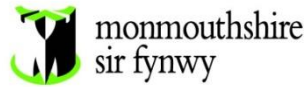


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 30 October 2023

Notice of meeting:

Planning Committee

Tuesday, 7th November, 2023 at 2.00 pm
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and
remote attendance

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 10
4.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
4.1.	Application DM/2021/01595 - Change of use to create 4 no. new flats in existing building (2 floors) with associated facilities and car parking. Internal conversion only with some external upgrades. Some external landscaping works. 56 Brecon Road, Abergavenny, NP7 7RB.	11 - 24
4.2.	Application DM/2023/01115 - Modification of Section 106 obligation for planning consent DC/2013/00304. Riverside Court, 35 Swan Meadow, Monmouth Road, Abergavenny.	25 - 28
5.	FOR INFORMATION - Appeals Received: 1st July to 30th September 2023.	29 - 30
6.	Planning Annual Performance Report (APR) 2022 – 2023.	31 - 60

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillor Jill Bond	West End;	Welsh Labour/Llafur Cymru
County Councillor Fay Bromfield	Llangybi Fawr;	Welsh Conservative Party
County Councillor Emma Bryn	Wyesham;	Independent Group
County Councillor Sara Burch	Cantref;	Labour and Co-Operative Party
County Councillor Jan Butler	Goetre Fawr;	Welsh Conservative Party
County Councillor John Crook	Magor East with Undy;	Welsh Labour/Llafur Cymru
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor Steven Garratt	Overmonnow;	Welsh Labour/Llafur Cymru
County Councillor Meirion Howells	Llanbadoc & Usk;	Independent
County Councillor Su McConnel	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Jayne McKenna	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Maureen Powell	Pen Y Fal;	Welsh Conservative Party
County Councillor Sue Riley	Bulwark and Thornwell;	Welsh Labour/Llafur Cymru
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Ann Webb	St Arvans;	Welsh Conservative Party

:

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?Committeeld=141>

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

Welsh Language

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

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

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

Our Values

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

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

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

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

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

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.

Planning policy context

Future Wales – the national plan 2040 is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales – the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Monmouthshire's Local Development Plan (LDP) sets out the Council's vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over a 10 year period to 2021. The plan area excludes that part of the County contained within the Brecon Beacons National Park. It has a fundamental role in delivering sustainable development. In seeking to achieve this it sets out a framework for the development and use of land and for the protection of the environment. It also guides and facilitates investment decisions as well as the delivery of services and infrastructure. It determines the level of provision and location of new housing, employment and other uses and sets the framework for considering all land use proposals during the plan period. 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:

- Future Wales: the national plan 2040
- Planning Policy Wales (PPW) edition10 (at time of publication)
- 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 15: Development, flooding and coastal erosion (2021)
 - 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 or to attend the meeting in person and address the Planning Committee.**

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee via a pre-recorded video or in person at the meeting.. 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 or in person at the Planning Committee meeting.

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

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. Speakers will also have the option to attend the meeting in person and address Planning Committee.

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights
- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

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. Alternatively, the community or town council representatives may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the objector may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the supporter may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to submit a video of their response of up to 5 minutes in duration. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting up to 5 minutes in duration.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - Speakers may speak only once.
 - Committee Members may then raise technical questions with officers.
 -
- Planning Committee members will then debate the application, commencing with the

local member if a Member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.

- Where an objector or supporter or applicant/agent community or town council has spoken on an application no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the Committee unless there has been a material change in the application.
- The Chair's decision regarding a procedural matter is final.
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly.
- When the motion has been seconded the Chair shall identify the Members who proposed and seconded the motion and repeat the motion proposed (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.
- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention.
- The Legal Officer shall count the votes and announce the decision.
-
- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.

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Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held in the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 3rd October, 2023 at 2.00 pm

PRESENT: County Councillor Phil Murphy (Chair)
County Councillor Dale Rooke (Vice Chair)

County Councillors: Jill Bond, Fay Bromfield, Emma Bryn, Sara Burch, Jan Butler, John Crook, Tony Easson, Steven Garratt, Meirion Howells, Jayne McKenna, Maureen Powell and Sue Riley

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Adam Foote	Senior Development Manager
Mark Davies	Highway Development Manager
Paige Moseley	Solicitor
Richard Williams	Democratic Services Officer
Anna Hawker	Trainee Solicitor

County Councillor Jan Butler left the meeting following determination of application DM/2023/01042 and did not return.

APOLOGIES:

County Councillor Ann Webb

1. Chair's welcome

The Chair welcomed Anna Hawker, Trainee Solicitor, to the meeting.

The Chair also welcomed County Councillor Sara Burch to her first meeting of the Planning Committee as she has replaced County Councillor Ben Callard.

The Chair informed the Committee that County Councillor Callard had recently joined the Cabinet and on behalf of the Committee he thanked Councillor Callard for the work that he had undertaken on the Planning Committee.

2. Declarations of Interest

County Councillor P. Murphy declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2023/01042.

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He informed the Committee that posters had been circulated which had been purported to have come from him in relation to a planning enforcement matter on the same land that is now the subject of application DM/2023/01042. Although this current application is separate and distinct from the enforcement case and the posters were not prepared by him, he left the meeting taking no part in the discussion or voting thereon in respect of this application.

3. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 12th September 2023 were confirmed and signed by the Chair.

4. Application DM/2022/00331 - Development of commercial units suitable for use classes B1, B2 and B8 plus associated external works. Land At Severn Bridge Industrial Estate, Pill Row, Caldicot

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

The application had been presented to Planning Committee on 1st August 2023 with a recommendation for refusal. However, the Committee had been minded to approve the application with appropriate conditions.

In noting the detail of the application it was proposed by County Councillor A. Easson and seconded by County Councillor M. Powell that application DM/2022/00331 be approved subject to the conditions outlined in the report.

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

For approval	-	13
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2022/00331 be approved subject to the conditions outlined in the report.

5. Application DM/2023/01042 - Change of use from agriculture to land for the keeping of horses (retrospective) proposed erection of stable block for five horses, erection of ancillary storage building, construction of manege. Land north-west of Holly Lodge Road From A48 To Dewstow Road, Fives Lanes, Caerwent

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

Councillor Mike John, representing Caerwent Community Council, attended the meeting by invitation of the Chair and outlined the following points:

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- Caerwent Community Council considers that this application should not be approved. Objections to the application have been submitted for consideration by the Planning Committee.
- Further notes were provided at the recent Planning Committee site visit.
- There are still a number of unresolved issues and unanswered questions regarding this application. It was considered that these matters should have been addressed by now.
- The local community has been asking for the Community Council's opinion on this matter since 2021. Many questions have been raised regarding the activities occurring on this site during this period. It was considered the County Council should have been dealing with these issues in a timely manner.
- Caerwent Community Council had replied to the local community that it had referred the matters raised to Monmouthshire County Council for investigation.
- An application for this site had been previously presented to Planning Committee for approval but had been refused. On appeal, the Inspector had agreed with the Planning Committee's decision.
- A new planning application has now been presented to Planning Committee. However, this comprises of a small herd of horses, a large stable to be built in block work for five horses and an associated storeroom in a field not considered to be large enough for five horses. The application comprises of an exercise yard the size of a school playground for the horses. There is also a cesspit on site which was considered unnecessary for a stable.
- The Planning Committee has the report of the application, the Community Council objections, the concerns raised by the public, plans of the site as it is now and how it will be. The Community Council asked if the Planning Committee could be sure that approval of this application would be the correct decision with the number of conditions attached to it.
- It was considered that the number of conditions attached to the application suggests it could be problematic. The Community Council asked whether the County Council would be able to monitor and enforce these conditions.
- The unauthorised buildings are developed, as outlined in the report of the application. The argument suggests that they cannot be considered as they are not relevant. However, the Community Council considers that they are relevant.
- Caerwent Community Council considers that the application should not be approved until the enforcement issues on the site are resolved.

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Roger Nasey, objecting to the application, attended the meeting by invitation of the Chair and outlined the following points:

- The application should not be considered as a retrospective application as none of the proposed structures exist on site.
- The recommendation for approval of the application was compared with the application that Planning Committee had refused in July 2022. There are inconsistencies with the two applications. The July 2022 application provided stables for five horses but had been refused. The refused application included an ancillary building. It is now a larger footprint of 90 sq.m. The July 2022 application referred to an 800 sq.m manege which had been refused. This is now proposed to be 1200 sq.m. Contained in the refused application are details of the entrance. However, for today's application, no details are provided even though these details had been requested by the Local Planning Authority.
- It was considered that this application was the same as the application that had been refused in July 2022 but with grander ambitions with a different conclusion.
- The site visit had identified the extensively altered entrance which now appears as industrial, failing to harmonise with or enhance the rural setting as required by policy. This is a concern for the Local Planning Authority as it had recently requested full details of the entrance including an elevation. However, this information has not been supplied.
- The altered entrance is contrary to the planning approval granted 20 years ago. This and a covenant placed upon the land provide similar reasons - protection of landscape amenity, making clear the Council's motivation when selling the land shortly afterwards. This information is absent from the planning history.
- It was considered that the application was missing details. There is no waste management plan, No SuDS or SAB approval or drainage scheme, no parking details, no hard and soft landscaping schedule, no lighting plan and no ecological appraisal. There is an over reliance on the attached conditions to the application to control such issues which was considered to be unsatisfactory.
- The ancillary storage building at 90 sq.m is excessive. A permanent building of concrete block with windows is unsuitable for the storage of hay, which is the justification offered. An open sided barn would be more suitable. All other equestrian provision along the lane are temporary wooden structures with most having earth floors as the norm.
- The application fails to satisfy relevant policy. Policy RE6 presumes against new build development in open countryside. These are permanent concrete buildings in a field with no justification. Three of the four criteria of Policy LC1 remain unsatisfied presenting as over development causing unacceptable impact. Policy LC5 requires small scale development. It was considered that the manege was

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not small-scale development. All these policies had been considered satisfactory in the recent refusal of a similar application.

- The Planning Committee was asked to seek explanation for the considered inconsistency and unanswered questions posed and to consider refusal of the application.

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

- A site visit had been held allowing Members to assess the context of the site.
- Most of the surrounding land is in equestrian use which is a part of the current proposal. No issues regarding this aspect of the application have been raised.
- The site comprises of five acres which is an adequate size for the welfare of five horses. The proposed stable block will house the five horses as the land can support this.
- The storage building and its size has been justified to the County Council's satisfaction.
- The arena will be the final part of the development which will require re-routing the footpath. This will be undertaken before any work commences on the arena.
- The conditions attached to the application are the appropriate way of managing the details on site. The applicant will abide by the conditions.
- This is a relatively small-scale development that is the correct size for the site and there are no issues with regard to the keeping of horses on site. Therefore, it was considered that there should not be an issue with maintaining their welfare.

In response, the Senior Development Management Officer outlined the following points:

- There is sufficient detail for Planning Committee to determine the application. Any further information can be sought via conditions.
- The requirement for hard standing or alterations to the fencing and gate to establish if they were to be included within this application are not required as they do not form part of this application.
- Reference to unauthorised development including the septic tank does not form part of this application. These matters are being dealt with via a separate enforcement investigation.
- The appeal had been dismissed on the basis of the inaccuracy of the plans that had been submitted to support the previous application. The Inspector had ruled

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that they were not able to make a decision given the inaccuracy of the plans. It was not dismissed on the basis of any planning merits.

- The Planning Authority cannot become involved with the covenant as it falls outside the remit of the Town and Country Planning Act. This matter has no bearing on the assessment of this application.
- The SuDS and SAB applications will follow the granting of planning consent. There is a drainage condition to the application to secure this matter.
- No lighting is proposed as part of the application. There is a condition to limit the lighting on site.
- There is no parking area proposed and does not form part of this application.

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

- Concern was expressed that the applicant might not abide by the conditions outlined in the report and that an enforcement order was currently in place on the site which might impact future work at this location.
- Caerwent Community Council had expressed concern regarding the removal of the hedge and the erection of a fence.
- It was considered that cameras on the site should not be there.
- There were issues regarding the covenant at the site.
- The re-routing of the public right of way would take a considerable amount of time to complete, which would be required before the development could take place, if the application was approved.
- Some Members considered that it would be too early to approve this application and that its consideration should be deferred to a future Planning Committee meeting to allow matters such as the hedge, the covenant, the public right of way and the enforcement issues to be addressed first. In response, the Head of Planning informed the Committee that the application does have a complicated planning history and there is a live enforcement notice on the site. However, the Planning Committee can only look at the development proposal presented today and that any aspects that are not presented today cannot be taken into consideration. The enforcement notice and the public right of way are separate matters from this application and will be addressed independently.
- The Committee cannot condition a restriction of development on the site until the public right of way has been diverted as this matter is not controlled via the Town and Country Planning Act. An informative could be added to any consent given.

