested.

1.3 Proposal Description

The application now seeks the erection of two, detached dwellings in the residential curtilage of Pathways; the properties would share the existing vehicular access and driveway. The properties would be facing north towards to the driveway. The dwellings would be two storey with some accommodation in the attic. The footprints would measure 12.5 metres by 7.5 metres and would be 8.7 metres in height to the ridge. The main glazing would be on the north and south elevations incorporating roof lights. The dwellings would be finished in smooth render with some timber cladding on the front gable. The roofs would be of grey concrete tiles and the window and door frames of grey coloured aluminium. Each dwelling would have three off road parking spaces and an enclosed curtilage.

An ecological appraisal and a tree survey were submitted as part of the application.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2020/00234	Erection of 2 x 4 - Bed Detached Residential Dwellings.	Pending Determination	

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
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development EP1
LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations DES1
LDP General Design Considerations

Supplementary Planning Guidance

Affordable Housing SPG July 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Monmouthshire Parking Standards (January 2013)

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

Infill Development SPG November 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

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

Magor with Undy Community Council - Approve

Concerns are raised regarding access/egress onto Vinegar Hill, specifically relating to the access which is via an unadopted trackway that joins Vinegar Hill where there is a 'blind' bend in the road.

The Planning Authority has continued to approve 'infill' plots, resulting in an increase of traffic, and is now considering closing off the northern end of Vinegar Hill, when the proposed large development goes ahead. This in turn will further increase the flow of traffic on this single track lane which regularly see minor road incidents, blockages and is a constant hazard for pedestrians, cyclists and horse-riders.

MCC Highways and Flood Risk Management:

As LLFA we would expect a detailed plan showing how the site will be drained and flood risk managed so as not to increase the flood risk off site. We would therefore require a condition to be applied to the application decision.

The total area of development appears to total an area of more than 100m². Therefore SAB approval will be required prior to any works commencing on site.

MCC Highways - No objection.

The highway authority acknowledge that a number of residents have raised concerns and objected to the proposal on highway safety grounds. I can confirm that I visited the location on Friday 10/07/2020 but due to current Covid guidance I did not leave my car but was able to observe the current access arrangements and experience first-hand vehicle manoeuvres in the area, observing through traffic, BT service vehicles attending to apparatus in the lane and a neighbour reversing their vehicle onto their drive directly opposite the proposal's access.

What I observed has not influenced or affected my earlier comments on the application and the reduction in the number of dwellings will reduce the frequency and number of vehicles accessing and egressing onto Vinegar Hill Lane, which is welcomed.

The Proposed Site Plan - Highways, Drawing No. Pathways016_02 has considered the previous highway recommendations and demonstrated that the proposed access is in excess of 4 metres wide for a distance of 10+ metres from its junction with Vinegar Hill; this is considered an acceptable arrangement to enable those vehicles who are accessing and egressing to pass one another. The highway authority would still recommend that the applicant consider the earlier recommendations to improve the access.

The highway authority therefore as detailed previously is unable to object to the proposal on the basis that the development would not be considered detrimental to the capacity and safety of the adjacent highway network, Vinegar Hill. The highway authority would therefore be unable to sustain an objection.

The highway authority in determining the application are also minded to point out that the proposal is not dissimilar to other existing access arrangements for multiple properties off Vinegar Hill. To conclude the highway authority do not object to the revised proposal and if the Planning Authority are minded to approve the application the highway authority recommends conditions.

Wales and West Utilities: We have pipes in the area. The developer should contact us directly to discuss their protection.

MCC Ecology - No objection subject to conditions and obligations

Hedge retention and planting is welcomed

The GI plan indicates 9 new fruit trees (plum, apple, cherry) as part of an orchard.

The biodiversity enhancements indicated on the GI plan are acceptable but require clarification on the bird boxes. The ecology report has indicated that there are potential habitats on site for a number of different species, including reptiles, badger, hedgehogs and nesting birds. The protective fencing of the trees and hedgerows required in accordance with the arboricultural report will protect some of these habitats

MCC GI and Landscape: No objection to the amended scheme

The applicant has responded to previous landscape and GI concerns. The development density has been reduced from 3 to 2 dwellings with an improved siting arrangement and reduction in the visual impact within the context of the existing built settlement. Proposed ridge heights of dwellings 1 and 2 are commensurate with the surrounding existing ridge heights.

There has been an improved landscape provision, mitigation for loss of landscape and retention and improvement of a suitable amenity area for wildflower / grassland as part of the approach to the site. There is scope for additional suitable tree species tree planting to the southern boundaries

The green infrastructure plan is proportionate to the site.

5.2 Neighbour Notification

Letters of objection have been received from 11 addresses following re-consultation on the amended scheme which whilst welcoming the loss of plot three, maintains the following key points as areas of concerns and objections.

The development will increase traffic to an unacceptable level combined with a poor access arrangement is dangerous (inadequate visibility splay and width), will have an adverse impact and become a nuisance. There is also inadequate parking provision. This traffic will also increase pollution

The proposals are an over-development of the plot and are not in keeping with the surrounding building pattern

The design of the proposed properties is out of keeping with the setting

The proposed units will cause an unacceptable level of overlooking and a sense of overbearing on neighbouring properties

There is inadequate provision within the community to accommodate the proposals, for example schooling and medical surgery provision

The impact on Ecology is not clear, the proposed mitigation is not sufficient and it is not clear how the area of amenity will be protected in the future

That the GI management plan is not sufficient and does not fully respond to the concerns raised by MCC Ecologists

The development will damage the roots of the existing trees and the number of replacement trees do not compensate the loss

Concerns over the drainage of the site and the sewers

The proposed development is not policy compliant, especially in relation to the SPG

Dangerous access for construction traffic, this traffic will cause a nuisance

Unacceptable refuse collection.

5.3 Local Member Representations

County Councillor L, Dymock requested that the application should be brought before Planning Committee.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang>

6.0 **EVALUATION**

6.1 Principle of Development

The application seeks the erection of two residential properties. The site is located within the Magor and Undy Development Boundary as forms part of the Severnside sub-region. Policies S1 and H1 of the LDP presume in favour of new residential development within development boundaries, subject to the relevant detailed planning considerations. The principle of new residential development in this location is acceptable in policy terms. PPW 10 recognises the need to provide sufficient housing in an area to meet housing need.

6.2 Sustainability

The Local Development Plan and PPW encourages sustainable development. This is a sustainable location for new housing development being located within an existing village, within walking distance to facilities such as schools and smaller convenience stores. The proposal accords with a key objective of PPW10 providing residential accommodation in a sustainable location.

6.2.1 Good Design

The application seeks to build two detached dwellings. They would be two storey, with some storage accommodation in the roof space. The dwellings would be of a contemporary design. Policy DES1 of the LDP requires that the dwellings contribute to a sense of place while its intensity is compatible with existing uses. The residential properties surrounding this site are of a variety of ages and styles, although most are detached and situated on large plots. As the site is steeply sloping with the neighbouring properties to the north set at a higher level than the proposed development, and those to the south set at a lower level, it means that there is no need for a uniform ridge height. The ridge height of the proposed dwellings is 8.7 metres. This is lower than the existing property at Pathways and the same height as the bungalow at Blue Water; it is also a similar height to the properties on Pennyfarthing Lane but higher than Walnut Tree Cottage. The development site is not visually prominent from any public vantage point. The form, scale and massing of the two proposed new dwellings respect those of surrounding properties.

Each dwelling would face north towards the access track and the main fenestration would be on

the north and south facing elevations. Each dwelling would have a footprint of 12.5 metres by 7.5 metres. The external walls would be finished in painted smooth cement render with some timber boarding on the front elevation, while the roof would be made up of grey concrete tiles. The door and window frames would be of grey colour-coated aluminium. The contemporary design of the dwellings is acceptable in design terms and reflects the character of the area as a whole, given that there is such a mix of house types and designs in this area. The design of the dwellings are respectful of the prevailing character of the area and contribute towards a sense of place. The proposal therefore accords with the objectives of Policy DES1 of the LDP.

6.2.2 Place Making

PPW 10 says that good design is fundamental to creating sustainable places where people want to live work and socialise. The special character of an area should be central to its design. In this case the layout, form, scale and appearance of the development does engage with its surroundings. The proposed new dwellings are not visually prominent within either of the Vinegar Hill or Pennyfarthing Lane street scenes but will be viewed from surrounding properties to some degree. Each dwelling would have its own private garden enclosed by hedgerows. There would also be two areas of communal amenity space, one to the north of the access track and one to the east of the site. This will contribute towards creating a sense of space, and will ensure that the amount of development and its intensity is compatible with development in the adjacent area. The design, massing and scale of the proposed dwellings reflect the local character in that it allows for large detached properties on spacious plots. The design of the dwellings and their layout will contribute to a sense of place, thus complying with one of the key objectives of PPW10.

