

# Public Document Pack



**Neuadd y Cyngor  
Y Rhadyr  
Brynbuga  
NP15 1GA**

**County Hall  
Rhadyr  
Usk  
NP15 1GA**

**Monday, 23 November 2015**

**Notice of meeting:**

## **Planning Committee**

**Tuesday, 1st December, 2015 at 2.00 pm,  
County Hall, The Rhadyr, Usk, NP15 1GA**

### **AGENDA**

<b>Item No</b>	<b>Item</b>	<b>Pages</b>
1.	Declarations of Interest	
2.	To confirm for accuracy the minutes of the previous meeting	
3.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached)	
3.1.	DC/2015/00086 PANELS TO BE FIXED TO EXTERNAL WALLS OF BUILDINGS AT FOUR LOCATIONS WITHIN THE CENTRE OF MONMOUTH PANELS LOCATED AT: PANEL 1 - 1 CHURCH STREET; PANEL 2 - BEAUFORT ARMS COURT; PANEL 3 - 84-86 MONNOW STREET; PANEL 4 - TOILET BLOCK ADJACENT TO MONNOW BRIDGE FACING THE CATTLE MARKET, MONMOUTH RECOMMENDATION: APPROVE	1 - 6
3.2.	DC/2015/00973 TEMPORARY CHANGE OF USE OF THE LAND KNOWN AS CASTLE MEADOWS, ABERGAVENNY FROM AMENITY LAND /AGRICULTURAL GRAZING TO OUTDOOR LEISURE USE AS A VENUE TO HOST THE 2016 NATIONAL EISTEDDFOD CASTLE MEADOWS, ABERGAVENNY RECOMMENDATION: APPROVE	7 - 28
3.3.	DC/2015/01106 BUILDING PLOT FOR ONE DWELLING CHURCH FARM, CHURCH ROAD, CALDICOT RECOMMENDATION: APPROVE	29 - 38
3.4.	DC/2015/01321 NEW AGRICULTURAL SHED TO HOUSE ANIMALS AND FOR GENERAL FARM USE HUMBLE BY NATURE, UPPER MEEND FARM, LYDART, MONMOUTH RECOMMENDATION: APPROVE	39 - 42

3.5.	DC/2015/00688 RESIDENTIAL DEVELOPMENT TO PROVIDE 5 DWELLINGS (INCLUDING 60% AFFORDABLE HOUSING) AND ASSOCIATED WORKS AND THE PROVISION OF A NEW VEHICULAR ACCESS LAND AT SHIRENEWTON (LDP ALLOCATION SITE SAH11 xiv) b))RECOMMENDATION: APPROVE	43 - 54
3.6.	DC/2015/00606 RESIDENTIAL DEVELOPMENT OF ALLOCATION SITE SAH11 (XII) TO PROVIDE 10 DWELLINGS (INCLUDING 60% AFFORDABLE) LAND TO THE SOUTH WEST OF PENALLT, MONMOUTH, NP25 4SB RECOMMENDATION: Approve	55 - 64
4.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received	
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**Paul Matthews**

**Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL  
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Edwards  
P. Clarke  
D. Blakebrough  
D. Dovey  
D. Edwards  
D. Evans  
R. Harris  
B. Hayward  
J. Higginson  
P. Murphy  
M. Powell  
B. Strong  
F. Taylor  
P. Watts  
A. Webb  
A. Wintle

## Public Information

**Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon the day before the meeting. Details regarding public speaking can be found within this agenda or is available here [Public Speaking Protocol](#)**

### **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**

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### **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 adequate notice to accommodate your needs.

# Aims and Values of Monmouthshire County Council

## Sustainable and Resilient Communities

### Outcomes we are working towards

#### **Nobody Is Left Behind**

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

#### **People Are Confident, Capable and Involved**

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

#### **Our County Thrives**

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

### Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

### Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

The Monmouthshire Local Development Plan contains over-arching policies on development and design which may relate to applications being considered by Committee but will not be rehearsed in full in each application. The full text is set out 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 pollution;
- 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.

## **Protocol on Public Speaking at Planning Committee**

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

### **Who Can Speak**

#### Community and Town Councils

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

- (i) To observe the National Code of Local Government Conduct.
- (ii) Not to introduce information that is not:
  - consistent with the written representations of their council, or
  - part of an application, or
  - contained in the planning report or file.

#### 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 can 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 letters of objection / support or signatures on a petition have been submitted to the Council from 5 or more separate households / organisations (other than community/town councils). 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 address committee. Public speaking will normally only be permitted on one occasion when 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.

### **Registering Requests to Speak**

To register a request to speak objectors / supporters must first have made written representations on the application. They must include in their representation your request to speak or subsequently register it with the Council.

**Officers will endeavour to keep applicants or agents and objectors informed of progress on an application, however, it is the responsibility of those wishing to speak to check whether the application is to be considered by Planning Committee by contacting the Planning Office. They**

**will be able to provide details of the likely date on which the application will be heard and the procedure for registering the request to speak.**

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request to speak by calling **01633 644219** or by email to [registertospeak@monmouthshire.gov.uk](mailto:registertospeak@monmouthshire.gov.uk). 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 telephone Democratic Services on 01633 644219 to check that your registration has been received.

Speakers must do this as soon as possible, between 12 noon on the Wednesday and 12 noon on the Monday before the Committee. Please leave a daytime telephone number.

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

### **Procedure at the Planning Committee Meeting**

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

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



- The Chair's decision is final.
- 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. 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.

### **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.

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DC/2015/00086

## PANELS TO BE FIXED TO EXTERNAL WALLS OF BUILDINGS AT FOUR LOCATIONS WITHIN THE CENTRE OF MONMOUTH

PANELS LOCATED AT: PANEL 1 – 1 CHURCH STREET; PANEL 2 – BEAUFORT ARMS COURT; PANEL 3 – 84-86 MONNOW STREET; PANEL 4 – TOILET BLOCK ADJACENT TO MONNOW BRIDGE FACING THE CATTLE MARKET, MONMOUTH

### RECOMMENDATION: APPROVE

Case Officer: Alison Pankhurst

Date Registered: 16 July 2015

#### 1.0 APPLICATION DETAILS

- 1.1 The application relates to the erection of four interpretation panels regarding the history of Monmouth town in four specific locations within the town centre. Each of the four signs relates to a particular area of the town centre and annotates historical facts and dates. The four panels each measure 1.2m x 0.85m and 0.75m from ground level. Each panel would have black and white text printed on a green background. Three of the four panels are already in situ. The panels are to be erected for a period of 10 years. The signs will not be illuminated. The location of all of the panels is within Monmouth Conservation Area.
- 1.2 The application for express consent to display advertisements is made by Monmouthshire County Council.

#### 2.0 RELEVANT PLANNING HISTORY

None

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

##### Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

##### Development Management Policies

EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations

DES3 - Advertisements

#### 4.0 REPRESENTATIONS

- 4.1 Consultations Replies

Monmouth Town Council –Refuse. The application is a retrospective planning application; photos taken for the application on the 15 June show the panels in place, yet Town Council and public were not informed until August with no consultation regarding the making or placing of the panels; images give a distorted history of Monmouth and there are far better pictures available; inaccurate history; signs states that there is evidence of buildings in Saxon times. While there is evidence of pre-Norman houses this area was a Romano-Celtic kingdom not Saxon; MCC funding but MCC being asked to approve – conflict of interest.

MCC Highways – The information panels are in four separate locations, Panel 1 – This is located at the rear of street furniture, therefore for the notice to be easily read off the footway, the relocation of the furniture would be required. Not DDA compliant as shown. Panel 2 – It is located on an area where there is no footway, only a marginal strip. Therefore it is not in a safe location for pedestrians or DDA. Panel 3 – not accessible for disabled and inappropriate location for child and vulnerable adults immediately adjacent to a ladies lingerie shop (child protection) and Panel 4 – this location is at a narrow location adjacent to a bus layby which is a very busy location, and close to an extractor fan of a kitchen. Safety concern. I would not support the inappropriate locations of the notices on safety grounds.

#### 4.2 Neighbour Notification

Two responses received in respect of the application. Both comments were in support of the panels and that the panels that have been placed around Monmouth enhance the town and provide history for visitors.

#### 4.3 Other Representations

Monmouth and District Chamber of Trade and Commerce – have been involved in the Rural Development Plan since 2014 and worked closely with Monmouthshire Project Officer and Platform One to develop interpretation panels on the mercantile history of our town which was not then available to visitors and locals. At no time were the panels to reflect the history of Monmouth and its people back to prehistoric times. The panels were launched at the November chamber meeting and a member of the town council was invited and a great deal of support was given. The panels were then prominently displayed in the empty shop window of the Clarks shop in Monnow Street; this ensured that the public were adequately consulted on the project. Initially it was thought that because the panels were for general public information they did not need planning permission. The project was funded and monies needed to be spent by the end of November 2014, and it was not until the New Year that it was confirmed that consent was required. The panels needed to be installed quickly as part of the funding requirement as the Welsh Government may check at any time on monies spent and that as the panels were to be provided partly for the benefit of visitors it was important that they were installed prior to the visitor season of 2015. It was thus decided to install the panels and apply for advertisement consent retrospectively. The Chamber of Commerce wholeheartedly supports this

application and sees it as an example of how the business community can work together with Monmouthshire County Council and, using funds tailored for the purpose, provide something of great benefit and interest to visitors and locals alike.

#### 4.4 Local Member Representations

No comments received.

### **5.0 EVALUATION**

#### 5.1 Background

5.1.1 The application is for the erection of four interpretation panels giving a brief history of four specific locations in Monmouth town centre. Three of the four panels have already been erected.

5.1.2 Negotiations took place in the initial stages of the application with the applicant to agree where the panels should be erected. Initial discussions suggested that the panels be fixed to certain buildings but unfortunately as the buildings were listed it was felt that this was not appropriate including the panel near the Robin Hood public house. After the discussions it was agreed that the initial locations were to be amended and revisions to the application would be submitted so that the application could be registered.

5.1.3 On a routine visit to the area, it was noted that the signs had been erected prior to the application being registered. Amended drawings were subsequently submitted and the application processed. However the panel located at the Robin Hood pub was still considered to be unacceptable as it had been placed in a different location than the one that was discussed on site.

5.1.4 Discussions took place again with the applicant as it was considered that Panel 4 – the ‘Robin Hood’ sign was not acceptable in its current position and needed to be re-located. It was suggested that the sign be freestanding outside the public house or on the toilet block opposite Monnow Bridge/ the site of the town’s cattle market, (indeed, the location and history of the cattle market was what the panel specifically referred to). After some negotiation it was agreed that the panel be relocated to the toilet block on the opposite side of the road.

#### 5.2 Design Amendments/ Effect on Amenity

5.2.1 No objections have been received from neighbours regarding the advertisements. The panels are 1.25m x 0.85m with black and white text on a green background; the signs are not illuminated. The panels are placed 0.75m above ground level. The location, size and design of the panels are considered, following amendment, to be acceptable having regard to criterion a) of Policy DES3 of the Monmouthshire Local Development Plan which states that proposals for advertisements will only be permitted where

there is regard to the existing number and siting of advertisements in the locality and would not result in unacceptable clutter; and criterion c) which advises that signage, if located in a Conservation Area, should not unacceptably detract from the character or appearance of the area.

This proposal is considered to be in accordance with criterion a) and c) of LDP Policy DES3 and would preserve the character of the Conservation Area and would not harm local amenity.

### 5.3 Highway safety considerations

5.3.1 The Council's Highways Department have been consulted and they do not support the application on safety grounds.

5.3.2 Each of the panels is located in areas that are considered to be acceptable and do not cause any public safety issues. The panels have been located in areas where the public can read the panels and still have room to pass by, without causing harm to pedestrian safety or the safety of other road users. In terms of the comments regarding Panel 4, this sign has now been relocated to the toilet block where there is a wide pavement.

### 5.4 Response to the Representations of the Town Council

5.4.1 The Town Council recommended refusal of this application as it was a retrospective application, the literature was inaccurate, the panels have been funded by MCC and that MCC have been asked to approve the application and hence has a conflict of interest.

5.4.2 With regard to the retrospective nature of this application, Monmouth Chamber of Commerce initially thought that express consent to display advertisements was not required because of the public information nature of the panels. They were informed by the Council's Heritage Officer that advertisement consent was required and the Chamber of Commerce subsequently asked the Welcome Monmouthshire Project Officer from the Council's Economic Development section to submit the application on their behalf. Regardless of whether the application is retrospective or not, each application is carefully evaluated on its merits.

5.4.3 s for the comments regarding the content of the signs this is not material in the consideration of the signage which must be considered solely in relation to their impact on amenity and public (including highway) safety.

5.4.4 With regard to their final comment, the panels were funded by a Welsh Government grant which was given to Monmouth and District Chamber of Trade and Commerce. In the initial stages the Chamber of Commerce was involved in the Rural Development Plan project and worked closely with the Welcome Monmouthshire Project Officer and Platform One who then became involved in developing the interpretation panels. No funds are understood to have been received from MCC in respect of the panels which came from a Welsh Government grant, although again, this is for

background information, and is not material to the consideration of this application..

## **6.0 RECOMMENDATION: APPROVE**

Conditions/Reasons

1. Development shall be carried out in accordance with the approved plans.
2. ADV01 (standard advert condition)

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DC/2015/00973

## **TEMPORARY CHANGE OF USE OF THE LAND KNOWN AS CASTLE MEADOWS, ABERGAVENNY FROM AMENITY LAND /AGRICULTURAL GRAZING TO OUTDOOR LEISURE USE AS A VENUE TO HOST THE 2016 NATIONAL EISTEDDFOD**

### **CASTLE MEADOWS, ABERGAVENNY**

#### **RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham

Date Registered: 18/09/2015

#### **1.0 APPLICATION DETAILS**

- 1.1 This application has been submitted by Monmouthshire County Council for the change of use of an area of land, approximately 16 hectares, to accommodate the 2016 National Eisteddfod. The change of use is for a temporary basis for a period of between 4-5 months between the months of May-September. The Eisteddfod itself is open to the public for a period of eight days but due to the scale of the event significant time is required before and after for the set-up and clearance of the site. It is also proposed that there will be some permanent changes made to access points and some levels on the site.
- 1.2 Since being awarded the 2016 National Eisteddfod, Monmouthshire County Council has been working hard to identify a suitable site to hold the event. Consideration has been given to a number of sites but due to the Eisteddfod's specific requirements, Castle Meadows has been identified as the preferred site predominantly because it meets the critical requirements of size, availability, good transport links and close proximity to the town centre and other essential facilities and services. Daily average attendance could be in excess of 20,000 people and with such a large number of people in attendance it is critical that the layout meets the needs of the operators and those watching the events and attending other attractions on the site.
- 1.3 Castle Meadows is an area of traditional floodplain meadow between the town of Abergavenny and the River Usk, which is used as a mix of agricultural and amenity land and is in the main, within a Conservation Area. The site is also within a designated Development and Flood Risk Zone C2. The land/site is owned and managed by the County Council and is currently subject to a grazing licence. The license will be terminated on 30 April 2016 to allow access to the Eisteddfod from the 1 May.
- 1.4 The site will house a number of temporary structures and works during the period of the event. The size of the structures range from the large main tent (Maes A) to the smaller hospitality tents and temporary site offices. The following are examples of other uses:

- The main tent houses a large stage, associated lighting and sound along with seating for an audience. The current tent houses approximately 2,500 people, however the size and layout of the tent is subject to change. Connected corridors lead to smaller tents housing changing, welfare facilities and VIP areas.
- ‘Small’ tents housing stage areas used for associated competitions and performances.
- A number of different sized tents used by sponsors, exhibitions, expos and restaurants.
- Temporary mobile office buildings and storage containers used by site and construction staff for a variety of different uses.
- The creation of temporary roadways and informal paths.
- Open areas used for circulation, amenity and overspill for audiences and queues at some tents.