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- An ecology report has been submitted and has been considered by the Council's ecologist and is deemed to be appropriate to support the proposed development.
- With regard to the previous application, the applicant had had a different agent and the plans that had been submitted were deemed suitable for the application to be valid. When asking for amendments a previous application had a significantly larger storage building and concern had been raised regarding the visual impact. Therefore, an amended plan had been sought. The applicant had parted ways with the previous agent and submitted hand drawn drawings which were not suitable to support the proposed development. It progressed to be refused which was considered by the Planning Inspectorate and it was deemed that the plans were not suitable to support the proposed development and the appeal had been dismissed on the basis that the plans were inaccurate only.
- The retrospective element of the application refers to the proposed use as there are horses on the site.
- The applicant has a right of appeal if the application is not determined by Planning Committee. The applicant would be able to apply for costs under non determination of the application.
- The unauthorised developments that are not deemed to be appropriate and acceptable are being pursued via an enforcement notice.
- The change of use of the land and the proposed buildings on site are being sought for consent via the planning application. The recommendation of the report deems this as being acceptable.
- It was considered that the acreage of the site was not large enough for the keeping of five horses.
- The Head of Planning re-iterated that only the application before Planning Committee today should be considered. The equipment that is currently on site is subject to an enforcement notice. This includes the cesspit.
- Building Control has been consulted regarding the blockwork and it was noted that this would not require building regulations. This would be a matter for the applicant to consider in terms of health and safety of the building if it is not covered by any other legislation.
- There was support for the application by some Members of the Planning Committee. The new stables needed to be built first in order to accommodate the five horses on the site. There are a number of blockwork buildings around the County in use as farm buildings.
- It was noted that if the Committee was minded to defer consideration of the application to allow officers to liaise with the applicant regarding the concerns

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raised, the applicant could go directly to appeal on the grounds of non-determination of the application.

- It was noted that the enforcement action regarding the previous application needed time to be completed.
- The Head of Planning informed the Committee that there have not been any conditions applied on this site as there have never been any authorised developments at this location. There have been unauthorised developments and there is currently a live enforcement notice in place.
- The covenant does not form part of the Town and Country Planning Act and does not impact on the assessment and determination of this application.
- For the buildings to be used for residential purposes, that would require an independent, new consent which would require a new planning application to be presented to Committee for change of use.
- There is no hardstanding proposed. There is an existing and proposed site layout which indicates the proposed position of the buildings. Officers consider that there is sufficient information available to make the assessment.
- With regard to parking provision, vehicles can pull onto a field, as they currently do, as part of the agricultural use of the site. The applicant is not seeking an area of hard standing for parking.
- If the Planning Committee approved planning consent, the landowner would need to ensure that all the correct consents were in place to enable that to happen.
- With regard to the County Council's enforcement notice the unauthorised elements would have to be removed from the site.
- In response to concerns raised, the Head of Planning informed the Committee that it needed to establish what additional information is required from the applicant in order for the application to be determined, going forward, should consideration of the application be deferred. Officers could then discuss these matters with the applicant.
- The Public Rights of Way Department has been consulted on the application and is satisfied with the proposed amended route.

It was proposed by County Councillor Jan Butler and seconded by County Councillor Dale Rooke that application DM/2023/01042 be approved subject to the conditions outlined in the report.

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

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For approval	-	5
Against approval	-	6
Abstentions	-	2

The proposition was not carried.

We resolved that we be minded to refuse application DM/2023/01042 and request further information from the applicant based on:

- Wooden structure not blockwork.
- Details of waste management on site.
- Details of landscaping.
- Surface water drainage for manege.
- Send ecology report to Planning Committee Members.

The application would then be re-presented to a future meeting of Planning Committee with appropriate reasons for refusal.

6. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:

6.1. 1 Smithy Cottage, Crossways, Newcastle, Monmouthshire

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at 1 Smithy Cottage, Crossways, Newcastle, Monmouthshire on 22 August 2023.

We noted that the appeal had been allowed and the planning permission Ref. DM/2021/00908 for Retrospective application for change of use from agricultural land to garden and levelled area at 1 Smithy Cottage, Crossways, Newcastle, Monmouthshire NP25 5NW, granted on 29th July 2022 by Monmouthshire County Council, is varied by amending condition nos. 1, 4 and 5, and deleting condition no 6, as set out in the schedule to the decision letter.

The meeting ended at 3.46 pm.

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Application Number: DM/2021/01595

Proposal: Change of use to create 4 no. new flats in existing building (2 floors) with associated facilities and car parking. Internal conversion only with some external upgrades. Some external landscaping works

Address: 56 Brecon Road, Abergavenny, NP7 7RB

Applicant: Bailey

Plans: 21-024 01, 21-024 02, 21-024 03, 21-024 04 - Rev A, 21-024 05 - Rev C, 21-024 06 - Rev A, Other Ecological Enhancement 20/09/23 - 21/04/23, Bat Scoping Survey 56 Brecon Road Abergavenny December 2021

RECOMMENDATION: APPROVE

Case Officer: Ms Jo Draper

Date Valid: 07.03.2023

This application is presented to Planning Committee due to the number of neighbour objections and Local Member request

1.0 APPLICATION DETAILS

1.1 Site Description

The application site is an existing three-storey former Barrack building. It is a Victorian building split into different ownerships. There is a central access stair with flats 56a, 56b and 56d (one on each floor) to the north of the stairwell. The three floors to the south of the stairwell have flat 56c on the top floor in private ownership and a place of worship, Kingdom Hall, on the ground and first floor. The proposal relates to the original place of worship (216sq m) and the external grounds around it. The application site relates to the two floors that formed Kingdom Hall as the previous use; there is a third floor which is not part of this application that is already a separate flat. Each of the proposed four flats have their own garden spaces allocated to the rear of the building. The main part of the grounds to the south of the building was previously the parking area for the place of worship.

The application site is accessed via a private drive with access onto the A40 trunk road. The application site is level, there is a drop in levels on the west side to gardens of terraced domestic properties. The south boundary is adjacent to an old goods yard, a private access road runs to the west and serves local businesses.

The application site is within the development boundary for Abergavenny and in the Abergavenny Conservation Area.

1.2 Value Added or Listing Grade, reference number and in CA or not

There have been significant amendments undertaken during the course of this application, originally there was a new build element proposed accommodating a further six new flats in the car park, this has been removed from the scheme, There have been revisions submitted to the parking layout also to address highway issues

1.3 Proposal Description

It is proposed that the ground and first floor are converted into four flats (three 2-bedroom and one 1-bedroom). The only external changes proposed relate to the re-instatement of original openings in the rear elevation and the removal of a small lean-to extension at the rear of the property. There are amenity spaces proposed to serve each flat, the rear yard area of the building is divided to provide individual amenity areas directly accessed from the two ground floor flats respectively. The first-floor flats have access to a shared garden/amenity space in a separate enclosed area to the rear of the building; this runs adjacent to the garden of 56d and is accessed via land over which the applicant states there is a right of access. There are nine proposed car parking spaces provided around the gravel area that previously formed an informal car park to serve Kingdom Hall. A low timber fence is proposed around these spaces to demarcate them as parking areas. There is minimal information provided regarding hard and soft landscaping including boundary treatments and surfacing materials. The trees are shown to be retained.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/01595	Change of use to create 4 no. new flats in existing building (2 floors) with associated facilities and car parking. Internal conversion only with some external upgrades. Some external landscaping works.	Pending Determination	
DM/2021/01596	LBC- Change of use to create 4 no. new flats in existing building and to create 6 No. new flats in a new building within the existing grounds with associated facilities and car parking.	Pending determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

GI1 LDP Green Infrastructure
 DES1 LDP General Design Considerations
 HE1 LDP Development in Conservation Areas
 NE1 LDP Nature Conservation and Development
 MV1 LDP Proposed Developments and Highway Considerations
 LC5 LDP Protection and Enhancement of Landscape Character

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Abergavenny Town Council: Concerns expressed.

Abergavenny Town Council welcome the amended application in terms of the scale of the proposal. We are deeply disappointed that the issues around pedestrian access, traffic and parking, that were raised previously, still have not been adequately addressed in the amended application. Grofield Councillors are particularly concerned at the lack of a Transport Assessment with this application. We welcome the repurposing of the building to provide residential accommodation, however the location has a junction with the A40, with access to a petrol station, access to a DIY and agricultural store, and a veterinary surgery. Detailed transport assessment on how the increased traffic will be managed needs to be in place before approving this application.

Natural Resources Wales: Concerns Expressed

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding foul drainage. If this information is not provided, we would object to this planning application.

We note the application site is within the catchment of the River Usk Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our Planning Advice (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note the new building to be used for 6 flats is removed from the proposal. We note the conversion of the building to be converted to 4 flats additional flats is retained in the proposal. We advise the reduction in the number of flats does not change our advice on foul drainage and the River Usk SAC, and we refer you to our previous advice in letter reference CAS-199115-G9K3.

We have reviewed section 'General Notes in response to comments received from NRW in relation to application DM/2021/01595 56 Brecon Road, Abergavenny'. We note the applicant has compared numbers of current and future occupants, including consideration of whether occupants live inside or outside the catchment of the River Usk SAC to ascertain increases/decreases in

flows and loads from the site. We note the applicant concludes that the proposal would result in fewer people from outside of the Usk catchment contributing to foul discharges and therefore a betterment. We advise your authority should satisfy itself that this is the case.

Once you have made a planning judgement on the above, if you are satisfied that the change in use is likely to result in a reduction of wastewater, we recommend the method of calculations and connection to the mains system on this basis is confirmed by DCWW.

We have reviewed section 'Comment on Phosphates / Nitrates'. We note the applicant advises rainwater contains less phosphorus than potable water and by installing a rainwater harvesting system for flushing toilets, there would be a reduction in phosphorus discharging to the mains system. We recommend the advice of DCWW is sought confirm the difference in levels of phosphorus between rainwater and potable water and establish if the proposal incorporates sufficient capacity for storage of rainwater.

Furthermore, we refer you to the section in our Planning Advice titled 'What does this mean for development proposals involving connection to public wastewater treatment works'. Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

Should your Authority conclude that the proposal is likely to have a significant effect on the River Usk SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

European Protected Species

We note that the bat report submitted in support of the above application ('Bat Scoping Survey: 56 Brecon Road, Abergavenny, NP7 7RB' by Ecological Services Limited, dated December 2021) has identified that bats would not be affected as the proposal does not require works to the roof of the building to be converted. We therefore have no comments to make on the application as submitted.

MCC Land Drainage Officer: No objection

Surface Water Drainage

The revised application is for conversion of the existing building with very limited new construction proposed. The development will therefore not require a Sustainable Drainage System (SuDS) designed, constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB).

We have no objection on ground of surface water drainage.

Flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding. Our database of previous flood events does not record any flood events in close proximity to the site. Our database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site. We therefore have no objection to the proposed development on flooding grounds.

MCC Highways: The Highway Authority have been reconsulted on the application following the submission of revised plans to include a proposed car parking layout in response to our previous objection dated 15/05/2023 as outlined below. 3 no. 2-bedroom flats and 1 no. 1-bedroom flat are proposed within the existing building therefore in accordance with the MCC car parking standards 2 car parking spaces are required for the 2-bed flats and 1 car parking space is required for the 1-bedroom flat, a total of 7 car parking spaces. Drawing '21-024 05 Rev C' has been submitted which shows a total of 9 car parking spaces to be provided within the application site which includes an additional 2 car parking spaces for visitor use. The Highway Authority are therefore satisfied that the car parking provision is satisfactory and accords with the MCC car parking standards.

Regarding provision of services to the application site in terms of refuse collection and deliveries it would be desirable to see provision within the site to enable access for service vehicles however due to the fact the site is set back from the A40 and is served from an existing private commercial access road there are no highway grounds to object to this element as the application site can be serviced from the existing access road as to other commercial units in the immediate area.

In light of the above comments there are no highway grounds to object to the application. It is recommended that a construction traffic management plan be submitted for approval prior to any commencement of development

MCC Heritage Officer: No objection

The proposal has been amended to remove the new build element of the scheme which means that the previous heritage concerns have been overcome.

The conversion of the barracks to four flats makes no immediate impact to the conservation area, there are no external changes proposed to the front elevation. The reintroduction of former openings, albeit to the rear, is welcomed particularly where the new openings reflect the strong style and use appropriate materials to enhance the scheme. Similarly, there are no proposed changes to the boundary treatment at the site and therefore no comments are made to this. On this basis no adverse heritage impact is noted.

MCC Ecology: No objection

On ecology grounds I have no major concerns with the application. Additional information detailing ecological enhancement installing three swift boxes on the eastern elevation of the building has been submitted there is now no objection to the proposal

Welsh Government Trunk Roads: No objection

I refer to your consultation of 21/06/2023 regarding the above planning application. Due to the extant use of the development land, the proposals will not be material and the Welsh Government as highway authority for the A40 trunk road does not issue a direction in respect of this application.

MCC Landscape/GI Officer: No objection

The revised site plan and proposed ecological enhancements plans have been reviewed from a Landscape and GI perspective and there is considered to be little adverse impact on the external landscape and setting.

5.2 Neighbour Notification

Neighbour Comments

There are six individual representations received, including a single representation signed by 8 separate addresses on Hatherleigh Road. There is a collective response from 4-18 Hatherleigh road in relation to the original application which included the new build.

The comments submitted in response to the original application which included the new build element for an additional six units are included if relevant to the current proposal which is for the conversion of the existing building only.

Removal of new build element is welcomed.

Access via a private road is highly congested with cars visiting the petrol station and cash and carry store. This area is further used for the unloading of articulated lorries, frequently blocking the entrance to Kingdom Hall. There is no pavement access.

No problem with the 'existing building (2 floors) into flats' being converted but with two caveats added: that at no point in the future can the new build element be re-added and retrospective planning be granted.

At no point can a House in Multiple Occupation (HMO) be applied for in the existing building.

