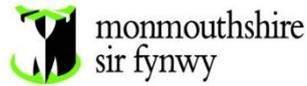


# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 28 September 2020

Notice of meeting:

## Planning Committee

Tuesday, 6th October, 2020 at 2.00 pm  
Remote Microsoft Teams Meeting

### AGENDA

Item No	Item	Pages
1.	To elect a Chair.	
2.	To appoint a Vice Chair.	
3.	Apologies for Absence.	
4.	Declarations of Interest.	
5.	To confirm for accuracy the minutes of the previous meeting.	1 - 14
6.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
6.1.	Application DM/2019/01004 - Demolition of the existing dwelling and its replacement with an active living centre providing 18 high quality retirement apartments, communal living space, an extensive landscape strategy (including green roof) with a private landscaped courtyard plus pool and gym facilities. Greenfield, Merthyr Road, Llanfoist.	15 - 34
6.2.	Application DM/2019/02012 - Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure. Land To South Of Brewers Fayre Restaurant, Iberis Road, Llanfoist.	35 - 46
6.3.	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.	47 - 58

<b>7.</b>	<b>FOR INFORMATION:</b>	
<b>7.1.</b>	<b>The Planning Inspectorate - Appeal Decision: Land at Lower Cwm Farm, Brynderi Road, Brynderi, Llantilio Crossenny, Abergavenny, Monmouthshire.</b>	<b>59 - 62</b>
<b>7.2.</b>	<b>New Appeals received - 1st July to 28th September 2020.</b>	<b>63 - 64</b>

**Paul Matthews  
Chief Executive**

## MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

### Public Information

**Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon two working days before the meeting. Details regarding public speaking can be found within this agenda**

#### 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?Committeed=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 by 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 Tuesday and 12 noon on the Friday before the Committee. To register a request to speak, objectors/supporters must first have made written representations on the application.

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

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

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

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

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 5**

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at Remote Meeting on Tuesday, 1st September, 2020 at 2.00 pm**

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

County Councillors: L. Brown, D. Dovey, A. Easson, D. Evans,  
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
Denzil – John Turbervill	Commercial Solicitor
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillors: J. Becker and A. Davies

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

None.

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

The minutes of the Planning Committee meeting held on 4<sup>th</sup> August 2020 were confirmed and signed by the Chair.

#### **3. Application DM/2020/00234 - Erection of 2 x 4 no. detached residential dwellings. Pathways, Vinegar Hill, Undy**

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

Mrs S. Lloyd, representing objectors to the application, had prepared a video which was presented to Planning Committee and the following points were outlined:

- Residents have public safety concerns regarding access to the site which they consider have not been satisfactorily addressed.
- The pathways site can only be accessed via a junction on an 's' bend approximately half way up Vinegar Hill, a busy narrow single track road with no pavements.
- The access is narrow, complex and hazardous with unique topographical features.

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- The site access road is a piece of unregistered land over which three properties, Firbank, Gwyn Royson and Pathways, currently have access rights.
- The onsite road is privately owned by Pathways and currently serves the existing Pathways house.
- All three houses were built before 1900.
- From the junction with Vinegar Hill, the site access road meets the onsite road and narrows considerably to 2.8m, constrained on either side by a high boundary wall to Firbank and Gwyn Royson.
- Beyond the Pathways gates there is a tight, blind bend with a steep drop to the south. The combination of the narrow width, high boundary walls and steep drop severely reduces the turning width for long wheelbase vehicles.
- The visibility splay is poor and there is no pavement or refuge for pedestrians.
- There are doubts as to whether a fire engine could navigate the blind bend in the road. Concern was expressed regarding safety issues if such a vehicle was required to navigate this section of the road.
- The Highways report does not assess the blind bend and analysis has not been conducted to determine the dimensions of the largest vehicle that can safely navigate the turn.
- There is no Fire Authority assessment to determine if a fire engine could access the new houses. A statement had been received from the Planning Authority stating that the proposal meets the general requirements of a shared private drive and provides adequate access for service vehicles including fire and rescue vehicles.
- Residents have provided measurements and video footage demonstrating the access is not adequate and does not meet the standards used by the County Council.
- It was considered that there was a highways safety issue in respect of the application. It was requested that the Planning Committee considers deferring the application until documented evidence against access standards is provided.

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

- A condition should be added that all roof lights should be low profile.
- A sand and cement render could be provided with a coloured coating.
- Highways and access issues had been raised by the objector. Concern was also expressed that the roof windows did not adhere to the current street scene and

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that there could be privacy issues and overlooking occurring as a result of the topography of the site. It was suggested that consideration of the application be deferred to allow the Committee to undertake a site inspection.

- It was considered that access to the highway and visibility was appropriate and that existing properties would have had to have been accessible for emergency vehicles.
- The additional properties would not create much more additional traffic.
- The Development Management Area Manager informed the Committee that the condition requires access improvement details to be provided to the Local Planning Authority. This would relate primarily to surfacing improvements. For larger vehicles, particularly through the construction phase, there is a construction traffic management plan condition attached to the application which would be subject to consultation with the Highways Department. The Highways Department considers that the cumulative impact is acceptable.

The local Member for the Elms ward attended the meeting by invitation of the Chair and outlined the following points.

- Concern was expressed regarding the safety issues on the highway, access and egress to the site.
- The local Member asked that consideration of the application be deferred for the Planning Committee to hold a site inspection. If this is not agreed, the local Member asked that a Fire Authority assessment be undertaken and the findings be shared with local residents.
- There is only a one track lane with no footway. It is used as a walkway from the Rockfield development, Vinegar Hill and the Bellway site to access Undy Primary School. Many children commute along the one track lane to access the school.
- A large volume of traffic travels along this road which raises concern for pedestrians accessing this route.
- Concern was expressed that large vehicles would not be able to access the 's' bend at the top of Vinegar Hill.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DM/2020/00234 be approved subject to the conditions outlined in the report and that an additional condition be added to ensure all roof lights are low profile. As well as being subject to a Section 106 Legal Agreement.

As part of the formal discharge of the condition application process the local Member would be consulted on this.

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

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

The proposition was carried.

We resolved that application DM/2020/00234 be approved subject to the conditions outlined in the report and that an additional condition be added to ensure all roof lights are low profile. As well as being subject to a Section 106 Legal Agreement.

#### **4. Application DM/2020/00537 - Two storey domestic extension. Rear Barn, Manor Farm, St Bride's Road, St Brides Netherwent, Caldicot**

We received the report of the application which was presented for refusal for two reasons outlined in the report.

Mr. P. Williams, representing the applicant's agent, had prepared a video which was presented to Planning Committee and the following points were outlined:

- The proposed scheme has been amended to reduce the volume percentage increase.
- Planning officers had indicated that the percentage increase threshold as identified in the Supplementary Planning Guidance (SPG) has been exceeded.
- SPG states that an increase of more than 50% in the volume of a rural dwelling would not normally be considered to comply with Policy H6.
- Policy H6 requires extensions to be subordinate to the existing building and respect its existing form.
- The SPG on replacement dwellings and extensions to dwellings in the countryside refers in paragraph 2.7 to it being not relevant to proposed extensions to dwellings that have been converted from other buildings such as barns. Such proposals would be subject to Policy H4 of the LDP, the criteria of which would be subject to buildings that have already been converted. This is the case that is being presented to Planning Committee today.
- As an example of policy interpretation, the Local Planning Authority had granted planning permission for over 70% volumetric increase for a two storey extension of a domestic dwelling, a former derelict farmhouse. The report had indicated that there was no harmful impact on the landscape. The agent considered that this was also the case for this application.
- The application site comprises of a large plot in which a modest dwelling is located. The dwelling is limited in its scale to accommodate sufficient space for family needs and an extension, which represents the form, bulk and design of the

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current building and has used sympathetic materials and complimentary roof form in its design.

- The application site is not in open countryside but forms an integral part of the hamlet with residential properties on both sides. Within 100 metres of the site is a large agricultural and commercial building that significantly impacts on the local landscape.
- The application site has a large curtilage, capable of accommodating the proposed extension and allows for the retention of an extensive garden and off-street parking facilities.
- The application has attracted local support in the form of a formal response from Caerwent Community Council which had recommended approval of the application, as well as receiving five letters of support from local residents. This demonstrates the acceptability of the proposal at the local level.
- Planning Committee needs to ensure that Local Development Plan (LDP) policies are used in an objective and flexible way recognising that each application should be determined on its merits and having regard to the development plan and all other material considerations.
- In this case there is no material harm to the landscape where the proposal is located and the grant of planning consent does not prejudice the LDP policy framework.
- There would be no harmful intrusive impact on the landscape.
- There are no material planning considerations that would warrant a refusal of planning consent.
- The agent asked that Planning Committee grants planning permission for a sensitively designed scheme, which is supported by the local community and provides much needed additional accommodation space for a local family to remain in the locality.

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

- The local Member shares the views expressed by the applicant's agent, as does Caerwent Community Council and local residents.
- The plot is large and located on a lane that has some large properties. It was considered that the plot could accommodate the extension with the street scene being unaffected.
- Though the application appears to go against Planning Policy, the local Member considers that this application could be an exception on this occasion.

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

- The site is outside of the settlement boundary and therefore located within the countryside.
- Policy H4 is an established policy and there is a need for the Planning Committee to be consistent in its decision making with regard to this policy.

It was proposed by County Councillor P. Murphy and seconded by County Councillor D. Evans that we be minded to approve application DM/2020/00537 with appropriate conditions.

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

For approval	-	3
Against approval	-	8
Abstentions	-	1

The proposition was not carried.

We resolved that application DM/2020/00537 be refused for the two reasons outlined in the report.

#### **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**

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

Mrs. H. Trotman, objecting to the application, had prepared a written statement which was read out to the Planning Committee by the Head of Planning as follows:

'I write again in sheer frustration at the length of time this unauthorised building works has been allowed to remain. I cannot express how distressing it has been to be unable to obtain a resolution to this matter.

When I first contacted the local authority, I had expected that regulations relating to this matter would be stringently upheld. I have been dismayed to find this is not the case. I have now had to employ a civil litigation solicitor at extensive cost to pursue this matter. This out of respect to my tenant, a consultant doctor at Neville Hall, who has been left with the consequences of the applicant's actions. Her residential amenity destroyed for three years and putting a blight on my property. I should not have needed to employ a solicitor, the regulations on this matter are clear and I feel sorely let down by the planning department. Clearly, I was naive in the belief that the regulations were in place to prevent others doing harm to another person's property.

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This latest application doesn't change anything. It improves nothing from the previous one. Dropping the soil by 300mm on the applicant's side, leaves us with the same issues and the same regulations breached, which I have explained in detail in my objection letter. For example:

#### 1. Fence height

This application again is merely replacing part of the height with a trellis.

#### 2. Land raising

The reduction of the earth level by circa 300mm the applicant's side, will do nothing to alleviate the damage this has caused and continues to cause on our side of the wall, it merely reduces the level of earth their side.

#### 3. Misinformation by the architect

The applicant did not put in the drainage system drawn on the plans agreed. Ms. G. Hunt is incorrect in her comment on the applicant's letter dated 25th June 2020. A pipe was put in their side, but not the length of our side to prevent the pooling of water, failing to mitigate the harm being caused to my property.

#### 4. Drainage outlet

The current pipe drains into our garden storm drain, which the applicant does not have permission to do. The applicant has failed to indicate where they now intend to drain?

#### 5. Maintenance of the original fence

The new fence has been attached to the original fence. This does not allow any maintenance works to be carried out. This has not been addressed.

#### 6. Raised sleeper bed

Should this new ground level be given approval and the fence reduced with trellis, there would still be a privacy issue. Replacing earth with a raised sleeper bed does not remove this problem. Any land raising consent causes overlooking and a breach of our privacy.

In conclusion, I implore the committee to reject this application once again and finally pursue enforcement to have the land put back to its original level. Allowing such works to remain, would open the floodgates for the public to do what they want on new build sites and make a mockery of the current building regulations.'

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

- Condition 6 alongside number 20 could be extended to the boundary with number 19 with a view to addressing the concerns raised by the objector.

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- The land would still be half a metre higher than the original lawn level. There would also be the raised sleeper bed, which is 300mm high. Therefore, from the top of the sleeper bed the fence would only be to a height of 1.3m.

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

- The work was undertaken without planning permission or guidance in 2017 and has negatively affected the neighbour's property and amenity.
- Consideration should be given to restoring the land to its original position and level.