6.2.3 Green Infrastructure

Policy GI1 of the LDP states that development proposals will be expected to maintain, protect and enhance the diverse green infrastructure network within the county. There is opportunity for enhancements to the GI in this location. A Green Infrastructure and Management Plan was submitted as part of the application. It shows that each plot will have a private residential curtilage as well as an area of amenity space to the north of the access track. The amenity space would be planted with a flowering lawn mix and fruit trees. The existing hedgerows around the boundary of the site would be retained and maintained. Ecological enhancements would also be incorporated including bat and bird boxes. There is a further amenity area to the east of the site that is to be left as grass.

6.2.4 Energy

PPW states that the planning system should support new developments that have very high energy performances, support decarbonisation, tackle the causes of climate change and adapt to the current and future effects of climate change through the incorporation of effective mitigation and adaption measures. In this case the applicant has stated that "consideration will be given to providing high standards of insulation and the use of renewable energy to achieve a climate responsive and resource efficient design". PPW 10 5.7.8 states that the benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance and encourages the planning system to 'facilitate the integration of sustainable building design principles in new development'. There are opportunities for this proposal to include PV and proposed landscaping to help to reduce rainwater run-off and improve air quality by using appropriate species and materials selection. Appropriately located tree planting and rain gardens will also assist with any SuDS provision.

6.3 Landscape

The site is not visually prominent within the wider landscape and is not visible from many public vantage points. The existing hedgerows on the boundary of the site will be retained and several new hedgerows will be planted within the site to subdivide the plots. The application includes a Green Infrastructure Plan which shows a strip of amenity land on the northern part of the site, fruit trees will be planted in this strip and the rest will be laid to grass. The green infrastructure plan is proportionate to the site. The GI officer has requested a sum of £500 to be secured through a S106 to contribute to improvements to the local PROW network. However planning officers do not consider this to be justified.

6.4 Biodiversity

The application is informed by an ecological assessment. The Tree Protection Plan shows that the existing hedgerows will be retained and protected as part of the works. The GI plan indicates new hedgerows will be planted to distinguish plot boundaries, this is welcomed and will contribute to providing net benefit for biodiversity. The ecology and tree reports provide that the trees on site had recently been significantly reduced in height, the tree report provides that these trees, totalling 15 will be removed as part of the development. The GI plan indicates 9 new fruit trees (plum, apple, cherry) as part of an orchard. MCC Ecologists have suggested that there could be additional tree planting on the amenity space to the south of the site but this is outside the application site so this would not be feasible, nor reasonable. Appropriate management of the strategic GI areas (Hedgerows, Trees, wildflower grassland areas) will be key and MCC Ecologists considered that they need to be secured as a condition of the consent via a GI management plan. The biodiversity enhancements indicated on the GI plan are acceptable these include bird boxes and bat tubes. MCC ecologists require further details and this can be secured by condition. The proposed scheme does accord with nature conservation interests and complies with policy NE1 of the LDP.

6.5 Impact on Amenity

There are 10 residential properties adjacent to this site. Immediately to the west of plot 1 are no's 29, 31, 33 and 35 Pennyfarthing Lane. These are set at a similar height to the proposed dwelling although no 35 is set at a slightly lower level. These properties all back onto the rear/side boundary of plot 1. No 29 is the closest to plot 1. The side boundary of plot 1 would be approximately 13.6 metres from the common boundary and 21.6 metres from the rear elevation of number 29. Because of the orientation of these two dwellings and the intervening hedge along the common boundary there would be no direct overlooking or unacceptable loss of privacy to the occupiers of no 29. The garden of number 29 comes between no 31 and the proposed plot. No's 33 and 35 are further away and look towards the end of the garden of plot 1. To the north of Plot 1 is no 4 Broadlands, and this property is set at a higher level and is approximately 20 metres from the front elevation of plot 1. Plot 2 is situated to the east of plot 1. To the south of plot 2 is amenity open space and to the north is Blue Water House. Blue Water House is set at a higher level than plot 2 and approximately 19 metres away.

The Supplementary Planning Guidance for Infill Development (Policies H1, H2 and H3) was adopted in November 2019. The overarching objectives for infill development as set out in this SPG are to:

- a. Make efficient use of greenfield and brownfield land.
- b. Protect residential amenity, both of new and existing occupiers.
- c. Make a positive contribution to the creation of distinctive communities, places and spaces.
- d. Respond to the context and character of the area.
- e. Be of a good design, which is sustainable.
- f. Consider and embrace the Green Infrastructure (GI) functions, natural environment and ecological assets.

In this case the plot size ratios do reflect those prevailing in adjacent properties. The two plots are orientated to maximise the penetration of sunlight with a lot of glazing on the rear elevation that face south. The proposal does respect the scale, form and massing of existing development in the area. The privacy and amenity to existing residents is an important factor. As far as the effect of the new dwelling is concerned, the Council's normal privacy standard for new development is that there should be minimum of 21m between directly facing elevations containing main habitable windows. In this case the rear elevations of the two plots do not directly overlook any existing properties. The front elevations do look towards 4 Broadlands and Blue Water House, but at an oblique angle and a distance of over 19 metres, this is considered to be acceptable and will not result in a significant loss of privacy or overlooking. The privacy distance between a rear elevation and a side elevations is generally accepted to be 15 metres. In this case the properties on Pennyfarthing Lane would look onto the side elevation of plot 1 and there are no windows on that side elevation, only a doorway. The proposal also conforms to the 25 degree rule outlined in the

SPG with regards to light being able to enter habitable rooms. The 45 degree splay line rule would not apply in this case as the existing dwellings are a sufficient distance from the proposed one. The proposal would therefore accord with the advice given on the SPG with regards to residential amenity and the layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties.

6.6 Highways

6.6.1 Sustainable Transport Hierarchy

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. In this case the site is located within a village within walking distance to a primary school and some small local shops and therefore in a relatively sustainable location.

6.6.2 Access / Highway Safety

The Highway Authority does not consider a development of this size and scale will be detrimental to the safety and capacity of the immediate highway network around Vinegar Hill. The increase in traffic movements generated by these two additional dwellings will not be significant over and above the number of vehicles using Vinegar Hill at the present time. The Highway Authority has considered the impact on future housing developments elsewhere on Vinegar Hill and does not consider that the impact of those combined with the current proposal will have a detrimental impact on highway safety, and would therefore be unable to sustain an objection. The Highway Authority in determining the application is also minded to point out that the proposal is not dissimilar to other existing access arrangements for multiple properties off Vinegar Hill. There is sufficient capacity within the adjoining road network to accommodate additional traffic likely to be generated by the proposed new dwellings. The Highway Authority acknowledge that the use of Vinegar Hill has increased over the years following considerable infill development being permitted, the communities' concern regarding the current status and use of Vinegar Hill and the impact the proposal will have on traffic and highway safety, but the Highway Authority also note that the road already provides access to in excess of 50 residential properties and the impact of the increased traffic from two additional properties would be minimal.

It is proposed that the two new dwellings will be served off the existing access into Pathways. This existing access is between two properties Gwyn Royson and Lydstep. Gwyn Royson is set at a lower level than the access road and has a stone wall along the boundary with the existing access. Lydstep is set at a higher level but has windows on the elevation facing towards the access. The increase in traffic resulting from two additional dwellings will have an impact on the amenity of those two properties especially with regards to disturbance from car headlights but this disturbance is not so great as to justify refusal of the scheme. The access track is narrow for a length of approximately 40 metres; it is constrained by the properties on either side so there is little space to increase the width of the access. There is one passing bay but this is often used as a parking space. The width of the access is not of great concern given the limited amount of traffic that will be using it. Once inside the site the access track can be widened with passing places, turning areas and parking spaces. The proposed site plan - Highways, Drawing No. Pathways016_02 has considered the previous highway recommendations and demonstrated that the proposed access is in excess of 4 metres wide for a distance of 10+ metres from its junction with Vinegar Hill. This is considered an acceptable arrangement to enable those vehicles who are accessing and egressing to pass one another. It is not necessary to make any improvements to the access but it could be beneficial if the access could be improved. This has been requested by a condition.

6.6.3 Parking

The adopted Monmouthshire Parking Standards require one off street parking space per bedroom up to a maximum of three for each dwelling. In this case the two new dwellings will require three parking space each as will the existing property. The layout plan shows each dwelling will have three off road car parking spaces will be provided, this is in accordance with the adopted standards.

6.7 Affordable Housing

Policy S4 of the LDP requires that all new housing developments contribute to affordable housing within the County. Where 5 or more dwellings are proposed, the policy requirement for Severnside is 25% of dwellings to be affordable and provided on site. Where capacity is below this, a financial contribution will be sought towards off-site affordable housing. In this case the contribution for each new dwelling would be £10579.00, a total of £21,158 in accordance with Policy S4.