1.5 The event itself is the most significant cultural annual festival celebrating Welsh culture and language. The event generates significant media coverage and provides Monmouthshire with a huge opportunity to show case its natural beauty, heritage and culture as a desirable place to visit and live.

## **2.0 RELEVANT PLANNING HISTORY**

None

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

Strategic Policies

S5 – Community and Recreational Facilities

S11 – Visitor Economy

S12 – Efficient resource Use and Flood Risk

S13 – Landscape, Green Infrastructure and the Natural Environment

S16 – Transport

S17 – Place Making and Design

Development Management Policies

DES1 – General Design Considerations

DES2 – Areas of Amenity Importance

EP1 – Amenity and Environmental Protection

EP2 – Protection of Water Sources and the Water Environment

EP3 - Lighting

HE1 – Development in Conservation Areas

NE1 – Nature Conservation and Development

SD3 – Flood Risk

MV1 – Development and Highway Considerations

MV2 – Sustainable Transport Access

MV3 – Public Rights of Way

MV4 - Cycleways

## 4.0 REPRESENTATIONS

### 4.1 Consultations Replies

4.1.1 Abergavenny Town Council – recommends approval subject to satisfactory reinstatement and concerns about access over Llanfoist Bridge being met.

4.1.2 Natural Resources Wales (NRW) – No objection subject to conditions; comments below:

#### **Flood Risk**

The proposed site lies entirely within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirm these sites to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, a designated main river.

Our historic records also show that both sites have previously flooded from the River Usk during the December 1979 floods and also in recent events over the last decade (albeit not as extensive as the 1979 flood event).

The Flood Consequences Assessment (FCA) produced by Chris Dartnell dated 20th August 2015 submitted in support of the application confirms:

1. There is no flood modelling available for the River Usk and River Gavenny at this location. To establish flood levels for this site, data has been obtained under licence (ATI-03148a – dated 27th November 2013) from NRW. This data has provided the annual maxima historical gauged records to establish the highest flood levels during the period May to September inclusive since the gauge at Llanfoist was implemented in 1994. This gauge is approximately 0.65 kilometres downstream of the eastern limit of the proposed site.

2. The maximum flood level established during the May to September period up to 2015 was recorded on 17th July 2009 which corresponds to a level of 44.83m AOD. To enable a robust assessment of how these 2009 levels correspond to actual flooding of the site, the 15th January 2015 flood event was used (flood level of 45.60m AOD) and definitive levels of wrack marks obtained from the site.

3. The outcomes of (3) above indicate that the flood event of July 2009 was 0.77 metres lower than the January 2015 event. Using the interpolated levels from the above data and comparing this to topographic survey data of the whole site, the flood levels within the River Usk at the following locations have been estimated:

- 90 metres downstream of Llanfoist Bridge (old bridge) = 46.38m AOD
- 550 metres downstream of Llanfoist Bridge (old bridge) = 45.90m AOD
- At the confluence of the River Gavenny with the River Usk = 45.51m AOD

4. The topographic survey and the levels assessed in (3) above have indicated that the only area that would have flooded during the July 2009 event (highest recorded summer flood 1994 to 2015) is that area around the confluence with the River Gavenny and the River Usk within the eastern area of the site.

It has been recommended that the area between the River Gavenny and the existing footpath that runs south-west to north-east is not used for any marquees, tents, etc., during this event.

5. Managing flood risk within the site during the period May to September inclusive will be reliant on a robust Flood Warning and Evacuation Plan. Due to the lead in time (between 5 to 9 hours) for flood warnings from Natural Resources Wales (NRW), it has been considered that there is sufficient response time for all users of the site and vehicles to be evacuated. The organiser will register with NRW to receive such warnings during this period.

6. Existing ground levels within the site will not be materially altered with only shallow filling and/or excavation for plot levelling. This is unlikely to result in any increase in flooding elsewhere.

When considering the outcomes of the FCA listed above, we have no objection to this proposal from a flood risk perspective. The details submitted have been based on historic evidence/data and actual topographical survey data. The outcomes are considered reasonable and proportional to the scale and temporary nature of the proposal.

However, whilst we accept the conclusions of the FCA, we consider there are discrepancies with the FCA when compared to the latest proposed layout we have seen (referred to as "Eisteddfod Site Plan - 2016 V2"). As such, we recommend your Authority clarifies or controls the following issues if you are minded to grant permission:

I. It is acknowledged that the eastern part of the site will be excluded from the festival area, including the erection of structures. However, we note that it may be used as a storage area. We strongly recommend this must be excluded from the plan in accordance with the FCA. In the event of a flood occurring, any items being kept in storage could become mobilised by floodwater which could create flood impacts offsite e.g. blockages of downstream structures. The exclusion of this area should be confirmed prior to determination or controlled through planning condition.

II. To support the outcomes of the FCA the approved layout plan should be annotated using topographical survey and the estimated flood levels as follows:

a) Proposed levels of all temporary facilities i.e. the Maes, other tents, car parking etc., to exclude the area indicated in the FCA to be avoided (below a level of 45.51m AOD).

b) The alignment of the above features should be parallel with and in the direction of any overland flood flow conveyance within this site. This will reduce the impacts of these being mobilised during a flood and allow floodwaters to disperse freely within the floodplain.

c) Indicate the flood outlines on the layout plan using the topographical survey data (contours) and the estimated flood levels for the July 2009 and January 2015 events. This will be useful to establish the areas that have historically flooded compared to the proposed layout of the site. It may also influence relocating certain facilities to other areas within the site as a whole.

#### Further Recommendations

We note that there is a Vehicular Service Road located within the western/southern perimeter of the site. This follows the current alignment of the River Usk channel/ banktop, albeit set back by approximately 10 metres off the existing footpath. This may result in transferring floodwaters elsewhere that otherwise would have entered this site as flood conveyance/storage. Therefore we recommend you seek confirmation from the applicant prior to determination that this road does not result in any increase to the existing bank levels along its length.

During a recent site visit to compare the "V1" site layout plan with the existing topographical features within the site, we had concerns with the location of proposed plots (101-126) to the rear of the "Maes D/ Neuadd Arddangos" (shown on the V1 site plan). Plots 101-126 on V1 were located within a localised depression next to a known breach point into this area from the River Usk. There are existing indications of historic flooding close by i.e. wrack marks, from previous flood events which we recognise may be higher than those used in the FCA.

We note that V2 (2016 Main Maes Draft 4) no longer has plots 101-126 at this location. However, we recommend that **no development** is located within this depression as a precaution.

#### **Conservation of Habitats and Species Regulations 2010**

As the competent authority under the above Regulations, before giving consent for this development you must check whether the proposal is likely to have a significant effect on a European Site, in this instance the River Usk Special Area of Conservation (SAC).

We note there was a Habitat Regulations Assessment Record prepared by Just Mammals Consultancy dated 11 September 2013. This concluded that with the inclusion of appropriate avoidance measures, it is not anticipated that there will be any significant adverse effects on the River Usk SAC. However it states that more in-depth comments were reserved until a later stage of the proposals when detailed information on the scale and nature of the proposals were available.

However if the nature, scale, design or location (siting) of the proposal changes before it is finalised for consent, it should be rechecked as to the need for appropriate assessment under the Habitats Regulations. Our view is

there are remaining uncertainties in terms of the nature, extent, location and timings of activities affecting the protection of the SAC.

Our advice is you should re-check the proposal taking account of any additional information to determine whether to proceed to appropriate assessment stage. Should it be found that an appropriate assessment is needed then we can help you complete one (and formally be consulted) in order that all issues are addressed. Our view from the information we have seen is that an appropriate assessment should be completed. It is likely that planning conditions, as set out below, will avoid the potential adverse effects on the River Usk.

*Condition;*

*No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.*

*Reasons;*

*To protect the water environment (SSSI and SAC)*

The Method Statement shall identify as a minimum;

- storage facilities for all fuels, oils and chemicals and spillage response plan;
- details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off;
- details of measures to ensure no polluting discharge from disturbed areas;
- management of soil and silt run-off to watercourses;
- identification of any buried services, such as foul sewers, so that they are protected
- details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0800 807 060.

The Method Statement should then be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately. The applicant can refer to our Pollution Prevention Guidance.

*Condition;*

*No development shall take place until a scheme for the provision and management of a 7 metre wide buffer zone along the watercourse shall be submitted to and agreed in writing by the local planning authority. The buffer zone scheme shall be free from built development including lighting.*

*Reason:*

*To protect the water environment.*

Development that encroaches on watercourses has a potentially severe impact on their ecological value. e.g. artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

### **Foul drainage**

The application form and the Design and Access Statement indicate that portable toilets will be used for the event, which “will be emptied and removed from site on a regular basis by a competent person via an approved appointed contractor”. The waste should be taken to a site that is permitted to accept it and by a registered waste carrier.

It is important that the foul drainage provision for such an event does not adversely affect the River Usk SAC. The site plan indicates three toilet blocks, two of which are situated in close proximity to the River Usk. We advise that the toilet blocks are not located within 10 metres of any watercourse and also not located on the areas considered to be at high risk of flooding. This should also be considered as part of the Habitat Regulations.

### **European Protected Species**

We have reviewed the supporting ecological documents including ecological management scheme, phase I habitat and species assessment, survey for great crested newts, assessment of bat activity prepared by Just Mammals Consultancy.

We note that no great crested newts were found during the survey. A number of bat species were observed using the site for commuting and foraging. Otters are also known to disperse and feed along this stretch of the river; however, the Phase I survey report states that the high level of disturbance makes maternity use of the site unlikely.

We support the recommendations made in relation to European Protected Sites (EPS). In particular, we note the need for a lighting plan in order to minimise light spill on the river corridor, hedgerows, trees and pond habitats.

In this instance, we do not consider it likely that the proposal will result in a detriment to the maintenance of Favourable Conservation Status of EPS, provided that a suitably worded condition addressing the following is added to any permission your authority may be minded to grant:

*A full, detailed lighting plan, focusing particularly on minimising light spill on the river and stream corridors, ponds, hedgerows and wooded areas, to be submitted to the Local Planning Authority for approval.*

### **Local Biodiversity**

Castle Meadows site sits on the floodplain adjacent to the north bank of the River Usk and qualifies as an area of priority habitat according to the Section 42 list of habitats of principal importance for conservation of biological diversity in Wales, and includes the following priority habitat types: floodplain grazing marsh, lowland meadow, wet woodland.

Under the Natural Environment and Rural Communities Act 2006 your authority must show regard for conserving biodiversity including through its planning decisions and all its actions on land managed by the authority. Conserving biodiversity includes maintaining, restoring or enhancing habitats. The variation in topography/levels on the Castle Meadows area is considered to be predominantly the result of past natural erosion and deposition of sediments by the river, and it is important for the conservation of the habitats

that this natural topography is not altered or disrupted by activities on the site. Features include the remnants of former stream and river courses, interspersed with ridges of slightly higher ground. The exception is land at the western end of Castle Meadows which evidence from old maps shows has been infilled during the 19th Century.

We recommend that you discuss this with your in-house ecologist and ensure the Section 42 priority habitats are maintained. The Council's existing Management Plan for Castle Meadows recognises the importance of the habitats on the site and provides a framework for their ongoing management.

**Additional comments**

In view of the presence of priority habitats on the floodplain at Castle Meadows and their potential for damage as described above, it is preferable that no soil or hardcore is imported to the site and any instance where this, or any disruption to local topography, is thought necessary, should be consulted on and agreed with the Council in advance. It is important that any soil or hardcore that is imported onto the site is free of the seeds / roots / stem of the invasive plant Japanese Knotweed, the spread of which is prohibited under the Wildlife and Countryside Act 1981.

In order to avoid adverse disruption to shad migration upstream and spawning along the River Usk, no piling likely to cause noise/vibration disturbance should be allowed close to the river during the April to June (inclusive) period.

This site may contain Japanese Knotweed, Himalayan Balsam invasive plants, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Care should be taken to prevent its spread during any operations relating to this proposal.

- 4.1.3 Glamorgan Gwent Archaeological Trust – No objections. Unlikely that archaeological material would be encountered during the development.
- 4.1.4 Brecon Beacons National Park Authority – Offers no objection subject to conditions securing the use as temporary and requiring any necessary restoration of the site.  
Consider the proposal will not be detrimental to the special qualities of the National Park, subject to appropriate conditions.
- 4.1.5 Gwent Police Designing Out Crime Unit – No objections.
- 4.1.6 WG Transport Division – The closure of the A4143 County road where diverted traffic uses the A456 and A40 Trunk Road may result in congestion issues, particularly in Llanfoist interchange. Mitigation should therefore be included within a detailed Traffic Management Plan (TMP) to avoid potential queuing and stationary traffic onto the A465 mainline carriageway. The following condition is therefore directed to be applied to any consent the Authority may grant;



Three months prior to the proposed opening of the Eisteddfod, a detailed Traffic Management Plan (TMP) shall be submitted for the written approval of the Local Planning Authority in consultation with the Welsh Government (Transport). The TMP shall detail proposals for the management and movement of all transport modes associated with the proposed development and provide any necessary mitigation to maintain the free-flow of traffic on the surrounding A465 (to include Section 2), the A40 and A4042 trunk roads for the event duration.