The Head of Planning informed the Committee that with regard to the drainage, there is no evidence to suggest that this development has worsened the current drainage issues on the site. With regard to privacy and overbearing issues relating to the fence, this was not considered to be a reason to refuse the previous planning application and it was outlined that this was not a reason given to refuse the previous application considered by the Committee (DC/2018/00218).

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DM/2020/00616 be approved subject to the six conditions outlined in the report.

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

For approval	-	7
Against approval	-	6
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/00616 be approved subject to the six conditions outlined in the report.

**6. 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**

We considered the report of the application which was recommended for approval subject to the 16 conditions outlined in the report with an additional condition as outlined in late correspondence.

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

- In response to a query raised in respect of Condition 14 which relates to noise levels, the Development Services Manager informed the Committee that an extant B8 use had been approved which would allow distribution use such as heavy goods vehicles accessing external parts of the site at all times within a 24

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hour period. It was noted that there is a travel plan which could be used to address how employees get to the site.

It was proposed by County Councillor J. Higginson and seconded by County Councillor A. Easson that application DM/2028/02082 be approved subject to the 16 conditions outlined in the report with an additional condition as outlined in late correspondence.

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/2028/02082 be approved subject to the 16 conditions outlined in the report with an additional condition as outlined in late correspondence.

#### **7. 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**

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

The local Member for St. Arvans ward, also a Planning Committee Member, expressed her support for the application and drew the Committee's attention to the views expressed in the report by Cadw.

In noting the detail of the application, it was requested that sand and cement render be used with a colour coated top.

It was proposed by County Councillor A. Webb and seconded by County Councillor G. Howard that application DM/2019/00727 be approved subject to the 12 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	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00727 be approved subject to the 12 conditions outlined in the report and subject to a Section 106 Legal Agreement.

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**8. 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**

We considered the report of the application and late correspondence. The officer recommendation was a split decision, namely:

- Approve the variation of condition number 3.
- Refuse the removal of condition number 4.

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

- Nothing has changed since the original application and the decision made by the Planning Committee to keep as a personal consent and to exclude the four touring caravans.
- The local Member asked that the Committee to refuse both variations to the conditions and that the original Planning Committee decision should remain.
- The original application had been granted with permission for a shower utility block and for a two and three bedroomed park home. The four touring caravans had not been included in that permission. It had been accepted at a previous Planning Committee meeting that this would have been an overdevelopment of the site.
- The site slopes indicating that the main development area is only at the top of the site on a plateau.
- The local Member referred to Policy H8, paragraph C.
- Mathern Community Council commented that the site overall was not large enough to house the proposed two park homes, two amenity blocks, four traveller pitches plus the necessary vehicular parking and circular turning area. On that basis it was considered that the proposal represents overdevelopment of the site.
- The local Member stated that in the original Committee report for the site it had been commented that officers would echo concerns that the full use of the site would appear cramped.
- On the amended plan it is not clear where the four caravans (each over five metres long) will go. The amended plans and the turning circle conditions were based on the site without the four touring caravans.

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- The parking area in the flat plateau area at the top of the site has blotted out caravans on the plan. This is the parking area for the cars, which has an allowance for five car parking spaces for the two park homes.
- The highways condition was to cover the turning circle for a tanker to empty the cesspit. If the cars are parked at the top of the site indicated on the plan, this will leave only the sloped area at the bottom of the site for the caravans. This will block the turning circle for the caravans or the tanker.
- If the caravans are parked at the top end of the site, then the drive will be blocked not only for the tanker but for the caravans' turning circle with the cars parked on the slope. Concern was expressed that emergency services vehicles will not be able to access the site.
- Parked vehicles on a sloping access drive will create visual amenity concerns of an overdeveloped site. If vehicles cannot leave the site in a forward gear they will have to reverse onto the busy A48 causing safety concerns.
- Mathern Community Council considers that an alternative more appropriate site should have been found by the local Authority on safety grounds as the A48 is a busy commuter road.
- It is necessary to provide safe access and egress from the site for the residents and to ensure safe circulation within the site for residents using the highway.
- The local Member read from Page 65 of the report relating to condition 3 in respect of overdevelopment of the site.

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

- The Head of Planning informed the Committee that at the previous Planning Committee meeting in March 2020 in which this site was discussed, the discussion related to four additional pitches for the touring caravans. When the applicant agreed to remove the caravans from the site he was referring to the pitches rather than the touring caravans which would be used for his own purposes. This planning application is seeking to rectify that condition in relation to it not applying for any additional pitches for wider family members. These touring caravans would only be used for residential purposes of the applicant. There is a condition in the application to retain the use for the applicant and his son. Planning officers consider that there is sufficient space on the site for up to four touring caravans. Highways officers have also reviewed the planning application and consider that there is enough space on the site for caravans to turn, as well as safely access and egress onto the site. It was also considered that the visual amenity of the site would not be negatively impacted by having four touring caravans on the site. Approval for the septic tank has been granted which will be monitored by Building Control in the longer term.

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- Concern was expressed that approval of the application would lead to overdevelopment of the site.
- It was considered that having a scaled plan of the location of the touring caravans would be helpful.
- In response to questions raised, the Head of Planning informed the Committee that up to four touring caravans could be located anywhere within the red line indicated on the plan of the site. The size of the caravans would be determined by the caravan act.

The local Member for Shirenewton summed up as follows:

- If the Planning Committee is minded to approve the application, the local Member asked for a split decision, namely, to allow the officer recommendation on personal consent. With regard to the touring caravans, it was considered that this matter needs to be deferred to investigate the need for amended plans and also look at adding a highway condition to ensure that there is safe access and egress onto the site and that there will be a safe turning circle area in place.

The Head of Planning informed the Committee that with regard to highways safety there is no ambiguity in respect of the site. There are no highways objections to the proposal. However, the local Member disagreed with this statement.

It was proposed by County Councillor L. Brown and seconded by County Councillor A. Webb that the Planning Committee considers a split decision in respect of application DM/2020/00883, namely:

- That consideration of condition 3 be deferred to the next Planning Committee meeting to seek amended plans to demonstrate that up to four touring caravans can be accommodated on site plus space for parking and turning, as well as two park homes and utility blocks.
- That condition 4 not be approved and that it be re-worded to agree with the officer recommendation to retain the personal permission.

Proposal relating to condition 3:

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

In favour of the proposal	-	8
Against the proposal	-	4
Abstentions	-	0

The proposition was carried.

We resolved that consideration of condition 3 would be deferred to the next Planning Committee meeting to seek an amended layout plan to demonstrate that up to four

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touring caravans can be accommodated on site plus space for parking and turning, as well as two park homes and utility blocks.

Proposal relating to condition 4:

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

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

The proposition was carried.

We resolved that condition 4 not be approved and that it be re-worded to agree with the officer recommendation to retain the personal permission.

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**Application Number:** DM/2019/01004

**Proposal:** Demolition of the existing dwelling and its replacement with an active living centre providing 18 high quality retirement apartments, communal living space, an extensive landscape strategy (including green roof) with a private landscaped courtyard plus pool and gym facilities.

**Address:** Greenfield, Merthyr Road, Llanfoist

**Applicant:** Ikaria Development Ltd.

**Plans:** Block Plan 400 - P - 002 - P4, Site Plan 400 - P - 003 - P4, Floor Plans - Proposed 400 - P - 101 - P4, Floor Plans - Proposed 400 - P - 102 - P4, Floor Plans - Proposed 400 - P - 103 - P4, Floor Plans - Proposed 400 - P - 104 - , Elevations - Proposed 400 - P - 201 - P4, Elevations - Proposed 400 - P - 202 - P4, Elevations - Proposed 400 - P - 203 - P4, Elevations - Proposed 400 - P - 204 - P4, Cross Section 400 - P - 301 - P2, Other 400 - P - 900 - P3, Other 400 - P - 901 - , Block Plan 400 - S 002 - , Site Plan 400 - S 003 - , Floor Plans - Existing 400 - S 101 - , Floor Plans - Existing 400 - S 102 - , Elevations - Existing 400 - S 201 - , Elevations - Existing 400 - S 202 - , Location Plan 400 - S 001 - , Landscaping Plan Landscape  Visual Appraisal - GRE\_002 REV B, Ecology Report Ecological Appraisal  Protected Species Surveys - 22/10/19, Landscaping Plan Concept Landscape Design (Stage 2) - GRE\_001 REV E, Other Management Plan - , Landscaping Plan Concept Landscape Proposals - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms. Kate Bingham  
Date Valid: 18.07.2019

**This application is presented to Planning Committee due to there being more than five objections and also at the request of the Local Member**

### **1.1 Site Description**

1.1.1 The application site is located within the village of Llanfoist which is designated as a Rural Secondary Settlement under Strategic Policy S1 of the current Local Development Plan (LDP). Greenfields, is situated at the junction of Merthyr Road and Gypsy Lane. It is a full application that proposes the demolition of a single existing detached dwelling replacement with 18 retirement apartments, communal living space and a landscaped garden area and courtyard. The site as existing comprises one rendered two storey detached dwelling with triple garage at the centre of a large garden which is accessed via a tarmac drive from Merthyr Rd. The site currently has extant permission for four additional 4/5 bed dwellings.

### **1.2 Value Added**

1.2.1 In response to concerns raised by local residents, the Community Council, the Abergavenny Civic Society and Planning Officers, the overall scale and massing of the proposed design has been significantly reduced since the original application. The second floor penthouse apartment has been omitted from the north east corner, reducing height, and the length of the east facing elevation by introducing some smaller single bed apartments into the design. To further limit the impact of the east facing elevation, the massing at second floor level has also been reduced in two areas; firstly the gable end to the South has been stepped back by 2 metres and secondly the roof of the atrium has been reduced to second floor level creating a gap between the two wings of the building.

1.2.2 The tallest ridge of the roof form has been reduced by 1.7m, significantly reducing scale of the building at its most visible point and the proposed building has been re-positioned further away from the Merthyr Rd. site boundary by approximately 3m. This has the benefit of allowing larger scale tree planting to be introduced along the north elevation creating a thicker screening belt between the road and the proposed building.

1.2.3 To further reduce visual impact, the extent of brickwork has also been reduced at the gable ends and at the northeast corner. The use of timber cladding at the upper levels of the building will soften the building's appearance, helping it to blend into the surrounding landscape and reducing impact. Further efforts have also been made to demonstrate the visual impact the proposal will have on the site in comparison to the extant scheme of 4 x 4/5 bed dwellings. An additional drawing has been created overlaying the outline of the extant scheme which demonstrates comparable scale and visual impact (drawing '400 -P - 900').

## 1.2 Proposal Details

1.2.1 It is proposed to demolish the existing dwelling on the site and replace it with 18no. apartments limited to accommodating people over 60 years of age and includes communal living space and landscaped private grounds. The apartments will comprise of 16no. 2 bed apartments and 2no. 1 bed apartments. Vehicular access is proposed to be provided from Gypsy Lane with the existing access of Merthyr Road being closed. 21 off-road parking spaces are also proposed together with extensive landscaped grounds. The scheme also incorporates a mobility scooter store, plant room and refuse store close to the main access area. It is proposed for the building to be built through sustainable modular construction targeting a net zero carbon build. The total site is roughly 4194 sq.m of which the building occupies 270 sq.m, the remainder being private garden.

1.1.2 Being for people aged over 60 only the apartments will benefit from the following:

- Wheelchair accessible
- 24-hour Emergency alarm system and monitoring
- CCTV camera entry system,
- Built to Lifetime Homes Standards.
- Communal facilities, lounge & kitchen, health/leisure
- Minimum 2-hour care per week for residents, whether required or not on entry, included in monthly charge.
- Apartment's designed to include specialist features.
- Provision for private external 24-hour care if required.
- House Warden available to assist.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/02090	Demolition of the existing dwelling and its replacement with an active living centre providing 18 high quality retirement apartments, communal living space, an extensive landscape strategy with a private landscaped courtyard plus pool and gym facilities.		25.06.2019

DM/2019/01502	Modification of condition no. 2 of planning consent DC/2015/00811. This application seeks to extend the time for submission of reserved matters to enable details to be submitted within the next 3 years.	Pending Section 106	
DC/2015/00811	New residential development on the land surrounding Greenfield House for four additional 4/5 bed properties	Approved	20.12.2016
DC/2006/01709	Erection of 3 houses in the garden of the existing house 'Greenfields'.	Approved	21.09.2007
DC/2006/00561	Renewal of permission for application M/5551 (first floor extension over existing garage to provide residential flat)	Approved	13.09.2006

### **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  
S4 LDP Affordable Housing Provision

#### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
DES1 LDP General Design Considerations  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
NE1 LDP Nature Conservation and Development  
GI1 LDP Green Infrastructure  
SD4 LDP Sustainable Drainage  
SD2 LDP Sustainable Construction and Energy Efficiency  
LC2 LDP Blaenavon Industrial Landscape World Heritage Site

### **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 Community Council** - Recommend refusal. The consensus view of Members who responded is that the revised proposals contained in this re-consultation do not alleviate previous objections raised.