6.8 Flooding

The site is not in a designated Flood Zone. The Council's Flood Team would expect a detailed plan showing how the site will be drained and flood risk managed so as not to increase the flood risk off site; this can be ensured by condition.

6.9 Drainage

6.9.1 Foul Drainage

The foul water will connect to a mains sewer. This complies with the advice from NRW that in a sewered area the preference is to connect into a mains sewer.

6.9.2 Surface Water Drainage

SuDS techniques will be incorporated into the development. The applicant has had a SAB pre-app meeting with the Council's drainage engineers. A full application can be made if planning permission is granted but the possible SuDS components could include permeable paving and separate soakaways for each dwelling, infiltration trenches, swales, filter drains and rainwater gardens/SuDS planters. Water butts will be provided for each building to demonstrate compliance with the second principle to "treat rainfall as a valuable natural resource". The SAB authority have no objection to the proposal, the site is of sufficient size to accommodate sustainable drainage measures. A condition requiring details of the surface water to be submitted has been included.

6.10 Gas Pipe

There is a Gas Transporter Pipe running through the site. Wales and West Utilities advise that the applicant must not build over any of this plant or enclose their apparatus. The pipe line runs along the existing driveway and it is not proposed to develop within its easement.

6.11 Planning Obligations

A financial contribution of £21,158 for affordable housing will be required.

6.12 Response to the Representations of Third Parties and Community Council

6.5.1 The community council and several residents raised concerns over the amount of traffic using Vinegar Hill and the access into the site, this has been discussed in detail in the main body of the report and the Highway Authority are satisfied that the proposal will not pose a danger to users of the highway.

Local residents are concerned that the proposal constitutes over-development. In this case this is a large site and there is adequate space for two additional dwellings plus amenity space. The proposed plot sizes are similar to other properties in this area of Undy. The design of the properties is considered acceptable and the provisions of the SPG on Infill Development have been met. This is discussed in greater detail in the main body of the report.

Residents are concerned that the proposal will put a strain on community facilities such as schools and surgeries. The proposal is for two additional dwellings and thus the demand on local services from two dwellings is negligible in relation to the population of Magor with Undy as a whole. In relation to property prices, the devaluation of existing property prices is not a material planning consideration.

Local residents consider that the roots of the proposed trees will damage a retaining wall and that the trees will overhang neighbouring properties and block swales. Any resident is able to plant trees in their garden and it is then their responsibility to ensure that the trees are properly maintained. The proposed SuDS system will require technical drainage approval by the Council's engineers prior to any works commencing on site, this will be assessed in detail to ensure that it does not lead to any flooding of adjoining properties.

Local residents have asked that the amenity space to the south-east of the site be planted with trees and conditioned that no structures be built there. There is ample planting proposed elsewhere on site and it is not considered necessary to require additional planting on the more open area in the south-east corner of the site. In terms of additional development, it would be unreasonable to condition that no structure be erected on this land, but any large outbuildings or new dwellings would require the benefit of planning permission and each case would be assessed on its merits.

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

6.13.1 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.

6.14 Conclusion

6.14.1 The site is located within the Magor with Undy Development Boundary and is in a relatively sustainable location. The principle of new residential development is acceptable and the proposal is policy compliant. The design of the new dwellings is acceptable and is in keeping with the character of the area. The proposal accords with the advice and guidelines in the adopted SPG on Infill Development. The access into the site is adequate for the proposed use and the highway authority offer no objections. The proposal accords with the objectives of PPW10 and the policies of the LDP.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

A financial contribution of £21,158 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 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 dwellinghouses or any outbuildings shall be erected or constructed.

REASON: To protect residential amenity in accordance with policy EP1 of the LDP

4 The existing access shall be improved in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any development commences and shall be completed in accordance with the approved details before the development is brought into beneficial use.

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

5 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of Vinegar Hill. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP.

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

6 Prior to any building construction works including groundworks, site clearance, the means of access shall be constructed in accordance with the approved plans and turning provision shall be provided to enable all delivery, construction and contractor's vehicles turn within the curtilage of the site as well as providing for suitable levels of on-site parking.

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.

7 No development shall begin on site until the LPA has approved in writing the surface water drainage system. The system will need to manage surface water to comply with National Standards and legislation. The rate of discharge will need to be reduced to the greenfield run off rates with a surface water system storing and controlling flood water up to an including the 100 year + 30% climate change event. The applicant will also need to identify any overland flow routes if the surface water system exceeds and show that these overland flows do not increase flood risk to any property on or off the development site.

REASON: To ensure adequate protection and mitigation measures are included as part of the proposal surface water run-off which would lead to increased risk of flooding as required by Policy SD3

8 The development including any demolition, ground works, vegetation clearance) shall be carried out in strict accordance with methods provided in section 5 of the approved Land at Vinegar Hill, Magor - Preliminary Ecological Appraisal Report - produced by Wildwood Ecology dated 14.01.2020

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

9 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" shall be submitted to and approved by the local planning authority and shall include integrated bird nesting and bat roosting provision identifying location, positioning and specification. The scheme shall provide for the future management and an implementation timetable. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1

10 Lighting Plan

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 plan including lighting type and specification, demonstrating protection of roosting and foraging/commuting habitat for bats has been agreed in writing with the LPA.

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

11 A proportionate Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall include the following;

a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan including those that are to be privately managed and those

that are to be part of strategic landscaping.

a. Trees and Hedgerows

b. Green corridors and boundaries

b) Opportunities for enhancement to be incorporated

a. Management of streams and SUDS for botanical species diversity and / or protected species including reptiles

b. Management of tree and hedge buffer strips to increase and maintain diversity, connectivity and screening

c. Maintain habitat connectivity through and or around the perimeter of the site for species

c) Trends and constraints on site that might influence management of above features.

d) Aims and objectives of management.

e) Appropriate management options for achieving aims and objectives.

f) Prescriptions for management actions.

g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).

h) Details of the body or organization responsible for implementation of the plan.

i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery as appropriate. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

12 Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

o Detailed scaled plans, showing existing and proposed levels, appropriate cross sections with site levels

o Proposed and existing utilities/services above and below ground.

o Soft landscape details shall include: means of protection, planting plan, specifications including cultivation and other operations associated with grass and wildflower establishment.

o Hard surfacing materials.

o Minor artefacts and structures (e.g. Refuse or other storage units, signs and lighting)

o A landscape management plan to inform a 5 year landscape establishment period clearly identifying areas of responsibility

Reason: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan.

13 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1.

14 Before any works commence on site, details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

Reason: To ensure the provision afforded by appropriate landscape design and Green

15 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.

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 building(s) 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 ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features

INFORMATIVES

1 Following the implementation of the Sustainable Drainage (Approval and Adoption) Order 2018 the applicant will require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government Standards. The SuDS scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing on site. It is recommended that the applicant approach the SAB for Pre App discussion prior to formal submissions to the LPA. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>

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, I would be grateful if you would inform us on SAB@monmouthshire.gov.uk so we can update our records accordingly.

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

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Application Number: DM/2020/00537

Proposal: Two storey domestic extension

Address: Rear Barn, Manor Farm, St Bride's Road, St Brides Netherwent, Caldicot

Applicant: Mr Jon Moore

Plans: 1495:SK:01 - , 1495:SK:02 - , 1495:SK:10:02 - , 1495:SK:10:04 - , Location Plan - , Supporting Statement - ,

RECOMMENDATION: REFUSE

Case Officer: Mr David Wong
Date Valid: 20.04.2020

This application is presented to Planning Committee as the Local Member, Councillor Phil Murphy, would like Members to consider the policy position in relation to the extension to this converted barn

1.0 APPLICATION DETAILS

1.1 Site Description

Rear Barn is located along St Bride's Road, St Brides Netherwent, in the open countryside. The application site comprises a former agricultural building which has been converted into residential use.

1.2 Proposal Description

1.2.1 The application seeks permission to further extend the existing barn. The proposal is a two story extension and it would provide a new open plan kitchen, dining room and family room at the ground floor and a master bedroom with en-suite bathroom facilities at the first floor.

1.2.2 The proposed extension will be located on the north elevation of the barn. The scheme has been amended and reduced following communication with the agent but it is still considered to be unacceptable because the proposal is contrary to Policy DES1 and H4 of the Monmouthshire Local Development Plan (LDP).

1.2.3 The proposed extension has a footprint of 5m (width) by 14.5m (length) and has a ridge height of approximately 6m. The proposed extension will have a mix of external finishing materials involving a pantile roof, stonework, render, brick quoins and black painted gutters and bargeboards.