There is no acknowledgement of the 3-bedroom apartment on the top floor, which currently has parking for 3 cars. They also chose not to include this in their schedule of accommodation and justification of parking numbers. This is very misleading for the planning authority and relevant consultees to make accurate judgments, as by leaving off the top floor apartment this is an attempt to make their parking figures look better when in fact they need additional parking spaces. The highway department comments regarding parking numbers, were based on this factually inaccurate information provided by the Architect.

The Architects describes how the building has D1 planning use but there is no mention of any residential planning change of use for the top floor to be used as a residential apartment. This development will increase traffic flows and residents' pedestrian footfall in a highly congested area with no pedestrian footpaths and wholly inadequate narrow shared (pedestrian and cars)

access to the site. The applicant attempts to justify the increase in traffic by saying that the site has D1 permissions and they could, potentially, put all manner of businesses on this site and make the traffic even worse

Regarding the applicant's response to Highways there are factual inaccuracies and seeming contradictions contained within the detail. The applicant cites that domestic and commercial traffic can co-exist as peak flows occur at different times. The collective objection raised by the residents of Hatherleigh Road contained photographs of HGV's being unloaded outside the access to Kingdom Hall. The time stamps for most of the photographs indicate that these trucks are being unloaded after 16:30 which must be considered a peak time for residential traffic, with some HGV's being observed at 17:30.

What is not mentioned is the negative amenity value of the location of the flats. They are located in a high volume traffic area, including HGV's, which the applicant does not deny.

The applicant references 'out of area' users to justify their calculated loads. This is given as 10% following a small survey. Any small survey has the potential to be highly skewed. The applicant gives no detail about the size and content of the survey which may make this figure of 10% highly unreliable. Furthermore, they make no reference to NRW comments that those moving from within the area will vacate their current properties which could then be filled from outside the area. Using the applicant's survey results of 10%, and with a base of 100 to more clearly demonstrate the percentage. If 100 new spaces were created 10 residents will be from outside and 90 filled internally.

Like to applaud the applicant for their suggestion of a rainwater harvesting system as promotion of a 'green' alternative. Everything we can do to re-use resources naturally has to be a welcome addition. It is appropriate that the same rainwater harvesting system is made available to possible uses under a D1 scenario thereby reducing their D1 phosphate calculation

No mention of electric car charging points make sense to install a dedicated charging point for each flat at the outset of any new development.

The current site is being currently being used for business purposes for the developers to store palletised freight and staff parking, due to there being limited parking and storage space on their current site. Should they wish to apply for retrospective planning change of use, as we can find no evidence that they have planning for the current use, we would have no issues should they wish to build a low-level single storey storage facility in the proposed location of the new build.

Reference in supporting information to 140 visitors to the site each day for 12 hours. NRW rightly questions this figure for verification and reasonability. If this figure were correct it would make Kingdom Hall one of the most popular places in Abergavenny.

Section 5 of the application asks, 'Has the work or change of use already started?' to which the applicant has answered 'No'. We would point out that the developer has already installed an enhanced water supply to the premises. This work was carried out some six weeks prior to this application. A resident spoke with the on-site contractor on 8th Aug 2021 who confirmed that the improved supply to Kingdom Hall was being installed in preparation for a conversion and building a new block of flats. We suggest that this constitutes building works have commenced.

The applicant states that 9 parking spaces are being made available for the new development. We agree that the plans indicate there are 9 spaces. The applicant further informs that the top floor of Kingdom Hall is a flat for residential use. The applicant fails to inform that said flat is a 3 bedroomed apartment and, we believe, currently enjoys parking for 2 vehicles on site. Does the applicant intend to deny parking to the top floor flat or should the proposed 9 spaces be decreased to 7 spaces.

The current perimeter fence is not fit for purpose and is in need of replacement regardless of this development. Last year panels blew down and were hastily tacked back into place. In respect of this particular proposal, a replacement with something more substantial in its build quality, permanent posts that will not rot and taller to assist with privacy, security and noise issues which would inevitably ensue should this proposal go ahead in part or in full. We would be prepared to

see this extended a little above the regulation 2m.

As parking is being proposed perpendicular to this fence, crash prevention bollards would be necessary to prevent vehicles potentially ending up in a Hatherleigh Road garden.

It was noted that the current surface of the parking area is loose gravel and dust which is intended to be replaced with hoggin. Due to the relative instability of the raised bank that adjoins the Hatherleigh Road gardens, any surface drainage will be required to flow in the direction of the exit from the car park and away from Hatherleigh Road.

The access from R M Jones, passing Kingdom Hall, Bailey's DIY and fuel station along with Riverside Vets down to Brecon Road is a bottleneck which experiences periodic gridlock caused by excess traffic sometimes extending along Brecon Road to the roundabout, Belgrave Road in the other direction. This is further compounded by goods deliveries to Bailey's DIY with LGV's and HGV's sometimes blocking access to and from Kingdom Hall and R M Jones. The latter two types of vehicle then requiring two banksmen to stop the traffic in both directions on Brecon Road to allow them to reverse out.

We understand the needs of business and the requirement to unload goods will not diminish. The limited number of households (five) currently within and adjacent to Kingdom Hall have co-existed with Bailey's DIY and in its former life, Rockfields, for as many years as we can remember. We're sure these households don't appreciate the inconvenience caused by the unloading of trucks and the general traffic flows and associated pollution but have simply become accustomed to living with it. It cannot be appropriate therefore, to increase the number of households in this tiny 'business' cul de sac.

The overall traffic issues were increased by the relocation of R M Jones, a necessary relocation due to the closure of the market and no fault of this business. These traffic flows will subsequently be further compounded when, at some point, the remainder of Corporation Yard is redeveloped.

We need to briefly consider the original building in order to fully appreciate the negative amenity of the new build. Flats 1 and 2 on the ground floor of the main part of Kingdom Hall benefit from a total of 63 square metres of garden / drying areas enclosed in individual plots to the rear. These are lucky ones. These are the only two flats having a reasonable and private amenity area. There is a small area at the front of Kingdom Hall which is described as a garden where one could 'car spot' in the afternoon shade whilst breathing in the carbon monoxide and particulates from the plethora of idling vehicles just over the low wall whilst watching the forklift truck unloading the HGV. Discounting this area as unrealistic to provide any form of amenity value we now move to rear of Kingdom Hall. Squeezed between four gardens which belong to the existing flats is an amenity / drying area measuring 58 square metres. If this was expected to service the needs of the two flats on the first floor we would agree that it was reasonable. However, this 58 square metres has not only to accommodate flats 3 & 4 in the main building, but also the needs of the entire new build who have nowhere else to go save sit in the carpark.

The proposal would result in the removal of several TPO trees which contribute greatly to the beauty of the area. The removal of these trees would detrimentally impact upon my property's character and appearance. The removal of the trees is going to have a huge impact on our privacy also.

Single bed Flats are out of keeping with the family homes in the area. Police records will show the high levels of criminal activity directly associated with the current single bed flats situated at the end of Hatherleigh Road, as residents we do not want to see these levels increased further.

Valuation of our property. The value of my property is going to be severely impacted by the new build. Why can Baileys make further money within the community while I must suffer losses at the hands of this development. There has been no mention of compensation thus far from any parties associated with the build

5.2 Local Member Representations

Local Member Comments: Former County Councillor Woodhouse (in response to original scheme made the following comments)

With regard to the above planning application, I have serious concerns about this regarding the visual impact and the highways access and therefore request that it is considered by the full planning committee, as a member of the planning committee and local member I would then have an opportunity to speak on the application.

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

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

6.0 EVALUATION

6.1 Principle of Development

The application site is situated within the Abergavenny town development boundary and the conversion of this building to a residential use is acceptable in principle subject to detailed considerations below.

6.2 Sustainability

The application site is close to the Town Centre of Abergavenny, within close walking distance of many local amenities and shops. The location is sustainable as is the re-use of what is now a vacant building.

6.2.1 Good Design

The proposal has been amended to remove the new build element of the scheme. There is no new build now proposed, the only external changes proposed relate to the re-instatement of original openings in the rear elevation which is welcomed together with the removal of a small lean-to extension at the rear of the property. The reintroduction of former openings to the rear reflect the strong style of the existing building, the materials proposed are appropriate and this aspect enhances the scheme.

With the exception of this, there is no change in relation to the existing building. The external area will be subject to some changes, with the provision of amenity areas to the front and rear of the building, demarcated by a low timber fence and details are required of the boundary treatment (a condition is recommended accordingly). There is a formalisation of the existing gravel parking area to deliver the 9 spaces proposed to serve the development. There are no proposed changes to the boundary treatment at the site. The changes proposed are minimal, there are small positive improvements represented in the design of this scheme, it is low key, sensitive and is appropriate in form design and scale for this location and complies with relevant planning policy in this case.

6.2.2 Place Making

There are neighbour representations that have raised concerns that due to the level and type of traffic generated by the surrounding land uses that this building is inappropriate for residential use. This is addressed in more detail below under 'Impact on Amenity'.

However, this application reuses an existing vacant building for residential use in a mixed use area which includes, retailing, warehousing, a vets and residential uses.

There are amenity areas and on site car parking provided for all flats. The proposal delivers a scheme that improves upon placemaking, delivering 4 flats as opposed to a use that has potentially may generate more visitors. This use is less intensive and more appropriate given the immediate surrounding residential uses.

There has been neighbour representations received that the proposal falls short of complying with Development Quality Requirements and should therefore not be permitted to reduce floor space of the flats below the standards of the Notional Floor Area. The floor areas of the flats are as follows Flat 1 is 56.9sqm, Flat 2 is 57.3sqm, - Flat 3 is 39.5 sqm, Flat 4 is 35 sqm. The DQR relate to standards for affordable housing, but this is not applicable to this development. The floor area for all flats is acceptable for this type of development.

6.3 Landscape

The application relates to the change of use and refurbishment of an existing building and retention of the existing external landscaping and boundary treatments with new parking provision for flats and ecological enhancements. The revised site plan and proposed ecological enhancements plans have been reviewed from a Landscape and GI perspective and there is considered to be little adverse impact on the external landscape and setting. There are no trees being removed, the trees are being retained; these provide some relief on the boundaries providing an element of separation. It is noteworthy that the trees are in the Conservation Area and they are covered by a TPO, although a further condition to ensure these trees are retained, and in the case they are felled replaced accordingly, is proposed to maintain the landscape buffer on the boundary particularly on the western boundary of the application site.

6.4 Historic Environment

The application site is within the Abergavenny Conservation Area and Policy HE1 is relevant in this case, requiring development proposals to preserve or enhance the character or appearance of the area and its landscape setting, with no adverse significant effect on views into or out of the Conservation Area. This proposal has sought to retain what is there, what has changed has made enhancements with the new openings reflecting the strong style prevalent on the existing building with appropriate materials used to enhance the scheme. The proposed refurbishment of the existing building and retention of the existing external landscaping and boundary treatments with new parking provision for flats and ecological enhancements has been assessed by the Heritage Officer and the proposal complies with LDP Policy HE1.

6.5 Biodiversity

The application has been supported by the relevant supporting information, this has identified that bats would not be affected, as the proposal does not require works to the roof of the building to be converted. The applicant has provided revised plans to deliver the appropriate level of ecological enhancement with the installation of three swift boxes on the eastern elevation of the building. The proposal complies with LDP Planning Policy NE1.

6.6 Impact on Amenity

There is sufficient separating distance between the proposed new flats and the existing neighbouring properties to the west for there not to be any overlooking issues arising from this proposal. The intervening vegetation/trees to be retained on the western boundary helps to partly screen both existing and proposed receptors from each other.

The proposed flats are to be served by a separate amenity space, the one area serving flat 3 and 4 to the rear of the building is to run adjacent to other similar small, enclosed areas of land which form designated amenity areas for adjacent flats. The eastern boundary is shared with neighbouring properties on Hatherleigh Road and these properties have long gardens with a significant separating distance preventing the proposed outside amenity area, and parking and turning areas serving the proposed four flats to not have an adverse impact upon the residential amenity of these neighbouring properties.

There have been neighbour comments raised about the future living conditions of the new occupiers given the type of traffic and noise and disturbance that arises from some of the surrounding employment sites. This is a mixed-use site, there are existing residential units to the north and west with business and employment uses to the south and east. It is noteworthy that this was previously a meeting place with potentially a higher number of visitors and overall usage. The proposed flats are separated from the employment users by the the private road and there is a significant separating distance from the closest unit and the nearest employment site for this not to represent a conflict of uses in this case. The proposal complies with Policy EP1 of the Local Development Plan.

6.7 Highways

The application has been subject to amendments to include a proposed car parking layout in response. Drawing '21-024 05 Rev C' has been submitted which shows a total of 9 car parking spaces to be provided within the application site which includes an additional 2 car parking spaces for visitor use. The Highway Authority are satisfied that the car parking provision is satisfactory and accords with the MCC car parking standards.

With regard to service provision, this is taken from the existing private commercial access road, the highway engineer is satisfied that subject to a pre-commencement condition being imposed securing a construction traffic management plan to be submitted, the proposal is acceptable and complies with relevant planning policy.

There have been representation received from neighbouring properties making reference to the existing flat on the second floor. It is noteworthy that this flat (as well as other flats adjacent) existed alongside the JW Hall and had to park outside of the site, making use of on-street car parking. This does not relate to the application site, the two floors subject to this application and the associated car parking that previously served the building as a JW Meeting Hall is a single unit. The existing flat is not part of the application site and there is not a requirement to accommodate car parking spaces to serve these existing flats.