Previous comments:

- \* Members remain disappointed that there has been minimal attempts to consult directly with the Community Council during the planning process to date.
- \* The scale, height and composition of the proposed design is not considered acceptable and/or sensitive for a development at the centre of Llanfoist.
- \* The Management Plan with car parking provision of 21 spaces is still considered inadequate for the size of the development. The demographic of the target residents and size of the apartments is likely to (i) attract more than one vehicle per apartment (ii) attract family visitors, and (iii) as the age and care needs of the residents increase (as highlighted by future proofed design features to allow apartment upgrades for wheelchair access) parking provision for care needs will also be required.
- \* The height of the proposed building(s) present privacy issues by overlooking existing neighbour properties.
- \* The access point (off B4269 Gypsy Lane) will cause considerable traffic congestion throughout both a construction phase and thereafter. There are already significant congestion problems in this area particularly during school and business "rush hour" periods. It should also be noted that the B4269 is the diversionary route when the A4042 is closed at Llanellen bridge due to flooding. This diversionary route will become even more critical when A&E Services are discontinued at Nevill Hall Hospital and transferred to the new facility at Llanfrechfa.
- \* Members note that Mon CC Highways have raised a number of objections which have been countered by a Technical Note on behalf of the applicant. Members of the Community Council share many of the concerns raised by Mon CC Highways and are not satisfied that the Technical Note addresses them adequately.
- \* Members consider that Llanfoist has already reached a development saturation point. This proposal constitutes over development.

**MCC Highways** - No objection subject to conditions.

The applicant in response to highway observations and comments provided on 1st August 2019 provided a highway rebuttal dated 22nd August 2019 that was proceeded by a meeting with the applicant and planning and highway colleagues on the 3rd September 2019. Revised drawings and a management plan have been subsequently submitted in part to address the concerns raised regarding car parking, servicing provision, waste collection and the means of access.

**MCC Landscape and Green Infrastructure** - No further objection to the proposal from a landscape and GI perspective subject to conditions.

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

**MCC Housing Officer** - It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to

the provision of affordable housing in the local planning area. As affordable housing won't be provided on site, the calculation of the financial contribution that will be required is £107,184.

**MCC SAB** - The proposed scheme will require a sustainable drainage system designed in accordance with Welsh Government Standards for sustainable drainage.

SEWBRc Search Results - Bats and Great Crested Newts recorded within the vicinity of the site.

## 5.2 Neighbour Notification

Representations from 56 households received.

55 object on the following grounds:

### 1. Close to adjoining properties/Loss of Privacy/Noise nuisance:

None of the graphics demonstrate the view from The Old Rectory which has close and direct sight of this plot.

Loss of privacy for houses on Briardene and Gypsy Crescent and Orchard Lea.

As a neighbour I will suffer loss of privacy, noise intrusion and probable loss of value to my property.

The north elevations onto Merthyr Road are exceedingly dominating over existing properties.

There is a bedroom window at the West end of the elevation that seems to be less than the required 21m from the overlooked windows in Llanfoist Cottage.

The development of the buildings would cause significant noise, which would be heard from my property (on Briardene).

### 2. Inadequate access and parking provision

The new proposed parking for the residents is inadequate as most will have cars not the contemplated 6 as mentioned.

The traffic egress is onto a school walking route on a hill with poor visibility where traffic already queues every day.

Treacherous access in snowy conditions.

Existing access on Merthyr Road should be retained and the building should be pushed back to the south of the site.

Concern about service vehicles and refuse collections blocking the entrance.

The developers should have to provide a shelter for the bus stop outside the site.

Consideration of driverless cars should be included.

Family visits are expected on holidays and weekends. Because the property does not accommodate adequate visitor parking, the visitors will park on adjacent streets. St Faith's Close and the other parallel road are likely to be popular offsite parking zones for visiting families.

### 3. Increase in traffic and pollution

Need to consider the effect that the 100+ Grove Farm housing development may have on traffic converging at the Llanfoist mini-roundabout will have.

Health and safety issues regarding the pedestrian access to the village school would be concerning.

The top storey should be abandoned and that there should be a third less apartments which would reduce the traffic congestion to and from the development.

Extra traffic adding to longer queues at certain times of the day with added pollution.

The covering letter states that potential residents who own a car but are unable to rent a parking space will not be able to become resident until a parking space becomes available, so they will not be parking their car on the public road. Doubt how this can be enforced.

This construction project will likely disrupt the Llanfoist community for more than a year including road closures for the installation of energy, water/sewer and communication utilities; each closure typically lasting several days, if prior history of such work on Merthyr road is an indication.

Construction workers at the site will likely drive to the site, parking in the adjacent streets resulting in unacceptable parking and driving congestion. Construction workers are likely to park in Briardene, St Faiths Close, Gypsy Cres and Thomas Hill Close.

Noise and dust pollution will also be an issue during construction. Methods to mitigate these problems should be addressed in the application.

#### 4. Out of keeping with character of area:

The development is out of character with what survives of the local village character.

Resembles a large office block, more appropriate for an industrial estate than a residential area.

The proposed building is incongruous and would stand out rather than blend in with the local properties: it does not 'respect local distinctiveness'.

The proposed building is in juxtaposition to the character of the site and its surroundings and does not 'respect the character of the site and its surrounding'.

The proposed building would detract from the existing built environment, which is small residential properties, and does not conform to the need 'to protect and enhance the natural, historic and built environments'.

The building's prominent location will dominate the entry to the village.

This design is more suited to a city.

The replacement of an art-deco residence, with a warehouse- like condominium, however empathetic the landscaping, will not conceal this monstrous 'carbuncle', which would be utterly out of keeping with its environs.

The site is elevated and the proposed building, even with reduced height on the latest proposal, would dominate the area.

This development will be a blot on the landscape and an eyesore to an already over developed village which is losing its identity.

No consideration has been given to the vernacular scale and this development represents a huge departure from the grain of existing development.

#### 5. Over development:

The LDP Policy S1 does indeed define Llanfoist as a 'Rural Secondary Settlement'. However, Policy S1 also makes clear that Llanfoist is specifically excluded from new housing development.

The Secondary Rural Settlements of Usk and Llanfoist have made a disproportionate contribution to recent housing development in the County, which the new housing allocations seek to avoid.

Even though Llanfoist is now listed as a 'Rural Secondary Settlement' in the latest LDP, it should not be forgotten that Llanfoist is still in actuality a village and not a suburb of Abergavenny, and should be treated as such.

A density of eighteen residences here can be seen as indicative of the overdevelopment.

The building is high and overbearing.

Why is it considered desirable to have a 'statement building' in this village?

#### 6. Strain on existing community facilities:

There is already pressure on local services (health provision in particular) and this development will increase that pressure.

We already have facilities for our elderly residents and don't need any more.

An influx of so many residents will not be of any benefit to Llanfoist which is already overdeveloped

The development will add extra pressure on the local services of health care and social services.

#### 7. Affect local ecology:

To make room for the proposed development it would be necessary to cut down mature trees which would do nothing for the improvement of the environment.

Concerned by the environmental impact of this proposal, a green roof is no compensation for the inevitable destruction caused to mature trees and land.

What is the carbon footprint of the development?

This is one of the few areas where great crested newts are to be found.

#### 8. Other:

Need affordable houses for local families.

Why is the existing dwelling being knocked down? This would represent the loss of a significant property that is currently an asset to the village.

Increase in danger of flooding.

Not enough info given on application.

The inclusivity of the proposal mitigates against integration with the community and demonstrates a disregard for village culture and environment.

There is also a potential glut of like accommodation within a one mile radius of the proposed site. There is no need for this type of housing and that the need for affordable housing for younger people and families is a much higher priority.

Likely to affect the value of my property and my ability to sell the property in the future because no one would choose to live next door to it.

Arguments of how 'useful' or appropriate the new design is should be looked at more closely, as in reality this is no more than an attempt to remove an existing dwelling and use the land to make as much money as possible.

This proposal is an unsustainable and anti-community in concept.

This proposal offers little in additional accommodation above the extant permission for new houses yet will be hugely more resource intensive and disruptive to the community to construct with a very extensive excavation of the site required.

It is a car based development which is shown the lack of pedestrian links to the site other than the main entrance. It is therefore against MCC's policy to challenge climate change.

Also plenty of retirement scheme properties are already in progress, with the capacity of some existing retirement properties also suggests we probably don't need any more at present.

Suggest that MCC Planning Committee undertake a site visit to the junction of Gypsy Lane and Merthyr Road in order to view the location, context and scale of this proposal.

Should consider solar panels instead of green roof.

The application should be rejected pending in-person consultation with residents of the Llanfoist community at scheduled meetings at the St. Faiths Parish Hall, the Llanfoist OAP Hall and the Llanfoist Village Hall among other locations.

More open space needed on development.

One representation in support:

I am greatly in favour of any development that provides accommodation, so badly needed, particularly in the Abergavenny area. The information supplied on the web site is small but what there is of it sounds good, being of excellent quality and I wish the application all the best in being accepted by the planning department.

### 5.3 Other Representations

Abergavenny & District Civic Society - No objections.

In July last year we recorded an objection based on highway grounds. Your Highways Section objected in August, but conditionally withdrew its objection in December. In view of that and the considerable design improvements achieved since the initial submission, I confirm that the Society now has no objection to the application. Our members may have divided opinion on the style and scale of the development but on balance we consider that it adequately satisfies LDP policies.

### 5.4 Local Member Representations

Cllr Howard - In the unlikely event that there are less than 5 objections, I would like to call this to committee, on the basis of scale, design and neighbour amenity. Should you decide to recommend refusal, then I would be happy for it to be delegated.

## **6.0 EVALUATION**

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

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

The site is within the village of Llanfoist which is designated as a Rural Secondary Settlement under Strategic Policy S1 of the LDP. The principle of new residential development within the settlement is therefore acceptable under Development Management Policy H1 of the LDP subject to detailed planning considerations and other LDP policies. The relevant policies are listed above and are discussed below.

### 6.1.2 Good Design/ Place making

Policy DES1 of the LDP relates to design and states that:

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;
- 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.

Concerns were raised at the time of the pre-application consultation and original planning application in relation to the scale of the proposed building and its impact on the surrounding area. To address these concerns, the amendments and improvements have been incorporated into the design as described in Paragraph 1.2 of this report.

The existing site is a mature garden laid to lawn with mature trees and shrubs and the majority of the planting will need to be removed to facilitate the development. The proposed landscape scheme looks to mitigate the loss of trees with new tree and shrub planting (including along the site frontage on Merthyr Road) intended to soften the building within the site context. The existing hedge will also be retained, regenerated and strengthened.

The proposed new building will be roughly 'L' shaped and be two stories in height with the addition of a lower ground floor level on the south eastern elevation that will be used for car parking. The majority of this element will be screened from view by the existing boundary hedge. The proposed design is for a partial two and three storey building with varying floor datum that respond to the existing landscape and context, and on that basis the building will not always be visible as three storeys.

The proposed new building has the following maximum heights:

Highest Ridge Height (Merthyr Road): 9.3m

Eaves Height (Merthyr Road) 6.8m

Highest Ridge Height (Gypsy Lane): 10.1m

Highest Eaves Height (Gypsy Lane): 9.7m

The site topography ranges from a high of +63.49 in the south east corner to a low of +57.04 in the north east of the site providing a maximum level change of 6.45m. The nature of this sloping ground could potentially cause issues for those with limited mobility making the site less accessible by virtue of the need for steps. However, this has been addressed in the design by levelling off the high part of the site to improve the accessibility of the building and also its relationship with its surroundings. The drawings provided by the applicant shows that the proposed building will be set down into the ground on the southeast. The proposed eaves height of the new building will be no higher than any of the neighbouring dwellings once the ground levels have been adjusted. The 3D views are plotted at eye level in relation to the existing road datum, so the 3D images provide an accurate impression from a pedestrian's perspective at each location.