4.1.7 Sustrans - We are very disappointed that there appears to be no consideration of the fact that the path through the Meadows is part of the National Cycle Route 46. We are also surprised that there is no mention of National Cycle Route 46 in the design and access statement. We are very supportive of this event being held at a wonderful site but provision must be made for walkers and cyclists either by keeping this route open (preferred) or by providing a high quality alternative that is clearly signed for all users”

4.1.8 MCC Environmental Health - No objection in principle.

In order to minimise the potential for disturbance to residents living in the area of the proposed site I recommend that any grant of planning permission is subject to the following conditions:

The site construction and dismantling hours are restricted to reasonable working hours e.g. 8am to 6pm Mondays to Fridays, 8.30am to 1pm Saturdays with no work on Sundays and Bank Holidays.

A noise management plan for the control of amplified voices and music including hours of use to be agreed with the Planning Authority a minimum of 28 days before the opening day.

4.1.10 MCC Biodiversity Officer – Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision.

#### Ecological Considerations

Ecological assessment of the site has been undertaken by Just Mammals Consultancy, in the form of an Extended Phase 1 habitat and species assessment, September 2013 and an Ecological management scheme, September 2013. Further surveys were then undertaken in July and August 2014 which informed the reports: An assessment of Bat Activity, January 2015 and A Survey for Great Crested Newts, July 2014. Whilst some of the information given in the initial reports is no longer relevant, we have been able to draw upon other updated sources to inform our decision including personal communication with relevant MCC officers. As such the information provided is sufficient to determine the planning application whilst considering our duties under the Habitats Regulations and TAN 5.

#### Protected Sites - River Usk SSSI and SAC

A Habitats Regulations Assessment of the proposal submitted for planning has been undertaken by the Just Mammals Consultancy on behalf of

Monmouthshire County Council and updated by Monmouthshire County Council. This assessment is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, in accordance with the EC Habitats Directive (Council Directive 92/43/EDC) before the Council as the 'Competent Authority' under the Regulations can grant permission for the project.

Risks to be addressed include:

During construction / site set-up: disturbance to invertebrate communities, fish species and otters through noise and some localised vibration, as well as night-lighting; Potential further spread of invasive plants; siltation as result of site preparation.

During the event: physical disturbance to otter, pollution incidents as the result of inappropriate drainage, disturbance due to lighting and noise; Potential further spread of invasive plants; siltation as result of erosion from site use.

Site clearance and restoration: physical disturbance to otter, pollution incidents as the result of inappropriate drainage, disturbance due to light and noise; potential spread of invasive non-native species.

Due to uncertainties around the full detail of the Eisteddfod and the site preparation we cannot beyond all reasonable doubt be sure that there will not be a significant effect in relation to pollution without imposing additional mitigation not currently presented as part of the scheme. Therefore an Appropriate Assessment has been undertaken to inform our decision. With a set of robust planning conditions to control certain aspects of the event, it is not considered that the event will affect the integrity of the European Site. The Appropriate Assessment has not yet been reviewed by Natural Resources Wales who are a statutory consultee to this process.

Conditions are summarised below although the exact wording will need to be finalised – note the REASON for these conditions will need to reference the Habitats Regulations Assessment.

One of the most important controls will be that the HRA is reviewed as soon as details are finalised before the site preparation is started as aspects may change and need consideration.

#### European Protected Species

Otters – otters are regularly seen using the river adjacent to Castle Meadows primarily for travelling purposes. There are no holts in the vicinity although occasional resting up cannot be ruled out. The event may cause physical disturbance to the otter due to the increased light, noise and activity levels. There is also the risk of pollution to habitat due inappropriate drainage following levelling works. An appropriate lighting strategy and working method statements will limit any negative impacts to the species. This species is also considered as an interest feature of the River Usk SSSI / SAC.

Bats – An assessment of Bat Activity was conducted by Just Mammals in July/August 2014. The site was identified as forming part of a

foraging/commuting route for 9 species of bats. The increased noise and light levels may disrupt connectivity for these species and result in foraging areas being unavailable during the event. The reduction in grazing over the period of site occupation will reduce the foraging opportunities at the site. An appropriate lighting strategy will limit the impacts on the bats foraging/commuting routes. Reinstatement of grazing as soon after the event as possible, subject to restoration works, will result in improved foraging opportunities.

Amphibians – A Great Crested Newt Survey was conducted by Just Mammals in July 2014, the report identified that the site supported a small population of palmate newts. No Great Crested Newts were recorded. The event will result in temporary destruction of terrestrial habitat, disturbance through increased light levels, noise and human activity and the risk of pollution to watercourses as a result of levelling works. Appropriate working method statements, protection zones and a lighting design strategy will mitigate any negative impacts to amphibian species.

#### Other Species Considerations

Birds – The site is likely to be utilised by a number of species as a breeding location. The increased level of activity on the site in terms of the noise, light levels and human disturbance is likely to affect breeding success. Appropriate working method statements, biodiversity protection zones and a lighting design strategy will be adopted during the event. Any tree or hedgerow removal necessary to facilitate the event is to take place outside of the nesting season, or strictly under supervision from a competent ecologist.

Hornet Robber Fly – There are a number of records of Hornet Robber Fly, a section 42 species, on the site. The reduction in grazing over the site occupation period will hinder the success of the species as it lays its larvae in dung. Larvae can survive in dung or surrounding soil for 2-3 years. To reduce the impact on this species no topsoil is to be taken away from site, levelling should be minimal and the grassland will be restored as per the details set out in the Green Infrastructure Restoration and Enhancement Plan.

#### Habitats

Grassland – The majority of the site is B2.2 Semi-improved neutral grassland. The site is subject to a high level of disturbance and there are a number of footpaths. A tenant grazer occupies the site with a low number of cattle between July and April. The event will require occupation 3 months prior to the actual event which will restrict the grazing period and will have a knock on effect on species as detailed above. Localised levelling and the installation of a vehicular service road will also affect the quality of the site. Appropriate working method statements will avoid erosion of the grassland. The Green Infrastructure Restoration and Enhancement Plan will detail the methods and timescales for reinstatement.

Hedgerow – The main pedestrian entrance to the site is likely require clearance of sections of hedgerow as is indicated by Eisteddfod Site Plan 2016 – V2. Any tree or hedgerow removal necessary to facilitate the event

should take place outside of the nesting season, or must be checked by an ecologist immediately prior to works. The Green Infrastructure Restoration and Enhancement Plan will detail the methods and timescales for reinstatement.

#### Green Infrastructure

Overall the site will require a degree of restoration when the event finishes including restoration of the grassland, hedgerow planting and potentially tree planting. There is an opportunity to make the grassland floristically more diverse by re-seeding with a native wildflower mix at certain parts of the site and provide native trees to create a legacy for the site. A condition for a Green Infrastructure Restoration and Enhancement Plan is recommended.

Conditions - conditions will be required to cover the following

- 1) Nesting Bird condition - clearance of vegetation associated with access. Reason – Protection of nests and nesting birds
- 2) Lighting design strategy and plan. Reason – Protection of River Usk SAC and commuting and foraging routes of bats
- 3) Environmental Action Plan to build upon the principles of the Ecological Management Scheme. Reason – Protection of River Usk SAC and other ecological and environmental considerations
  - a. Control on localised levelling
  - b. Pollution controls as outlined in NRW consultation
  - c. Measures to protect otters during works
  - d. Details of surface and foul water management
- 4) Review of the Habitats Regulations assessment when full details are available before site preparation and the event commencing.
- 5) Green Infrastructure Restoration and Enhancement Plan. Reason – to restore and enhance the Green Infrastructure assets of the site and restore areas to safeguard the River Usk SAC post event.
- 6) Control of distance of portable toilets from the River Usk SAC (>10m). reason – Protection of River Usk SAC and other ecological and environmental considerations
- 7) Details of protective fencing for River Usk, other watercourses and sensitive ecological areas during the site preparation, event and post event. Reason - Protection of River Usk SAC and other ecological and environmental considerations.

Informatives are also recommended.

4.1.11 MCC Heritage Officer - No adverse comments.

4.1.12 MCC Rights of Way – No objection in principle; awaiting formal comments.

4.1.13 Open Spaces Society – No comments received.

4.1.14 Ramblers – No comments received.

4.1.15 MCC Highways - I would offer no objections to the proposed change of use and the holding of the 2016 National Eisteddfod on the land known as Castle Meadows, Abergavenny.

The applicant has taken account of the specific road safety and transport provisions that a proposal of this kind generates, the transport assessment in support of the application demonstrates that the measures to be implemented will where practical and appropriate mitigate for any adverse impact during both the establishment of the Maes (3months), the eisteddfod and de-commissioning of the Maes (3 months).

I note the comments made by the Welsh Government and I would support the recommendation that a detailed Transport Management Plan should be submitted in support of the application.

I would also wish to see the development of the Event Management Plan as soon as is reasonably practical and submitted for consideration in advance of the eisteddfod.

I agree with the consultants that the proposed means of access to the Maes and Eisteddfod Field (Castle Meadows) is acceptable subject to substantial improvements to the existing access of Merthyr Road It is necessary that the access arrangements are finalised and controlled in advance of the actual commencement of the establishing works in May 2016. I would therefore wish to instruct the following condition;

No work associated with the establishment of the Eisteddfod shall commence on site until detailed design, safety audits and traffic management proposals for the proposed means of access have been submitted to and approved by the Local Planning Authority

Reason – In the interest of highway safety and to minimise congestion.

4.1.16 SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site. Various species of fish present in River Usk.

#### 4.2 Neighbour Notification

Two general observations received;

- Requested guarantees for residents to park outside the dwellings at Usk View
- Request for clarification of post event site enhancement measures.

#### 4.3 Other Representations

4.3.1 Abergavenny and District Civic Society – welcomes the proposals.

Offer the following comments;

- reinstatement of the site must take place as soon as possible after the event;
- the wear and tear to paths at and approaching the pedestrian entrances to the site (e.g. Mill Street) will require particular attention;
- we understand that NRW will be commenting on the effects on the Usk River SAC; we note that areas of local ecological importance will be used as little as possible;
- the consequences of the southbound closure of A4143 may need more measures than those proposed by the consultants; for example at the junction of Station Road and Monmouth Road especially if, as we believe is necessary, there is a shuttle bus service from the station to the site.
- there is a reference at the end of the D and A Statement to post-event enhancement measures; we would like to know what these are to be.

#### 4.3.2 Friends of Castle Meadows – Statements in the Design and Access Statement (DAS) are vague and require clarification;

- We would wish for details of how the “Friends of Castle Meadows” will be involved in the site design and set up.
- Paragraph 4 of the DAS “There are ecological areas of greater value.” There are no details as to how the use of these areas will be minimised to reduce impact on the environment.
- In relation to “The creation of informal paths”. How will these temporary paths be constructed and how will they be remedied?
- Where is the soil coming from “elsewhere on site”? Is this deemed necessary as the area which will house the Maes needs levelling? This process will result in the destruction of two habitats, the one receiving the soil and the other the habitat from which the soil is removed. What are the plans for the reinstatement of the “levelled” habitat post event?
- In addition the area in question is one where excavation has resulted in archaeological finds. These are currently housed in the Museum, what measures are to be put in place to ensure the area of archaeological interest is not damaged?
- “The temporary gravel roadways”. There is no indication as to how this “gravel” will be removed post-event. Certain gravels cause a lowering of the pH of soil; this will have a detrimental effect on the indigenous vegetation. The soil will be in contact with the gravel for an estimated period of 5 months, during the maximum growing time for plants. How is this detrimental effect to be neutralised?
- Strenuous and vigilant efforts, by the “Friends” have resulted in a reduction of NNIS (in excess of 5,000 person hours over 4 years) on the meadows and in the copses within the Meadows. Lack of access to the site will negate much of the work done by this group. They should be permitted access to continue this work.
- The construction of an earth bund to facilitate access from Byfield Lane Car Park will necessitate the destruction of a length of hedgerow; how will the organisers ensure the re-instatement of this piece of established (100 years+) hedgerow?

- There is no mention as to how the integrity of the SSSI status of the Usk river bank will be maintained given the increased number of visitors to the site.

## 5.0 EVALUATION

In response to consultation responses received the following changes have been made to the proposal since the original submission:

- The main tent has moved to a central location which is a flat area of land which will not require any levelling.
- The eastern part of the site marked in orange will be excluded from the festival area.
- The eastern path connecting the Mill Street entrance and the Riverside Footpath/cycle path will remain open (to overcome the objection from Sustrans).
- The area to the north of the site (marked Green) will be used as a Picnic and Story-telling area; no structures will be erected on this area.
- The secondary pedestrian access will not cover the access (as it will remain open) so has been relocated to an approximate location.

### 5.1 Principle of Development

5.1.1 The Eisteddfod is a celebration of Welsh culture, of the concept of belonging to a community and of priding itself on Wales and its achievements. The festival is the highlight of a two year community project, described as Wales' leading mobile regeneration project by the Arts Council of Wales. The festival is the public face of the local work, work which remains unseen by the press and media, but has a real impact on the lives and aspirations of people of all ages and backgrounds, across the region. The Eisteddfod itself takes place over 8 days between 29th July to 6th August and would not therefore exceed the permitted development period of 28 days per year. However, the associated infrastructure construction and site reinstatement will exceed this period and therefore planning consent is required.

5.1.2 The Eisteddfod is the highpoint of the Welsh cultural calendar. It travels from place to place, alternating between north and south Wales giving communities across the country a chance to welcome up to 160,000 visitors over an eight day period. By locating the festival on Castle Meadows in such close proximity to the town of Abergavenny it is hoped that the economic benefit to the town will be maximised as opposed to being located in more remote locations. Estimates of the benefits to the local economy are in the region of £4.3 million (based on the STEAM methodology).

5.1.3 There are a wide variety of groups involved in the development of the Eisteddfod festival. The product itself culminates from a period of community fundraising activities to help finance the production of performances to be presented and performed throughout the festival.

5.1.4 Given the benefits of hosting such an event, the planning application is supported in principle. As well as the general considerations of visual impact and residential amenity, the three main areas of concern in holding the event at Castle Meadows is the impact of traffic on the existing network, the impact on the site's biodiversity and implications of the site being in C2 floodplain. In all cases technical surveys have been commissioned and undertaken by experts and the findings have helped to inform the transport plan and the site layout. The issues are considered below.