6.8 Affordable Housing

As this is a conversion of an existing building for less than five units, affordable housing contributions are not a requirement in this case.

6.9 Drainage

6.9.1 Foul Drainage

The application site is within a phosphate sensitive area, There is supporting information that was submitted with the original scheme which included the new build development including a further six flats.

The information however is relevant in considering the conversion of the existing building into four units. The figures provided in relation to the flows and loads of the previous D2 use was equivalent to 30.5 cubic metres per week. This was working on the basis that over a 12 hour period in a day there were 140 people visiting/using this building per day.

There are neighbour objections that have questioned whether the visiting numbers were this high. In terms of the proposed new use for four flats, namely 3 x 2-bedroom and 1x 1 bedroom, the flows and loads associated with this are 2.33 cubic metres for a 1 bed flat and 3.09 cubic metres for a 2 bed flat. The volume total arising from the proposed development being in the realms of 12 cubic metres less, this is significantly less than that of 30 cubic metres per week (even if the user numbers of the previous use may appear high).

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives.

Natural Resources Wales has set new phosphate standards for the river Special Areas of Conservation (SACs) in Wales (21st January 2021). Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (version 3 issued 22nd July 2022). It is considered that No Likely Significant Effects on the SAC are anticipated as a result of these development proposals as there is unlikely to be a source of

additional phosphorus or pathway for impacts. The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice:

Any development that does not increase the volume and phosphorus concentration of wastewater.

6.9.2 Surface Water Drainage

The Land Drainage Engineer has reviewed the proposal and concluded there is no objection to the proposal. However, a neighbour has raised concern that the change in surface material of the parking area from loose gravel and dust which is to hoggin will cause drainage problems that will undermine the boundary material. This surface (which is composed of clay, gravel, sand or granite) is permeable and does not represent a drainage issue that is covered under planning legislation.

6.10 Response to the Representations of Third Parties and Town Council

Abergavenny Town Council have expressed disappointment that the issues around pedestrian access, traffic and parking, that were raised previously, still have not been adequately addressed in the amended application. Also there is concern that no traffic assessment has been submitted.

- This application has been considerably reduced from the previous scheme of 10 units to a conversion of the existing building into 4 flats. The Council's Highway Engineers have confirmed that the proposed access and parking is acceptable for this scale of development. The request for a Transport Assessment is also not required for this scale of development. There are no objections raised from MCC Highway Engineers and Welsh Government Trunk Road Department,

Neighbours have expressed concern that at no point in the future can the new build element be re-added and retrospective planning be granted.

- Such fresh development would require separate planning consent; in the case an application is submitted for further development it will be considered on its own merits.

Neighbour has stated that the application forms are incorrect as works have started with the provision of an enhanced water supply,

- This does not constitute commencement of development.

Concern that this proposal becomes a House in Multiple Occupation (HMO)

- This is totally different to 4 individual flats as proposed in this scheme and such a change requires separate planning permission.

There is no acknowledgement of the 3 Bedroom apartment on the top floor, which currently has parking for 3 cars.

This is addressed above under 'Highways' section above.

The applicant references 'out of area' users to justify their calculated loads.

- This has not been influential in the screening process, the difference in flows and loads from that of the previous use is significantly more than that generated by the proposed new flats. The proposal has been screened out for phosphates.

No mention of electric car charging points make sense to install a dedicated charging point for each flat at the outset of any new development.

- This is indeed preferable, but not a requirement in this case

The current site is being used for business purposes for the developers to store palletised freight and staff parking, due to there being limited parking and storage space on their current site.

- This use cannot work alongside that of the approved development, if the intention is to do this a new planning application is required to cover this.

Questions reference in supporting information to 140 visitors to the site each day for 12 hours.

- The figures given are accepted as being high, but the difference between the two uses is significant enough to enable discrepancy to be applied and the overall result is still betterment.

The current perimeter fence is not fit for purpose and is in need of replacement regardless of this development. Last year panels blew down and were hastily tacked back into place. In respect of this particular proposal, a replacement with something more substantial in its build quality, permanent posts that will not rot and taller to assist with privacy, security and noise issues which would inevitably ensue should this proposal go ahead in part or in full.

- The trees are being retained with a condition imposed to further secure this. A pre-commencement condition requiring further details to be submitted regarding boundaries is proposed accordingly.

As parking is being proposed perpendicular to this fence, crash prevention bollards would be necessary to prevent vehicles potentially ending up in a Hatherleigh Road garden.

- This is not considered necessary or proportionate in this case.

It was noted that the current surface of the parking area is loose gravel and dust which is intended to be replaced with hoggin. Due to the relative instability of the raised bank that adjoins the Hatherleigh Road gardens, any surface drainage will be required to flow in the direction of the exit from the car park and away from Hatherleigh Road

- This is addressed under 'Surface Water Drainage' above.
- Concerns relating to gridlock and traffic conflict are addressed under 'Highways' above.

The proposal would result in the removal of several TPO trees which contribute greatly to the beauty of the area. The removal of these trees would detrimentally impact upon my properties character and appearance. As stated in point 2 the removal of the trees in going to have a huge impact on our privacy also.

- There are no trees being removed and a further condition is proposed to safeguard them.

Single bed Flats are out of keeping with the family homes in the area. Police records will show the high levels of criminal activity directly associated with the current single bed flats situated at the end of Hatherleigh Road, as residents we do not want to see these levels increased further.

- There is a mix of residential home types and tenure in the area; this does not warrant an objection to this development in this case.

Valuation of our property.

- This is not a planning issue.

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

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

6.12 Conclusion

6.12.1 The proposed development has been significantly downscaled from the original scheme. The conversion of the existing building into four new flats has been thoroughly assessed and deemed to comply with planning policy in relation to highways, amenity, biodiversity, drainage, visual amenity, with particular regard to the impact upon the Conservation Area. The proposed development is recommended for approval subject to conditions.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CTMP.

REASON: In the Interest of Highway Safety and to protect the amenity of the local residents

4 No development shall commence until details of the design, height and materials proposed for the screen walls or fences shown on the layout plan have been submitted to and approved in writing by, the Local Planning Authority. Such walls and fences shall be erected before the each dwelling unit is completed or occupied whichever is the earlier and retained in perpetuity.

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

5 The approved 'Ecological Enhancement' document dated 21.09.2023, which illustrates the position of the biodiversity net benefit features, 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 Local Planning Authority no more than three months later than the first beneficial use of the first dwelling.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1

6 None of the existing trees, shrubs and hedges on the site shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or wilfully damaged. If any of these trees, shrubs or hedges are removed, or if any die or are severely damaged, they shall be replaced with others of such species, number and size and in a position to be agreed in writing with the Local Planning Authority. Any lopping or topping which may prove necessary shall be carried out in accordance with a scheme previously approved in writing by the Local Planning Authority.

REASON: To protect valuable tree or other landscape features on the site in the interest of preserving the character and appearance of the visual amenities of the area in accordance with Policy LDP G11.

INFORMATIVES

1 Nesting birds - Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended).

The protection also covers their nests and eggs.

To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection

Planning Policy Wales - Net Benefit for Biodiversity

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

Policy S17 - Place Making and Design

Development shall contribute to creating high quality, attractive and sustainable places. All development proposals must include and promote high quality, sustainable inclusive design which respects local distinctiveness, respects the character of the site and its surrounding in order to protect and enhance the natural, historic and built environments and to create attractive, safe and accessible places

Application Number: DM/2023/01115

Proposal: Modification of section 106 obligation for planning consent DC/2013/00304

Address: Riverside Court, 35 Swan Meadow, Monmouth Road, Abergavenny

Applicant: Sally Meyrick (MCC Housing)

Plans: No plans received

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham

Date Valid: 08.08.2023

This application is presented to Planning Committee due to the original decision being made by Planning Committee

1.0 APPLICATION DETAILS

1.0 In June 2014 planning permission DC/2013/00304 was approved by members of the planning committee for the construction a block of 38 no. retirement apartments. That approval was subject to a 106 agreement requiring that two of the units were "golden share" apartments where either an elderly person or persons nominated by the Council as being unable to meet their housing need on the open market would be offered the property. "Elderly Person" is defined as being over 60 and/or a spouse of such person over 55. One of the units has been sold as such with the Council authorising the sale at the market value less a 30% discount. The owner, having received a 30% discount, is required to covenant to comply with the re-sale procedure. However, Monmouthshire County Council's Housing department have tried to sell the second property to a "Designated Person" but have had no success. Therefore it is proposed to amend the Section 106 legal agreement to provide a financial contribution to be used for the provision of affordable housing elsewhere in the locality. The current market value is £235,000 making the 30% share worth £70,500.

1.2 Proposal Description

The original consent was granted for the demolition of the existing building and relocation of a sewer in order to develop the site for 38 McCarthy and Stone retirement apartments. These are centrally managed on site and only available to persons over the age of 60 (or in the case of a couple, where one of the occupants is over the age of 60 and the other is over the age of 55). The apartments are self-contained but linked by heated corridors from a secure entrance. There are also communal facilities in the form of a laundry, refuse room, guest suite and residents' lounge and kitchen.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2020/01517	To convert an equity share of one of the affordable units to a financial contribution.	Approved	12.10.2023
DC/2016/01424	Non material changes to the store/communal areas to provide one bedroom apartment within the ground floor of the main building.	Approved	30.12.2016
DC/2015/01360	Removal of condition 11, 12 and 13 relating to planning application DC/2013/00304.	Approved	13.11.2015
DC/2015/00389	Discharge of condition 10 (hard land soft landscaping) of previous application DC/2013/00304.	Approved	18.05.2015
DC/2015/00348	Minor Changes to single storey element due to existing drainage easement Minor Change to elevations.	Approved	10.04.2015
DC/2015/00315	Discharge of conditions 15 (site investigation and remediation works) , 16 (site contamination), 22 (car parking scheme), 23 (pedestrian routes for access) and 26 (site contamination) of planning permission DC/2013/00304.	Approved	14.01.2016
DC/2014/00673	DC/2013/00304 - Discharge of condition 14.	Approved	25.06.2014
DC/2013/00304	Redevelopment of the site to form 38 retirement apartments for older persons including communal facilities, car parking and associated landscaping (Revised scheme)	Approved	12.06.2014
DC/2013/00303	Demolition and removal of all structures on site and redevelopment of the site to form 38 retirement apartments for older persons including communal facilities, car parking and associated landscaping (Revised Scheme)	Approved	03.06.2014

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S4 LDP Affordable Housing Provision

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Abergavenny Town Council - Recommends approval.

5.2 Neighbour Notification

No consultation undertaken due to nature of application.

5.3 Other Representations

None.

6.0 EVALUATION

The only consideration in this case is the amendment of the Section 106 agreement requirement for an equity share of one of the apartments to be changed to a financial contribution made for Affordable Housing in the Local Area. Monmouthshire County Council Housing have marketed the property for sale as an affordable home (30% under market value) but have been unsuccessful in identifying a suitable purchaser. The financial contribution in lieu of the equity share will allow the Council's Housing Team to support the provision of affordable housing for which there is a documented need.

Given that there has been a sustained effort over many years to sell the unit without success, it is considered that the amendment to a financial contribution of £70,500 is acceptable and will still help with the provision of affordable housing in the local area in accordance with LDP Policy S4.

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

6.1.1 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.

6.2 Conclusion

The amendment to the section 106 agreement to change from an equity share of a dwelling for a suitable person in need to a financial contribution of £70,500 is considered to be acceptable. The amendment will be made via a Deed of Variation to the original section 106 agreement.

7.0 RECOMMENDATION: APPROVE

Deed of Variation to Section 106 agreement

Financial contribution of £70,500 to be paid towards the provision of affordable housing in the local area.

Conditions:

Not applicable.

Reference Number	Appeal Site Address	Description of Development	Reason for Appeal	Appeal Type	Date Lodged
E20/104	Land At Rose Cottage Oak Ridge To Llanbadoc, Llanbadoc, Usk, NP15 1PR	Appeal against	Enforcement Notice - Operational Development	Written Representations	27-Jul-23
DM/2022/01819	Beaulieu Barn, 25 Kymin Road, The Kymin, Monmouth, NP25 3SD	Removal of condition no.3 (lighting) of planning consent DM/2020/01766.	Appeal against Refusal	Written Representations	07-Sep-23
DM/2022/00956	Land North West Of Hardwick Cottage, Hardwick Hill, Chepstow	The development of a single dwelling and garage with associated external works including driveway, parking and garden provision.	Appeal against Refusal	Written Representations	14-Sep-23

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Monmouthshire Local Planning Authority

PLANNING ANNUAL PERFORMANCE REPORT (APR) – 2022 –23

PREFACE

I am very pleased to introduce the ninth Annual Performance Report for Monmouthshire County Council's Planning Service.

This report shows that Monmouthshire's Planning Service continues to perform effectively, with just one of the thirteen indicators in need of improvement against the Welsh Government's targets. We are performing well in dealing with all types of planning applications and I am pleased to note that the committee process, which has involved a cohort of new Members, is working effectively showing a very good relationship between Members and officers in this authority. The whole team showed commendable resilience during the period in continuing to turnaround planning applications and heritage work in a timely manner and to investigate and resolve enforcement cases, while clearing a backlog from the previous reporting periods. This was despite having to recruit, train up and assimilate several new members of staff across all elements of the Development Management Team. There has also been significant resource issues in organisations who respond to consultations on our planning applications.

Where we think there are areas that need improving, we have clear actions to improve those elements of the service.