One of the main architectural features of the proposed building is a green roof, designed to reflect the topography of The Bloreng to the south of the site. The roof slopes down towards the neighbouring boundary reducing the visual impact adjacent occupants, and improving the relationship to the surrounding street scape. The green roof has been introduced with the purpose of softening the appearance of the proposal into the surrounding landscape. The sustainable design feature also further boosts ecology and sustainable drainage on the site.

On the front elevations there will be walkways to the apartments with projecting timber posts supporting the roof. These will cast shadows across the façade which should help to break up the massing and soften the impact of the building form. The use of these timber posts was drawn from the modern Llanfoist Fawr Primary School opened for use in 2008. It is intended that the communal walkways leading to individual apartments will include a series planter boxes integrated into the metal balustrades. The planters will allow boreal coniferous forest planting that can survive colder winters such as clematises and climbing roses etc. The plants will be encouraged to climb using a series of thin gauge stainless steel wires that span between timber columns. Irrigation will be managed so that planting will be maintained to a high standard throughout the year.

In terms of materials, a natural colour palette is proposed which aims to integrate the proposal into the landscape setting. The proposed buff brick proposed at the corner and base of the two wings is intended to visually hold the lighter timber elements together in the landscape. Brick is a material used throughout the existing residential developments of Llanfoist and the use of it reflects the domestic nature of the building's function as well as being in keeping with the existing dwellings in the area. Breaking up the volume using the different materials and recessed walkways together with the 'gap' created reduces the overall mass. Climbing plants over the brickwork are also proposed. The entire roof will be finished with a sedum roof which will further soften the impact of the building when viewed from the surrounding hills.

Although still clearly a building that is different in architectural character and size to that of the residential dwellings and some commercial units in Llanfoist, the proposed amendments, retained green roof with a well-considered and executed landscape scheme will result in a high quality designed building. It is therefore considered that the development would not significantly create an adverse visual impact the street scene or wider area, subject to the delivery of the proposed landscaping i.e. using hedging, semi mature tree planting and retention and protection of existing trees where proposed.

On balance therefore, it is considered that the proposed development complies with LDP Policy DES1.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

The building has been designed to orientate all balconies and external areas towards the Blorege in order to reduce any potential overlooking issues with neighbouring properties on Merthyr Road and Gypsy Lane. The line of trees to be planted along Merthyr Road will further manage overlooking of houses on the opposite side of Merthyr Road in the longer term.

There will be a distance of at least 18m from the front elevation of the building facing Merthyr Road to the boundaries of the existing houses opposite on Briardene and over 21m between building elevations. On Gypsy Lane there is a distance of approximately 31m between the elevation of the proposed new building and the existing property across the road (Springhill). In terms of overlooking, between the nearest balcony on the rear of the building and the side elevation of Orchard Lea there will be a distance of approximately 22m (14m to the boundary). There are no windows proposed on the other end of the proposed building on Merthyr Road except for a bathroom and here there will be 8m between the proposed building and the boundary. The distances are considered to be great enough to ensure that there will be no loss of privacy for any local residents. The new tree planting will further screen the boundaries of the site from views both in and out.

The application site is considered to be large enough to absorb the building without it having any overbearing impact on existing neighbouring occupiers and it is considered that the proposed development meets the requirements of LDP Policy EP1 in relation to local residential amenity.

#### 6.1.4 Sustainable Management of Natural Resources

The proposal has been designed to a high standard of sustainability in both the construction and end use of the building, minimising energy use and maximising efficiency. The building is proposed to be constructed using modular offsite timber manufacturing, thereby reducing on site construction time. Sufficient wall and roof depth has been designed for a very high performance thermal envelope with enhanced levels of thermal insulation maximising energy efficiency and providing sufficient thermal mass to mitigate overheating. Low impact materials (local, renewable, enduring) have been specified for the new building -brick, naturally durable timber and zinc. All of the timber will be FSC certified and treated with non-toxic wood treatments such as boron compound preservatives.

Spaces have been oriented for maximising passive solar gain. Windows provide natural cross ventilation wherever possible. In the internal courtyard it is proposed that horizontal planted trellises above the ground floor flats provide both privacy and shading to reduce solar gains in the summer months. The sustainability of the building over time has also been considered by designing to lifetime home standards with generous spaces which are adaptable to future change. The southern roof has the potential for future addition of photovoltaic panels if required in the face of climate change.

In terms of water, it is proposed that water usage be minimised by the specification of very efficient low water use fittings. Climate change adaptation has also been considered including solar shading, natural ventilation, consideration of drought resistant plant species, designing rainwater goods to cope with increased rainfall levels, and SuDS.

The provision of cycle storage and a proposed pedestrian connection to the local bus stop and further pavement networks will help to promote sustainable modes of transport. Where vehicle use is necessary all of the parking spaces will offer electric charging points to promote sustainable transportation.

All of the above measures are welcomed and meet the requirements of LDP Policies S12 and SD2.

## **6.2 Active and Social Places**

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

The site is considered to be well positioned in relation to the sustainable transport options. Bus stops are located in what are considered reasonable walking distances from the site and the frequency and destinations of services available are reasonable and access by local bus to Abergavenny Town and the bus and rail stations. The site is also located approximately 2.6 km from the rail station providing access to Hereford, Cwmbran, Newport, Cardiff and beyond. The highway authority also consider that the site is reasonably well located to take advantage of existing walking and cycling infrastructure that although predominantly located on strategic traffic

routes does provide connectivity with existing attractors and destinations such as the Llanfoist Post Office, Waitrose supermarket, bus stops and Abergavenny town centre. The location of the proposed development is therefore considered to meet the requirements of PPW10 in relation to the Sustainable Transport Hierarchy.

### 6.2.2 Access / Highway Safety

The development proposal will involve closing off the existing vehicular access to/from Merthyr Road public highway with a new pedestrian and vehicular access being provided off Gypsy Lane. The overall width of the access has been reduced, the pedestrian and vehicular use has been separated and defined and the gates have been removed. The removal of the vehicle gate enables all vehicles requiring access and egress to do so without the need to open and close gates thus reducing the likelihood of vehicles obstructing the public highway.

21 car parking spaces are proposed and allocated as follows;

6 spaces allocated to residents

1 space for the House Warden/Manager

7 spaces for day to day servicing and external health providers, cleaners, etc.

7 visitor spaces

The House Warden/Manger will manage and control the day to day vehicle movements in and out of the facility, for instance tenant's deliveries will be restricted to one at any given time. A parking permit scheme will also be administered by the House Warden on an ongoing basis and each resident successfully applying for a permit will enter into an Agreement under which they will pay an annual permit fee. Permits will be made available to residents on a first come first served basis and therefore once permits have been issued for all spaces on a development a waiting list will be created, strictly in order of receipt of application.

The remainder of the spaces (15 spaces) will be available for Staff and Visitors. One of these car parking spaces will be reserved and clearly marked for the House Manager and must be kept clear at all times. As such, there will be 14 spaces remaining for staff and visitors. In terms of other staff visiting the site, this will be managed by the House Warden to ensure that there is not a conflict with all staff attending site at the same time. Visitors & Maintenance Staff need to sign in and give their vehicle registration number to the House Warden. Despite these management procedures, this management plan has assessed the maximum number of staff likely to be attending site at any one time in order to ascertain the likely number of spaces available for visitors. The staff attending the site will be as follows:

\* Emergency Care - The emergency carer will provide care for more than one individual, therefore it is unlikely that more than three carers will be present at any particular time. As such the maximum number of emergency care vehicles on site at the same time will be three.

\* Grounds Maintenance - Ground Maintenance will be advanced once a month and will require one car parking space. As such the maximum numbers of ground maintenance vehicles at the site will be one.

\* Cleaners - 2 Cleaners will visit site twice a week and will clean communal areas as well as residents dwellings as necessary. As such the maximum numbers of cleaners vehicles at the site will be two.

\* Deliveries - Deliveries will be managed by the House Warden and as such only one delivery vehicle will attend site at any one time. As such the maximum numbers of delivery vehicles at the site will be one.

It is therefore evident that the number of staff visiting the site at any one point will be fewer than 7 meaning that there will be at least 7 spaces available for visitors at all times. 7 visitor spaces is considered to be sufficient to serve the development.

It is acknowledged that the applicant actively promotes and encourages healthy lifestyles and will look to minimise the reliance on the domestic car by restricting the number of dedicated car parking spaces to six in total on a first come first served basis. This does not control or more importantly restrict tenant's vehicle ownership but just restricts the ability to park on site. Provided that the Management Plan is implemented and amendments to the parking layout, parking space dimensions and the distance between spaces it is considered that the parking is now in compliance with the Council's adopted standards.

No dedicated turning area has been indicated and the applicant has indicated in the supporting Management Plan that deliveries will be managed by the house Warden/Manager restricting only one delivery on site at any one time. The Management Plan also states that those residents requiring to move in or out will need to provide 72 hours' notice prior to moving so that the onsite management team are able to advise other residents and maintenance operations of likely short-term minor interference with the on-site car parking arrangements. All residents will be notified that moving into the development will be undertaken from the onsite access road and car parking bays and there will be a vehicle size restriction of 7.5t Box Van maximum. These restrictions for a development of 18 apartments (17 two bedroom and 1 three bedroom) is in the opinion of the highway authority unrealistic and service vehicles in excess of 7.5T are likely to require access on a fairly frequent basis. Officers are satisfied that there is space within the site to achieve this and therefore, should the application be approved, it is recommended that a suitably worded condition is used to ensure that the car park is laid out to accommodate the area required to enable service vehicles to turn around.

The applicant's ethos to create sustainable developments that encourage an active lifestyle promoting sustainable travel by walking and cycling and siting developments so that public transport is reasonably accessible to residents on foot is noted. The applicant has produced a management plan together with measures that will be implemented to reduce reliance on the private car. This would have to be suitably conditioned.

The impact on the proposal on traffic is detailed in Section 4.16 of the Transport Statement which states that "it is considered unlikely that the proposals would generate more than say 2 two way vehicle movements per apartment per day on average or 36 two way movements per day". In light of the parking and access restrictions that are to be implemented through the Management Plan, this predicted level of traffic is accepted and will not lead to a real deterioration in highway safety or capacity in the local area that would justify refusal of the application on highway grounds subject to the conditions suggested (below).

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

Not applicable to this application due to the type of development proposed.

### **6.4 Distinctive & Natural Places**

#### **6.4.1 Landscape/ Green Infrastructure**

The submitted Landscape and Visual Impact assessment GRE-002 Rev A Oct 2019 is relatively comprehensive and has highlighted that from elevated near distance receptor locations that the proposed built form set within the context of the urban development of Llanfoist is likely to have a relatively low impact on the landscape sensitivity of the canal corridor, elevated Blaenavon Industrial Landscape World Heritage site and associated public rights of way and national trails i.e. hills tramroad, NCN and the link to canal cottage.

From the accompanying elevations, photomontages and layout plans, it is apparent that the main impact of the proposed building will be upon the visual amenity of the Merthyr road and Gypsy Lane corridors as viewed from road and path users as well as adjacent and nearby residential dwellings. The amended designs as recently submitted have responded more effectively to concerns raised by reducing the overall appearance and mass of the building through reductions of units to create second floor set back, reduction in eastern elevation length, step back of northern elevation, re-configured roof alignment, a break in the eastern elevation aspect with a view 'through' the building, reduction in height as well as reducing expanse of stonework to the eastern and northern elevations with an increase in naturally durable timber and architectural textures on eastern and northern facing elevations as shown in plan ref 400-P-203-P5. Elevations have additional proposed vegetation in the form of climbers and support within the context of the ground and first floors.

The majority of the existing garden trees and shrubs will have to be removed to facilitate the development. Many of these are not native trees and include two large Douglas Firs and a Lawson Cypress tree (both native to North America). There will be extensive new planting of trees to replace those lost. The proposed new trees will be more domestic in scale and more appropriate to the wider landscape in terms of species including two larger Sycamore trees on the north east and north west corners of the building and new tree planting between the building and Merthyr Road. New tree planting to provide woodland areas are also proposed around the

periphery of the site to screen/soften the impact of the building on the street scene and also provide privacy for the future occupiers as well as the existing neighbouring dwellings. The proposed new communal garden is to include wildlife friendly perennial planting and species rich grass areas/lawns. The proposed new extensive planting would add to the biodiversity of the area as well as add to the visual amenity of the wider area.