## 5.2. Access, Parking and Traffic

5.2.1 It is recognised that the increased number of visitors (estimated in the region of 160,000 over the duration of the event) will cause issues with the normal day to day traffic and therefore a Traffic Impact Assessment was carried out in conjunction with the MCC Highways Department. A park and ride scheme has been proposed which is designed to alleviate traffic flows. The park and ride car parks will be located at key locations at Llanellen and Govilon. It is anticipated that this method of transporting festival attendees will reduce the volume of traffic travelling in and out of Abergavenny, therefore minimising the impact on the existing network.

5.2.2 Byefield Lane car park will be closed to the public (other than disabled visitors) during the event to allow the proposed park and ride bus service to operate effectively. All other town centre car parks will operate as normal.

5.2.3 It is proposed that there are three access points to the site, these being: -

- Byefield Lane Car Park - This is proposed to provide the main access from the park and ride facility and the town and will be located on the lower section of the Byefield Lane Car Park.
- Mill Street - A secondary access point will be located at the end of Mill Street; it is proposed that this entrance would serve the bus and train stations which are both located to the east of the site.
- Merthyr Road - An existing access from Merthyr Road will be expanded and widened to provide a service access for vehicles. This allows for the separation of vehicles and pedestrians which will be important to ensure the safe operation of the site.

5.2.4 The position of the roadways within the site has been designed to ensure safe movement of vehicles allowing the tents to be serviced safely and in a timely manner. Further access roads will also be designed to ensure the site is accessible to all potential users.

5.2.5 The Welsh Government Transport Division is concerned that the closure of the A4143 County road where diverted traffic uses the A456 and A40 Trunk Road may result in congestion issues, particularly in Llanfoist interchange. They have therefore suggested that mitigation be provided within a detailed Traffic Management Plan. There is to be no parking on the site itself except for a small amount of disabled parking, with visitors being encouraged to use a park and ride service and on this basis it is agreed that subject to a suitable scheme for traffic management during the event, potential queuing and



stationary traffic onto the A465 and other trunk roads in the area can be managed acceptably. A condition has been added to require such a Traffic Management Plan.

### 5.3 Biodiversity Considerations

- 5.3.1 The Ecological surveys undertaken included a Phase One, Targeted Bat, Extended Phase One Habitat & Species in addition to a Habitat Regulations Assessment and the creation of an Ecological Management Plan. The Ecological Management Plan provides mitigation and enhancement measures to be taken before, during and after the event. Areas found to be of high ecological value, have been avoided within the site layout ensuring that the ecological value is maintained.
- 5.3.2 The site is immediately adjacent to the River Usk Special Area of Conservation (SAC), an internationally important ecological feature, and avoidance of any impact on the river will be an essential aspect of the proposals to hold the National Eisteddfod at this location. Following initial assessment, appropriate avoidance measures have been identified to protect the ecological integrity of the river and the site itself. A Habitat Regulations Assessment has also been carried out and is available as a separate document. Additionally a scheme of avoidance, mitigation, compensation and enhancement has been developed in order to retain and enhance the status of the site in terms of its ecological value.
- 5.3.3 The most intrusive aspect of the proposals from an ecological point of view will be the levelling of part of the site for the large pavilion, known as 'Maes A'. This will be located on an already exposed and disturbed part of the site and topsoil from within the site will be employed in the landscaping proposal. Survey found a total of 120 common and widespread species on site, and generally the area is considered to have a moderate to high ecological value in its own right due to its size and location. However, the grassland itself is made up of common species and it is considered that despite the proposals it will recover from any impacts in the longer term.
- 5.3.4 Protected species or their potential presence on site, were considered as part of the assessment and were the subject of additional assessment. No great crested newts were found during the survey. A number of bat species were observed using the site for commuting and foraging. Otters are also known to disperse and feed along this stretch of the river; however, the Phase I survey report states that the high level of disturbance makes maternity use of the site unlikely.

It is considered that the recommendations made in relation to European Protected Sites (EPS) in the supporting ecological surveys need to be implemented. In particular, there is a need for adherence to a Lighting Plan in order to minimise light spill on the river corridor, hedgerows, trees and pond habitats.

Subject to a condition addressing the need for a lighting plan, it is not considered likely that the proposal will result in a detriment to the maintenance of Favourable Conservation Status of European Protected Species.

#### 5.4 Flooding

5.4.1 As the site is recognised as a floodplain the applicant has worked with a flooding and drainage specialist and NRW to ensure that the design takes into account the risks posed by flooding. This information has been used to establish the current proposed plan of the site.

5.4.2 The Flood Consequences Assessment identifies some areas of the site have a higher risk than others and therefore it is proposed the said areas will either not be used or in conjunction with a risk assessment will be used in part by structures and activities which are considered less vulnerable to damage and that allows a short timescale to be cleared. The Assessment also suggests that the flood levels are monitored throughout the time of the change of use and that an appropriate evacuation plan is developed. This will be incorporated into the Event Management Plan.

5.4.3 Other considerations included public access to/from and into the site and existing public rights of way (ROW). A key theme when speaking to users of the site and Monmouthshire County Council's Countryside Service was that as much access as possible will need to be maintained in order to minimise disruption to the local community and regular users of the amenity land. It is therefore proposed that the main riverside footpath is excluded from the application allowing access to be maintained, a further network of paths will also be kept in use to allow connections to be made with the town at either end of the site.

#### 5.5 Visual Impact

5.5.1 The site will be developed as sympathetically as possible to minimise the damage to the environment. It is envisaged that a positive legacy will be achieved particularly in terms of the landscape. The Council's Countryside Service and the Friends of Castle Meadows group will be involved in the site design and set-up to ensure that the festival has a positive legacy.

5.5.2 The informal parkland style of layout will follow the contours of the natural features on site including trees, scrub, and the water features around the site. The majority of the layout will be formalised during the set-up of the festival, however there are some features which will be fixed. The main event tent will be located to the west of the centre as it is the logical position given the size of the tent and the opportunity to maximise the landscape as the Bloreng and Llanfoist Bridge will be provide the backdrop to the tent upon approach from the main entrance.

5.5.3 The main tent is designed to be striking and iconic. On the approach from the south, the town is raised above the meadows and therefore the site structures

will not be visually imposing on their surroundings but instead provide an interesting feature, complementing the green backdrop when entering via the Llanfoist Bridge from the north.

- 5.5.4 The western end of the site will be home to the "Food Patio" area. This area is located here as it is the part of the site which will require the most servicing and resides closest to the service entrance. It is also the position of the later evening events during the festival allowing those staying later to exit easily back to the park and ride or into Abergavenny. The eastern end of the site will be occupied by the 'Expo' areas and the Literature, Science and Poetry areas which are popular with performers and their supporters. The central areas will be occupied by Trade stalls primarily with other features such as restaurants and circulation space.
- 5.5.5 The far eastern end of the site is an area identified by the Flood Consequences Assessment as higher risk and the report suggests that areas below the suggested spot height of 45.5m AOD needs to be used with caution and not by any permanent structures.
- 5.5.6 Landscaping will be required following the event to ensure that any damage is reinstated back to its original form or is enhanced. To avoid damage to sensitive areas identified by the ecological surveys protective measures including fencing or landscaping will be undertaken. The reinstatement of the site will be a condition of any planning approval.
- 5.5.7 The area of the National Park closest to the site is an area of high landscape quality and is identified as such in the Landmap information system, where it is identified as having a high landscape and visual sensory value. The site is likely to be visible from points within the National Park and will be particularly prominent in long views from elevated locations. However as the use is for a temporary period it is considered that subject to any necessary restorative work to the site following the event, the proposal will not have an unacceptable visual impact on the National Park.

## 5.6 Residential Amenity

- 5.6.1 The site will be enclosed where necessary by the use of 'herras' (or similar) fencing providing a physical boundary between the publicly accessible areas of the meadow. Access and egress will be controlled by event organisers and the provision of a security contractor. It is proposed that there will be 24 hour security of the site as to minimise the risk of theft, vandalism and to maintain safety at all times.
- 5.6.2 All potentially hazardous substances will be stored securely (i.e. in bunded tanks/containers), in appropriate containers and accessed by trained personnel only. Foul sewage from portable toilets will be emptied and removed from site on a regular basis by a competent person via an approved appointed contractor. Waste will be stored appropriately and there will be provision for recyclable materials. Regular (daily) collections are anticipated again by an approved appointed contractor.

5.6.3 Residential housing in close proximity to the event site (primarily housing on Merthyr Road) have been consulted formally as part of the planning application but it is proposed that informal consultation by the event organisers will also take place in advance of the event to provide reassurance of the measures to be taken in maintaining safety including issues related to licensing and noise. No objections to this planning application have been received from any local residents to date. It is considered that the recommendations (including suggested conditions) from Environmental Health will be covered by Environmental Health or licensing regulations relating to public events and noise. It would be impractical to address noise issues via planning controls given the very short duration of the event (eight days) in that a breach of control would first have to be identified once the event starts and then any subsequent breach of condition notice served would need a minimum of twenty-eight days to come into effect.

## 5.7 Public Rights of Way and Cycle Routes

5.7.1 The meadows are a popular site in the walking and cycling communities, although the majority of the site will be enclosed with fencing and security, it is proposed to maintain as much public access as practically possible. The proposal ensures that key public rights of way remain open to the local community throughout the duration of the event along with the periods of set up and removal.

5.7.2 Footpaths have been left open where possible to minimise disruption to regular users of the site. Access to the main footpath along the river's edge is maintained at all times, however some footpaths off that fall within the site boundary are being proposed to be closed for the duration of the Eisteddfod. It should be noted however that the eastern path connecting the Mill Street entrance and the Riverside Footpath/cycle path which is part of the National Cycle Route 46 will remain open.

## 6.0 **RECOMMENDATION: APPROVE**

### Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	The use hereby approved shall be ceased and the land restored to its previous form within 3 months of the end of the Eisteddfod event in accordance with a detailed plan to be submitted and approved in writing by the Local Planning Authority prior to works commencing.
4	No development shall take place until a scheme for the provision and management of a 7 metre wide buffer zone along the watercourse shall be submitted to and agreed in writing by the local planning authority. The buffer zone scheme shall be

	free from built development including lighting. Details of protective fencing for River Usk, other watercourses and sensitive ecological areas during the site preparation, event and post event. Reason - Protection of River Usk SAC and other ecological and environmental considerations.
5	No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.
6	A full, detailed lighting plan, focusing particularly on minimising light spill on the river and stream corridors, ponds, hedgerows and wooded areas, shall be submitted to and approved by the Local Planning Authority before works commence on site; the development shall be carried out in accordance with the approved plan.
7	Prior to the opening of the Eisteddfod, a detailed Traffic Management Plan (TMP) shall be submitted to and approved in writing by the Local Planning Authority. The TMP shall detail proposals for the management and movement of all transport modes associated with the proposed development and provide any necessary mitigation to maintain the free-flow of traffic on the surrounding A465 (to include Section 2), the A40 and A4042 trunk roads for the event duration.
8	No work associated with the establishment of the Eisteddfod shall commence on site until detailed design, safety audits and traffic management proposals for the proposed means of access have been submitted to and approved by the Local Planning Authority.
9	Prior to the opening of the Eisteddfod, a Flood Warning and Evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved plan in the event of flooding arising during the festival.
10	Nesting Bird condition - clearance of vegetation associated with access. Reason – Protection of nests and nesting birds.
11	Environmental Action Plan to build upon the principles of the Ecological Management Scheme. Reason – Protection of River Usk SAC and other ecological and environmental considerations <ul style="list-style-type: none"> <li>a. Control on localised levelling</li> <li>b. Pollution controls as outlined in NRW consultation</li> <li>c. Measures to protect otters during works</li> <li>d. Details of surface and foul water management</li> </ul>
12	Green Infrastructure Restoration and Enhancement Plan. Reason – to restore and enhance the Green Infrastructure assets of the site and restore areas to safeguard the River Usk SAC post event.
13	Control of distance of portable toilets from the River Usk SAC (>10m). reason – Protection of River Usk SAC and other

Informatives:

RIVER USK SAC – a Review of the Habitats Regulations assessment will be required when full details are available before site preparation and the event commencing.

BATS - Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

NESTING BIRDS – Please note that all birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

OTTER - Please note that otters are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes otters and places used for resting up, breeding, etc. whether an otter is present at the time or not. If otters are disturbed during the course of works, all works must cease and Natural Resources Wales contacted immediately.

GREAT CRESTED NEWT - Please note that Great Crested Newts are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual newts from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If great crested newts are found during the course of works, all works must cease and Natural Resources Wales contacted immediately.

**DC/2015/01106**

## **BUILDING PLOT FOR ONE DWELLING**

**CHURCH FARM, CHURCH ROAD, CALDICOT**

### **RECOMMENDATION: APPROVE**

Case Officer: David Wong

Date Registered: 06/10/2015

#### **1.0 APPLICATION DETAILS**

- 1.1 This is an outline planning application with all matters reserved. Thus, the Local Planning Authority is being requested to consider the principle of this application only i.e. whether or not a residential development in this location is acceptable. The site is part of the domestic garden of Church Farm, Caldicot, which is located within Caldicot's town development boundary and also within an Archaeologically Sensitive Area (ASA). The proposed plot is rectangular and measures approximately 12m in width by 47m in length.
- 1.2 The maximum parameters of the proposed dwelling are 10.5m in depth, 9.9m in width and 7m to the ridge. However, according to the Section drawing MH-5660, the current proposed dwelling would be 9.5m in width, 10m in depth and 6.7m to the ridge (measured from the proposed FFL), which would sit between no.2 Clos Aled and the host bungalow.
- 1.3 The proposed access is via Old Church Road that connects to Clos Aled; a private road which is not adopted by the Council. It is understood that Old Church Road is a private lane that provides vehicular access to Upper House, the two Llantony Barns, Church Farm and the recently completed dwelling on the garden of Church Farm (approved under DC/2014/00766). Old Church Road is stopped up at both ends and therefore any vehicular movements are solely to provide access to these properties.

#### **2.0 RECENT RELEVANT PLANNING HISTORY**

DC/2014/00766 – Proposed new Bungalow  
Approved 03/09/2014

DC/2012/00966 – Erection of 2 dwellings  
Withdrawn 30/07/2013

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

##### Strategic Policies

S1 Spatial Distribution of New Housing provision

S2 Housing Provision

S4 Affordable Housing Provision

S13 Landscape, Green Infrastructure and the Natural Environment

## S17 Place Making and Design

### Development Management Policies

H1 Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements

EP1 Amenity and Environmental Protection

DES1 General Design Considerations

MV1 Proposed developments and highway considerations

## **4.0 REPRESENTATIONS**

### 4.1 Consultations Replies

Caldicot Town Council – Refuse: Over-development of the site.