Good planning is central to the Council's purpose of achieving a zero carbon County and supporting well-being, health and dignity for everyone at every stage of life, while also generating growth in the economy and protecting the heritage and landscapes that make our County the beautiful place it is. Good planning is key to achieving our well-being objectives for everyone who lives, works and spends time in our beautiful County. As part of this, Planning has a key role in tackling climate change, placemaking, delivering affordable homes for those in housing need and assisting the local economy to overcome current economic pressures.

Councillor Paul Griffiths, Cabinet Member

1.0 EXECUTIVE SUMMARY

- 1.1 This is Monmouthshire's ninth Annual Performance Report, which looks at the performance of the Planning Service against nationally set performance indicators, Welsh Government (WG) targets, the Wales average performance, and Monmouthshire's performance last year. The results are considered in the context of the challenges, opportunities, priorities and resources (staffing and financial) available to us. The objective of the APR is to reflect on and celebrate good performance, identify areas for improvement, and look across Wales to identify potential areas of best practice that we could learn from or share with others.
- 1.2 The nature of the performance indicators means their focus is on decision speed and customer service rather than measuring whether or not better outcomes have been achieved. It has not yet been possible to identify an objective way of measuring outcomes, however we seek to prioritise securing the best scheme possible rather than traditional indicators relating to speed of decision-making. Research has identified that our customers' priority is securing planning permission: customers generally understand the benefits of good design and, within reason, do not see the time taken as a priority.
- 1.3 For the purposes of this report, performance is analysed across the four key aspects of planning service delivery as set out in WG's Planning Performance Framework:
- Efficiency;
 - Quality;
 - Engagement; and
 - Enforcement.

The performance of the Local Development Plan is more than adequately covered in the Annual Monitoring Report, also being submitted to WG in October 2023. For the other areas in the Planning Performance Framework, performance data has been obtained by Monmouthshire officers from the Development Management Quarterly Returns and our own back-office system. Comparisons have been made with the Welsh average performance for each measure over 2018/19 (the latest reporting period for this national data) as well as our own performance against the measures over 2022/23. Performance is ranked as 'good', 'fair' or 'needs improvement'.

- 1.4 Based on the performance information in Section 6 and Annex A, we can be pleased with the service we deliver given the challenges we have faced. During this period:
- The proportion of all applications determined within 8 weeks, or an agreed timescale, improved compared to the year before rising from 81% to 89% and remained well above the WG target of 80%;
The average time to determine all applications increased to 110 days (from 106 days in 2021/22) explained by the impact of the backlog caused by previous staffing shortages within the application team (and among our consultee organisations) as well as the delay caused by the phosphate pollution issue that led to a pause in determining many applications in the central and northern parts of the County;

- The proportion of major applications determined within agreed timescales was 71% and was above the Welsh average in 2018/19;
- 75% of listed building applications were determined within approved timescales and we provided a valued Heritage service for Blaenau Gwent Council;
- The percentage of applications that were approved remained high at 94%, well above the WG average;
- During this reporting period, we closed 361 applications seeking pre-application advice. 147 planning applications stemmed from the pre-application advice we gave. Of those that have been determined seven were refused (5%) and nine were withdrawn (6%) due to a change in the applicants' circumstances; the remainder were approved (89%). All seven that were refused had not followed the advice we gave at pre-application stage. Consequently, we have a 100% success rate of applications that went to decision stage and followed our pre-application advice.

1.5 A summary table of our performance can be found in Annex A.

The two enforcement measures had been in need of improvement over previous reporting periods, although we have noted following Members' queries about the accuracy of data at the recent Performance & Overview Select Committee, that we were measuring the positive action measure incorrectly and this inflated the figure by including the initial investigation period which meant the measure was 'poor' whereas it should have been 'fair'. We also note that improvement in the enforcement team's performance have been sustained in the first two quarters of 2023/24 where the two key indicators have moved to 'amber' or 'green'.

2.0 CONTEXT

- 2.1 This section sets out the planning context within which the Local Planning Authority operates, both corporately and in terms of Monmouthshire as a county, for the 2022-23 period.

Corporate Context

- 2.2 The Council adopted its Local Development Plan in February 2014 and submitted its eighth Annual Monitoring Report to Welsh Government in October 2022.
- 2.3 We contribute to delivering the Council's high-level objectives, set out in the Council's Community and Corporate Plan 2022-28. The objectives we contribute to are:

MCC Purpose	A zero carbon county, supporting well-being, health and dignity for everyone at every stage of life
CC Objectives	A Fair place to live where the effects of inequality and poverty have been reduced; A Green place to live and work, with reduced carbon emissions, and making a positive contribution to addressing the climate and nature emergency; A Thriving and ambitious place, where there are vibrant town centres, where businesses can grow and develop; A Safe place to live where people have a home and community where they feel secure; A Connected place where people feel part of a community and are valued; A Learning place where everybody has the opportunity to reach their potential.

- 2.4 The Planning Service's purpose, 'To plan for, advise on, give permission for and ensure the best possible development', links directly to all six of these objectives. The Planning Service sits within Communities and Place Directorate.
- 2.5 The Planning Service is made up of i) the Planning Policy and ii) the Development Management (DM) teams. The primary purpose of the Planning Policy team is to prepare and monitor the statutory Local Development Plan (LDP) and assist in its effective implementation through the Development Management (planning application) process. This ensures that the land use and sustainable development objectives of the Council are met ensuring the provision of an adequate supply of land in sustainable locations for housing, retail, education, recreation, tourism, transport, business, waste and other needs,

whilst protecting the county's valued environmental, heritage and cultural assets. This work aligns directly with achieving the Council's objectives.

- 2.6 Key areas of work for the Service include:
- Carrying out a replacement of the Monmouthshire LDP.
 - Preparing and co-ordinating thematic supplementary planning guidance to help to foster the interpretation and implementation of LDP policy.
 - Implementing the Council's LDP through engaging and working with communities, and partnership working with both internal and external partners.
 - Monitoring and evaluating development plan policies, including preparing the statutory LDP Annual Monitoring Report (AMR).
 - Maintaining the LDP evidence base and ensuring fitness for purpose for future LDP revision.
 - Providing pre-application advice to customers;
 - Determining planning applications in accordance with adopted policy and material planning considerations, taking into account stakeholder comments and corporate objectives;
 - Securing financial contributions from developers to offset the infrastructure demands of new development;
 - Safeguarding the County's 2400 Listed Buildings and 31 Conservation Areas, areas of archaeological sensitivity, the Wye Valley AONB and the Brecon Beacons National Park;
 - Providing a heritage service for our neighbouring colleagues in Blaenau County Borough that works in a manner that is consistent and as well-resourced as the one provided for Monmouthshire.
 - Taking robust enforcement action against unauthorised development that is unacceptable in the public interest.
- 2.7 The main customer of the Planning Service is the applicant of any planning application, however there are numerous stakeholders including individuals, communities, businesses, third sector organisations, other Council Services and elected Members.

Local Context

- 2.8 Located in South East Wales, Monmouthshire occupies a strategic position between the major centres in South Wales, the South West of England and the Midlands. The County shares a border with the neighbouring Local Planning Authorities of Newport, Torfaen and Brecon Beacons National Park (BBNP) in Wales and Gloucestershire, the Forest of Dean and Herefordshire in England, with Severn crossing links to South Gloucestershire. The County forms the gateway to South Wales and is part of the Cardiff Capital City Region. This location gives the County a distinctive identity.

Our people

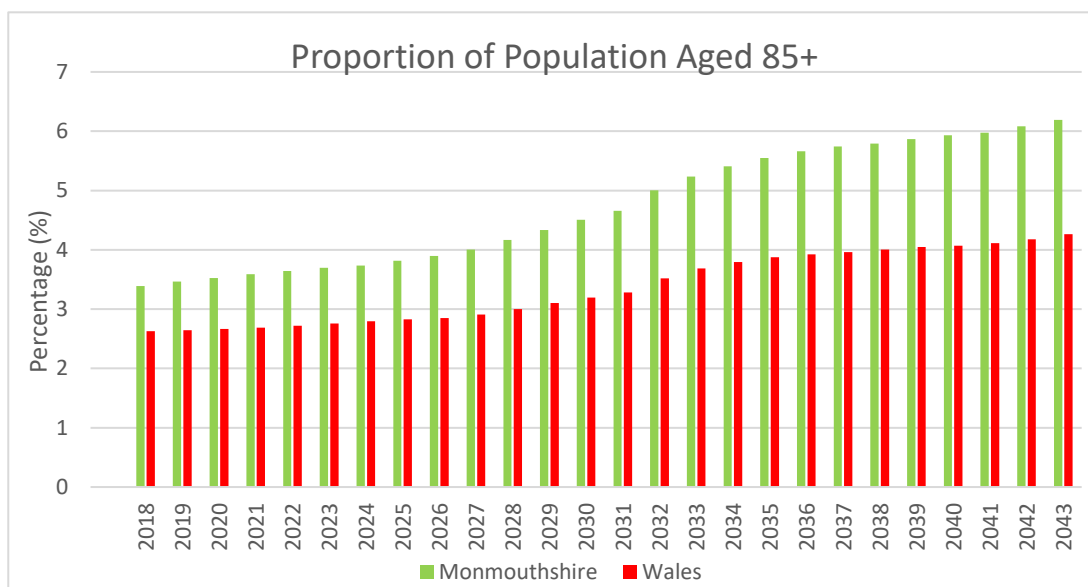
- 2.8.1 Monmouthshire covers an area of approximately 88,000 hectares with a population of 93,000 in 2021¹. Almost 8% of residents reside within the BBNP area of the County. The County has a low population density of 1.1 persons per hectare – significantly lower than the South East Wales average of 5.3 persons per hectare – reflecting the area's rural nature. Only 53% of the population lived in wards defined as being urban areas (i.e. with a population of more than 10,000).

¹ Source: Census 2021 first release of results (28.06.2022). Please note figures are rounded to the nearest hundred.

2.8.2 Our population has been increasing steadily, up 7.6% between 2001 and 2011 compared with the Wales average of 5.5%. The increase from 2011 to 2021² represents a lower increase at 1.8%, however, this is marginally higher than the growth for Wales over the same period of 1.4%. This increase is wholly attributable to inward migration, with natural change showing negative growth. The County has a relatively high and increasing proportion of older age groups, and a lower and decreasing proportion of younger adults compared with the UK and Wales averages. The graph below illustrates the proportion of those aged 85+ in Monmouthshire in comparison to Wales, based upon the 2018-based local authority population projections for Wales, 2018 to 2043. It shows that the trend in the ageing demographic is likely to continue. The 2021³ Census initial release suggests the proportion of those aged 85+ is 3.4% in Monmouthshire compared to 2.7% in Wales.

Source: Office for National Statistics, Stats Wales

2.8.3
This



Demographic change has significant implications for economic activity and demand for services to enable our citizens to continue to live independent lives.

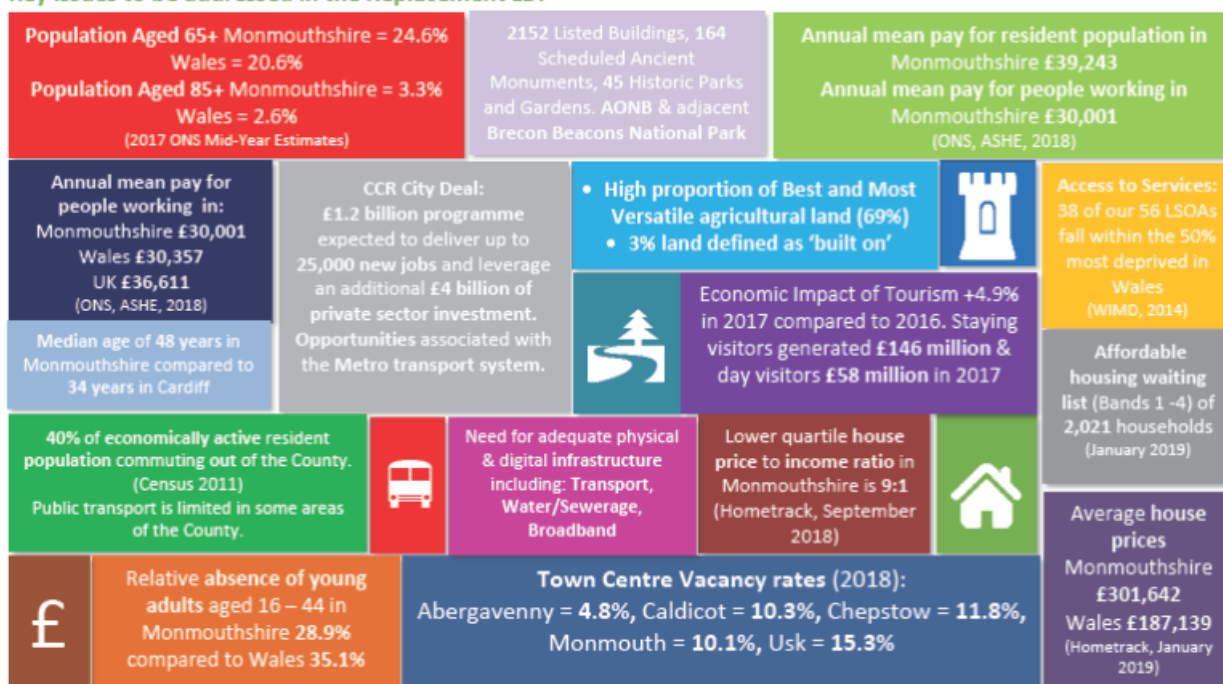
2.8.4 The following diagram encapsulates the issues that the Council are seeking to address during the development of the Replacement Local Development Plan (RLDP) over the next few years (Please see revised delivery agreement):

² Source: Census 2021 first release of results (28.06.2022). Please note figures are rounded to the nearest hundred.