It is therefore considered that the proposed development will not have an adverse effect on the layout of the Llanfoist settlement in this location and complies with LDP Policies LC5 and GI1.

#### 6.4.2 Historic Environment

The application site is visible from the canal corridor, elevated Blaenavon Industrial Landscape World Heritage site and associated public rights of way and national trails i.e. hills tramroad, NCN and the link to canal cottage. However, views from these points are limited and the proposed green roof will further reduce the visual impact of the building when viewed from these areas. As such it is considered that the proposed development will not adversely affect the World Heritage Site and therefore accords with the requirements of Policy LC2 of the LDP.

#### 6.4.3 Biodiversity

Further to requests for additional information, an updated ecology submission has been received that was informed by a further inspection of the site on the 17th January 2020. The council's Biodiversity Officer is now satisfied that the ecological justification and further update inspection addresses previous concerns.

Further details in respect of the bat roost mitigation building and the ecological mitigation were received 10.09.2020. These revisions are considered to be acceptable pending the inclusion of conditions to secure implementation, management, and appropriate controls on restricted access to the bat mitigation building. It will also be necessary to ensure the retention of dark corridors around the curtilage of the site protecting existing and new planting at the boundaries of the site. This is to ensure the ecological functionality of the mitigation and enhancement features to be installed, particularly on the western side of the development boundary. It is suggested that a condition is included requiring a lighting scheme is submitted to the LPA for approval to ensure sensitive lighting solutions are utilised and light spill impacts minimised.

The updated ecology submission also addresses previous concerns in respect of Great Crested Newts, it is considered that subject to securing a Construction Environmental Management Plan (CEMP) via condition, successful implementation of the ecological mitigation plan and provision of a GI Management Plan, that Great Crested Newts can be appropriately protected during construction and enhancements for this species secured by the planning consent.

In terms of enhancement, the concepts provided within the document "Concept Landscape Proposals 4.1a Biodiversity & Green Infrastructure - Habitat Creation" are positive. The landscape details will be secured by appropriate planning condition.

#### 6.4.4 Flooding

The site is not within a flood zone and there is no known flooding of the site.

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

Infiltration testing has not yet been carried out, so two drainage strategies have been produced; one assuming infiltration rates are suitable for the use of soakaways on site, the other assuming they are not. If infiltration is suitable, permeable paving can be used on site as both storage and infiltration device. A volume of 170m<sup>3</sup> is required and is available below the car parking areas. This has been calculated based on low infiltration rates so could be reduced if testing shows higher rates on site. If infiltration is not suitable, controlled discharge to an existing surface water sewer to the east of the site is available with 115m<sup>3</sup> attenuation within permeable paving preventing flooding onsite. Permeable paving will offer filtration of surface water runoff to aid water quality leaving the site. A condition requiring surface water drainage details to be submitted and agreed, then implemented should be included on any consent.

As the scheme was submitted post 7th January 2019, the scheme will require also SAB approval from Monmouthshire's SAB authority.

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

6.5.1 Llanfoist Fawr Community Council have commented that their Members remain disappointed that there have been minimal attempts to consult directly with the Community Council during the planning process to date. In this respect a Pre-application Consultation exercise was undertaken which is designed to engage the local community prior to the formal application being submitted.

6.5.2 The Community Council and local residents also consider the scale, height and composition of the proposed design unacceptable and/or sensitive for a development at the centre of Llanfoist. The issue of design including the massing of the building is addressed in section 6.2.1 of this report.

6.5.3 Issues relating to car parking and access are also addressed in section 6.2.2 of this report and it is worth reiterating that the council's Highway Engineers have no objection to the proposal following the submission of further information relating to the management of parking and deliveries. In terms of the amount of parking spaces provided, there are a number of important material considerations that justify the reduced number of spaces proposed for the scheme compared with normal standards for residential development. One must give weight to the nature of the accommodation for elderly persons, not all residents would have a private motor vehicle and would be even more unlikely to have two vehicles. It is acknowledged that the Greenfields site is not in a town centre location, however, its non-car accessibility has been identified as being good/reasonable with the associated potential to reduce the use of the private car. A slightly greater parking provision for the Greenfields site (1 space per 0.9 apartments compared to 1 space per 1.2 apartments at the recently approved McCarthy and Stone development on Tudor Road) addresses this locational issue. Taking all of the above into account, it is maintained that the provision of 20 parking spaces for the 18 retirement living apartments proposed for the Greenfields site is appropriate.

6.5.4 Disruption during the construction phase would not be a reasonable reason for refusal. However, this can be minimised through a well-considered Construction Traffic Plan which is suggested as a condition on any consent.

6.5.5 In terms of loss of privacy, distances between balconies/windows and any neighbouring dwellings are considered to be acceptable to avoid overlooking (see section 6.1.3).

6.5.6 Objections were also received on the basis that Llanfoist has already reached a development saturation point and this proposal constitutes over development. Whilst the current LDP has not allocated any land for large scale new houses, Llanfoist is designated as a Rural Secondary Settlement due to it being sustainable in terms of public transport links and services. Strategic Policy S1 sets out those settlements that will be the primary focus for new housing developments in the County. Town and Village Development Boundaries have been drawn around these settlements of which Llanfoist is one. There will be a presumption in favour of new residential development within these boundaries, subject to detailed planning considerations. A development of 18 one and two bedroom apartments is considered to be small scale and will have a limited impact on the area in terms of additional pressure on local services.

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

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

## **6.7 Conclusion**

6.7.1 It is considered that the proposed development will not have an adverse effect on the layout of the Llanfoist settlement in this location. The development is of high standard of design and it would not have an unacceptable visual appearance on the area. The development would not cause any loss of amenity for local residents. Access, parking and traffic generation have also been considered and deemed to be acceptable by the council's Highway Officers. Sufficient

information has also been provided for the Local Planning Authority to consider the 'Three Tests' under the Conservation of Habitats and Species Regulations 2017 and appropriately fulfil the wider duties under that same legislation and the Wildlife and Countryside Act 1981 & Environment (Wales) Act 2016.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### S106 Heads of Terms

A contribution of £107,184 towards the provision of 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 No development shall take place (including ground works, vegetation clearance) until a Contractor's Construction Environmental Management plan has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended)

4 A 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.
  - a. Boundary buffers
  - b. Retained and new hedgerows
  - c. Green corridors
  - d. Water bodies and any SUDS related features and green engineering
  - e. Grassland
  - f. Bat roosting and Bird nesting provision
- b) Opportunities for enhancement to be incorporated
  - a. Management of Grassland and any waterbodies / SUDS habitats for botanical species diversity and protected species including great crested newts and reptiles
  - b. Management of hedge boundary buffer strips and new planting to increase and maintain diversity and screening
  - c. Management and monitoring of the Bat roosting provision
  - d. Management of retained and new trees for good arboricultural practice
  - e. Maintain habitat connectivity through the site for protected species
  - f. Management of the green roofscape
- 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)

5 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 Infrastructure LC5, DES 1 S13, and GI 1 and NE1

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

IN

7 No development may commence until details have been submitted to and approved in writing by the planning authority indicating an area set aside for the turning of service vehicles

and an area laid out in front of the building to enable emergency vehicles to have direct access to the buildings main entrance.

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

IN

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

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

9 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.

10 Prior to occupation of the building, a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation.

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

11 Bat mitigation building as specified "400 - P - 003 - P7-DEVELOPED - Site Plan, 400 - P - 211 - P1-DEVELOPED - Lesser Horseshoe Bat Roost Details dated 10.09.2020 by Casa Architects and Ecological Mitigation Plan\_Sept 2020 and Proposed bat roost\_Greenfields Sept 2020 dated 9.09.2020 by Crossman Associates" to be maintained in perpetuity, accessible only by licensed bat ecologists for monitoring and maintenance purposes in accordance with agreed GI Management Plan. The door shall be of steel frame and timber clad construction and fitted with a mortice deadlock.

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

12 The Ecological Mitigation plan dated 9.09.2020 by Crossman Associates shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the building.

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

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

- a) lighting type, positioning and specification
- b) measures to minimise light spill from glazed areas
- c) drawings setting out light spillage in key areas for bats based on technical specifications

The strategy must demonstrate that bat mitigation entrances are not illuminated and allows dark corridors for bats. The scheme shall be agreed in writing with the LPA and implemented in full.

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

14 The site shall be managed in accordance with the details provided in 'Ikaria Lifestyles - Management Plan (16 October 2019) only.

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

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

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

#### INFORMATIVES

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

2 Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.



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**Application Number:** DM/2019/02012

**Proposal:** Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure

**Address:** Land To South Of Brewers Fayre Restaurant, Iberis Road, Llanfoist

**Applicant:** Foxhunter Estates Ltd And Johnsey Estates UK Ltd

**Plans:** Site Plan 4874 - PL03(B) - (PROPOSED SITE PLAN), Landscaping Plan 4874 - PL04(B) - (HARD LANDSCAPE), All Drawings/Plans 4874 - PL05 - (HOUSE TYPES ), Location Plan 4874 - LP01 - (SITE LOCATION PLAN), Landscaping Plan 760 01 REV C - (LANDSCAPE STRATEGY), Other 2019-12 - PHASE 1 SURVEY, Site Plan 4874 - PL01 - (EXISTING SITE PLAN), All Drawings/Plans 4874 - PL02 - ( SITE ANALYSIS ), All Drawings/Plans 4874 - PL06 - (HOUSE TYPES F2), All Drawings/Plans 4874 - PL07 - (HOUSE TYPES G1), All Drawings/Plans 4874 - PL08 - (HOUSE TYPES G2), All Drawings/Plans 4874 - PL09 - (HOUSE TYPES G3), All Drawings/Plans 4874 - PL10 - (HOUSE TYPES G4), All Drawings/Plans 4874 - PL11(A) - (HOUSE TYPES H1), All Drawings/Plans 4874 - PL12 - (HOUSE TYPES H2), All Drawings/Plans 4874 - PL13 - (TYPES L PLANS), All Drawings/Plans 4874 - PL14 - (TYPES L1 - ELEVATIONS), All Drawings/Plans 4874 - PL15 - (TYPES L2 - ELEVATIONS), Other 4874 - PL16 - (BOUNDARY WALL SIGNAGE), Other 4874 - PL17 - (VISUAL 1), Other 4874 - PL18 - (VISUAL 2), Other 4874 - PL19 - (VISUAL 3), Other 4874 - PL20 - (VISUAL 4), Transport Assessment TRANSPORT STATEMENT - , Ecology Report 200619 1075 GCN V1 - GREAT CRESTED NEWT REPOR,

## **RECOMMENDATION: REFUSE**

Case Officer: Ms Kate Bingham  
Date Valid: 06.01.2020

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

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This application relates to an area of land adjacent to the existing Foxhunter Care Home in Llanfoist. The plot sits to the immediate south and south east of a Brewers Fayre pub, McDonald's restaurant, Premier Inn hotel and Costa Coffee unit. To the south of the site is a large-scale residential development (Ffordd Sain Ffwyst) and a lagoon area. The area is allocated as employment land in the current Local Development Plan (SAE1 Westgate Business Park).

#### 1.2 Value Added

Amendments to the proposed landscaping and planting have been made to improve their biodiversity value:

Planting of the wildlife pond with plants suitable for GCN (species taken from the GCN conservation handbook; excluding water soldier).

Installation of solitary bee bricks in the southern elevation of properties

Installation of integrated sparrow terraces and swift boxes to appropriate elevations  
Inclusion of a hibernacula immediately adjacent to the wildlife pond, which will be seeded with nectar and pollen rich species to act doubly as a butterfly bank.  
Wildflower seeding around the wildlife pond with ephemeral seeding on its sloping banks.  
Inclusion of integrated bat boxes to properties along the southern and western boundaries.

### 1.3 Proposal Description

It is proposed to construct 24no.extra care units (Class C2 Use) together with a new access, car parking and landscaping. The extra care development is to be operated by Dormy Care Communities who also run the adjacent Foxhunter care facility to the east of the application site. The extra care bungalows are proposed to form an extension to this. The principle support for the residents of the bungalows is proposed to be from the on-site community manager. The proposed development will also benefit from its close proximity to the Care Home with a range of leisure facilities and 24 hour emergency support.