1.2.4 It is noted that the appearance of window and door frames on the east and north elevations of the proposed extension do not match with those on the west facing elevation. Although the proposed material is not specified, based on the submitted drawing, the ones on the west facing elevation would be of timber construction and the remaining ones feature a metal frame.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DC/2007/00851	Alterations to approved scheme (Planning Reference DC/2006/00156)	Approved	14.09.2007
DC/2006/00156	Conversion of barn – alteration to approved scheme and extensions (previous permission M/4041)	Approved	15.11.2006
M/4041	Conversion of barn into dwelling.	Approved	15.11.1999

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
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use

3.1 SUPPLEMENTARY PLANNING GUIDANCE

Conversion of Agricultural Buildings Design Guide SPG April 2015:
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/H4-LDP-Barn-Conversion-SPG-April-2015.pdf>

LDP Policy H4 (g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG April 2015:
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/LDP-Policy-H4-g-SPG-April-2015.pdf>

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

Caerwent Community Council: No objection.

Natural Resources Wales: No objection. However, please note that due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6:

'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on a web site link supplied in the response.

5.2 Neighbour Notification

Five support letters received. In summary, the neighbours have no objection and they consider the proposed design is in keeping with the area and will enhance the appearance of the building. The development does not impinge or affect any neighbouring properties, whilst giving the space needed for a modern family.

5.3 Local Member Representations

Councillor Murphy would like Members to consider the policy position in relation to extension to this converted barn.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The barn is in the open countryside and therefore there is a presumption against development unless there is specific support within national or local policy. In this case, the dwelling in question is a converted barn in the open countryside. In terms of LDP policies, Policy H4 of the Local Development Plan (LDP) relates to the conversion / rehabilitation of a building in the open countryside for residential use and it states that the same criteria will be applied to proposals to extend buildings that have already been converted. Therefore, Policy H4 of the LDP is applicable to this application.

6.1.2 LDP Policy H4 under criterion a) states that: 'the form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building' and criterion f) provides that 'the building is capable of providing adequate living space (and ancillary space such as garaging) within the structure. Only very modest extensions will be allowed and normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn'.

6.1.3 As highlighted above, Policy H4 allows only 'very modest extensions' to barn conversions located in the countryside. Therefore, in principle, extensions are allowed if they are very modest. The meaning of modest is further explained within the relevant Supplementary Planning Guidance (Rural Conversions to a Residential or Tourism Use (Policies H4 and T2)). Paragraph 3.18 of this SPG states that... "The starting point for rural conversions should be the conversion of the existing structure without the need for extensions. However, any such extensions would need to be carefully assessed to ensure that any additions respect and harmonise with the existing building in relation to its size, scale and form. Extensions must be unobtrusive and subservient to the existing building in every respect. Extensions that would introduce incongruous elements will not be permitted".

6.1.4 In this case, the property has had the benefit of two applications granted in 2006 and 2007 which enabled the following enlargements:

- a) Two single storey extensions (subject to application: DC/2006/00156)
- b) Increase of the overall height of the entire barn (subject to application: DC/2007/00851).

6.1.5 The previous 2006 and 2007 planning consents highlighted above have both been implemented. Therefore, the barn has already seen an increase of around 20% in volume since the residential conversion was originally approved because of these previously approved extensions.

6.1.6 Taking into account that the existing single storey kitchen element will be removed to enable this development, the two storey extension now proposed would still increase the size of the already extended barn by around 65%, which would be a significant increase and would clearly not be a 'very modest' extension. When considered in association with the previous extensions, the

overall increase in volume would be approximately 80% of the original barn and, therefore, contrary to the principle of Policy H4 of the LDP.

6.2 Visual/Design Considerations

6.2.1 The existing barn is traditional and simple in form and design and, despite the previously approved extensions, the previous schemes retained this character.

6.2.2 It is noted that the west elevation of the proposed extension is to be set back by some 1000mm from the main barn and with an appearance that is similar to the one on the main barn. The width of this proposed extension is only marginally narrower than the main barn (some 500mm) and it has the same ridge height as the main barn. This new two storey extension is to be built along the northern elevation of the main barn and as a result, when it is viewed from the road, it would introduce a double roof with a central valley design to this simple linear barn so is considered to be an incongruous form of development.

6.2.3 In addition, the proposed extension would measure 14.5m long (the upper floor is 12m long), this would significantly change the character of the barn by altering its form and screening the majority of the western elevation of this traditional barn. In addition, the proposed fenestration arrangement (along with the materials) and the new flat-roofed single storey projection on the east and north elevations would not be in keeping with the existing character of the barn. As a result, the proposal would erode the character of the original barn to an extent whereby the traditional, simple appearance of the barn will be lost, which is contrary to Policy H4 criterion a), that requires the form, bulk and general design of the proposal, including any extensions, to respect the rural character and design of the building.

6.2.4 In addition, the proposed fenestration and the flat roofed single storey element on the east elevation are modern and conflict with the traditional character of this barn. As a result, the proposed extension would cause unacceptable harm to the character of the original barn to an extent whereby the traditional, simple appearance of the barn will be lost.

6.2.5 The proposal is also considered to be contrary to Policy DES1, particularly criterion f) that requires the use of appropriate building decoration, pattern and styles to enhance the appearance of the proposal. It is also in conflict with Policy H4 criterion a) and Policy DES1 criterion c) which require alterations and extensions to rural buildings to respect their form and appearance. Furthermore, this proposal should also have regard to the Council's Conversion of Agricultural Building's Design Guide SPG; Section 7.0 sets out that extensions "should follow the existing traditional agricultural character of the building and be subservient to the existing building in every respect", which this development fails to do.

6.3 Residential Amenity

6.3.1 The proposed extension would not have an adverse impact on the residential amenity of neighbours. The closest dwelling to the south of the barn is the Lower Middle Barn which is less than 8m away. However, the proposed extension is on the elevation on the opposite side of the barn and, therefore, will have no impact.

6.3.2 Manor Cottage is to the north of the proposed extension and is approximately 30m away. Therefore, there is sufficient separating distance to ensure there would not be an adverse impact as a result of the development.

6.3.3 It is considered that the proposal would not have an unacceptable impact on residential amenity and would be in accordance with LDP Policy EP1.

6.4 Biodiversity Considerations

6.4.1 The barn conversion has internal vaulted ceilings, is well maintained, and well-lit externally. The building was inspected and there are no missing tiles, no cracks and the bargeboards are well maintained.

6.4.2 In addition, no significant biodiversity issues have been identified at the site. Therefore, it is, therefore, considered to have limited value for bats and no further information in relation to bats was considered necessary. The proposal is acceptable in accordance with Policy NE1.

6.5 Highway Implications

6.5.1 There is ample parking and turning provision within the site. Therefore, no issue of this kind is anticipated.

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 proposed extension does not comply with Policies DES1, H4 and the relevant SPGs (Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) & Conversion of Agricultural Buildings Design Guide) and has an unacceptable impact on the appearance of the original barn and is recommended for refusal.

7.0 RECOMMENDATION: REFUSE

Reasons for Refusal:

1 The cumulative impact of the proposed extension together with the previously approved extensions are not considered to be very modest and would cause unacceptable harm to the traditional character of the original barn and would result in a development which is out of keeping with the rural setting. The proposal is therefore contrary to criterion f) of Policy H4 of the Monmouthshire County Council Local Development Plan

2 The resultant bulk, form and appearance of the proposed extension would be incongruous to the traditional character of the original barn, harming the appearance of the building contrary to criterion a) of Policy H4 and criteria c) and f) of Policy DES1 of the Monmouthshire County Council Local Development Plan.

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Application Number: DM/2020/00616

Proposal: Retention of existing 1.65m high close boarded timber fence and reduction of existing ground level by circa 300mm

Address: 21 Jasper Tudor Crescent, Llanfoist, Abergavenny, NP7 9AZ

Applicant: Mr & Mrs S Johnson

Plans: All Drawings/Plans BP2612/00 - F,

RECOMMENDATION: APPROVE

Case Officer: Mr Andrew Jones

Date Valid: 26.06.2020

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

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to a detached property on a modern housing estate on the edge of Llanfoist. The original garden was levelled in July/August 2017, this saw the garden raised between 120mm and 810mm along the southern boundary and a new close board timber fence (1.65m high) also installed along this boundary.

Subsequently planning application DC/2018/00218 for the "retention of timber close boarded fence on south boundary, and raise level of no. 21 garden between 120mm and 810mm over the fence length" was refused by Planning Committee in March of this year for the following single reason:

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.

1.2 Value Added

No amendments to the proposal have been made following submission of this application.

1.3 Proposal Description

Planning permission is now sought to lower the entire grassed rear garden area of the property by 300mm. The garden fence erected along the southern boundary would be reduced from 1.65m to 1.37m with 430mm of trellis installed on top. A new railway sleeper raised bed would be installed where the lowered garden meets the fence.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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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.	Refused	16.03.2020

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

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

Llanfoist Fawr Community Council - The consensus view of those Community Council Members who responded is to take a neutral stance on this matter as Members consider that this application rests on technical planning issues which should be determined by the Planning Authority.