³ Source: Census 2021 first release of results (28.06.2022). Please note figures are rounded to the nearest hundred.

Monmouthshire Replacement Local Development Plan – Issues, Vision and Objectives

Key Issues to be addressed in the Replacement LDP



2.9 Housing and quality of life

2.9.1 The County has three broad categories of settlement:

- The historic market towns of Abergavenny, Chepstow and Monmouth have developed over many years to have a wide range of opportunities for employment, shopping, community facilities and public transport;
 - The newer settlements in Severnside of Caldicot/Portskewett, Magor/Undy, Rogiet and Sudbrook where recent high levels of residential growth have taken place without the local jobs and community facilities to match. The area benefits, however, from a strategic location at the 'Gateway' to Wales with good access to the employment markets of Newport, Cardiff and Bristol;
- The rural area, containing the small town of Usk, the larger villages of Raglan and Penperlleni, and a large number of smaller villages, widely dispersed around the County.

2.9.2 Over the last decade, housing completions in the Monmouthshire LPA area have averaged over 300 dwellings per annum, although there have been significant annual variations with 205 completions in 2014/15 and 443 in 2018/19. To deliver the LDP housing requirement, 488 completions per annum were required (2013-2021). During 2022/23 there were 343 housing completions. This is discussed in more detail in the LDP Annual Monitoring Report.

2.9.3 Land Registry data indicates that average house prices in Monmouthshire have increased with average prices in quarter 1 (January to March) 2022 standing at £334,148, significantly higher than the 2012 quarter 4 baseline price (£188,720).

Between 2006 (the time the Monmouthshire Unitary Development Plan was adopted) and March 2022, there have been 4,540 completions of which 903 were affordable, equating to 20% of all dwellings built. Since LDP adoption (2014) to March 2022 there have been 2,535 completions of which 530 were affordable, equating to 21% of all dwellings constructed. This affordable housing provision only relates to those units derived from planning consents but additional affordable housing provision can result if open market houses are purchased by a registered social landlord.

2.9.4 Monmouthshire is generally a prosperous County offering a high quality of life for its residents. However, poor access to community facilities and declining local service provision is an issue for rural and ageing communities. The health of Monmouthshire's population is generally better than the Wales average, with greater life expectancies and higher proportion of residents classing themselves as being in good health (2011 Census). Fewer residents in the County suffer with a limiting long-term illness compared with Wales as a whole. The rate of reported crime in Monmouthshire tends to be lower than for Wales as a whole.

2.10 **Our economy**

210.1 The ONS Annual Population Survey suggests that the County has a high proportion of working age people in employment (77.7% January 2021 - December 2021) compared to neighbouring Authorities including Newport (72.7%), Cardiff (74.9%), Blaenau Gwent (71.1%) and Torfaen (70.3%). The equivalent figure for Wales is (73.1%). Our economy is reliant on the public sector and services for employment:

- In 2020, the Business Register and Employment Survey (BRES) records that the public administration, education and health sector accounts for 30.9% of jobs;
- The distribution, retail, hotels and restaurants sector accounts for 27.9% of jobs;
- Tourism, as part of the services sector, is also important in the County (see 2.16.3 below).

2.10.2 The County had 4,490 active enterprises in 2021, 10% of which were in the property and business services sector. The three sectors with the most businesses were Professional, scientific and technical services (17%); Agriculture, forestry and fishing (16%) and Construction (11%). Accommodation and food services accounted for 7%. The UK Business count dataset accessed via Nomis also suggests that 98.5% of the County's businesses are classified as small (i.e. up to 49 employees).

2.10.3 Tourism is vital to Monmouthshire's economy and generates income to support a wide range of businesses that benefit from spending by visitors. According to figures supplied by tourism economic indicator 2021 STEAM (Scarborough Tourism Economic Activity Monitor), the sector brought in £182.79 to Monmouthshire in 2021 and supported the equivalent of 2,336 full-time jobs. Each visitor contributing to the county's economy by purchasing food and drink, fuel, services and accommodation spends on average over £77 per day.

2.10.4 Monmouthshire's tourism performance over the life of the previous plan displayed an encouraging 10% real growth in terms of economic impact, an increase of 8.7% in visitor numbers and a 1.5% growth in full-time jobs. The approved Destination Management Plan has been developed following a review of the previous plan and is based on Monmouthshire's best prospects for tourism growth as well as extensive consultation with

stakeholders. The Plan capitalises on key opportunities for Monmouthshire, including its location at the gateway to Wales offering an initial chance to make a great impression, especially now that the Severn Bridge tolls have been phased out.

- 2.10.5 The 2021 Welsh Government Commuting Statistics indicate that 61.2% of the County's working residents work in the area. This is an increase on previous years and suggests that there has been some progress in meeting the aspiration to increase the proportion of resident workforce working within Monmouthshire over the Plan period. However, the same data source suggests that Monmouthshire has a net outflow of 2,800 commuters – with 14,300 commuting into the Authority to work and 17,100 commuting out. There was significant in-commuting from Newport (3,000), Torfaen (1,900) and Blaenau Gwent (1,400), and from England (2,900). The main areas for out-commuting were Newport (2,600), Torfaen (2,400), Cardiff (1,600) with a further 4,600 going to Bristol. A relatively high proportion of Monmouthshire's residents travel long distances to work, with a high usage of the private car. Heavy reliance on the private car and limited opportunities for public transport is a particular issue in rural areas.
- 2.10.6 Other key challenges facing the Planning Service include areas at risk of flooding (including most of the Gwent Levels and the flood plains of the Rivers Usk and Wye and their tributaries). There are, however, flood defences within the towns of Chepstow, Monmouth and Usk.

2.11 Our built heritage

2.11.1 The Monmouthshire LPA area has a rich built heritage and historic environment which includes:

- Approximately 2,400 Listed Buildings, of which 2% are Grade I, 10% are Grade II* and 88% are Grade II. Of note, around 176 Listed Buildings have been identified as being at risk.
- 31 Conservation Areas – designated for their special historic or architectural interest, covering some 1,648 hectares in total;
- 45 Historic Parks and Gardens – identified as having a Special Historic Interest, covering 1,910 hectares;
- 3 Landscapes of Outstanding Historic Interest identified by Cadw (parts of Blaenavon, the Gwent Levels and the Lower Wye Valley);
- 164 Scheduled Ancient Monuments.

3.0 PLANNING SERVICE

Organisational setting

- 3.1 Towards the end of 2021/22, the Planning Service underwent significant changes, primarily in the Applications, Heritage and Enforcement Teams. In the Applications Team, three Development Management Officers left the team, one colleague following a prolonged period of sickness, one to pursue a different career and the other following a promotion to another planning authority in S-E Wales. Unsurprisingly, this left significant gaps in staffing, diverted more work onto remaining staff and managers and led to a downturn in end-to-end performance across all types of applications, not just householder and minor

applications. As a response, a new temporary DMO post and a trainee planner post were created and successful candidates were appointed in late 2021 to address the build-up of work. Those two temporary officers have now been appointed to full time DM Officer roles following interview for the permanent (and vacant) posts. The other DMO post was taken up by the Council's former Enforcement Monitoring Officer so that all the Applications Team posts were filled towards by the end of the 2021/22 reporting period.

In Heritage there was a minor re-structure following the decision to suspend collaboration work with Torfaen Council (this was partly owing to resource pressures and partly due to the lack of ability to retain the Senior Heritage Officer post funded by Torfaen). A post for a Heritage Officer filled in July 2022. The Planning Service's Tree Officer left in October 2022 to take up a similar role in S-W England and was replaced in January 2023 by a new officer also working 0.6 FTE like their predecessor.

In Enforcement, two vacant posts were filled in early 2022. Owing to these gaps in appointments, significant pressure was experienced by the remaining team members and performance unsurprisingly dropped off.

In the Planning Support Team, a Planning Support Officer opted to take up a part-time role and the vacant element of their role was filled in 2022.

In the Policy Team, a Senior Officer retired in December 2022 and the Research Officer left for a new job in the private sector in September 2022. Recruitment proved challenging and they were replaced during summer 2023.

3.2 Department structure and reporting lines for the 2022-23 reporting period



Planning Service staffing structure for the 2022-23 reporting period



Budgets

- 3.3 The two main costs for the service are staff costs and the LDP budget (money is transferred from the above budget to sit in an LDP reserve, built up to fund the next LDP). Income is generated by planning application fees and charges for our discretionary services including our pre-application advice service (the latter amounted to approximately £47,000 over 2022/23, slightly higher than the previous year) as well as the Planning Service’s newer discretionary services that are discussed below.
- 3.4 Planning application fee income (£475k) was lower than 2021/22 and less than in most of the previous reporting periods. The prime cause was the reduction in the number of major planning applications which provide much higher fees compared to minor applications. This has inevitably been the result of the impact of the riverine phosphate constraint in settlements like Abergavenny and Monmouth (this is discussed in later sections of this Report) as well as the late stage of the lifecycle of the LDP. Fee projection work means there is likely to be more activity on housing sites over 2023/24 in respect of sites allocated in the current LDP that have not yet come forward (Tudor Road and Drewen Farm, Monmouth) although this is subject to phosphate issues being resolved. Delays to the review stages of the new LDP will mean there will be no new allocated housing sites coming forward until Deposit/ Examination stage, probably in the later part of 2024. Application fees are set periodically by Welsh Government but they do not rise by inflation each year (the last increase was in 2020) and fee income is dependent on economic activity which is also out of the Council’s hands.
- 3.5 Research by the Welsh Government identifies that application fees recover approximately 50% of the cost of dealing with planning applications. Additional costs are incurred through the work involved in the statutory Development Plan, and via other services such as enforcement and heritage management. Increased planning application fee income is used to reduce the net cost of the service to the Council. In-year windfall extra income is used to balance the Council’s budgets and offset overspend in other services. Conversely as has been the case during recent years, underspend in other services was used to offset DM’s under-recovery of income, when economic and other circumstances resulted in a sudden drop in fee income. Application fee income has fluctuated significantly over recent years, and this poses a challenge for budget management going forward. Fee income is heavily influenced by the wider economy, for example house-building (which itself is affected by mortgage lending and development viability) and other funding streams.

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Budgeted fee income	£633k	£668k	£684k	£681k	£693k	£589k	£480k	£480k	£570k
Actual income	£664k	£560k	£430k	£653k	£666k	£494k*	£651k	£554k	

N.B. Fee income includes planning application fees, pre-application advice income and the discretionary fees for fast track applications. The 2019/20, 2020/21, 2021/22 figure also includes payment from Torfaen Council towards funding the joint Heritage Service, that has now ended.

*This reduced level of income was then offset by a grant from WG due to the pandemic

Staff resources

- 3.6 Staffing levels for the reporting period are shown in the chart at paragraph 3.2 above. Key changes over 2021-2023 saw significant turnover of staff within Planning as discussed in section 3.1 above.
- 3.7 For the reporting period, sickness levels were relatively low. The pandemic did have an impact on the capacity of officers in previous reporting periods and certainly over 2021/22 (and 2022-23 in the Policy Team) there have been notable pressures caused during the period between staff appointments – exacerbated by the relatively high turnover of staff during this period. Morale of team members had been impacted by the length of the pandemic and the sense of isolation home-working can have as well as the build-up of work as staff have left and their work has been passed onto remaining staff. It is fair to say that the recruitment of a new cohort of planners has revitalised the team, however, and has enabled the existing staff to get back on top of workloads. To tackle issues of performance and morale, managers put in place regular meetings, welfare chats, counselling and a more structured approach to performance management. In addition, we have invested in young planners who are seeking to enter the profession by providing a trainee post (one year placement) in both the Policy and DM teams – the latter assisting the workload of the planning applications case officers by having their own caseload of householder and minor applications.
- 3.8 Training and development opportunities for colleagues were primarily events organised by the Council itself or occasionally by the RTPI, including the Wales Planning Conference. There was also a law update by FTB Chambers and the annual Welsh Enforcement Conference. In-house opportunities were provided via quarterly Development Management and Planning Policy Liaison Meetings. There is also an opportunity for DM officers to discuss individual cases with colleagues at casework management meetings held twice a week. A junior officer in the team has enrolled on the RTPI-accredited Masters course studying for a planning degree, part time.

Three staff within DM have undertaken Institute of Leadership & Management (ILM) qualifications over recent years.

4.0 OUR LOCAL STORY

Workload

- 4.1 Key projects during the reporting period included:
- Consideration was given as to how best to progress the RLDP having regard to the challenges that arose following public consultation and engagement on the previous Preferred Strategy in Summer 2021, namely the Welsh Government objection to the level of growth set out in that Preferred Strategy and water quality issues in the Rivers Wye and Usk, whilst also ensuring that the RLDP delivers on our objectives and addresses our core issues of providing affordable housing, reducing the need for people to travel and seeking to address our demographic imbalance. In September 2022 Council endorsed the proposal to proceed with a new growth and spatial strategy that responds to the above. Reflecting this, a revised Delivery Agreement was agreed by Council and agreed with the Welsh Government

(December 2022) and the revised RLDP Preferred Strategy and Candidate Sites Register (CSR) were subject to public consultation and engagement from 5th December 2022 – 30th January 2023, with eight engagement drop-in events held throughout the County, along with two virtual events. Approximately 220 Preferred Strategy and 650 CSR representations were submitted during the consultation period. Work progressed on the candidate site assessments, development of the RLDP evidence base and processing representations. Feedback from the Preferred Strategy and Candidate Site Register consultation is anticipated to be reported to Council in October 2023. The outcome will inform the next key stage of the RLDP, the Deposit Plan.