Welsh Water – No objection; standard condition is provided with advisory notes.

SEWBREC Search Results – No significant ecological record identified within the application site.

MCC Public Rights of Way Officer – No objection and applicant’s attention drawn to Public Footpath No. 37.

MCC Planning Policy – The site is located within the town development boundary for Caldicot and as a consequence meets the requirements of Strategic Policy S1 and Policy H1 of the LDP in principle, subject to detailed planning considerations. The proposal falls below the five dwelling threshold in relation to affordable housing, notwithstanding this, the sixth bullet point of Strategic Policy S4 refers to financial contributions for the provision of affordable housing in the local planning authority area for proposals below this threshold. Such contributions will be requested if the application is determined once there is relevant adopted SPG in place. The SPG has recently been out to public consultation but is not yet adopted. It is noted the proposed access links into the adjacent Clos Aled; Policy MV1 should therefore be referred to. It is presumed colleagues in the Highways section will also have been consulted and will no doubt provide comment on this element of the application. General policies DES1 and EP1 should also be taken into consideration.

MCC Highways Department – the Highways Department has advised that the proposal would meet the parking standard as set out in the adopted Monmouthshire Parking Standards 2013. The access will be set back to improve visibility splays and there is sufficient space for turning.

Glamorgan Gwent Archaeological Trust – No response received.

### 4.2 Neighbour Notification



Objection from six households received and the objections are summarised below:

Allowing this application will generate an unacceptable level of movement of construction traffic in and out of Clos Aled.

The proposed access is directly on a junction. It is dangerous for the users and parked cars on Clos Aled when vehicles would be reversing out from the site.

The upstairs windows of the proposed dwelling would overlook the garden of 2 Clos Aled and will affect the value of the property.

The new building would also block light from the glass door to the side of 2 Clos Aled, making the utility room dark at all times. The side of the new property would be only 2 metres from house to house.

An additional dwelling in the area would lead to more traffic passing through Clos Aled.

The site is being over-developed; the proposed plot is extremely small. The Caldicot Town Council agree with some of the residents that this application should be rejected on this basis.

If approved, the outlook from some of the bedrooms' windows of 2 Clos Aled will be changed from the current 'builder's yard' to the roof of the proposed dwelling.

The proposed new build is only a little lower at roof level, it is in fact a two storey home.

No further access should be granted. When Clos Aled was built access was only granted to existing properties.

Clos Aled and Old Church Road are narrow and have no pavement.

Therefore, they are not suitable for large construction vehicles to manoeuvre without driving onto neighbours' drives and / or pavements, causing inconvenience to the users of the lanes.

On the last project of Mr Monday's there was no notification of any deliveries at any point of the construction to any of the neighbours who would be affected by a delivery. By allowing this project will cause inconvenience to the users of the lanes.

There has been no correspondence from Mr Monday about this proposed plot or regards to boundaries.

The single storey extension on Church Farm was demolished to make space for this development. The proposed plot does not allow sufficient space for the three vehicles to drive in, park, turn and exit the site in a forward direction.

The previous planning permission (DC/2014/00766) allowed a shared access with Church Farm. To allow a new access to serve this application is contrary to the thrust of the previous permission.

By allowing an additional dwelling in this part of Caldicot would be contrary to the best interests of all of the surrounding residents.

The lane was never intended for development and it is the only access that Upper House has for fire and emergency vehicles.

Whilst this second building project will not affect me directly on this occasion, I concerned that the new building will be in very close proximity to the neighbouring property.

By allowing this proposal the area will lose more green space.

The applicant has misinformed the neighbours about his intention to develop the site in the past.

Allowing this application would equate to two new dwellings allowed at the site, a similar proposal for which was previously withdrawn under DC/2012/00966 (for two dwellings). This is the reason why the proposals have been submitted separately at a different stage. Therefore, the Local Planning Authority should consider the cumulative effect of this application as well as the recently constructed bungalow.

This is now the sixth planning application for this plot since November 2012. The drip feed of planning applications needs to stop.

The strip of land fenced off at the rear of the original Church Farm seems to have no purpose. Can we expect a further application in the future? The council should consider the whole plot in this application and not just the current proposal, as the impact upon the neighbourhood and the neighbours is upsetting.

The access has already been built and the previous planning application (DC/2014/00766) was not adhered to. This approach is unacceptable.

## **5.0 EVALUATION**

### **5.1 Principle of development**

5.1.1 Caldicot is a Policy H1 settlement in the adopted Monmouthshire Local Development Plan (LDP). The site is within the Caldicot Town Development Boundary within which planning permission will be granted for new residential development subject to detailed planning considerations. It is noted that the single storey side extension on the dwelling known as Church Farm had recently been removed to make way for this development.

5.1.2 The size of the proposed plot is more generous than some of the existing plots in the area. It is considered that the site is able to accommodate a dwelling of this size and would provide adequate amenity space, parking and turning on-site. Given the above, there is no objection to the principle of this proposed development.

### **5.2 Visual amenity**

5.2.1 This is an outline planning application with all matters reserved. Therefore, the appearance of the proposal does not form part of the assessment of this application. The maximum scale parameters of the proposed dwelling provided are 10.5m in depth, 9.9m in width and 7m to the ridge. However, these conflict with the Section drawing MH-5660, that indicates the proposed dwelling would be 9.5m in width, 10m in depth and 6.7m to the ridge (measured from the proposed FFL), which would sit between no.2 Clos Aled and the host bungalow. In order to ensure that this new dwelling would respect its relationship with the immediately neighbouring properties, appropriate planning conditions will be imposed to limit the maximum scale parameters of this proposal to be 9.5m in width, 10m in depth and 6.7m to the ridge (measured from the proposed FFL). This would enable the dwelling to fit appropriately into the streetscene.

### 5.3 Neighbour Impact

- 5.3.1 There have been several objections from local residents regarding the impact of the development upon their amenity.
- 5.3.2 In terms of the potential overbearing impact, the site is part of the domestic garden of Church Farm and there is currently no building on it. It is acknowledged that allowing this proposal will change the appearance of the site entirely and the new dwelling will be some 2.5m from no.2 Clos Aled. Some of the neighbours have concerns about this application as the site will no longer be an open, grassed area. However, there is no right to a view and because the site forms part of the existing domestic garden (and is within the Caldicot Town Development Boundary), the principle of developing the site for residential purposes would be in accordance with the terms of national planning policy and Monmouthshire Local Development Plan Policies. The site is not a valuable area of public open space or an area that is intrinsically important to the local landscape or character so as to warrant protection from built development.
- 5.3.3 According to the submitted scale parameters, the proposed dwelling would be in a form of a dormer bungalow with its overall height set between no.2 Clos Aled and the host bungalow, Church Farm. In addition, the front and rear building line of the proposal have been set to match closely with no.2 Clos Aled. It is noted that there is an existing door on the side elevation of no.2, facing the proposed site. However, this door currently serves the utility room (a non-habitable room, used for a functional purpose) and the window panes are obscure glazed. Therefore, the proposal is not considered to have an adverse impact on the everyday amenity of the occupiers of no. 2 so as to warrant the application's refusal.
- 5.3.4 In relation to any overlooking impact, it is understood that the main habitable windows on the proposed dwelling would be sited on the rear (south-east) and front (north-west) elevations, which do not directly look toward no.2 and the host bungalow. In addition, this is an outline planning application with all matters reserved. Therefore, the appearance (and the fenestration arrangement) of the proposal does not form part of the current assessment. Furthermore, it is considered that the proposal can be appropriately designed to avoid overlooking. Given the above, there is no evidence to suggest that the proposal would cause significant harm by way of overlooking of neighbouring properties.
- 5.3.4 In terms of overshadowing, the proposal is to be located some 2.5m south west of no.2 Clos Aled and the proposed building lines (front and rear) are to match closely with no.2. The utility room of no.2 is currently served by a door on the side elevation which is obscure glazed. It is appreciated that allowing the proposal would make the utility room darker. However, the room in question is non-habitable and there is a reasonable gap from the side elevation of the proposed dwelling (in fact the gap between no.2 Clos Aled

and no.1 The Meadows is approximately 1.5m). Thus, it is considered that the proposal would not be so overbearing as to warrant the applications refusal.

#### 5.4 Highways/ access

5.4.1 The additional dwelling on this narrow access road is of concern to some of the neighbours as there is no passing place and pavement on Old Church Road. Having consulted the Council's Highways Department it is advised that there is sufficient space for turning and three parking spaces on site. It is acknowledged that there is no passing place on Old Church Road but the proposed access will be set back from Old Church Road and is within close proximity to Clos Aled so that vehicles are able to manoeuvre and park safely on site without inconveniencing other users of this private lane.

5.4.2 Old Church Road is located off a private access lane and is stopped up at both ends, and only serves a limited number of dwellings (currently five), so that the volume of traffic is anticipated to be very low. Traffic speeds are also likely to be low, given the physical limitations of the lane, which is relatively narrow. Therefore, the proposal is not anticipated to cause a significant impact on highway safety. In addition, the level of traffic movements from one further dwelling in this area is unlikely to affect the existing highway network and it is not anticipated to result in unacceptable traffic growth. The proposal complies with Policy MV1 of the LDP.

5.4.3 It is appreciated that there may be some disruption and noise from construction work, but this would be for a temporary period and the impact can be controlled by way of a pre-commencement condition seeking a construction method statement.

#### 5.5 Drainage

5.5.1 Connection to main drainage system has been proposed, and the surface water run-off would be controlled via the Building Regulations. The site is not within a flood plain and there are no significant drainage issues in this area.

#### 5.6 Biodiversity

5.6.1 Following a SEWBRcC biological record check, past planning history and visual assessment of the site it is considered there will be a low potential impact upon bats and protected species; this is because:

- There are no known bat roosts at the site as indicated by SEWBRcC Records.
- The application site is not connected to prominent connecting landscape or important ecological features
- The application site is within a manicured residential curtilage.

5.6.2 Informatives will draw the applicant's attention to the significance of the protection of bats and also to the protection of nesting birds.

## 5.7 Response to the Representations of the Town Council

- 5.7.1 The Caldicot Town Council recommends refusal as it is considered that the proposal is an over-development of the site. The site is located within the town development boundary for Caldicot and as a consequence meets the requirements of Strategic Policy S1 and Policy H1 of the LDP in principle, subject to detailed planning considerations.
- 5.7.2 There is a mixed pattern of housing with different architectural styles in this part of Caldicot. In terms of the proposed plot size, the proposal is considered to be comparable or indeed more generous than some of the existing plots in the area, such as those in Clos Aled, adjacent to the site. Furthermore, the scale parameters indicate the scale and mass of the proposed dwelling would be comparable to the existing properties in this part of Caldicot. Given the above, it is not considered to be an over-development of the site.

## 5.8 Archaeology

- 5.8.1 The Glamorgan Gwent Archaeological Trust (GGAT) was consulted but their response is awaited. However, GGAT did respond to a recent relevant planning application on Church Farm, DC/2014/00766. It advised that although the area has known archaeological remains and archaeological work nearby has shown the survival of these, that project did not reveal any significant features and the finds were mostly of post-medieval date and were residual. It further added that it is unlikely that archaeological features would be encountered during the development work that would require mitigation and no further archaeological mitigation work needed to be undertaken.
- 5.8.2 The site is within an Archaeological Sensitive Area. GGAT did not request further archaeological mitigation work to be undertaken at the site nearby. Based on this technical advice, it is assumed no archaeological condition is likely to be requested in this instance. However, the applicant will be informed by an informative that should any archaeological remains be encountered during the course of the development then GGAT should be contacted for guidance.

## 5.9 Other concerns

- 5.9.1 The neighbour at no.2 Clos Aled has expressed that the upstairs windows of the proposed dwelling would overlook the garden of 2 Clos Aled and this will affect the value of their property. This is an outline planning application with all matters reserved i.e. matters including the appearance of the proposed dwelling. It is considered that an appropriate design can avoid unacceptable overlooking and furthermore, the effect of the proposal upon the value of the neighbour property is not a material consideration.
- 5.9.2 Some of the neighbours have objected to the fact that there has been no correspondence from the applicant about this proposed plot or regards to boundaries. It is good practice for the applicant to contact neighbours about a

potential planning application but is not a legal requirement, nor is this a material consideration.

- 5.9.3 It is noted that the proposal would link to the recently built house at Church Farm (DC/2014/00766) by a strip of land at the back of the application site. The applicant explained that he is planning to move into the newly built house and this connection will allow direct access (from the newly built house) to the application site for maintenance purposes. Some of the neighbours are concerned that the site will be further developed in the future. It is considered that there is no significant planning issue with regard to the proposed link (the strip of land) between the newly built house and the current application site. In addition, this application is solely related to an outline planning application for a single dwelling and any future planning applications will have to be treated on their merits.
- 5.9.4 A previous planning application for two dwellings was withdrawn under DC/2012/00966. The neighbour objections have suggested that the applicant has misinformed them about his intention to develop the site in the past, and that the two dwelling application had been deliberately broken down into piecemeal development to circumvent the planning system. With regard to the piecemeal development/applications of the site it is acknowledged that the site had been a subject to a number of different planning applications submitted at different times over the past few years. However, the planning system allows this approach and there is no legal restriction to prevent this approach. In addition, this application is significantly different to the previous application. Thus, this application must be treated on its merits.
- 5.9.6 The access proposed has already been built without planning permission and the neighbours find this approach unacceptable. The planning system allows retrospective planning applications to be submitted and judged on their planning merits.
- 5.9.7 In terms of a right of access through the private road, Clos Aled, this is not a planning consideration but a private civil matter. The applicant's attention will be drawn to this matter by an informative.

## **6.0 RECOMMENDATION: Approve**

Conditions/Reasons:

OUT1A (standard outline condition)

OUT2A (standard outline condition)

The proposal shall be carried in accordance with the approved plans.

Full details of the proposed access shall be submitted as part of the Reserved Matters application for approval and the approved access shall be provided prior to the occupation of the hereby approved dwelling.

The Finished Floor Level of the hereby approved dwelling shall be set at 12.85 Above Ordnance Datum (AOD).

The overall height of the proposed dwelling (measured from the proposed FFL to the highest ridge of the dwelling) shall not exceed 6.7m.

The maximum width and depth of the proposed dwelling shall not exceed 9.5m and 10m respectively.

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Gates, if erected, shall not open outwards.

Prior to any works commencing on site a Construction Method Statement (CMS) shall be submitted to and agreed with the LPA; the development shall be carried out in strict accordance with the approved CMS.

Informatives:

Please refer to the letter from Welsh Water, dated 08/10/2015, for more information.