MCC Flood Risk Management - I have no objection to the proposed application but offer the following comment:

I note that alleviation of damp problems in the garage of No 20 is proposed. No details of these works are provided and it is not clear whether the works make up part of this application. Our team does not have technical expertise with regard to damp in buildings. Should review of these measures be required I recommend that MCC's Building Control team are consulted. It may be advantageous for a detailed scope of works, already agreed with the owner of No 20 to make up part of this application.

MCC Building Control - Has confirmed Building Regulation Consent is not required.

5.2 Neighbour Notification

One letter of objection received raising the following areas of concern:

- Fence Height
- Land raising is still above permitted development
- The building of the wall has altered the natural flow of water drainage
- The drainage put in place in November 2019 has not alleviated the problems caused
- Inaccurate plans
- Original level of the land of No 21 was always the same as No 19
- New fence does not allow maintenance works to be carried out
- Applicant has already planted in the area which towers above boundary
- Not contacted before works took place, breach under Party Wall Act
- Previous decision has not been upheld by Planning Department.

5.3 Local Member Representations

County Councillor Giles Howard - Requests the application is presented to Planning Committee.

6.0 EVALUATION

6.1 Good Design/ Place making

6.1.1 As per the previous application the works that have been undertaken are largely only visible from within the application site and from the neighbouring dwelling No 19 Jasper Tudor Crescent, and also No 20. The impact on the amenity of these properties is considered in sections 6.2 and 6.3 below. However, the provision of a close boarded fence between neighbouring properties is prevalent within the wider residential estate. The reason for refusal of application DC/2018/00218 did not relate to visual impact and therefore with regard to this material consideration the development is considered to be in accordance with relevant criteria set out within Policy DES1 of the adopted LDP.

6.2 Impact on Residential Amenity

6.2.1 For the purposes of clarity the impact upon the two adjoining properties (Numbers 19 and 20 Jasper Tudor Crescent) shall be addressed separately.

6.2.2 No 19 Jasper Tudor Crescent

6.2.3 No 19 sits immediately to the south of the application site. The rear garden area of No 19 and the rear corner of the property directly face the fence as installed. The fence in situ, which remains unauthorised in planning terms, and any associated visual impact did not form a reason for refusal by Planning Committee in respect of application DC/2018/00218.

However, the fence (standing 1.65m high) which is elevated above the fence of No 19 as a result of the ground works is considered by officers to have a harmful impact in its present form. This application proposes to overcome this concern by reducing the solid extent of the entire fence by 280mm with trellis (measuring 42cm at its highest point) to be installed along the full extent of the fence to the southern boundary.

Officers are of the view that the current proposal would alleviate the overbearing impact of the solid fencing but would allow for light to go through the trellis fencing and at the same time still give acceptable privacy to both parties.

6.2.4 No 20 Jasper Tudor Crescent

6.2.5 No 20 sits to the west of the application, it has a detached garage (approximately 6m in length) that runs along the boundary with the application site and a small area of garden (approximately 3.3m in length) to the south to the rear of the garage.

Owing to the changes in ground levels, which is at its greatest on the western edge of the site at present, the current situation affords overlooking in the direction of No 20 when stood in the application site facing towards the small section of garden to the rear of No 20's garage. The proposed reduction in ground level of 300mm would improve this and this can be improved further by a condition requiring the trellis to be installed along the top of the existing fence along the western boundary with No 20 running from the southern boundary to the rear of the garage of No 20. Officers are of the view that on this basis, subject to condition, the issue of loss of privacy to No 20 can be appropriately mitigated.

6.2.6 Therefore in respect of the two adjoining properties, subject to appropriate conditioning to secure the implementation of the current proposal, it is not considered to have an unacceptable impact on their residential amenity. The harmful overbearing impact of the unauthorised fence in situ would be mitigated; furthermore the current proposal 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 As part of the previous application the Flood Risk Management team within the Council were engaged for professional advice on drainage matters. 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. The advice from the Flood Team was that it was impossible to be certain, but they did advise there was a potential mechanism for the works to be causing the problem or exacerbating an existing problem.

During the course of the previous application a drainage solution was installed, December 2019, that saw the owners of No 21 install a French drain (a shallow gravel-filled trench) in the garden of No 19, discharging into the surface water drainage system of No 19. However, the owner of No 19 had anticipated that the drainage solution would have included a land drain being laid along the grassed area to the rear of No 19. Accordingly, the Local Planning Authority (LPA) understands that the removal of all items installed at No 19 are subject to legal proceedings outside of the planning process. On this basis the drainage solution that was installed can no longer be considered.

As noted in Section 1.1 of this report the reason for the refusal for the previous application by Planning Committee was based on "the harmful effect on neighbour amenity from surface water, as a result of the changes to the garden level". The reason for refusal did not specify which neighbouring property was being harmed, therefore as per Section 6.2 above the impact of drainage shall be considered in separate in respect of both the adjoining properties in the interest of clarity.

6.3.2 No 19 Jasper Tudor Crescent

6.3.3 An objection has been maintained from No 19 in respect of the drainage issue, the correspondence received asserts that the drainage solution as installed did not alleviate the issues in respect of the ground condition of No 19 and that the proposal to reduce the ground by 300mm would also not solve the issue.

The correspondence also disputes the original garden level, as detailed on the submitted plans, is incorrect and the original level of the land at No 21 was always the same as No 19. The LPA is not in possession of any evidence to confirm or reject this observation, no topographical data in respect of the original rear garden of No 21 as originally built is known to exist. With regard to the soil levels, the applicant has maintained that ground from the higher side (the east) was moved to the lower side (west) to create the current level. Once again the LPA is not in possession of any information to the contrary.

Whilst the reduction of ground levels proposed across the entire rear garden by 300mm would not revert the ground back to its original uneven topography, given the lack of evidence as to what this would be (particularly given the third party dispute with what is shown on the submitted plans) it is not possible to confirm definitively the overall increase in ground level now proposed. However,

officers are of the view that the reduction in ground is materially different to that previously refused by Planning Committee and brings the proposal closer to what the original levels would have been. Taking the rear patio area of No 21 as a fixed point of reference, the rear garden of No 21 would have at least in part have always been higher than No 19. Furthermore the garden areas feature heavy clay soil - typical of the natural soils of much of Monmouthshire.

Having regard to the original advice provided by the Council's Flood Risk Team, that it was impossible to be certain that the works in situ were responsible for causing the problem or exacerbating an existing problem, officers are of the view that that subject to the implementation of the reduction of ground levels there are no grounds to recommend refusal. Policy SD4 of the LDP seeks proposals "to reduce surface water run-off and minimise its contribution to flood risk elsewhere". On the basis of the evidence available and having regard to the Council's own drainage professional it is considered that the proposal does not fail to accord with this policy.

6.3.4 No 20 Jasper Tudor Crescent

6.3.5 The changes to the ground level had result in earth being moved up against the garage wall of No 20 along the eastern boundary. It is accepted that as the levels are in situ then in the long term this could lead to damp problems in the garage of No 21. The proposed reduction of the levels by 300mm would significantly improve this situation; in addition a condition can be attached requiring measures (including external tanking) to safeguard issues of damp and water ingress in respect of the garage wall. Whilst approval under Building Regulations would not be required for such works, their technical advice could sought as part of the need to agree details formally through such a condition.

Therefore subject to appropriate conditioning it is considered that the proposal would not adversely impact the garage or garden area of No 20 in respect of any additional surface water run-off.

6.4 Response to the Representations of Third Parties

6.4.1 A number of the concerns raised in the third party correspondence have already been addressed in the preceding sections of this report. With regard to the accuracy of the plans submitted, notwithstanding details provided within the cover letter, the plans are considered enforceable in respect of both the ground and fence levels detailed. With regard to the dispute over the original ground level of the garden of No 21, as shown on the plans, this point is addressed in para. 6.3.3 of this report.

The issues of maintenance of the fences being compromised given their physical attachment is a private civil matter between the relevant interested parties as are the requirements set out in the Party Wall Act.

With regard to the previous decision (DC/2018/00218) of Planning Committee of 03/03/2020 not being upheld by the Planning Department, the applicant is entitled to submit a revised application the submission of which was delayed due to the lockdown in respect of the global COVID19 pandemic, effective of 23/03/2020. However, if Members of Planning Committee were minded to refuse this current application then an Enforcement Notice requiring the removal of the breach of planning control would be issued concurrently with the decision notice of this application.

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

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

6.6 Conclusion

6.6.1 For the reasons detailed in the preceding sections of this report, officers are of the view that the revised proposal, subject to detailed planning conditions, is acceptable having regards to the

impact on the material planning considerations (both drainage and residential amenity) of the two adjoining properties No's 19 and 20 Jasper Tudor Crescent.