The development will comprise the following:

8No. 1 Bedroom Units  
10No. 2 Bedroom Units  
4No. 2 Bedroom Units  
2No. 3 Bedroom Units

The proposed site layout shows 24no. units of varying types arranged around a central access road. All of the proposed units will be bungalows except for 2no. dormer bungalows and 4no.units with a two storey element. It is anticipated that one of the dwellings will be occupied by a Community Manager who will live on site.

It is proposed that the properties will be occupied by those over the age of 55. It is considered that the following elements identify why the proposed development would comprise a Class C2 use:

There will be a link between the care home in respect of use of facilities and potentially a cinema club;  
Each property will benefit from an internal alarm system linked to the Community Manager;  
The properties will benefit from fully accessible kitchens and will be designed with elderly residents in mind;  
Residents will be required to pay a service manager charge;  
The units are not to be for sale on the open market and could be restricted by a S106 obligation requiring occupants to be either in need of a specified level of care or in receipt of a specified minimum package of care services and/or above a specified minimum age;  
Eligibility criteria will need to be met prior to occupancy which will include undertaking an initial assessment of care needs with regular reviews and monitoring; and  
Given the additional costs involved in paying for care and accommodation, the units are highly likely to be occupied by those in genuine need of care as opposed to the more general public.

The distinguishing feature of C2 establishments is the provision of personal care for those who need it. Where extra care units are restricted to those in need of care by reason of old age, such as the proposed scheme, the proposed use would fall within the definition of Class C2.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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DM/2019/02012	Proposed development of 24 no. extra care units (Class C2 Use), access and car parking, landscaping, boundary treatments and means of enclosure.	Pending Determination
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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  
S9 LDP Employment Sites Provision

#### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
EP1 LDP Amenity and Environmental Protection  
GI1 LDP Green Infrastructure  
MV1 LDP Proposed Developments and Highway Considerations  
NE1 LDP Nature Conservation and Development  
LC5 LDP Protection and Enhancement of Landscape Character  
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

**Llanfoist Fawr Community Council** - Recommend approval. Members supported the Housing Officer's recommendation of 8 affordable dwellings.

**Natural Resources Wales** - We consider that there is insufficient information with this application to confirm the likely impacts of the proposals on GCN and to be satisfied that the proposals are unlikely to result in a detrimental impact to the maintenance of their favourable conservation. Final comments in respect of revised information shall be reported in Late Correspondence.

**Welsh Government Transport** - No observations to make in relation to the A465 Trunk road.

**MCC Planning Policy** - The current application is considered premature as it is contrary to the current LDP (2014-2021) land allocation as it is an allocated employment site (SAE1 d) and this contrary to policy S9 'Employment Sites Provision' and policy E1 - Protection of Existing Employment Land.

It is noted that there has been recent pre-application advice (DM/2019/01545) and it advised in the response by the planning policy team that the proposal is not in accordance with the current LDP and to pursue the site via the candidate site process, which we are reviewing as part of the Replacement LDP (RLDP) 2018-2033 (previous response set out below for ease of reference). As part of the RLDP 'Employment land Review' we are currently within the process of assessing why some employment sites have not come forward and as part of this review we will be looking to de-allocation, reallocate and provide new employment sites in an evidenced and full considered plan led way.

This stance is further embedded in PPW 10 and recent correspondence from the Welsh Minister who states in a recent letter 'Planning Policy Wales (PPW) Edition 10 sets placemaking at the heart of our planning system. It is now a key consideration when making development plan and development management'. 'It is essential that Local Development Plans (LDPs) are produced and reviewed and their land-use allocations are delivered in line with community expectations'.

It is acknowledged a 'marketing and demand report has been submitted by Sutton Consulting Ltd (dated July 2019)' has been submitted as part of the application and this will need to be considered by Development Management on whether the findings of this report can outweigh the plan-led allocations as adopted within the current LDP.

It is noted the report concludes 'in general terms, new speculative development has not proved viable in this location and would require the support of the public sector either through intervention funding or direct build. Any such developer interest in the subject site has not progressed due in part to lack of intervention funding to facilitate such as scheme.'

Planning Policy agrees with the funding that to attract B1/B2 uses MCC needs to be actively involved and needs to attract growth and maximise opportunities through the City Deal partnership and provide appropriate land in the right locations. This is what is currently being researched and undertaken with the new LDP process.

The planning policy team therefore object to a non-B1/B2 use at this site as it is currently premature, and it is recommended the site is considered for alternative employment uses, such as the mixed use (as submitted as a candidate site) via the candidate site process for the new RLDP.

**MCC Business Insights Manager** - To date development on the site has been confined to the construction of hospitality and accommodation businesses and a care home. However, even before development began on this site, demand for B1 and B2 employment units in Abergavenny exceeded supply. This continues to be the case and results in businesses having to move outside of the county to find suitable premises to enable them to grow.

It is vital that Abergavenny can develop a wider range of B1 and B2 premises to accommodate growing businesses and attract new ones. On the face of it, this site seems well suited to B1 uses.

Whilst I recognise the benefit of developing extra care units of this kind and the fact that this project will create a degree of new employment, I am afraid that I object to the proposed development on this site, for the reasons given above and the fact that the application is effectively a residential application submitted in respect of an allocated employment site.

**MCC Environmental Health** - The current application has re-used the 2013 Contaminated Land site investigation by Earth Science Partnership that was undertaken for the full development site. However, that report needed further actions needed including further gas monitoring, and is not

specific to the parcel of land or end use proposed.

Some further work was undertaken for the Care Home development in 2016/2017 but I had not received the additional reports I needed to be able to consider that site suitable for its end use and to discharge its planning conditions. I believe that the below comments and issues are directly applicable to the new site, as it is on neighbouring land. As such I do not think the 2013 site investigation used in the planning application is suitable and further site investigation is required (similar to that highlighted in my emails) and therefore would recommend that the following be taken into account:-

#### Contaminated Land

I would recommend that a site investigation/risk assessment procedure be undertaken by the developer in accordance with CLR11 "Model Procedures for the Management of Land Contamination". Should the Planning Authority consider it appropriate to grant planning approval prior to a contaminated land site investigation I would recommend that suitable conditions be attached to ensure that the site is fully investigated and, if necessary, remediated to ensure the protection of public health.

**MCC Highways** - No objections subject to condition requiring a Construction Method Statement.

**MCC Landscape/GI** - No objection in principle to the proposed development. Conditions required should the application be approved. Also the following financial contributions to be secured via a S106 agreement:

1. Offsite recreation: Based on £3,292 / dwelling x 24 = £79,000. To be used for improvements to recreation and green infrastructure provision within a one-mile radius of the site.

GI Bond provisions:

1. A sum of £1,500 to contribute to improvements to the local PROW network, which would include GI improvements, which may be impacted upon as a result of the proposal.

2. A sum of £1,500 to develop a GI Management Plan for a linear park and adjacent wildlife pond

**MCC Biodiversity** - These comments are in reference to both GCN, biodiversity enhancement and landscape. There are several locations where access for management and protection of ecological proposals may need to be in place.

We are relatively happy with the overall landscaping subject to some more landscape specifications and detail and landscape / GI management plan. We will want these details prior to determination of the application. Please see guidance on preparation of GI Management Plans attached.

Nest / roost box /brick proposals are considered to be acceptable as an enhancement scheme Plot 1: blue line highlights native shrub planting with hedgehog shelters / Hibernacula and butterfly banks. Very good but needs to be able to be accessed, managed and monitored effectively. Access through fence for hedgehogs needs to be identified too including beyond the site to the south and presumably east into foxhunter care home grounds. It will be important for the benefit of hedgehogs that any GI and ecological management / landscape management plan takes into account a holistic approach to hedgehog habitat management including in adjoining premises and open areas i.e. foxhunter care home GI management plan and linear park GI management plan and persimmon homes if there is one.

The pond is too isolated. The S106 shows it connected to a north/south vegetation corridor. We need to see improved habitat links between the wildlife pond near plots 9, 10 & 13 and native species / link to linear park between plots 5 and 6. Consider rationalisation of paths between plots 13 and 6 to create more well-connected habitat.

Detailed pond design needs to be provided so that we can ascertain its suitability for GCN.

Ephemeral species planting we assume to be herbaceous. It would be good to have pollinator value species with all year interest / value i.e. a balance of aesthetics, herbaceous, semi evergreens, bulbs as opposed to bedding plants.

Awaiting final comments on updated landscaping/ecology plans at time of preparing this report. These shall be reported in Late Correspondence.

**MCC Housing Officer** - Although it is a specialist housing provision there is high housing need amongst the over 60's in Abergavenny so this is an opportunity to acquire suitable housing for older persons. I am comfortable with housing acquiring the units and have no expectation of using the facilities on offer, we would use the properties as general needs older persons housing.

SEWBRc Search Results -Records of Great Crested Newts recorded locally.

### 5.2 Neighbour Notification

No comments received.

### 5.3 Other Representations

Abergavenny & District Civic Society - The application lies within an area allocated in the present Local Development Plan for 'industrial and business' uses (classes B1, B2 and B8) in the LDP. The Council has of course permitted a number of developments in the allocated area that are in other use classes, though they have created a significant number of new jobs. Despite the applicants' attempt to minimise the effect of losing this employment site, it is the best located and only substantial and available serviced site for industrial and business uses in the Abergavenny area. The Society and other groups in the area attach a high importance to attracting new employment to the town in order to reduce its unsustainable dependence on commuting to work elsewhere. We must therefore object to the use of the land for the proposed purpose, notwithstanding the need for this type of housing in the local area. The applicants' interpretation of LDP Policy E1 requires close scrutiny, especially as the proposed job creation is very low.

The applicants go to a lot of trouble to justify the application of Use Class C2 rather than C3. We have no views on that, but do note that only one new job, an on-site manager, will be directly created. Linkages with the adjoining care home are referred to, but this relationship is not necessarily assured in the future.

We recognise that the planning authority may be persuaded that the history of decisions on the Westgate site is such that its purpose and character has changed and that residential use of the application site is acceptable. Therefore, we make the following comments on the submitted plans:

- The Planning Statement refers to a Design and Access Statement but this is not available online. We therefore have no explanation of the designer's approach to the site. The layout is introspective rather than taking advantage of the views of the Blorenges and the Little Skirrid. It would also have been better to repeat the Persimmon development by facing homes to the green infrastructure corridor originally intended as a buffer between housing and industry.
- Some of the units seem unreasonably distant from parking areas, especially bearing in mind the nature of the occupants.
- While the elevational treatment of the homes is quite appealing, it is unfortunate that no attention appears to have been paid to LDP Policy SD2. Energy efficiency should be especially important in extra care homes.
- While the green corridor has now grassed over, the owners should be asked to introduce some planting to assist wildlife connectivity.

### 5.4 Local Member Representations

Cllr G Howard - Requests that the application is considered by Planning Committee.

## **6.1 EVALUATION**

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

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

The site is allocated for employment uses (specifically B classes). LDP Policy E1 states that:

Proposals that result in loss in employment land will only be permitted if:

- a) The site or premise is no longer suitable or well located for employment use;
- b) a sufficient quantity and variety of industrial sites or premises is available and can be brought forward to meet the employment needs of the County and the local area;
- c) there is no viable industrial or business employment use for the site or premises
- d) there would be substantial amenity benefits in allocating alternative forms of development at the site or premises;
- e) the loss of the site would not be prejudicial to the aim of creating a balanced local economy, especially the provision of manufacturing jobs

Exceptionally planning permission may be granted for a change of use of existing employment land when the above criteria are not fully complied with if:

- (i) the proposal is for small scale retail uses which are ancillary to the main business/industrial activity; or
- (ii) small scale service activities of an industrial nature which are not suited to the high street and involve the sale, service or repair of vehicles or machinery.

The amount of employment land allocated for B Uses within Abergavenny/Llanfoist is extremely limited and it is acknowledged by the Council's Business Insights Manager James Woodcock that there is current demand for B1/B2 sites within this part of the County. The Asbri Planning Statement (November 2019) submitted by the applicant calculates that the development of the application site will represent 35% of the remaining development land identified in Policy SAE1, leaving 1.83 ha available within Abergavenny / Llanfoist. The applicant also argues that there is a significant supply along the Heads of the Valleys and the Welsh Government is seeking to acquire land at Cwrt-y-gollen, Powys for employment purposes. Notwithstanding this, the site is serviced and therefore currently presents an attractive and viable site for B1/B2 employment investment and its loss would therefore have a significant impact on the current supply of employment land within the Abergavenny area.