The applicant's attention should be drawn to Public Footpath No. 37 (Caldicot) which runs adjacent to the site of the proposed development. Footpath No. 37 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained confirmed and implemented prior to any development affecting the Public Rights of Way taking place. No barriers, structures or any obstructions should be placed across the legal alignment of the path and any damage to the surface of the path as a result of the development must be made good at the expense of the applicant.

Clos Aled is still a private road and as such the owner(s) of the road would need to be consulted for rights of access and agreements in place to secure any damage or repairs that may be required to the private road as a consequence of any damage to the same.

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

Please note that Bats are protected under The Conservation of Species and Habitats (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (02920 772400)

Informatives will draw the applicant's attention to the significance of the protection of bats and also to the protection of nesting birds.

Should any archaeological remains be encountered during the course of the development then the Glamorgan Gwent Archaeological Trust should be contacted for guidance.

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**DC/2015/01321**

## **NEW AGRICULTURAL SHED TO HOUSE ANIMALS AND FOR GENERAL FARM USE**

**HUMBLE BY NATURE, UPPER MEEND FARM, LYDART, MONMOUTH**

### **RECOMMENDATION: APPROVE**

Case Officer: Craig O'Connor

Date Registered: 03/11/2015

#### **1.0 APPLICATION DETAILS**

1.1 The application seeks planning consent for the construction of a new agricultural building to house animals and for general storage of agricultural implements and machinery. The proposed building would be sited to the north of the existing group of buildings that form the farmstead, Humble by Nature. The building would have a footprint that would measure 17.7m x 22.1m and it would have a pitched roof that would measure 3.5m to the eaves and 5.6m to the ridge. The building would be of metal construction with corrugated box profile tin sheeting in a dark grey colour and Yorkshire boarding for the external walls and the roof would also be corrugated tin sheeting.

#### **2.0 RELEVANT PLANNING HISTORY**

DC/2015/00895 1. Extension of parking area and 2. Creation of overflow parking area for Humble by Nature farm visitor attraction. Approved November 2015

DC/2015/00429 Erection of adventure playground in farm field currently used for small animal paddocks for farm visitors Approved July 2015

DC/2014/00606 Creation of a new field gate into an orchard field from the no-through road known locally as The Craig. Approved August 2014

DC/2014/00605 Agricultural Notification Two agricultural storage sheds Acceptable June 2014

DC/2013/00995 Change of use of scrubby corner of an agricultural field into a temporary camping area with accommodation for 2 people in shepherds hut and 'lamp hut' Approved February 2014

DC/2013/00657 Agricultural Notification for A passive solar greenhouse Acceptable August 2013

DC/2012/00819 Change of use of existing redundant agricultural buildings into a rural skills and education centre. Approved January 2013

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

#### Strategic Policies

- S10 Rural Enterprise
- S13 Landscape, Green Infrastructure and the Natural Environment
- S17 Place making and design

#### Development Management Policies

- EP1 Amenity and Environmental Protection
- DES1 General Design Considerations
- RE4 New agricultural and forestry buildings
- LC1 New Built Development in the Open Countryside
- LC4 Wye Valley AONB

### **4.0 REPRESENTATIONS**

#### 4.1 Consultations Replies

Trellech United Community Council – recommends approval but has outlined that the building must be used for agricultural purposes only

#### 4.2 Neighbour Notification

No response received.

### **5.0 EVALUATION**

#### 5.1 Visual impact

- 5.1.2 The proposed agricultural building would be of an appropriate form and design and would be of an acceptable size. The building would be grouped with the existing farmstead buildings and would not be visually intrusive within the wider area, and would not harm the character and appearance of the rural landscape. This type of structure is characteristic of the rural landscape which it sits within and thus, would not harm the rural landscape or the natural beauty of the Wye Valley Area of Outstanding Natural Beauty (AONB), which would be preserved in accordance with Policy LC4 of the Local Development Plan (LDP). The proposed development would respect the existing form, scale, siting, massing, materials and layout of its setting and is considered to be acceptable in accordance with the relevant policies in Monmouthshire's Local Development Plan (LDP).

## 5.2 Residential amenity

5.2.1 The site is in a relatively isolated location in the open countryside and the development would not have an unacceptable impact on any other party's privacy or private amenity space. The development would be in accordance with Policy EP1 of the LDP which seeks to protect the amenity of neighbouring properties and environment. There have been no objections to the proposals.

## 5.3 Conclusion

The agricultural building would be of a simple, functional design and it would be an appropriate building for the site, given its agricultural purpose. It would have an acceptable visual impact and it would be grouped with the buildings at the farmstead reducing its visual impact on the wider landscape. Agricultural buildings are characteristic of the rural landscape and the proposed structure would not be harmful to the area or the natural beauty of the Wye Valley AONB. The development would be in accordance with the relevant Policies in the LDP and is therefore recommended for approval.

## 6.0 **RECOMMENDATION: APPROVE**

### Conditions

1. Standard 5 years in which to commence development.
2. The development shall be carried out in accordance with the hereby approved plans.

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**DC/2015/00688**

**RESIDENTIAL DEVELOPMENT TO PROVIDE 5 DWELLINGS (INCLUDING 60% AFFORDABLE HOUSING) AND ASSOCIATED WORKS AND THE PROVISION OF A NEW VEHICULAR ACCESS**

**LAND AT SHIRENEWTON (LDP ALLOCATION SITE SAH11 xiv) b))**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Young

Date Registered: 20<sup>th</sup> January 2015

## **1.0 Introduction**

1.1 This application was presented to Members of Committee at their meeting on the 3<sup>rd</sup> November, with a recommendation for approval. Decision on the application was deferred by Members with a request that the scheme be amended. It was requested that there be a single vehicular access into the site rather than the two access points proposed, the reason for this being to allow for a more integrated and socially cohesive scheme. Following Committee officers from the Council met with the developer and his agent to consider an amendment to the scheme providing a shared vehicular access into the site.

1.2 A draft scheme was tabled showing twin accesses side by side into the site. This resulted in a wider access and pushed the built form of the development closer to the edge of the village where it would have more visual impact. The twin access was considered unacceptable in highway terms by Highway colleagues as it caused a confusing conflict of vehicular movements. A single joint access was also considered consisting of a shared driveway which then divided into a private driveway for the two detached dwellings and a shared parking court for the remaining three (affordable) units. This was considered to lead to vehicular conflict within the site and was not acceptable in highway terms. It also resulted in the built form of the development extending in an easterly direction, away from the built up area.

1.3 In this instance, the affordable housing provider, Monmouthshire Housing, have stipulated a strong preference that the affordable housing properties should be independent from the private housing, served by an separate vehicular access, thus overcoming the potential problems typically associated with joint access and maintenance arrangements. They also maintain that the land transfer matters are best dealt with by maintaining separate access points in order that the housing association acquires a clean, serviced plot without the requirements for a shared driveway with the associated management and maintenance charges.

1.4 Whilst officers welcome Members' desire to secure social inclusion, in this instance it has not proved possible to arrange the site so as to provide a single access that meets highway safety and management requirements. It is considered that a single vehicular access into this site is not a prerequisite to granting planning permission for this proposal. This is a small scheme of only five units so there will inevitably be integration. Integration and social inclusion can be demonstrated

throughout the site with high quality materials and design being used on both the market and the affordable units. It must also be remembered that the original scheme with two separate accesses is acceptable in planning terms: officer advice is that there are no material planning grounds on which to justify and sustain a reason for refusal. As a result of discussions with the developer, which have explained why a shared access is not possible in this instance, officers are therefore re-presenting the application as originally submitted with a recommendation for approval.

## **2.0 Additional Correspondence, received since the last committee on 3rd November;**

Monmouthshire Housing: Letter of Support

I understand that there are concerns around the separate entrances to the market and affordable dwellings but this is not a concern shared by Monmouthshire Housing. As we will be acquiring the three affordable dwellings, the land transfer matters will be best dealt with by maintaining the separate access points as currently proposed. MHA will acquire a clean, serviced plot without the requirement for a shared driveway, over which we will be granted a right of way but to which we will not be required to contribute management and maintenance charges. Our further support is lent to the affordable dwellings in that they are well proportioned, meet the relevant space and parking standards, whilst the architectural elevations indicate a high degree of quality which, in our opinion, complements the character and context of Shirenewton.

### **Paul Thornton - agent**

Further to the above application being considered by the Committee on the 3rd November 2015, and your subsequent deferment following Committee comments regarding access arrangements to the proposed development, we would like to express our disappointment in this decision, taking into account the factors set out below. I am however grateful for our subsequent meeting with you at County Hall on 11<sup>th</sup> November 2015, when the applicant and myself met with you and Christian Lowe, the Highways Officer.

At our original pre-application consultation meeting, dated 11<sup>th</sup> December 2014, which was attended by all members concerned to review the draft proposals, we took on board all views expressed by yourself, the highways officer, the landscape officer and building control officer (along with other recommendations received from the Housing Association). The concept of two individual access points was indicated on our drawings at this stage and no objections raised. This was recorded within your document 'Pre-Application advice – Written Response', dated 15/12/2014.

During the initial design stage of this project, the social housing landlord, Monmouthshire Housing, stipulated that the affordable housing properties should ideally be totally independent from the private housing, and should be served by an independent vehicular access, thus overcoming the potential problems typically associated with joint access and maintenance arrangements.

We therefore initially considered the possibility of a 'twin' access point, in other words, locating the access into the private dwellings directly alongside the individual access into the affordable homes. This created a very wide and potentially confusing

access arrangement and, in accordance with the highways officers' recommendations, we therefore opted to provide a safe and clear distance between the two access points- as per the scheme submitted with the planning application.

Taking into account the above factors we therefore prepared our scheme on the clear understanding that we were acting in compliance with the requirements of all parties concerned, namely by indicating one access point to serve two private dwellings and a separate access to serve three affordable homes, together with the respective associated parking arrangements.

We therefore feel we have co-operated in every way to meet the planning, highway and social housing standards set out to us, and that this is the only way in which this development can reasonably proceed. It is unfortunate that this issue has now been raised after such a considerable time period.

We are currently unsure of the Committees' reasons for requesting a single access point to the site. At our recent meeting on the 11<sup>th</sup> November, Christian Lowe stated that the separated entrances (as proposed) were favourable in terms of highway safety, as they distributed traffic more evenly across the site rather than concentrating it around one area. As an alternative, which would comply with the requirements of the Housing Association, we also presented you with a sketch proposal showing paired 'twin' site access points (as described above). Christian Lowe confirmed that this arrangement would be unacceptable in highways terms, due to the close proximity of the entrance points and the confusing nature of the arrangement.

There is no doubt that the affordable housing element is an essential part of this development and the applicant is absolutely willing to act in a co-operative manner in order to deliver high quality homes across the *whole* site. This is evidenced by his close co-operation with the Housing Association from the outset, something which can be confirmed by them. As designers, we have worked alongside the applicant and the housing association to ensure that the affordable housing element is of a high quality, meets and exceeds the housing associations standards and is in no way to be seen as a 'second-rate', 'segregated' or 'begrudged' part of the development.

I would re-iterate that the provision of high quality affordable housing is an important consideration of the currently proposed scheme and that we have co-operated with the Housing Association from the outset to that end.

In light of the above I would therefore respectfully request that you re-consider our original proposal for planning approval. I also confirm that the applicant and myself will attend the forthcoming Committee meeting and would like to make a verbal representation.

## **PREVIOUS REPORT**

### **1.0 APPLICATION DETAILS**

The application seeks the erection of five residential units comprising two, detached 4-bedroomed two storey market units and a two storey affordable housing block containing one 2-bedroomed house and two 1-bedroomed flats. There would be two shared vehicular accesses, one for the market housing and one for the affordable units. The two detached houses would each have a double garage and the affordable units would have five car parking spaces. There would be new hedge planting along the northern and eastern boundaries. The existing hedge along the road frontage would be re-aligned to accommodate the visibility splay. Both the market housing and the affordable units would be finished in the same brick and natural stone materials with natural slate roofs.

### **2.0 RELEVANT PLANNING HISTORY**

None

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

#### Strategic Policies

S1 – Spatial Distribution of New Housing Provision  
S2 – Housing Provision  
S4 – Affordable Housing Provision  
S13 – Landscape, Green Infrastructure and the Natural Environment  
S17 – Place Making and Design

#### Development Management Policies

H1 – Residential Development  
H2 – Residential Development in Main Villages  
NE1 – Nature Conservation and Development  
DES1 – General Design Considerations  
EP1 – Amenity and Environmental Protection  
SD4 – Sustainable Drainage  
MV1- Proposed Developments & Highway Considerations

### **4.0 REPRESENTATIONS**

#### 4.1 Consultations Replies

Shirenewton Community Council - The Council acknowledged that this development has been approved but recommended refusal of this application, with the following observations:

- Five residential units is over development of the site causing cramming. The size of the site is roughly equivalent to that of a neighbouring development of three houses.



- Access should be relocated to avoid the removal of a long length of ancient hedgerow which is outside the LDP line.
- The increased and unacceptable concentration of traffic from this and another proposed development on the road junction with Killenny Road.
- The LDP line was altered to allow the building of the four previous houses and it is now proposed to be altered again to accommodate access.

County Councillor Down will attend the Planning Committee meeting and speak on behalf of this Council.

Planning Policy - The site is allocated for around five dwellings in Policy SAH11, the specific site reference of which is SAH11 (xiv) (b). Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. The proposal relates to three affordable dwellings and two market dwellings and therefore complies with both S4 and SAH11 in principle.

Policy NE1 Nature Conservation and Development should be referred to relating to mitigation and compensation, particularly in relation to the removal of part of existing hedgerows bounding the site to create the two site accesses. The translocation of hedgerows and new hedge planting are welcomed. Policy GI1 must also be taken into consideration relating to Green Infrastructure (GI). It is noted that an ecological survey has been submitted with the application. A high standard of landscaping is also required as there are currently no natural defensive boundaries in this location. This development is not considered, however, to be one to which the detailed requirements of the GI Supplementary Planning Guidance apply (such as the provision of a GI Opportunities Plan, for instance), given the small scale character of the development and the need to give priority to the high level of provision of affordable housing. Similarly, Policy S7 – Infrastructure Provision indicates that in negotiating Section 106 agreements in such circumstances priority will be given to the affordable housing required by Policy S4, ‘unless there is an overwhelming need for the available contribution, in whole or in part, to be allocated for some other necessary purposes’. In this respect, it should also be ensured through a Section 106 agreement that the market housing is not constructed without the required provision of affordable housing. It is noted the s.106 statement refers to the different types of affordable units, it should however state that the LCHO dwelling (Plot 3) will remain affordable in perpetuity as well as the two social rent units.