With regard to the former of these two issues, and in the absence of definitive evidence to the contrary, Officers have taken the advice of the Council's relevant specialist internal consultee in respect of drainage and the recommendation is formed on this basis. In addition areas that are of identified harm based on the works in situ, can be acceptably overcome through the imposition of appropriate planning condition, as set out in this report.

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 The entire rear grassed garden area shall be reduced by 300mm in accordance with approved drawing BP2612/00 Rev F within 3 months of the date of this permission.

REASON: To safeguard local residential amenity in accordance with Policies EP1 and DES1 (d) of the adopted Local Development Plan.

3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of revised fence line and trellis as shown on drawing no. BP2612/00 Rev F, 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 in accordance with Policy DES1 (d) of the adopted Local Development Plan.

4 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 in accordance with Policies EP1 and DES1 (d) of the adopted Local Development Plan.

5 The fence shall be reduced and the trellis panels installed in accordance with drawing BP2612/00 Rev F within 2 months from the date of this permission and retained in perpetuity. Notwithstanding the plans hereby approved, the trellis panels (as detailed in BP2612/00 Rev F) shall also be installed along the top of the existing fence along the western boundary with No 20 running from the southern boundary to the rear of the garage of No 20.

REASON: To safeguard local residential amenity in accordance with Policies EP1 and DES1 (d) of the adopted Local Development Plan.

6 Within 2 months of the date of this permission a scheme for damp proofing and ground retention along the western boundary with No 20 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within 3 months of agreement and be retained as such in perpetuity.

REASON: To safeguard local residential amenity in accordance with Policies EP1 and DES1 (d) of the adopted Local Development Plan.

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.

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Proposal: Variation of condition 3 of planning permission DM/2019/01480 to enable up to 4 touring caravans to be parked on site for the use permitted under planning permission DM/2019/01480, and removal of condition 4 (the limitation to a personal consent) from planning consent DM/2019/01480

Address: Land Adjacent Sunnybank, A48 Crick to Parkwall Roundabout, Crick, Monmouthshire

Applicant: Mr. Martin Flynn

Plans: Location Plan

RECOMMENDATION: Split decision

Case Officer: Mr. P. Thomas

Date Valid: 07.07.2020

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

1.0 APPLICATION DETAILS

1.1 The application DM/2019/01480 that sought planning permission for the change of use of land to accommodate two park homes and up to four touring caravans – for Traveller needs (private family site only) was approved on 14 February 2020 subject to conditions. The applicant now seeks to modify condition 3 and remove entirely condition 4 of that permission.

Condition 3 states:

3. Notwithstanding the details of the approved plans, the development hereby approved shall be limited to the installation of two park homes as detailed and the erection of the utility buildings.

No part of the application site shall be used for touring caravans.

REASON: More than two park homes on the site would intensify the use and would constitute unjustified development relative to the identified demand for such facilities evidenced by the 2016-2021 Monmouthshire County Council Gypsy and Traveller Accommodation Assessment. The increase in development would be unacceptable with regards to the visual impact on the character and appearance of the application site and wider area in compliance with the LDP policies S13, S17, EP1 and DES1.

The reasons behind the applicant seeking the modification of condition 3 are set out as follows:

It is considered unreasonable to give permission for a small site (for Traveller needs) for a family of Irish Traveller origin and not allow some touring caravans on that site. It is requested that this condition to be removed or changed to allow the four touring caravans on site for the personal use of the applicant and his immediate family.

The applicant reluctantly agreed to the removal of touring caravans at the Planning Committee meeting in February as he thought he wasn't going to get a future home for his family, agreeing only on the basis that he thought the permanent residency on the site for his and his son's family had to take priority.

The applicant's advisors Travelling Ahead have advised officers that it is normal practice for any nomadic family's way of living to own and travel in caravans. Travelling may be reduced these days in comparison to the past but family life still revolves around caravans and they are also needed for older children to sleep in as they reach young adulthood to ensure separation of the sexes in keeping with the very important Gypsy and Traveller cultural traditions. It is considered that the reasons given to require the caravans not to be part of the permission which related to visual appearance of the site should be challenged – Travellers should not have to compromise on their traditional ways of life when there is a lack of site provision for them and they are trying to provide for themselves. Not only does human rights legislation protect the rights of Romany and Travellers to receive respect for their home and family life but the Court of Appeal, in *The Mayor and Burgesses of the London Borough of Bromley v Persons Unknown* [2020] EWCA Civ 12, has delivered a unanimous judgment reaffirming the rights of the Romany ('Gypsy') and

Traveller community to live in accordance with their traditional, nomadic way of life and reaffirms the centrality of a nomadic lifestyle to Romany and Traveller tradition and culture.

The recent court judgement makes clear that:

"The Court considers that the applicant's occupation of her caravan is an integral part of her ethnic identity as a Gypsy, reflecting the long tradition of that minority of following a travelling lifestyle. This is the case even though, under the pressure of development and diverse policies or by their own choice, many Gypsies no longer live a wholly nomadic existence and increasingly settle for long periods in one place in order to facilitate, for example, the education of their children. Measures affecting the applicant's stationing of her caravans therefore have an impact going beyond the right to respect for her home. They also affect her ability to maintain her identity as a Gypsy and to lead her private and family life in accordance with that tradition."

In addition, the applicant believes that any other family would be entitled to keep their own caravan on a driveway or on land owned by them adjacent to their dwelling – this does not require planning permission. A settled family would not be prevented from parking their caravan or camper van on their own drive for when they go 'travelling'.

The applicant wishes this condition either to be removed or varied so that up to 4 caravans for the personal use of his immediate family only (i.e. the applicant and his son's family and their children) are permitted to be parked on the site rather than for the wider family use as set out in the original application. The touring caravans are not for wider use and shall be used for the immediate family only.

Condition 4 states:

4. The park homes hereby permitted shall be for the benefit of Mr. Martin Flynn (Senior) Mr. Martin Flynn (Junior) and their associated dependants and shall enure only for the period which the premises is occupied by Mr. Martin Flynn (Senior) Mr. Martin Flynn (Junior) and their associated dependants . When the site ceases to be occupied by any Mr. Martin Flynn (Senior) Mr. Martin Flynn (Junior) and their associated dependants, the use hereby permitted shall cease and any mobile home and all ancillary equipment and structures brought to the site in connection with the residential use shall be removed from the site.

REASON: To limit the occupation of the site to the family. Any variance in occupation would be contrary to the requirements of policy S1 which seeks to prevent and limit development in the open countryside. In compliance with the LDP policies S1 and H8.

The reason for the applicant seeking to remove condition 4 is on the grounds of discrimination in that it is argued that no settled family would be given planning permission and told it was only for named people. This would be the applicant and his family's home, just like a bricks and mortar house would be for a settled family's home. The applicant owns the land, will build the site, will invest in it, will live in it and wants his children and grandchildren to grow up there, but life may change in the future for anyone. They have not been granted temporary planning permission - this is permanent planning permission and the applicant wants this condition removed.

1.2 In October 2019, planning permission was granted for the change of use of the land for the keeping of horses and erection of stables (application DM/2019/01149 refers). As part of that application an area of fenced hardstanding to accommodate the stables and a hard surfaced turn out area was approved in the northern part of the site.

1.3 Under the later permission, DM/2019/01480 approval was given for shower rooms, toilets and day room facilities, with the park homes provided to the east of the approved building. The intervening space between the approved building and the two park homes was proposed to be used to accommodate up to four touring caravans. It is of the applicant's opinion that the space would be capable of accommodating four 5.5m x 2.3m touring caravans. The applicant has indicated that on-site parking would be provided adjacent to the driveway and to the south-west of the enclosed area.

1.4 A cesspit /septic tank was approved to be provided on the land to the south-west of the enclosed area.

1.5 The land to the south-east of the enclosed hardstanding would be re-sown with grass seed and used as an area of amenity space.

1.6 The applicant has actively participated in the last and most recent Gypsy, Traveller Accommodation Assessment (GTAA). Details of the applicant's personal circumstances and subsequent need is set out in the documents submitted in support of application DM/2019/01480.

Site appraisal

1.7 The application site comprises a modest parcel of land positioned to the north of the A48, to the east of M48 and to the west of a residential property known as Sunnybank. The land is positioned on a gradient falling from north to south and is defined by an embankment to the north and along part of the western boundary and a mature hedge to the east. At the time of inspection the area is being developed to accommodate development approved under DM/2019/01480, including provision of a utility block, fencing and gates. Access is gained via an existing driveway leading from the A48 to the south-west of the site over which the applicant has a right of access.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/01149	Change of use of land for the keeping of horses and erection of stables	Approved	08.10.2019
DM/2019/01480	Change of use of land to accommodate two park homes and up to 4 touring caravans- Traveller needs (private family site only)	Approved	14.02.2020

DM/2020/00333	Discharge of condition 5 (bank structural stability), condition 6 (soft landscaping scheme) plus condition 8 (parking and turning areas) and 9 (timber cladding details) relating to DM/2019/01480 (change of use of land to accommodate two park homes and up to 4 touring caravans (private family site only)	Approved 09.03.2020
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
H3 LDP Residential Development in Minor Villages
H8 LDP Gypsy, Traveller and Travelling Showpeople Sites
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection

Other Policy Considerations

Monmouthshire County Council Gypsy and Traveller Accommodation Assessment 2016-2021
Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites
June 2018
Welsh Government Enabling Gypsies, Roma and Travellers Plan June 2018

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

Mathern Community Council - Recommend the application be refused.