With the development of the Foxhunter care home, Whitbread Premier Inn & Brewer's Fayre, McDonalds and Costa Coffee, it could be argued that there has been a material change in circumstances in terms of the format and use class of each development on Westgate Park. The proposed scheme is intended to provide scale and critical mass to the existing care home development and create a use which is complementary to the neighbouring development. The Westgate development has matured into a mixed use scheme, which includes residential dwellings, a hotel, restaurant and a care home. The last remaining site provides an opportunity to secure a complementary use which would enhance the overall site. An industrial use (B2) may no longer be suitable in terms of the likely noise, working hours, traffic mix and associated movements of Heavy Goods Vehicles. However, offices may be less disruptive although future demand for this type of use is uncertain.

The existence of the other non -Class B uses that have been approved within the allocated employment site is acknowledged, in particular the Foxhunter Care home which this application proposes to extend. However, this development was determined prior to the introduction of PPW 10 where there is now a stronger emphasis on a plan led system to deliver in an evidenced way through the Replacement LDP, and the Council does have evidence that B1/B2 use sites are required within the locality. As such, it is not considered that this application meets the requirements of PPW10.

The applicant has argued that the Covid-19 health crisis has had a direct impact upon the property market through the disruption of both existing property transactions and proposed development and construction projects. The crisis has had an immediate impact on the use of employment floor space with an enforced increase in remote working, assisted by the greater use of technology.

This may lead to structural change in the office market, with increased home working arising from the Covid crisis and greater flexibility in future business planning. The predicted economic downturn may also weaken developer and investor appetite. This may come to pass but it is still held that the proposal should be pursued through the development plan process rather than as a standalone planning application.

In light of the above and on balance, it is considered that the proposal does not satisfy criteria (a), (b), (c) and (e) of LDP Policy E1.

Other detailed policy considerations in relation to design, landscape, biodiversity and highway considerations are applicable and are considered below.

### 6.2.2 Good Design/ Place making

The dwellings will be a mixture of bungalows and two storey dwellings. They will largely use the same materials where possible and have been designed to match the existing care home. Individual designs for uses are shown however, the majority will comprise:

Roof - Grey Tiles to match the care home  
Main Brick - Red Multi to match the care home  
Detail Coursing - Buff brick to match the care home  
Render - Cream

The proposed scheme is to incorporate measures to reduce potential adverse effects on landscape character and visual amenity. Some of these measures will bring about immediate benefit, but those which involve tree or hedge plantings may take some years to become fully effective. In the case of tree and hedge plantings for this development, these are not estimated to reach a measure of maturity until 15 years have passed; however, the required height and density to be sufficiently effective for screening views may be achieved much sooner if they were to be well cared-for and the soil and weather conditions are favourable.

The mitigation measures incorporated are as follows:

Removing the mound of soil burden and rationalising the levels across the site;

Allowance for a buffer zone/open space link and pedestrian route between the proposed development and the existing housing to the south.

The proposed buildings to be arranged around open garden courts to encourage social interaction within a healthy and attractive setting;

Individual gardens to be enclosed by low hedging/fencing for privacy/separation from surrounding developments;

Structural planting of indigenous native tree, shrub and wildflower/clover species that, together with the Green Infrastructure open-space provision, will offer food for birds and bees and provide a wildlife/habitat link from the open space/marsh area to the south-east and the wedge of open space to the west;

Setting-out an avenue of trees along the northern edge of the site to offer amenity to road users and visitors to the hospitality units, and to add some screening/softening of the new development for the limited views from the north

Materials on the building facings and in external spaces to match with those employed on the adjacent Care Home;

SUDS provision to harvest and control storm water run-off in the form of planters on downpipes and depressions in grass areas where appropriate, as well as storage crates beneath parking areas.

Creating a pond for both amenity and an additional habitat for aquatic wildlife and flora;

The planting of trees and shrubs where possible on the site to offer shade, shelter, and screening, to provide an additional refuge and foraging for birds, and to assist with visual integration with surrounding sites;

The lighting proposals for the Development to incorporate luminaires with full horizontal cut-off shields to reduce light spill and the brightening of the night sky.

It is considered that the proposed units and associated roads, gardens and shared spaces have been designed so as to ensure assimilation with the wider built context. It should also be noted

that this site has implemented planning permission allowing for B class uses and is allocated as such in the LDP. It is considered that the proposed use has been designed so as to ensure the impact in visual terms, particularly when viewed from the World Heritage Site, represents a betterment when compared with the potential use of it within classes B1/B2/B8.

### 6.2.3 Impact on Amenity/ Promoting Healthier Places

The proposed application site is separated by the commercial properties to the north by a service road and from the existing houses to the south by an approximately 20m wide linear park. As such there will be a distance of over 21 metres between any habitable windows on existing dwellings and the proposed new bungalows/houses. Only one bungalow and the access road are proposed on the boundary with the existing care home.

The residential/care use of the application site is considered to be compatible with the existing care home and the housing to the south and is also well separated from the commercial uses to the north. The layout of the proposed dwellings encourage the use of shared outdoor areas and natural surveillance but each property will have a private garden and there will be no overlooking between properties.

The proposed development is therefore considered to meet the requirements of LDP Policy EP1 and will not harm local residential amenity.

### 6.1.5 Sustainable Management of Natural Resources

The MCC LDP indicates that new developments will be expected to incorporate reduced energy demand and energy efficiency through respectively both passive design and the building fabric. The layout and design of new developments should ensure that passive design principles as set out in Figure 11 of TAN22: Planning for Sustainable Buildings, are fulfilled. The building fabric relates to the materials comprising any part of the building; walls, floor, roof etc. A list of low or zero carbon (LZC) technologies is presented in Figure 12 of TAN22.

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'.

The proposed landscaping to help to reduce rainwater run-off and improve air quality by using appropriate species and materials selection is supported. Appropriately located tree planting and rain gardens will also assist with any SuDS infrastructure.

## **6.2 Active and Social Places**

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

The site is accessible by a range of transportation options. Bus stops are located within 300 meters of the site on Merthyr Road (B4246) with the following services provided:

Service No 3 - Destination - Brynmawr  
Service No 47 - Destination - Abergavenny  
Service No X4 - Destination - Cardiff

Abergavenny railway station is 1.5km to the east of the site. Services from the station operate along the Welsh Marches Line between Newport and Crewe, calling the following main destinations (Cwmbran, Pontypool, Abergavenny, Hereford and Shrewsbury) among a series of smaller towns and villages.

The site is therefore considered to be sustainable and rates highly within the Sustainable Transport Hierarchy set out in PPW10.

### 6.2.2 Access / Highway Safety

Vehicular and pedestrian access is proposed via the existing roundabout serving Iberis Road adjacent care home and McDonald's restaurant. 34 car parking spaces will be provided within the site.

The traffic impact from the overall development site was considered as part of the outline application (DC/2008/00818) and appropriate mitigation measures were agreed and implemented through local highway improvements to accommodate the traffic generated from the whole development site. The traffic associated with the application site therefore has already been considered and approved. A new transport statement has been prepared in support of the proposed development, which demonstrates that the traffic generated from the proposed care home development will in fact be less than that generated from the initial approved commercial development.

The Westgate development site consists of a purpose built commercial access road to provide vehicular access to the individual commercial development plots. The estate road consists of a main spine road and 2 roundabouts with access spurs to the respective development plots. The application site is located directly off the south spur of the south-eastern roundabout. Access to the application site is proposed directly from the south roundabout spur.

The proposed estate road serving the care development is designed as a private gated access road which has been set back from the roundabout to avoid queuing traffic.

The proposed car parking provision for the 24 care units is 34 car parking spaces for residents and visitors. This is considered to be acceptable and in line with the Monmouthshire Parking Standards 2012. Pedestrian movement from the site has been considered and a gated pedestrian link has been created to link to Ffordd Sain Ffwyst.

In light of the aforementioned, there are no highway grounds to sustain an objection to the application and the development is considered to comply with LDP Policies S16 and MV1.

#### 6.2.4 Community Facilities

Although not specifically a community facility as defined in the LDP, private housing with an element of care will benefit the wider community which is known to be aging in the County.

#### 6.2.5 Recreational Spaces

Recreational space will be provided in the form of two areas within the site. Pedestrian links to the wider footpath network have also been included.

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

#### **6.3.1 Economic Benefits**

Given the provision of care will be determined by the resident's specific requirements, it is difficult to determine the number of jobs which are likely to be created as a result of the proposed development. Notwithstanding, it is considered that circa 20 positions will be created. However, the benefits in terms of job creation are likely to be best felt by the supply chain via the provision of care services where required.

### **6.4 Distinctive & Natural Places**

#### 6.4.1 Landscape/ Visual Impact

Policy LC5 of the LDP refers to the protection and enhancement of landscape. This policy states:

Development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects by:

a) Causing significant visual intrusion;

- b) Causing significant adverse change in the character of the built or natural landscape;
- c) Being insensitively and unsympathetically sited within the landscape;
- d) Introducing or intensifying a use which is incompatible with its location;
- e) Failing to harmonise with, or enhance the landform and landscape; and /or
- f) Losing or failing to incorporate important traditional features, patterns, structures and layout of settlements and landscapes of both the built and natural environment.

Although the Monmouthshire Landscape Sensitivity and Capacity Study had assessed in 2009 that the site and its environs had a high medium sensitivity to development, so were the vast majority of land parcels throughout the fringe of Abergavenny and Llanfoist. Over many of these land parcels, including the environs of the site, there has been development over recent years. The development site is now an isolated disused piece of land, the last remaining plot within an area that has otherwise been developed. In terms of landscape character and value, the site itself is devoid of trees and other elements of landscape importance.

The Westgate area of Llanfoist, Abergavenny, in which the development site is located, was subject of a Green Infrastructure Study in 2015 in order to ensure Green Infrastructure was preserved and improved, whilst identifying development potential. The strategy/proposals from the study include:

1. A proposed linear park will link new planting and existing trees and hedgerows to provide green corridors using locally sourced native species;
2. A Management Plan will be drawn up for infrastructure planting to be managed by Management Company
3. Interlinked ponds and terrestrial habitat for Great Crested Newts will ensure flourishing of populations. Ecologist will be retained to oversee construction and management of proposals and provide on-call services
4. Study has been undertaken to assess groundwater and suitability of SUDS; permeable paving is proposed within residential area; soakaways not suitable for this site.

The application site is located circa 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which includes the slopes of The Blorenge. The landscape is assessed as part commercial, part residential sub-urban character, with influences from hospitality enterprises, care facilities and transport interchange/routes, and visual enhancement offered by the views to the surrounding mountain and hillside ranges.

The principal impact of the development will more significantly be felt by the occupants of the Persimmon housing development to the south and current users of the Westgate site especially the GI corridor (linear park) between the proposed development and the existing housing development. The LVIA submitted with the application concludes that there will be limited adverse effects on the landscape character and visual amenity. This has been broadly accepted by the council's Landscape and GI Officer on the assumption that the landscape mitigation proposed is fully implemented as per Landscape Strategy. On balance therefore it is considered that there would be neither detriment to the character of the local landscape, nor any major harm to views from the wider landscape or Public Rights of Way, or to views from neighbouring residential properties in the long term and the development therefore complies with LDP Policy LC5.

#### 6.4.4 Green Infrastructure

The range of wider functions have been identified through the LVIA and DAS. The applicant seeks to provide further connectivity to the wider footways and PROW network via a secondary pedestrian gate to the west of the site. This is welcome, however further clarification is sought to show how pedestrian access through the site will be managed. This could be included in a Green Infrastructure Management Plan that can be conditioned should Members of Planning Committee resolve to approve the application.

#### 6.4.5 Biodiversity

In accordance with PPW 10, the protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision, and LDP policy NE1. This should be informed by relevant ecological assessments, included as GI opportunities for the site and subsequently to ensure long-term functionality detailed management prescriptions will need to be provided as part of a GI management plan.

#### 6.4.6 Flooding

The site is not within any designated flood zone.

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

Any future development of the site, such as creation of new surfaced parking or new paths, will require SAB consent.