General policies DES1 and EP1 relating to General Design Considerations and Amenity and Environmental Protection respectively must be taken into consideration. Finally, whilst the site is not located within an Area of Special Archaeological Sensitivity GGAT commented in the LDP preparation that due to the location of the nearby Holy Well ‘the area will need archaeological evaluation at a planning application stage but that it could be allocated in the LDP in archaeological terms with the proviso that archaeological features could restrict development’. I would suggest you therefore consult GGAT at the earliest opportunity in order for them to provide guidance on the works involved.

MCC Housing Officer – Monmouthshire Housing Association has confirmed that the affordable properties meet acceptable standards on the above development. Housing and Community Services are, therefore, fully supportive of the development.

Highways – The application is for a residential development of 5 dwelling units, 2 detached 4-bed units and one semidetached building consisting of 1 2-bed unit and 2, 1-bed flats, on land allocated under the LDP, site allocation SAH11.

The development comprises of two separate access points onto the adjacent county highway C61-1. The eastern access will serve 3 units whereas the western access will serve 2 units. For the 3 units served from off the eastern access there is car parking and turning provision for 5 vehicles - 2 spaces for the 2 bed unit, 1 space for each 1-bed flat and 1 visitor's parking space. For the 2 4-bed units off the western access there is car parking and turning provision for 4 spaces for each unit, 2 car parking spaces and a double garage. The proposals therefore comply with the SPG Monmouthshire Parking Standards 2012.

As part of the proposal a footway is to be provided along the site frontage, within the highway verge, to allow for pedestrian connectivity to other potential development sites and the village of Shirenewton.

Considering the development overall we are satisfied that the traffic generated from a small development of 5 units will have no negative impact on highway safety and that there is sufficient capacity on the local highway network to accommodate it.

In light of the aforementioned there are no highway grounds to sustain an objection to the application subject to the following conditions being applied to any grant of planning approval:

1. No development may commence until the applicant has submitted an application to the Highway Authority, pursuant to Section 184 of the Highways Act 1980, for the provision of the 2 access points and footway within the existing public highway.
2. No surface water shall be drained onto the adjacent county highway or into the county highway drainage system and shall be disposed of onsite through a sustainable drainage system.

Dwr Cymru-Welsh Water – no problems are envisaged with sewage treatment or water supply; DC-WW outlines conditions relating to foul and surface water being drained separately.

Glamorgan Gwent Archaeological Trust (GGAT) – offers no objection.

MCC Biodiversity - based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision. It is unacceptable that the hedgerows abounding plots 1 and 2 gardens are within the gardens as they are likely to be degraded over time as people remove them to enlarge gardens/improve views. I believe it was indicated at pre-application stage that the adjacent landowner could own/manage the hedgerows. This should be reconsidered. It is advised that a Construction Method Statement is conditioned on any planning consent due to considerations around hedgerows and badgers that use the site. Conditions relating to a small scheme of nest boxes and bat boxes are also recommended in line with LDP Policy NE1 to provide enhancement for biodiversity. This was included in the pre-application advice and is recommended in the

Ecological Assessment. Conditions are suggested relating to a Construction Method Statement, nesting birds and biodiversity enhancements.

MCC Landscape Officer - I have reviewed the above information and undertaken a desk top analysis of the site and surrounding area.

**Landscape Assessment** - relevant Policies LC4 and LC5

The site is situated within an area noted for its high quality landscape and picturesque qualities; noted characteristics are ancient woodland and long views over the Severn Estuary. LANDMAP evaluation scores range from outstanding to moderate. The Monmouthshire Landscape & Sensitivity Capacity Study has also refined this assessment, highlighting LLCA SM04 as High/medium sensitivity and low capacity.

To highlight the sensitivity and likely impacts of the proposal within the existing landscape and to inform and support the character of the new proposal, the applicant has submitted an appropriate LVIA. The findings from the LVIA have also been considered in the DAS.

**Green Infrastructure (GI)** - relevant Policies GI1, NE1 and DES2.

The applicant has not provided a Green Infrastructure Assets and Opportunities plan. I am unable to determine the extent of GI assets around the site and potential opportunities linked to them (through development). We would not necessarily require a full GI submission, given the scale of development; however we would suggest highlighting GI in their Design & Access Statement (DAS) and then worked through in the overall plan. This is good design and should form part of the general design considerations development proposals are expected to meet in Monmouthshire.

**Design** - relevant Policy DES1.

The applicant has submitted an adequate DAS; relevant topics have been addressed. We would suggest highlighting GI in their DAS and then worked through in the overall plan. No further comments on design.

**Recommendations**

Without the submission of site development sketches and plans, regarding buildings and the landscape assessment, it is impossible to assess the 'significant consideration' given to the detailed proposal (ref. 3.2.6); or the robust landscape treatment to integrate development into its setting (ref. 5.2). Having said that, the scheme will over time, integrate and preserve the 'edge of settlement' character. The landscaping proposals will also provide a suitable setting for the new buildings and the inclusion of the native hedge will provide some mitigation to 'soften' the new development.

To manage the application with policy GI1 and DES1 we would require a detailed plan showing how GI connectivity works through the various scales of their GI assets. This is 'good design' (5.3) and should already have been undertaken by their architectural and landscape consultants in their development stages.

Specifically:

The buildings; green roofs and walls; grey water collection; the curtilage of the unit/s. Access roads/car parking; surface treatments, managing surface run off, filtration.

Other relevant policies: SD2/SD4/MV3/MV4

#### 4.2 Neighbour Notification

Letters of objection received from three addresses:

This and the adjacent scheme will increase traffic and as the sightlines are very poor; it will increase the risk of accident.

No details of waste water drainage.

Existing drains can't cope with the level of surface water.

Loss of Hedgerow

Brownfield sites should be used first.

The VDB was moved as part of the LDP

It will set a precedent for more edge of village development.

Details of surface water should be considered prior to determination of the application.

LVIA considered that the proposed development will have a substantially negative effect upon The Gables and the layout does nothing to mitigate this.

The building line of plot 1 is not in line with The Gables or other existing dwellings.

Plot 1 is too close to existing dwellings.

The foundations of plot 1 would undermine the proposed retaining wall.

The submitted street scene is misleading.

A lot of excavation works on this site and the site opposite would completely change the character of the village.

The density will not be in keeping with the surrounding development

The cumulative impact of all the proposed development in this area could impact on highway safety.

#### 4.3 Local Member Representations

County Councillor Down will attend the Planning Committee meeting and speak on behalf of Shirenewton Community Council.

### **5.0 EVALUATION**

#### 5.1 Principle of Development

The site is within the Shirenewton Village Development Boundary and is an allocated site under Policy S1 of the adopted Monmouthshire Local Development Plan. The principle of new residential development on this site is therefore acceptable. The site has been identified under Policy SAH11 (xiv)(b) as being suitable for around five dwellings. The primary purpose of this allocation is to provide affordable housing to meet the needs of local people and developments will be expected to comply with the requirements of Policy S4 so that 60% of the dwellings are affordable. The proposal does comply with the requirements of Policy S4 as 60% of the units are affordable, the mix of house types meets local need and the affordable units meet DQR standards.

#### 5.2 Design and Layout

The land slopes down steeply in a northerly direction from the road frontage of the site. Plot no. 1 follows the building line established by the existing dwellings with a garage at the front of the site. Plot no.2 is set much further back and will not be visually prominent when viewed from the road. Plots 3, 4 and 5 are set closer to the

road with a car parking court to the rear. There would be a stone wall along the frontage of the whole site which reflects one of the strong characteristic features of the village of Shirenewton. A public footway would be provided at the front of the site. All of the dwellings on the site are finished in Audley Antique facing bricks with the front gables in natural local stone. The natural stone reflects the prevailing character of the village of Shirenewton as does the natural slate on the roof. All the dwellings will have overhanging eaves and stone sills and lintels. The external appearance of the units is considered suitable in this location and the appearance of the housing units would be uniform across the whole site.

### 5.3 Access & Parking

In relation to access provision, the applicants underwent a pre-application advice submission and discussed the layout to be submitted with officers, including the Council's Highways Engineer. The scheme submitted was arrived at through these discussions and has led to the two access points now proposed with adequate visibility for each, facilitated by the realignment of the roadside hedgerow to the east of the site. Adequate parking, in accordance with the adopted Council supplementary planning guidance, has been provided on site, and vehicles can access and egress the site in a forward gear. The proposal is therefore considered to satisfy Policy MV1 of the adopted LDP.

### 5.4 Landscaping

The site is located within a high quality landscape but is outside the Wye Valley AONB which is about 550 metres to the north-east. As the land slopes down from the road the site is more visually prominent when viewed from the north east than from the Severn Estuary. A Landscape and Visual Assessment was submitted by the applicants as part of the application. This addressed both the effects on the landscape as a resource in its own right and the effects on views and visual amenity. The Landscape Assessment confirmed that the proposed development would have no effect on the landscape character of the study area and confirmed that when the development site was viewed from a distance from a number of footpaths and roads there was negligible or no change to the view due to the intervening topography and vegetation. The development site is much more visually prominent when viewed from the footpath that runs between Shirenewton and Mynydd-bach; the landscape mitigation recognised this and has established hedgerows and trees along the northern boundary of the site which would reduce the impact over time. The field work identified that the proposed development would be seen from a number of properties in the Shirenewton and Mynydd-bach area. The scale of the visual impact on views from these properties to the south west of the site were assessed to be moderate but the scale of the visual impact from the adjoining property, The Gables was assessed as substantial. For the majority of these predicted views the assessment found there would be negligible or no change to the view as the site only formed a small element of the view and the establishment of a new hedgerow on the boundaries of the site will assist visual integration.

The Council's Landscape Officer would have preferred to have seen site development sketches and plans regarding buildings and the landscape assessment. She does recognise however that "the scheme will over time, integrate and preserve the 'edge of settlement' character. The landscaping proposals will also provide a

suitable setting for the new buildings and the inclusion of the native hedge will provide some mitigation to 'soften' the new development."

Policy GI1 of the LDP states that development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network. The applicants have not provided a Green Infrastructure Assets and Opportunities Plan, however the Council would not normally require a full GI submission for this scale of development. Generally it is accepted that a full GI submission will only be required for major housing developments i.e. those of 10 or more units. Given the small scale of the proposal, there is very limited scope for GI initiatives although the planting of new indigenous hedgerows along the northern and eastern boundaries of the site will help to provide some green connectivity. The existing hedgerow along the road frontage will be re-aligned to provide for a sufficient visibility splay in an easterly direction from the site.

### 5.5 Biodiversity

It is recognised that it is desirable to have the hedgerow abutting plots 1 and 2 to be outside the residential curtilage and maintained by the land owner of the field rather than the individual householders. This would help to ensure the integrity of the hedgerow which is particularly important given that this will form the new boundary to the village of Shirenewton where it abuts the open countryside and can be viewed from the east. The applicant however argues that the landowner of the field may not maintain the hedgerow and that it would be better secured by means of a condition. Given the small area of hedgerow affected, approximately 40 metres, and the fact that this site is not very visually prominent officers recommend that as an exception to the general guidance on hedgerow maintenance it could be agreed that the proposed new hedge is planted and maintained within the residential curtilage with a condition imposed that the hedgerow be retained. This approach has been agreed by the Biodiversity officer. A construction method statement, nesting bird protection and biodiversity enhancements can all be secured by condition.

### 5.6 Drainage

It is proposed that all foul drainage will connect into the mains drain that runs down Spout Hill. Dwr Cymru - Welsh Water has no objection to this. The surface water will drain into soakaways in the adjoining field. The current landowner has control over the adjacent field and there is sufficient land available to provide adequate soakaway. The exact dimensions of the soak away required will be determined through a Building Regulations submission. It is not necessary to secure these details prior to the determination of the application, as there is sufficient scope within the field for such soakaways. The surface water from the site will not enter into the existing drainage system.

### 5.7 Impact on adjoining properties

The main residential property to be affected by this proposal is The Gables immediately to the west of the site. This was one of four properties granted planning permission on the site of a former garage in the 1990s. The main orientation of The Gables is north - south with the principal windows being on the front and rear

elevations. The Gables does have a door and three windows on the side elevation facing into the site, but these do not appear to be principal windows. The first and second floor windows may serve landings and the ground floor window can be protected from loss of privacy by the erection of a 1.8 metre high timber fence along the common boundary, which can be secured by condition. From the inside of the house there will be only very limited views of the proposed development. At present there is a timber retaining structure along the western boundary of the site and this increases in height towards the northern edge of the site. There is partial hedgerow along this boundary within the curtilage of The Gables. It is proposed that a condition be imposed that a 1.8 metre fence be erected on the inside boundary of plot no. 1. The Gables is set at a slightly higher level than the proposed property on plot 1 and this will help to further reduce the impact.

Other properties to the south of the site including Thistledown Barn, Archways and properties on Clearview Court are set at an elevated position above the development site but will be able to see the development. The proposal will be such a distance away so as not to have a significant adverse impact sufficient to justify refusal of the application.

#### 5.8 Other issues Raised

Most of the issues raised in the Community Council response and neighbour objections have been addressed above. The cumulative impact of this and the two adjoining residential allocations was carefully considered at the LDP and considered to be satisfactory. The basic principle of five new residential properties, three of which are affordable units, has already been established. Details of waste water drainage have been provided as part of the application and have been addressed above. There is approximately one metre between the boundary of The Gables and the side elevation of plot 1; the foundations will be carefully dug to ensure no undermining of the retaining structure, but that is a matter for the developer not a planning consideration.

#### 5.9 Response to the Representations of the Community Council

This site was considered as part of the Local Development Plan Process; it has been identified as a suitable site for around five dwellings. The proposed development complies with the adopted development plan. The size of the plots of the market housing is in line with the size of the plots on the adjoining site and the overall design is in keeping with the prevailing street scene. The three affordable units proposed are by definition smaller. The type of affordable housing is governed by the type of demand in the area. In the Shirenewton area it has been identified that there is a need for smaller one and two bed units. This mix is what the Council has requested and the applicants have responded to this request. The two accesses have been carefully positioned in order to comply with highway safety standards. The Biodiversity Officer has no objection to the realignment of the existing hedge to accommodate the visibility splay. There are three allocated housing sites in this area, and the cumulative impact of the traffic generated from these three sites has been carefully considered at the LDP stage and the Highway Engineers have no objection to the proposal as a result of the increase in traffic. The fact that the visibility splay is

outside the Village Development Boundary is not a justification for refusal; this is a situation repeated many times throughout the County.