- Over the last two reporting periods the work pattern has adapted from 100% of our staff working from home to a more hybrid arrangement with officers using collaboration spaces in County Hall to meet as a group on Tuesdays and Thursdays and Support Team colleagues normally using the original space in the office to meet, scan and train colleagues. Site visits for planning applications have continued although we suspended visits for pre-application advice submissions until our resources were back to full capacity. During the pandemic we had let agents know that all applications to be submitted should be done so electronically as the office was temporarily closed and paper forms of submission could not therefore be scanned for the case officer and consultation purposes. This appears to have produced a shift to almost 100% electronic submissions. Planning Committee has reverted to a hybrid arrangement with some Members preferring to attend in County Hall (others opting to attend virtually).
- Continuing a joint heritage service for Monmouthshire and Blaenau Gwent Councils. This commenced in January 2019 and has provided our neighbouring authority with expert heritage advice without the need to employ its own officer or commission a consultant. MCC manages the service for BGCBC via a memorandum of understanding (MOU) and provides the staff to deliver a resilient heritage service assisted by BGBC funding.
- Towards the end of the 2021, as a planning authority we were faced with a new constraint of riverine phosphate pollution. Within Monmouthshire it was identified that within the River Usk 88% of the river's water bodies failed to meet the required water quality target and within the River Wye 67% failed to meet the target. As a result of this failure NRW have issued detailed planning guidance to ensure that the environmental capacity of the rivers (which are designated special areas of conservation) do not deteriorate any further. Any proposed development within the catchment areas of the rivers that might increase phosphate levels need to clearly evidence within a planning application that the development can demonstrate phosphate neutrality or betterment in its design and/or its contribution to the water body. In most cases there will be limited capacity to connect to the public sewerage system and an alternative solution will have to be found. This requirement on drainage considerations has impacted on all development that increases the volume or concentration of wastewater. We have been working through the guidance and applying it to all new applications in those Wye and Usk catchment areas. This has sometimes delayed applications and many were on hold until the Council had developed a clear strategy for dealing with such issues. We continue to work with a wide range of agencies including WG, NRW, Welsh Water and other authorities (including new nutrient management boards) to find sustainable solutions to this significant environmental problem. Recent work has seen DC-WW commit to providing phosphate stripping technology at Monmouth and Llanfoist waste water treatments works by April 2025. This commitment will help bring forward much needed development in the main towns of Monmouth and Abergavenny.

- Delivering our bespoke pre-application advice service for potential applicants, as well as offering pre-purchase certificates and completion certificates.
- Successfully recruiting new staff and training them to adapt to their new roles in DM and Policy Teams.
- Implementing prioritised elements of the Team’s Digital Plan to improve our processes and customer experience – including upgrades to the Idox Document Management System (DMS) and Public Access (PA).
- Securing detailed planning permissions for the new 21st Century Comprehensive School at Abergavenny, two major housing developments at Vinegar Hill and Rockfield Farm, Undy - both strategic housing sites in the LDP, a significant employment development at Wales 1 Business Park, Magor (14,400sq.m), a substantial food retail development at Bulwark neighbourhood centre, a re-development at Nevill Hall Hospital to provide a new two-storey satellite radiotherapy unit and a new Police Station to serve the Abergavenny area and the A465 corridor at Llanfoist.



Artist impression of new police station located near A465 at Llanfoist (above) and now under construction (below)

4.2 Last year there was a decline in the number of applications received (12%), influenced by the UK's current economic challenges, the impact of phosphate pollution in the SAC catchment areas and the lifecycle of the LDP which is in the process of being replaced. The percentage of applications determined within agreed timescales improved by 8% on the previous year and is rated 'green' (89%). The proportion of approvals remained high at 94%. During 2022-23, 96% of applications were determined under delegated powers while 35 planning applications were decided by Planning Committee (Wales's average in 2018/19 was 93%).

	2014 -15	2015 -16	2016 -17	2017 -18	2018 -19	2019 -20	2020 -21	2021- 22	2022- 23
Applications received	1173	1284	1117	1188	1126	1134	1126	1154	1014
Applications determined	1053	1085	1087	1071	1101	1106	947	1152	1026
% within 8 weeks or agreed timescale	76%	79%	90%	91%	88%	91%	91%	81%	89%
% applications approved	95%	95%	96%	95%	95%	97%	97%	97%	94%

4.3 A key area of work over the last four to five years has been the development of new, bespoke services. The most popular of these has been the Fast Track services for householder applications, lawful development certificates (LDCs) (existing and proposed) and listed building consent. Unfortunately due to the Covid pandemic and subsequent staffing challenges we had to suspend the Fast Track services. We have now reintroduced the Fast Track services over the next reporting period following our successful recruitment drive. A summary of the current system as well as other bespoke services we offer is set out below.

4.4.1 The Fast Track service accelerates the administration and processing of the application for a small additional charge (currently set at 50% of the equivalent application fee for the standard service e.g. for a householder application this would be £230 plus £115 = £345). The offer is that Fast track applications are determined within 28 days following the submission of a valid application. This decision period varies for fast track applications for a certificate of lawfulness (10 days) and applications for listed building consent (35 days). In the unlikely event of not being able to achieve this target or agree a short extension of time (no more than 5 working days) we will refund the fast track service fee.

4.4.2 We also provide a *pre-purchase certificate* service aimed at people looking to buy a property in Monmouthshire. The application would provide the applicant with i) a planning history search; ii) details of planning permissions and listed building consents and iii) enforcement history relating to identified breaches of planning control. This service would include a site visit and identify whether there are any breaches of planning control and whether or not any breaches would be enforceable. The certificate confirms that any approved development at the site, up to the point of the request, has been carried out in accordance with approved plans and that there is no

breach of planning control at the site. We aim to provide a written response within 28 days. This service looks at compliance with all types of planning permissions including listed building consent: it does not provide a substitute to lawful development certificates.

4.4.3 The other discretionary service we offer is a *certificate of completion*. The certificate will indicate whether or not the planning permission and/or Listed Building Consent applied for has been carried out in accordance with the approved plans, and also it would confirm the status of all planning conditions and any approved amendments if applicable. The purpose of this service is to offer support to applicants, agents or any other interested party that the works are appropriate and acceptable once they have been built. If there is an issue of noncompliance this will be brought to the applicant's attention and an opportunity provided for the breach of planning control to be rectified. The service includes a site inspection and desk based research and investigation. We will aim to provide a written response within 28 days.

4.5 These discretionary services were commenced on 1st July 2017 (they were rolled out slowly and then gathered pace until the pandemic when lockdowns, restrictions and home-working meant the pressure on staff time needed a response; priorities were put on applications and pre-application advice so the fast track service was suspended). As they have now been recommenced, we will review the effectiveness of these services during the next reporting period.

4.6 In more recent years, we have introduced planning performance agreements (PPAs) with applicants to provide a systematic framework of project management for more complex planning applications with milestones agreed such as submission of the application, set meeting dates and a projected committee date. The first was pioneered at Fairfield Mabey strategic, mixed use site in Chepstow and was well-received by those involved including the applicant. During 2022/23, two PPAs were used for major proposals at Wales One, Magor (a large employment proposal) and the Wye Bridge active travel scheme. The fees for these two PPAs totalled approximately £40,000 which helped the Planning Team and internal consultees manage their resources to meet the target dates in the PPA.

4.6 In relation to enforcement workload, the team were significantly hampered throughout the previous reporting period by vacancies in two posts due to those officers leaving for new roles either within the wider DM team or in a neighbouring authority. Positively, the more recent additional resource in the small team has seen performance improve substantially. We also recently noted that we were undervaluing the performance of the team by measuring the 'positive action' indicator wrongly, adding in the initial investigation period which should be measured separately. For 2022/23 this figure improved from the old method of measurement of 290 days to a more accurate 123 days which is now a fair level of performance. Additionally, progress is being maintained during the (next reporting) 2023/24 period. Action 2 for this priority area is retained to seek longer, sustainable improvement. Improvements to internal processes have enabled cases to be closed earlier and to focus activity on the more serious breaches of control.

4.7 Value of Planning

4.7.1 RTPI Cymru has published a toolkit which measures the value generated by a local authority planning service. The tool has been developed to capture the economic, social and environmental

value at a local planning authority level across Wales. The tool and its 'Value Dashboard' have been designed to provide RTPI Cymru and the Welsh Government with a platform to demonstrate to local authorities, national policy makers, the private sector, researchers and other broader policy and media audiences, the value planning contributes and how planning is positively contributing to Wales' seven well-being goals. The data has been updated to reflect planning permissions and completions in the current reporting period, 2022/23. The toolkit has been a very useful means of promoting the good work undertaken by the department that is often taken for granted. Over this period, the toolkit concludes that the service has contributed £84.7M to the local economy by the allocation of sites in the LDP, the safeguarding of land, the granting and implementation of planning permissions, the operation of its enforcement function and the securing of planning obligations. In the two previous reporting periods this equated to approximately £87M – that higher figure reflecting more construction activity compared to 2022/23 because of the lifecycle of the LDP and the impact of the phosphate pollution issue.

We aim to update this for the ensuing reporting periods. The 'Dashboard' data summarises the Planning Service's contribution below:

Value of Planning in Monmouthshire 2022/23

Planning service key data



31 FTE jobs in planning service



1,014 applications handled



£0.5m collected in fees

LDP Land Safeguarded



LDP Land Allocated

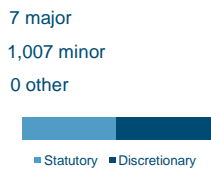


LDP Value

£2.1m uplift value
(based on land allocated for whole plan period)

Value adding policies ? 89%

Applications



0 DCOs dealt with
2 DNS dealt with
67 LBC applications granted
11 refusals appealed
1 judicial reviews

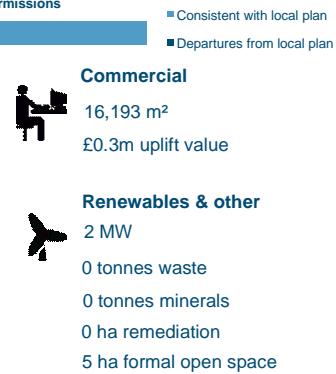
Decisions



Permissions

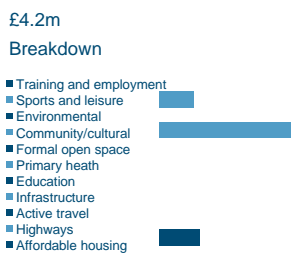


Permissions



Contributions

Section 106 income



CIL income



Completions



Commercial



Renewables



Tourism



Enforcement

384 enforcement complaints
4 planning contraventions
3 enforcement notices
4 breach of condition notices
0 stop notices
3 section 125 notices



Wider indicators



In 2022/23 the total value of planning was £84.7m

SOURCES: Planning function outputs (LPA survey), Land and property value data (JLL estimates), business rates valuations (Valuation Office Agency), employment densities (English Homes & Communities Agency), Council tax rates (StatsWales), Health benefits from Affordable Housing (Department for Communities and Local Government Appraisal Guide, based on various studies outlined in app databook), Community benefit from renewables (Renewables UK Cymru). Some of the calculations require high level assumptions to convert between units/m²/ha. Where possible, benchmarks have been employed otherwise reasonable assumptions have been used. Business rate, council tax and gross FTE job estimates based on assumption of 100% occupancy and do not factor in any displacement. Numbers of applications and decisions are unlikely to match up as these can take place in different financial years for any given application. 'Value adding policies' refers to the proportion of policies the team has identified as adding 'intangible value' that are included in local plans. Approvals and refusals do not sum to 100% due to applications carry across years. The total value of planning presented only incorporates some of the metrics presented in the dashboard.





Housing developments recently completed – top left at Devauden that involved 60% of homes as affordable housing units; top right - a 100% affordable housing scheme on the site a former garage block off Hereford Road, Abergavenny; bottom left – a 100% affordable housing scheme on brownfield land in Caldicot and bottom right – an innovative mews development of affordable housing in Bulwark

Local pressures

4.8 Key local pressures include:

- Enabling delivery of the County’s housing needs: bringing forward allocated LDP sites; site viability; achieving good planning decisions, creating sustainable and balanced communities and seeking to achieve a good level of housing growth having regard to strong demand;
- Managing the development plan and development management process having regard to the impact of riverine phosphate pollution that has affected development proposals in the central and northern parts of the County significantly;
- Ensuring full capacity of our staffing levels and to recruit promptly where vacancies arise;
- Securing timely consultation responses from consultees, both internal and external;
- The work associated with the replacement of the adopted LDP having regard to the challenging timetable for delivery;
- The need to help resource and deliver the Strategic Development Plan for SE Wales;
- The lack of income from major planning applications due to the gap between the implementation of the current LDP and the adoption of its successor with associated impacts on budgets to resource the service;
- Career development and training support for staff in the light of limitations on budgets.