The Community Council has considered the application and would refer the Planners back to our original comments made in respect of the original application DM/2019/01480.

The Community Council believe these comments are still valid and its opinion has not changed.

These views should be fully considered by the Planners in determining this application and we would recommend refusal on the grounds of over development of the site, highway issues and lack of turning space on site plus the aesthetics taking into account the highly visual location of the site.

Previous comments relating to DM/2019/01480:

We have structured our comments round the criteria set for considering such sites as noted in policy H8 (Policy for Gypsy and Traveller sites).

"a) Would enable the established need to be met at a location that is accessible to schools, shops and health care, by public transport, on foot or by cycle"

Assuming a need has been established in this location, the site is well connected to local amenities and transport routes.

"b) Have a safe and convenient access to the highway network and will not cause traffic congestion or safety problems"

We do not believe that safe and convenient access to the site can be afforded and that extended vehicles accessing and egressing the site will pose safety problems.

Large and long vehicles will have to slow down completely to access the site and will similarly have to leave the site at very low speed, entering or exiting onto a 60mph stretch of road, potentially crossing the line of traffic.

Due to the scale of the development proposed on such a small site and based upon the layout drawings contained in the application there is no available, allocated area on site to turn long vehicles to ensure that they can enter and leave the site in forward gear. This may force vehicles to have to reverse onto the main road with obvious severe safety implications.

It should be noted that a number of years ago a fatal accident occurred just up the hill from this site, in the 60mph zone, where a motorcycle collided with a tractor and trailer. The tractor and trailer at that time were turning across the flow of traffic.

On the basis of the above we believe that safe access both on and off the site is not possible for extended vehicles.

"c) Are of a suitable size to allow for the planned number of caravans, amenity blocks, play area (for children on sites housing multiple families), the access road and include sufficient space for the parking and safe circulation of all vehicles associated with occupiers within the curtilage of the site"

The information supplied with the application notes the location of the Park House units and amenity blocks. These are located on the relatively flat plateau area of the site. As the site overall falls sharply to the A48, the area above the proposed Park Homes is not developable and the grass area noted to the lower section of the site is very steep and not suitable for housing 4 visiting caravan pitches. At wet times of the year this grassed area of land would not be accessible by vehicles as it becomes very wet and would just cut up. Caravans would not be able to be levelled or accessed on this site without hardstanding and terracing works.

The site overall is not large enough to house the proposed two Park Homes, two amenity blocks, 4 traveller pitches plus the necessary vehicle parking and circulation/turning areas. On this basis we believe that the proposal represents a complete overdevelopment of the site posing associated health and safety and visual amenity issues.

"d) Do not occupy a prominent location and are consistent with the LDP policies for protecting and enhancing character and distinctiveness of the landscape and environment. Where necessary the proposal will include mitigating measures to reduce the impact, and assimilate the proposal into its surroundings e.g. screening and landscaping"

The current land use is agricultural/stabling. The reference in the application to the use of the site as a quarry was not a permitted/authorised use.

The site is in a very prominent position at the entrance to (or exit from) the village of Crick. It commands an elevated position clearly visible from the A48. The proposed development would not be in keeping with the vernacular of houses within the village, many of which are of a significant age and heritage. The mix of modern Park Homes, masonry utility blocks and caravans would significantly impact the visual amenity of the village especially in such a rural setting in a prominent location

The proposed buildings and caravans are out of context and would have a significant impact on the character and distinctiveness of the village of Crick.

"e) Avoid areas at high risk of flooding and proximity to uses with potential sources of pollution or emissions"

The land is not at risk of flooding but the lower grassed area of the site does experience significant water run-off from the upper sections of the site, restricting its use in wet periods.

"f). Are of an appropriate scale to their location and do not have an unacceptable impact on the amenities of neighbouring land uses"

As noted under headings c) and d) above this Council believe that there will be a significant visual impact on the village in general and neighbouring properties. This Council believes the proposal represents an overdevelopment of the site and poses a safety risk to road users.

"g) Are served, or can be served, by adequate on site services for water supply, power, drainage, sewer disposal, and waste disposal (storage and collection), and for travelling show people that there is a level area for outdoor storage and maintenance of equipment"

We are not aware of any services issues regarding the site.

We would note that on the basis of the information contained within the application, there is not any level area allocated for the outdoor storage and maintenance of equipment. Again any such area could have a detrimental effect on the visual impact of the site if provided. There are similarly no level, accessible areas identified for visiting caravans.

Should Monmouthshire County Council have a commitment to meet the accommodation needs of the Gypsy and Traveller community, a more suitable and appropriate site should be sought.

Environmental Health (comments in relation to DM/2019/01480) - If the site has planning permission approved for permanent residential mobile homes they will need to obtain a site licence under the Mobile Homes (Wales) Act 2013 from the Environmental Health department.

Housing Strategy and Policy Officer (comments in relation to DM/2019/01480) - The applicants have participated in the adopted and most recent Gypsy Traveller Accommodation Assessment (GTAA) which is currently under review.

The adopted GTAA found evidence of need for 8 sites within the authority with none currently indicated or allocated as part of the Local Development Plan. As part of this process, the applicant was identified as being in housing as a result of a cultural aversion to conventional housing.

The Council are currently reviewing the GTAA. At this time the projections indicate an increase in demand in the Authority. The applicant has again participated in the study and although housed in a dwelling, has been identified as being in housing need as a result of ongoing cultural aversion.

SEWBRc Search Results - priority species have been identified within 48m of the site.

5.2 Neighbour Notification

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

5.3 Local Member Representations

The Ward Member has requested the application be presented to Committee to allow for considerations with regards to planning policy and highway concerns.

6.0 EVALUATION

6.0.1 The site already has approval for the two residential park homes for gypsy and traveller family use and associated outbuildings – utility area and shower block - as well as parking areas, enclosures, gates and landscaping under planning permission DM/2019/01480 and the discharge of condition consent DM/2020/00333.

6.0.2 The site was considered acceptable as an exception to the normal constraint not to allow residential development in the open countryside, given the close proximity of the site relative to Crick, the identified need for provision as part of the Council's Gypsy & Traveller Accommodation Assessment (GTAA), the acknowledged lack of Council site provision, the applicant's specific housing need and the family's human rights, relative to the emphasis provided as part of circular 005/2018.

6.0.3 Concerns have been raised with the regards to the visual impact of the touring caravans being parked on site which Members concluded would give rise to an over-development of the site. This is considered below.

6.1 The variation of condition 3 to allow touring caravans on site

6.1.1 The key concern of Members regarding the provision of up to four touring caravans on site was that this would be visually harmful as an over-development of the site. Officers had recommended approval of the site previously and considered the limited number of touring caravans would be an acceptable element of this proposal. This remains the case, officers being mindful of the single storey nature of all the structures on site, the fluctuating levels of use and movement with regard to the touring units, the site's context with screening to the north and west and the increased screening and mitigation that would be provided. Whilst the development and use of the site would be apparent from the A48, immediately adjacent to the southern boundary, and from the garden of Sunnybank to the east, it is considered that the relatively low lying position of the site and proposals, relative to the rising land to the rear would help assimilate the development into the landscape when viewed from any wider public vantage points. It is also considered that the development of the site would reduce pressure to develop or encroach into the wider, more fragile and undeveloped areas of the open countryside.

It is considered that the impact generated would not be so significant to the overall character and appearance of the area to warrant refusal of the application.

6.1.2 The approved site layout plan under the discharge of conditions application DM/2020/00333 details a 2m high close boarded fence along the eastern boundary with Sunnybank as well as the site frontage, supplemented by a hedge planted in front of the fence along the site frontage. The fence has now been constructed on site, although the planting is yet to be carried out. These screening measures (existing and proposed) would limit views into the site from the A48 and would mitigate any concerns regarding the cumulative impact of the permanent and touring caravans grouped towards the rear (northern part) of the site.

6.1.3 Given the approved residential caravan use of the site for Gypsy and Traveller purposes, the parking of up to four touring caravans that would be used by the two families permitted to live on the site, would not be harmful to neighbour amenity by way of noise or visual intrusion. Touring caravans vary in size and need not be large units. There is ample scope on site near the area approved for the two park homes to accommodate up to four touring caravans. A separate parking area for cars has been identified on the approved block plan under DM/2020/00333. As advised above, ample screening exists and is to be supplemented, plus reasonable separating distances are in place between the nearest neighbour at Sunnybank and the caravans to be kept on site.