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

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

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

### **6.6 Conclusion**

6.6.1 The proposed development is considered to be compatible with the surrounding area in terms of residential amenity. Wider landscape impacts would also be limited. The location is also considered to be sustainable in terms of transport and access and parking arrangements are acceptable. However, it is considered that the loss of employment land has not been justified and as such, the application is premature and should be pursued through the Replacement Local Development Plan process.

### **7.0 RECOMMENDATION: REFUSE**

#### **Reasons for Refusal:**

1. The proposed development would result in the unjustified loss of allocated employment land (SAE1d) and is therefore contrary to Policies S9 (Employment Sites Provision) and E1 (Protection of Existing Employment Land) of the adopted Monmouthshire Local Development Plan.

**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**

**Previous Planning Committee on 1<sup>st</sup> September**

- 1.1 This planning application was considered on 1st September 2020 where members took a split decision regarding the proposals to vary condition 3 and remove condition 4 of the previous planning consent DM/019/01480. The planning committee resolved to refuse the removal of condition number 4 and agreed with the officer recommendation to reword the condition accordingly as outlined in the report below. This element of the application has been determined.
- 1.2 The planning committee deferred the variation of condition 3 which seeks to enable up to 4 touring caravans to be parked on site for the use permitted under planning permission DM/2019/01480. This element of the application was deferred to seek amended plans to demonstrate that up to four touring caravans can be accommodated on site plus space for parking and turning, as well as two park homes and utility blocks. A plan that outlines the dimensions of the site has been provided to aid the member's consideration of the proposal. The application seeks to site the touring caravans anywhere within the site and there is a space of approximately 42m x 28m where the touring caravans could be sited (excluding park homes, day room and utility room). Concerns were raised by members regarding highway safety and the overdevelopment of the site. The siting of touring caravans on the site would not have an adverse impact on highway safety and there is a considerable turning area within the site measuring 4.65m x 16.7m. This would be a sufficient space for turning the caravans particularly given a caravan can be largely manoeuvred via its axle. The Council's Highways Officer has no objection to the proposal and raised no objection to the proposals within the previous planning application DM/2019/01480 stating that "*The development would not generate traffic manoeuvres that would be detrimental to highway safety or capacity on the local network*". To aid committee members with the consideration of highway safety matters the Council's Highways Officer will be in attendance at the Planning Committee meeting.
- 1.3 Committee also raised concerns regarding an overdevelopment of the site and the visual impact of the touring caravans. The site is capable of accomdatating the touring caravans and given the characteristics of the site and the erected fencing views of the site would be limited. The site would be apparent from the A48 immediately adjacent to the southern boundary, but it is screened behind an erected timber fence and the site is assimilated into the surrounding landscape. The site is principally viewed when passing the site along the A48 and this is generally a transitory view only. The site is next to the M48 bridge and a residential property and it is not viewed from any wider public vantage points The impact of siting touring caravans on the site would not be harmful to the character and appearance of the area.
- 1.4 Planning officers recommend that the variation of condition 3 is approved to allow the site to accommodate up to 4 touring caravans at the site as outlined in the previous report below.

- 1.5 If planning committee members are minded to refuse the proposed variation of condition number 3 against the advice of their officers to conclude the determination of this application two reasons for refusal based on the concerns that were raised at the previous meeting are outlined below for consideration.

The reasons for refusal offered to reflect those concerns are set out below:

1. The siting of touring caravans at the site would represent an overdevelopment of the site that would have an unacceptable impact on the visual amenity of the area. The development is therefore contrary to Policies DES1 (b) (c) (e), EP1 and LC5 of the adopted Monmouthshire Local Development Plan.

2. The siting of touring caravans at the site would have an unacceptable impact on highway safety given the inability for the caravans to be towed from the site safely contrary to the requirements of Policy MV1 of the Monmouthshire Local Development Plan.

## **PREVIOUS REPORT**

### **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

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)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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

### **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 this 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 in turn is 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 GGTA 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 100m<sup>2</sup> 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/>

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 10/08/20

gan Clive Nield BSc(Hon), CEng,  
MICE, MCIWEM, C.WEM

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.09.2020

## Appeal Decision

Site visit made on 10/08/20

by Clive Nield BSc(Hon), CEng, MICE,  
MCIWEM, C.WEM

an Inspector appointed by the Welsh Ministers

Date: 18.09.2020

**Appeal Ref: APP/E6840/A/20/3253639**

**Site address: Land at Lower Cwm Farm, Brynderi Road, Brynderi, Llantilio Crossenny, Abergavenny, Monmouthshire, NP7 8TG**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Thomas Blencowe of Oakwood Property Management Ltd against the decision of Monmouthshire County Council.
- The application Ref DM/2019/01296, dated 11 August 2019, was refused by notice dated 11 February 2020.
- The development proposed is the siting of 3 No. self-contained Nordic-style glamping pods with landscaping, drainage and car parking.

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The application was made in the name of "Blencowe, Oak Property Management Ltd" but it has subsequently been clarified that this refers to Mr Thomas Blencowe of Oakwood Property Management Ltd, in whose name the appeal has been made.
3. There was also some inconsistency in the information provided on the ownership of the field and whether it was part of the farm holding or not. It has been confirmed that the field is part of Lower Cwm Farm and that it is not owned by the Appellant, though a close relationship exists with the landowner. Consequently, I have adopted the site address above rather than the somewhat abbreviated version on the application form, which is not helpful in identifying the land in question.

## Main Issues

4. The main issues in this case are whether the proposals represent a sustainable form of tourism accommodation and their effects on the landscape and the character and appearance of the area.

## Reasons

5. The proposed glamping pods would be of A-frame construction with pine cladding and aluminium windows and doors. They would have timber decks and be fixed to the ground by a series of short wooden piles. The parties have described various internal floor areas and volumes of space, but for planning purposes I have simply referred to their footprints. Two of the pods would be 12 metres long by 7 metres wide (including a narrow strip of external decking along each side) and with a ridge height of 5.8 metres. The third would be 12 metres long by 5.7 metres wide with a ridge height of 4.9 metres. Two of the pods would be linked by an additional "family room" to enable them to be used by larger groups of visitors.
6. Lower Cwm Farm is reported to be of some 40 acres (16.2 hectares) and used primarily for the pasture of sheep. The appeal site is a single field which it is reported has been used for the last few years for horticultural purposes for the growing of soft fruit and vegetables for sale to local shops and restaurants. However, that use now seems to have been discontinued, as the 3 sizeable polytunnels on part of the site are no longer covered and very little else was being cultivated on the field at the time of my site visit. Only the small polytunnel next to the shed is still in use on a domestic scale.
7. In addition to the 3 pods, which would each have small "cottage gardens", the site would be planted with trees to provide an indigenous area of woodland, which would be attractive to wildlife and, in time, would partially screen the pods from external views.

## Character and Appearance

8. The Appellant has submitted a landscape and visual impact assessment (LVIA) carried out by a qualified landscape architect in accordance with industry best practice. He submits that use of the field for horticultural purposes over the last few years has given it a completely different character and appearance from the rest of the farm and from its wider surroundings, which are characterised by rolling open countryside with traditional hedges and areas of trees and a mixed arable and pasture land use.
9. The LVIA has concentrated on the visual impacts of the scheme from a series of viewpoints and demonstrates that the site can be readily seen from a public right of way to the north-west and the public highway to the south-east. Its assessment is that the visual impact of the development would range from "neutral" to "minor adverse" without any mitigation but that, with mitigation (tree planting and hedge reinforcement), it would range from "neutral" to "minor/moderate beneficial", the benefits essentially occurring because of the removal of the large polytunnel frames.
10. I do not agree with that assessment as it is based heavily on the perception that polytunnels are a harmful feature of the rural landscape, far more so than glamping pods. I also do not accept the Appellant's assertion that the present appearance of the site is different from normal agricultural use. Horticulture is a type of agriculture, and agriculture covers a wide range of ways of using the land. Thus, there is wide variation in the character and appearance of land used for agriculture, and polytunnels are now an accepted part of many rural landscapes.
11. The proposed glamping pods would be substantial structures, especially the two that would be linked together, and would be alien features in the rural landscape. I consider that the LVIA has underestimated their harmful visual impact on the rural landscape, even when partially screened by the newly planted trees. My conclusion is

that they would be unacceptably harmful visual intrusions into this area of open countryside.

12. The LVIA does little to assess the landscape impact (as opposed to the visual impact), which would be quite marked, changing the land use from agriculture to tourism. So far as the landscape is concerned, the planting of trees on the site would not disguise the change of use, which would significantly change the character of the site. That change would cause significant harm to the character of the landscape. I conclude that the proposal would conflict with LDP policies S13, LC1 and LC5 by introducing significant harm to the character and appearance of the site and the wider landscape.

### ***Sustainability***

13. Turning to the second main issue, LDP Policy S11 provides “in principle” support for sustainable forms of tourism development, subject to other planning considerations, and the Council’s supplementary planning guidance (SPG) document, Sustainable Tourism Accommodation, provides useful advice on glamping accommodation. It sets out the key principles as:
- generate benefits for the local economy;
  - protect and enhance landscape character and the natural/historic environment;
  - scale and design appropriate to the site context;
  - locally adapted;
  - generate minimal car trips;
  - make use of renewable energy resources;
  - capable of being removed without leaving a permanent trace
14. In this case, I have concluded above that the proposed pods would be substantial structures and that the development would be unacceptably harmful to the character and appearance of the site and the surrounding landscape. In terms of scale and design they would be considerably larger than the “typical examples of glamping accommodation” included in the SPG. Whilst I do not agree with the Council’s submissions that this, in its self, would make them more difficult to remove without leaving a permanent trace, it does make them appear more like holiday chalets than glamping pods, and that size contributes towards the detrimental effects on the landscape.
15. The scheme would not make use of renewable energy resources as the site already benefits from mains supplies of water and electricity, and the site is not in a sustainable location, being remote from any other built development, from local services and from non-car transport facilities (except some public footpaths). However, it is common ground that the scheme would generate income for the local economy.
16. Viewed as a whole, whilst some of the key principles would be met, some would not, including the important requirement to protect and enhance the landscape character. My conclusion is that the proposed development would not be supported by LDP Policy S11 for sustainable tourism development.

### ***Overall Conclusion***

17. The Appellant has drawn my attention to a planning permission granted by the Council for 3 glamping pods at Spring Farm near Gwehelog (Ref DM/2018/01901) and argues that those proposals are similar to the current appeal scheme and illustrate inconsistency on the part of the Council. The Council says that the circumstances of that site were quite different to the current appeal site and that the pods proposed were less intrusive. I am not familiar with that site or with the details of the development proposed there. I have considered the current appeal proposals on their own merits in the context of the appeal site and its surroundings.
18. My overall conclusion is that the proposed development would be unacceptably harmful to the character and appearance of the site and the surrounding landscape and that this substantially outweighs the local economic benefits. On balance, it would not amount to sustainable tourism development and would conflict with LDP policies S11, S13, LC1 and LC5.
19. For the reasons given above I conclude that the appeal should be dismissed.
20. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of supporting people and businesses to drive prosperity whilst building healthier communities and better environments.

*Clive Nield*

Inspector

Local Ref	Appeal Site Address	Development	Reason for Appeal	Appeal Type	Date Lodged
DM/2019/01948	Myrtle Cottage Caerwent Link Caerwent Caldicot NP26 5AZ	Conversion and extension of a double garage under construction into a detached bungalow at the rear of Myrtle Cottage.	Appeal against Refusal	Written Representations	21.07.2020
DM/2020/00127	Pwllmeyric Lodge Badgers Meadow Pwllmeyric Chepstow NP16 6LE	Proposed conversion of detached double garage to self contained dwelling and proposed single storey garage replacement.	Appeal against Refusal	Written Representations	20.08.2020
DM/2018/01720	Worthybrook Farm Old Hendre Road Worthybrook Wonastow Monmouth NP25 4DW	Alterations and conversion of existing agricultural buildings to form two bedroom dwelling unit with ancillary works.	Appeal against Refusal	Written Representations	28.08.2020
DM/2019/01214	Land Adjacent To 13 Fosterville Crescent Abergavenny	The proposed development necessitates the demolition of the existing corrugated arched tin shed and replacement by a two storey residential dwelling.	Appeal against Refusal	Written Representations	17.09.2020
DM/2019/01215	Land Adjacent To 13 Fosterville Crescent Abergavenny	The proposed development necessitates the demolition of the existing corrugated arched tin shed and replacement by a two storey residential dwelling.	Appeal against Refusal	Written Representations	17.09.2020

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