4.9 One of our key challenges is balancing our aim of creating quality places in a timely manner while ensuring schemes are viable and help deliver housing numbers. We are, however, clear that quality is more important than quantity. The introduction of a place-making emphasis in Planning Policy Wales is welcomed, as is its form that embraces the Well-Being of Future Generations Act.

5.0 Customer Feedback

5.1 The number of formal complaints and letters offering compliments are recorded. There were 14 complaints received over 2022/23, compared to 18 during 2021/22. Several of these complaints stemmed from concerns about lack of communication from case officers during the processing of planning applications and were resolved following intervention by line managers and subsequently improved dialogue with the applicant. There was also a willingness for applicants to become more tolerant once they understood the team’s situation in respect of on-going vacancies and delays caused in waiting for consultation responses from key consultees. Other complaints related to a concern about lack of enforcement in respect of construction management at a large housing site and two other sites where enforcement action was not taken as quickly as the community had wanted or because it would not have been expedient to do so.

Planning is a contentious area dealing with access to land and changes to property values. It will always be the subject of complaint from third parties who are dissatisfied with a decision. This measure needs to be taken in context and the number of justified complaints is arguably a more pertinent measure. We do however aim to treat all customers with care and respect and to communicate clearly with the public so that they understand what the relevant planning issues are when we make decisions. There is always a degree of subjectivity so there will inevitably be disagreement about the weight given to the respective issues in the planning decision.

Notwithstanding the number of complaints, none of the fourteen complaints investigated under the Council’s formal Complaints Procedure were deemed to be justified and also none of the five escalated to Stage 2 (investigated by a senior council officer unconnected with the Planning Department). In addition, none were considered appropriate to be investigated by the Public Service Ombudsman.

As far as enforcement of planning control is concerned, there is often a misunderstanding within the community about the scope for enforcement action by a planning authority or an appreciation of the length of time it takes to remedy a breach of planning control. The team will continue to engage with our communities to ensure there is improved dialogue and clearer understanding of both the justification for action and the speed it takes. This ties in with Action 2 of the Action Plan.

We received seventeen recorded compliments over 2022/23.

	2015 /16	2016/ 17	2017/ 18	2018/19	2019/20	2020/21	2021/ 22	2022/ 23
Number of Stage 1 formal complaints received	5	5	4	14	13	21	18	14

Number of Stage 2 formal complaints investigations received	2	2	1	4	2	2	6	5
Number of Stage 2 complaints upheld or partially upheld	0 upheld	0 upheld	0 upheld	3 partially upheld	2 elements of the complaint partially upheld	2 partially upheld	0 upheld	0
Number of Ombudsman complaints upheld or partially upheld	0	0	1 upheld	0	0	0	0	0
Number of compliments received	2	9	2	6	6	4	4	17

5.2 Quality customer service continues to be a service and organisation priority so the momentum and desire to improve remain. We aim to introduce a new feedback form (online) for customers to engage with us during the next reporting period.



Left - Planning Committee Members visiting the restored slipway at Maby Bridge housing site, Chepstow as part of their Design Tour in October 2022 and right – view of a terrace of town houses on the same development facing the River Wye, with public open space in front

6.0 OUR PERFORMANCE 2022-23

6.1 This section details our performance in 2022-23. It considers both the Planning Performance Framework indicators and other available data to help paint a comprehensive picture of performance. Where appropriate we make comparisons between our performance and the all-Wales picture, although the absence of data for 2019/20 – 2022/23 from WG means we have to compare performance to the Welsh average over 2018/19.

6.2 Performance is analysed across the five key aspects of planning service delivery as set out in the Planning Performance Framework:

- Plan making (this aspect is not covered in this APR as the information is more than adequately analysed in the latest LDP Annual Monitoring Report);
- Efficiency;
- Quality;
- Engagement; and
- Enforcement.

6.3 Based on the performance information we can be pleased with the service we deliver. During this period:

- The proportion of major applications determined within 8 weeks or agreed timescales was very good at 71%, and was well above the Good target of 60% (5 out of 7 applications);
- The proportion of all applications determined within 8 weeks or agreed timescales remained high at 89%, an improvement on the previous year (81%) demonstrating the effective recruitment and training up of new officers in the Applications team;
- The proportion of applications we approved remained high at 94%;
- Of those applications that had gone through our pre-application advice service, and followed our advice 100% were approved;
- We ‘won’ seven out of eleven appeals against our decisions to refuse planning permission;
- We dealt with a large number of applications for listed building consent (67 applications) and 75% of these were determined within agreed timescales – this was despite having a reduced resource in the Heritage team from January 2021 until the end of July 2022;
- Enforcement performance improved for the measure relating to the percentage of enforcement cases investigated in 84 days (rising from 55% to 65%) although it is still in need of improvement, and the performance vastly improved in respect of the average time to take positive action which fell from 250 days to 123 days, albeit that the previous year’s figure was measured incorrectly as noted earlier. We investigated 15% more cases in 2022/23 than the previous year (384 cases) and served 14 notices.
- Significant s106 monies (over £4M) were secured towards important community infrastructure schemes including the Magor Hub as a result of granting permission for major developments such as those at Rockfield Farm and Vinegar Hill, Undy.

This shows that, despite a challenging workload, the longer-term effects of vacancies and issues such as phosphate pollution, our performance has been good and our pre-application advice service is effective.

6.4 A summary table of our performance can be found in Appendix A of the APR. Of the 12 ranked indicators, 6 are ranked ‘Good’, while 5 are ‘Fair’ and 1 is in ‘need of improvement’.

	Number of indicators
Welsh Government target has been set and our performance is ‘good’	6
Welsh Government target has been set and our performance is ‘fair’	5

6.5 Four actions are identified going forwards:

Action 1 – Digitise information in relation to older planning applications that are held on microfiche to enable the public to self-serve, reducing the time of Support staff and the Duty Officer to assist such enquiries and to reduce the need for travel.

Action 2 – Continue to review and make positive change to the Planning Service's enforcement function and its processes to speed up our decision-making, ensuring we are providing a good service for our customers. Digitise the enforcement notice register to help customers self-serve.

Action 3 – To finalise a Buildings at Risk (BAR) strategy to manage and prioritise any interventions to enable key heritage assets to realise a sustainable use for future generations.

Action 4 – To continue to invest in our staff to ensure professional qualifications are achieved and professional development takes place – be it via external or internal training.

Digitising the historic microfiche records, improving the experience of customers and reducing demand on officer time

6.6 We still hold substantial information on older planning applications in microfiche form. Retrieving such information is time-consuming and inefficient and the lack of accessible information for the public leads to a high volume of calls and enquiries to the Council's Support Team and daily Duty Officer. Digitising this information will reduce phone calls and emails to all those officers and will free up time to carry out work of greater value to the service and customers, such as processing submissions for pre-application advice and the applications themselves. This action would be subject to budget approval given the pressure on resources at present (Action 1).

Action 1 – Digitise information in relation to older planning applications that are held on microfiche to enable the public to self-serve, reducing the time of Support staff and the Duty Officer to assist such enquiries and to reduce the need for customers to travel to the office.

Speed of resolving enforcement cases

6.7 The performance of the Council's Planning Enforcement team had declined in relation to the two enforcement measures in recent years as a result of staffing pressures. There is public perception that the service has been poorly performing. While some of this is justified given the recent lack of resource and difficulty in recruitment, these issues are certainly not unique to Monmouthshire, and the problem is at least in part due to a misunderstanding of the powers available to us and/or unrealistic expectations, a matter that had been addressed in some way by the training on enforcement in recent years for community and

town councillors. There remains scope for improvement. The review of the Planning Enforcement function is ongoing and has already helped to improve this team's practices and drive out waste, leading to the '84 day' measure improving from 55 to 65%. The positive action indicator improved significantly reflecting that we measure this performance indicator more accurately now and that we have a fully-resourced team to deliver the work. The action below is a spin-off from previous years. An ongoing element is the need to digitise the enforcement register so that the information can be downloaded, reducing the need for paper copies or customers to travel to County Hall for a copy (Action 2).

Action 2 – Continue to review and make positive change to the Planning Service's enforcement function and its processes to speed up our decision-making, ensuring we are providing a good service for our customers. Digitise the enforcement notice register to help customers self-serve.

Buildings at Risk Strategy

- 6.8 There are competing demands on the Heritage Team and many requests from the community are received to intervene to stop the decay of several prominent listed buildings throughout the County. Officer time and financial resources are limited in this regard, but an action plan agreed by Members would help to prioritise the cases that warrant priority working and action. To this end a Buildings at Risk Strategy and action plan was proposed to be developed to manage this process more effectively and to help the communities understand the choices we make when opting to take appropriate action to save and protect such assets. The strategy would put a methodology in place for drawing out the worst buildings and then set out appropriate actions as to how these are tackled; in all likelihood there would be actions identified to address the worst 5-10 buildings at risk so it is a more manageable and transparent process. This process started in this reporting period but is a work in progress and so is retained for the next period.

Action 3 – To finalise a Buildings at Risk (BAR) strategy, and agreed by Members, to manage and prioritise any interventions to enable key heritage assets to realise a sustainable use for future generations.

Supporting and investing in our people

6.9 Over recent years there has been a relatively high turnover of staff within the team. To ensure that our colleagues feel valued and supported, we have committed to helping more junior staff to study to achieve professionally-accredited qualifications. Three of our staff are now enrolled on undergraduate courses. More established members of staff will be supported by training opportunities, many of which are organised internally to reduce costs. Some events have also been combined with training events for Council Members. These will cover issues like one planet developments / rural enterprise dwellings, S106 agreements, affordable housing and active travel.

Action 4 – To continue to invest in our people (including staff and Members) to ensure both professional qualifications are achieved and professional development takes place – be it via external or internal training.



Abergavenny King Henry VIII School – image of the new approved school (above) and the development now under construction (below)

Opportunities going forward:

6.10 The following opportunities for the coming year have been identified as a result of this Annual Performance Report, our LDP, AMR and our Service Business Plans:

- Continue to roll out the project management of major planning applications, where appropriate, via planning performance agreements to seek, by best endeavours, timely and well-managed processing of such applications, providing a good customer experience for the customer;
- To digitise the information held by the Council in microfiche or paper form to improve the web site experience for customers and improve customers' pathways to information (Action 1);
- To improve the speed with which we deal with enforcement cases via the continued systems review of the Enforcement function and via analysis of individual team members' performance (Action 2);

- To digitise the Council's enforcement register as part of the digital improvement programme to help customers self-serve (Action 2);
- To finalise and implement a Buildings At Risk Strategy to safeguard some of our most precious but vulnerable heritage assets (Action 3);
- Continue with the replacement Monmouthshire LDP because of the need to facilitate the identification/ allocation of additional housing land as well as addressing the demographic and employment challenges of the County;
- To identify, implement and/or disseminate best practice via the Planning Officers' Society for Wales or other working groups, including the Welsh Government, the WLGA and the RTPI
- To support our colleagues via training opportunities, regular reviews and one-to-ones to invest in their careers, ensure their well-being and mental health are resilient and their productivity remains high (Action 4).
- To respond to the threats resulting from the pandemic followed by the economic squeeze on households and enterprises to ensure our County's businesses can be resilient and can thrive.
- To manage the threat of phosphate pollution in our two main rivers to reduce environmental damage, while finding new ways of managing this issue that will still allow sustainable development to take place in those catchment areas.

6.11 Progress will be measured via our 2023/24 Annual Performance Report, 2023/24 LDP Annual Monitoring Report, and our 2023 - 2026 Service Business Plan.



Image of Magor Community Hub partly funded via significant financial contributions from local developments allocated in the Local Development Plan (above); and the building as constructed in September 2023 (below)

ANNEX A - PERFORMANCE FRAMEWORK

MEASURE for 2022/23 APR	GOOD	FAIR	IMPROVE
Efficiency			
Percentage of "major" applications determined within time periods required	>60	50.1-59.9	<50
Average time taken to determine "major" applications in days	Not set	Not set	Not set
Percentage of all applications determined within time periods required	>80	70.1-79.9	<70
Average time taken to determine all applications in days	<67	67-111	112+
Percentage of Listed Building Consent applications determined within time periods required	80+	70.1-79.9	<70
Quality			
Percentage of Member made decisions against officer advice	<5	5-9	9+
Percentage of appeals dismissed	>66	55.1-65.9	<55
Applications for costs at Section 78 appeal upheld in the reporting period	0	1	2+
Engagement			
Does the local planning authority allow members of the public to address the Planning Committee?	Yes		No

WALES AVERAGE 2018/19	Monmouths hire LPA 2021/22	Monmouths hire LPA 2022/23
68	100	5 out of 7 applications = 71%
232	116	120 days
88	81	916 out of 1026 = 89%
77	106	110 days
75	72	50 out of 67 = 75%
9	5	2 out of 35 = 6%
68	70	7 out of 11 = 64
0	1	0
Yes	Yes	Yes

MEASURE for 2022/23 APR	GOOD	FAIR	IMPROVE
Does the local planning authority have an officer on duty to provide advice to members of the public?	Yes		No
Does the local planning authority's web site have an online register of planning applications, which members of the public can access, track their progress (and view their content)?	Yes	Partial	No
Enforcement			
Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	>80	70.1-79.9	<70
Average time taken to take positive enforcement action	<100	101-200	200+

WALES AVERAGE 2018/19	Monmouths hire LPA 2021/22	Monmouths hire LPA 2022/23
Yes	Yes	Yes
Yes	Yes	Yes
72	55	250 out of 384 cases = 65%
199	250	123 days