6.1.4 On the basis of the above this element of the application is considered acceptable and in accordance with the requirements of policies S13, S17, DES1, EP1 and criteria c) and f) of

6.1.5 Members did not omit the touring caravans owing to concerns about access, despite this being raised by third parties including the local community council. It is considered that the site access benefits from sufficient visibility leading onto the A48. In addition, the touring caravans element of the proposal would not generate a number of vehicle movements significantly detrimental to highway safety and sufficient provision can be secured to ensure that vehicles can enter and leave the site in a forward gear. It is therefore considered that the proposal would not be detrimental to the overall highway safety and free flow of traffic in the area. Highways colleagues have reviewed the proposed development and have no objection to the proposals. The submission is considered compliant with the requirements of policies S16, MV1 and criterion b) of Policy H8 of the LDP.

6.2 The removal of condition 4 which limits the use of the site to a specific Traveller family

6.2.1 The permission was granted on the site on the basis of the need for a family (or two families including the family of the applicant's son) identified to be in need within the Council's GTAA. This is discussed below.

Evidence of Need

6.2.2 The Adopted Gypsy and Traveller Accommodation Assessment (GTAA) for 2016-2021 identifies that Monmouthshire has a higher number of Gypsy and Traveller households living in the County than had been previously identified through the 2011 census, with an estimated unmet need for eight pitches, based on overcrowding, unauthorised occupation and likelihood of cultural aversion to conventional housing. However, there is no need for a transit site due to the low number of unauthorised encampments in the County. At this time the Council has no allocated or suitable sites available for the accommodation of Gypsy/ Traveller/ Showpeople, with an aspiration within much of the Gypsy, Traveller community for private site provision.

6.2.3 In this case, the applicants were involved in the Council's previous and most recent GTAA and identified that they require a site within the County. Although currently housed in a two storey dwelling in Caldicot, the applicant was identified as being in housing need as part of the adopted and pending GTAA as a result of cultural aversion to conventional housing.

6.2.4 Paragraph 58 of Circular 005/2018 refers to the statutory duty of local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. It says that other considerations for Gypsy and Traveller site applications will usually include the impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and their specific personal circumstances.

6.2.5. As part of the previous proposal the applicant provided information relating to the family's need for this site which has been confirmed by the Council's GTAA. The applicant has advised the family's current accommodation is contrary to their cultural beliefs and traditional way of life, which is in turn having a detrimental impact on his and his family's health and well-being.

6.2.6 The site in question, close to the settlement of Crick is defined as being in the open countryside and the development is permitted given the unmet need within Monmouthshire for Gypsy and Traveller accommodation. The site is suitable for a small gypsy and traveller site and it has previously been approved for this use within DM/2019/01480. The applicant's family have been identified via the GTAA as a family that have a local connection and require a site/home in Monmouthshire. It is evidenced via the GTAA that the family applying for the development have an unmet need and the previously imposed condition applied to planning consent DM/2019/01480 ensures that this need is met for the applicant and his family.

6.2.10 Removing the condition as the applicant has requested would not be acceptable as the condition ensures that the site is used to meet an unmet need identified within the GTAA for the applicant's family. The site is in the open countryside where no speculative residential use would be allowed under the terms of PPW10 and the adopted LDP. The removal of the condition would lead to an unfettered residential use in the open countryside. The removal of this condition would not be acceptable as it provides the justification for allowing the development. It is recommended that this element of the application is refused and the below condition is imposed on the any subsequent consent: -

The park homes and the touring caravans hereby permitted shall be for the benefit of Mr Martin Flynn (Senior) Mr Martin Flynn (Junior) and their associated dependants and shall ensure only for the period which the premises is occupied by Mr Martin Flynn (Senior) Mr Martin Flynn (Junior) and their associated dependants . When the site ceases to be occupied by any Mr Martin Flynn (Senior) Mr Martin Flynn (Junior) and their associated dependants, the use hereby permitted shall cease and any park home, touring caravan and all ancillary equipment and structures brought to the site in connection with the residential use shall be removed from the site.

REASON: To limit the occupation of the site to the family. Any variance in occupation would be contrary to the requirements of policy S1 which seeks to prevent and limit development in the open countryside. In compliance with the LDP policies S1 and H8.

Other Matters

6.2.11 As from 7th January 2019, all construction works with drainage implications, of 100m² or more are required to have a Sustainable Drainage System (SuDS) to manage on site surface water designed in accordance with the Welsh Government Standards to Sustainable Drainage.

6.2.12 The Council's SuDS Approving Body (SAB) have confirmed that the works require SuDS consent prior to the commencement of development. This information was forwarded direct to the applicant. The requirement to obtain SAB consent is regulated by other legislation outside of the planning process and the consents can be sought independently from each other.

6.2.13 Documents issued by Welsh Government provide guidance with regards to the standards, sizes and facilities to be provided as part of Council provided sites. Following consideration of this document by the Housing Strategy and Policy Officer it has been determined that the requirements are not applicable to private developments such as this proposal.

6.2.14 Following consultation on the previous application, the Council Environmental Health Officer has confirmed that the granting of permanent residential units on the site will require the applicant to obtain a site licence under the Mobile Homes (Wales) Act 2013. This might have further implications on the number of touring caravans that can be provided at the site. However, such matters are regulated and controlled by legislation beyond the remit of planning legislation and must be sought independently from the current planning application. There is no requirement as part of the planning process for the applicant to provide evidence of a site licence prior to the determination of the planning application.

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

6.3.1 A number of the objections received were relevant to the previously approved application, DM/2019/01480, rather than the current one and issues relating to the visual impact of the touring caravans and their implications on access have already been addressed in the preceding sections of this report and therefore shall not be repeated.

6.3.2 Whilst the current application seeks full planning permission, further consents will need to be sought from the Sustainable Drainage Approving Body, and the relevant Environmental Health and Licensing departments. Details regarding such matters could be added as an informative note to any grant of planning permission.

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.

6.5 Conclusion

6.5.1 While concerns have been raised with the regards to the visual impact of the development and its potential overdevelopment, given the context of the site and the proposed mitigation, screening and material alterations that could be secured by condition, it is considered that the development would not have such a detrimental impact on the overall character and appearance of the area or the residential amenity of those living closest to the site to warrant refusal of the application. There is no objection to the touring caravans being parked on site by the Highway Authority and adequate access and egress can be safely provided.

The application applies to remove condition number 4 however, a condition ensuring that the site is used to meet the unmet need identified within the GGTA for the applicant's family is considered appropriate and justifies the rationale for approving this residential use in the open countryside in accordance with Welsh Government Policy. This development would help meet the need identified in the Council's GTAA for this family.

On the basis of the above, the recommendation is for a split decision to approve the variation of condition number three and refuse the removal of condition number four. This recommendation is considered compliant with the requirements of relevant local and national planning legislation and is recommended for approval subject to conditions.

7.0 RECOMMENDATION: Split decision - Approve the variation of condition number 3 and refuse the removal of condition number 4.

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 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.

3. The development hereby approved shall be limited to the installation of two park homes as detailed, up to four touring caravans to be used in association with the persons living on the site, the erection of the two utility buildings and associated fences and gates. No additional park homes or touring caravans shall be allowed on site.

Reason: to limit the scope of development having regard to the visual impact of the proposal on the character and appearance of the application site and wider area in compliance with the LDP policies S13, S17, EP1 and DES1.

4. The park homes and touring caravans hereby permitted shall be for the benefit of Mr Martin Flynn (Senior) Mr Martin Flynn (Junior) and their associated dependants and shall ensure only for the period which the premises is occupied by Mr Martin Flynn (Senior) Mr Martin Flynn (Junior) and their associated dependants. When the site ceases to be occupied by any Mr Martin Flynn (Senior) Mr Martin Flynn (Junior) and their associated dependants, the use hereby permitted shall cease and any park home, touring caravan and all ancillary equipment and structures brought to the site in connection with the residential use shall be removed from the site.

Reason: To limit the occupation of the site to the family. Any variance in occupation would be contrary to the requirements of policy S1 which seeks to prevent and limit development in the open countryside. In compliance with the LDP policies S1 and H8.

5. There shall be no more than four touring caravans allowed on site at any one time and the touring caravans shall only be used in association with the persons living on the site.

Reason: To ensure the site is used in accordance with the permission and to avoid an over-development of the site, in the interests of Policy H8 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>
- 2 The applicant will need to obtain a site licence for the approved works under the Mobile Homes (Wales) Act 2013 from Monmouthshire County Council Environmental Health Department. Further information and advice is available on the website:
<https://www.monmouthshire.gov.uk/licensing/licensing-applications/caravan-and-camping-site-licence/>

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