**6.0 RECOMMENDATION: Approve subject to a 106 agreement that the three affordable housing units be transferred to a registered housing provider.**

Conditions/Reasons

5 years in which to commence development

Development shall be carried out in accordance with the approved plans listed.

Foul and surface water shall be drained separately; no surface water shall drain onto the highway or into the highway drainage system.

Construction Management Plan

Biodiversity Enhancements

Nesting Bird protection

Before Plot 1 is occupied, a 1.8 metre high close boarded timber fence shall be erected subject to details to be submitted and approved by the LPA before works commence along the western boundary.

Informative:

1. The developer is advised to contact the Council's Highways Department who has advised that no development should commence until the applicant has submitted an application to the Highway Authority, pursuant to Section 184 of the Highways Act 1980, for the provision of the two access points and footway within the existing public highway.



**DC/2015/00606**

**RESIDENTIAL DEVELOPMENT OF ALLOCATION SITE SAH11 (XII) TO PROVIDE 10 DWELLINGS (INCLUDING 60% AFFORDABLE)**

**LAND TO THE SOUTH WEST OF PENALLT, MONMOUTH, NP25 4SB**

**RECOMMENDATION: Approve**

Case Officer: Jo Draper

Date Registered: 13<sup>th</sup> July 2015

## **1.0 APPLICATION DETAILS**

- 1.1 The site is allocated in the Local Development Plan for around 10 dwellings under Policy SAH11. Policy S4 relates to Affordable Housing Provision and states that in 'Main Villages' there is a requirement for at least 60% of the dwellings to be affordable. The proposal relates to six affordable dwellings and four market dwellings and therefore in principle complies with both S4 and SAH11.
- 1.2 The application site is currently in agricultural use (identified as being poor semi-improved grassland). The site does not have the benefit of an existing access into the site. There are no defensible boundaries to the west and south of the site as this application proposes to sub-divide an existing field. A new hedgerow is proposed to the south and west which together with the existing hedgerow along the northern and eastern boundary forms the strategic landscaping around the perimeter of the site. This is proposed to be managed separately outside of private ownership. A section of hedgerow to form the highway entrance is being translocated within the site.
- 1.3 This application has been subject to pre-application discussions and further negotiations during the course of this application. The proposed development seeks to deliver affordable provision through a ten unit mixed tenure scheme with 60% being identified as affordable housing; plots 5, 6 and 7 will be for social rent and will remain so in perpetuity, whereas plots 8, 9 and 10 will be 'intermediate' housing.
- 1.4 There are a mix of house types within the area; in the immediate vicinity there are two storey dwellings and modern bungalows situated on generous plots. In this case the application proposes three house types. The private detached dwellings comprise of two types of dwelling, both are similar in form and design, and in the case of plots 1, 2 and 3, the gable projects forward of the main elevation with a lower ridge whilst plot 4 is a traditional dwelling with a symmetrical frontage.
- 1.5 There are two rows of three terraced properties proposed and all have the same floor layout and design, the only exception being plot 10 that fronts the highway which has been treated differently on the external frontage as it forms a corner plot with primary frontages facing the highway and the access road

into the site. Whilst the scale of the market and affordable dwellings differ, the form of both the market and affordable dwellings is very similar. The eaves and ridge height are 4.5m and 8.2m high respectively, the roof gradients vary from 45 degrees on the prominent frontages with a minimum of 38 degrees on the other roof slopes. The walls are a mix of natural stone and brick with all prominent frontages on both private and affordable dwellings finished in natural stone with the 'Audley Antique' brick being used on the less prominent frontages. The external materials are the same throughout the site, there having been no compromise made for the affordable housing as all six affordable units match the materials proposed for the private dwellings on this site and comprise of the following:

Roof: natural slate

Rainwater goods: black plastic

Chimneys to be faced with brick slips to match main walls

Walls: Bricks 'Audley Antique' or natural stone (laid to random rubble pattern, mortar joints to be flush pointed or slightly recessed)

Sills and Lintels: reconstituted stone

Joinery: timber windows and exterior doors painted opaque finish (colour cream or off white)

- 1.6 With regard to car parking, each plot has a minimum of one space per bedroom up to a maximum of three spaces where there are three or more bedrooms (without including integral garages). Visitor spaces are to be largely accommodated on street. The boundary materials comprise of hedgerows to the front boundaries with a 1.8m high boundary to the rear gardens. The rear boundaries adjacent to the strategic landscaping on the 'garden side' would be a 1.2m high post and rail fence to demarcate ownership boundaries.
- 1.7 With regard to foul drainage a septic tank is provided for each private unit whilst a private package sewage treatment plant is proposed to serve the affordable units.
- 1.8 This application has been subject to revisions with subsequent changes in house design and layout. The dwellings have been lowered with the eaves and ridge height measuring 4.5m and 8.2m in height respectively for the private detached and affordable dwellings. External materials have been changed to natural materials; chimneys have been added; external chimneys replaced by more traditionally designed internal stacks; a hierarchy of windows has been introduced; hipped roofs on garages have been replaced by traditional pitched roofs; hedgerows demarcate front boundaries; a small informal open space has been created within the site and the layout has been altered to provide a more open aspect when accessing the plots to the south-east of the site.
- 1.9 The application site is within the Wye Valley AONB.

## **2.0 RELEVANT PLANNING HISTORY**

None

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

#### Strategic Policies

S1 – Spatial Distribution of New Housing Provision  
S4-Affordable Housing Provision  
SAH11(xii)-Main Villages Land to the south west of Penallt -around 10 dwellings  
S13 – Landscape, Green Infrastructure and the Natural Environment  
S16 Transport  
S17 – Place Making and Design

#### Development Management Policies

NE1 – Nature Conservation and Development  
DES1 – General Design Considerations  
EP1 – Amenity and Environmental Protection  
MV1 – Proposed Developments and Highway Considerations  
LC4 – Wye Valley AONB

### **4.0 REPRESENTATIONS**

#### 4.1 Consultations Replies

Trellech Community Council: Refuse

- Plans represent an over-development of the site. The density of the housing is quite different to the existing pattern in the village and not in keeping with it.
- The density requires a separate shared parking area with hard surface at the lowest point. This will exacerbate existing problems with drainage
- Social housing should be integrated, not segregated from the open market properties
- Additional landscaping should be required to minimise the impact on the neighbours

Gwent Glamorgan Archaeological Trust: No objection to the positive determination of the application

Monmouthshire Biodiversity Officer: The ecological assessment is sufficient. Welcome the addition of planting of fruit trees on the site which will be of benefit to pollinators and contribute to the GI approach. Further Green Infrastructure Plans have been provided; comments to be reported as Late Correspondence.

Natural Resources Wales: No objection to proposed foul water drainage or ecology of the site subject to relevant planning conditions being imposed that require the following to be submitted:

- A method statement based on the recommendations outlined in Section 6.0 (Conclusions and Mitigation) of the report 'Land at South West Penallt Monmouthshire- Phase 1 Habitat Survey & Ecological Impact Assessment' as

modified by advice on timing of the translocation of the hedgerow to September – October or mid-April – May to minimise risk/harm to dormice.

- Lighting plans

Monmouthshire Housing and Community Services: Fully supports this development; it will provide much needed affordable housing for those in housing need in the Trellech Community Council area.

Monmouthshire Highways and Drainage Officer: Having reviewed the submission and with particular regard to the supporting technical information, namely:

Transport Assessment May 2015

Drawing No. PG/03/D - Site Layout as Proposed

Drawing No. PG/14/A - Drainage Layout Plan as Proposed

There are no objections to the proposed development from a highway standpoint subject to the following:

**Junction Visibility:** The traffic speed and volume surveys indicate that although the main road is subject to the national speed limit the actual speeds are significantly less and on average in either direction the speed of vehicles is circa 35/37mph. Transport, the actual visibility requirements should be 2.4m x 90.0m. The junction visibility indicated on Drawing No PG/03/D demonstrates that the required visibility of 2.4m x 90.0m is achievable.

**Shared Surface:** The proposal to serve the 10 dwellings via a shared surface access road is deemed acceptable in the circumstances considering the limited impact the development will have.

**Highway and Surface Water Drainage:** Following discussions with the applicant the applicant has considered the highway surface water drainage associated with the shared surface and submitted revised drainage details as indicated on Drawing No. PG/14/A - Drainage Layout Plan as Proposed. The applicant has considered the drainage sustainability issue and promoted the use of roadside swales to both store and control discharge of surface water to the ground and to the existing roadside ditch. The proposal also provides a degree of betterment and a balancing regime for the surface water run-off from the existing highway and proposed shared residential road.

I would offer no objection to the proposed Highway Surface Water Drainage as submitted.

**Car Parking:** The development provides adequate parking provision and is in accordance with the Councils Parking Standards 2012.

**Highway Adoption:** The proposed shared access road lends itself for consideration for adoption as a publically maintained highway under Section 38 of the Highways Act 1980. Although the applicant may be willing to offer the shared surface road for adoption, conditions to be imposed are recommended accordingly.

**Walking & Cycling:** The site and Penallt itself is not well placed in respect of walking and cycling, although the area does not benefit from footways the ability for pedestrians and cyclists to share the highway with other users is achievable due to the low number and low speeds of vehicles that use the network on a daily basis. Although walking and cycling should be actively encouraged and promoted, regrettably it is unrealistic to secure off-site improvements to encourage and promote walking and cycling as there are no discernible locations in the vicinity of the development that people could legitimately walk or cycle to.

Public Transport: Penallt is on the local bus link between Monmouth and Chepstow, bus stops are located within walking distance of the site and the frequency of service is reasonable considering its predominantly rural location; the bus service provides wider opportunities to travel further afield from either Monmouth or Chepstow. Considering the scale and number of dwellings promoted the increase in passenger demand is likely to be low and enhancement of the existing bus service is unlikely.

#### 4.2 Neighbour Notification

There have been 17 representations received to date, the points raised are summarised below:

- Questioned transport assessment – queries the notion that the absence of accidents is evidence that the pedestrian environment is safe where it is, it says nothing about how the safety is being achieved or what effect this have upon the development
- Monmouth being reached by cycle is very impractical and this form of transport cannot be considered an option when assessing sustainability of transport from this site
- The bus schedule is wholly inappropriate for normal commuting and it runs at the wrong time
- The infrastructure needed to serve and deliver sustainable transport is not in place
- Using percentiles and averages is misleading
- Potential overflow from septic tanks and cascading effect on run-off down to the cross roads in the village
- The proposed development is prominent in an open landscape and is more than 4 dwellings
- Proposed site is out of character with the surrounding landscape and village form being tightly knit, not of a stone/render combination and not set back from the roadside; brick is inappropriate
- Houses in Green Pastures are overlooked - growing hedges higher will block sunlight
- Site is sloping with copious amounts of water in wet weather; this is due to the water table and numerous natural springs within the land
- Road access is dangerous and is too close to the cross roads with cars travelling at speed; this will be too dangerous
- Over-development of the site – the site would work better with 5 affordable and 3 market
- Questioned the timing of the porosity test as it was undertaken during an unusually dry extended period
- Lighting should not spill out
- Little green space
- Noise pollution arising from the site layout splitting the affordable units and spreading across the site would help.
- Construction vehicles would be noisy
- Impact upon tourism/ visitors by blocking views of the AONB
- Parking area is poorly designed with little turning area and cars parked nose to tail

- Questioned the necessity of 10 new houses when there are currently 14/15 houses for sale within a mile of the centre of Penallt which have been on the market for a significant period of time.
- The outcome of the Local Development Plan sessions regarding this plot of land was that it would not support 10 houses – oversight of the staff to include this number
- Too much visible segregation between affordable and market use of different materials
- No effort to soften the view of the scheme
- The encroachment of the development onto agricultural land creates a precedent for ribbon development
- The house types reflect the current demand in the area; there is a shortage of low maintenance , high quality apartments
- Site is prone to flooding
- The village has no amenities - school, shop surgery, infrequent bus service, etc.
- Layout reflects an urban context not a rural one
- Cramped conditions will force families out onto the main road, skateboarding etc.
- Poor soil is unable to take the effluent as none of the culverts are maintained; this shows that further properties will exacerbate the problem
- The driveways and access road should be a permeable surface

## 5.0 EVALUATION

The principle of developing on this site with ‘around 10 dwellings’ has been established with the allocation of this site under LDP Policy SAH11(xii) . Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. The proposal relates to six affordable dwellings and four market dwellings complying with Policy S4 and SAH11 in principle. The detailed issues that arise in the consideration of this application are as follows:

Landscape and Visual Impact  
 Neighbour Impact  
 Highways and Surface Water Drainage  
 Foul Drainage  
 Other Issues Raised  
 Response to Community Council Comments

### 5.1 Landscape and Visual Impact

5.1.1 The site is located in the Wye Valley Area of Outstanding Natural Beauty, and as such Policy LC4 is applicable and the proposal must not detract unacceptably from its setting. A high standard of landscaping is therefore required for this site, particularly as there are no existing ‘defensible boundaries’ on the southern or western edges of the site. The landscaping that has been proposed around the perimeter of the site works well, serving to establish a strong indigenous hedgerow boundary that provides a sense of enclosure and containment without the introduction of hard settlement features

that would adversely affect the surrounding landscape. The hedgerow continues within the site and provides a softer rural frontage to all the proposed dwellings.

5.1.2 This development will be visible from surrounding viewpoints, so it is important that the built form works visually both from outside the site looking in and from within the site looking out. The site slopes from the east rising up to the west, and the proposed dwellings gradually rise up, with plots 1 and 2 at the highest point of the site while the higher density houses are situated in the lower part of the site. The section drawing of the site (Drawing PG04 Rev B) shows how the proposed dwellings gradually step up from the highway viewpoint. The garages are strategically placed to provide relief in the built form, and there is more than adequate spacing between the dwellings and the outside boundaries for the proposed scheme to not appear as an over-development of the site.

5.1.3 There has been concern raised by neighbours regarding the proximity of the dwellings to the highway. In the case of plot 1 the house is set at an angle to the highway frontage, and it sits comfortably within the plot, relating well to main viewpoints into the site. Plot 10 has been revised so that this dwelling reflects the characteristic of a traditional cottage both in form and design and its relationship with the highway. It is not uncharacteristic to find traditional cottages that almost 'hug' the highway frontage and this proposed stone-fronted dwelling will reflect such a development.

5.1.4 Finally, concern has been raised about the use of brick; this has been predominantly used on the secondary frontages with natural stone being the dominant, primary material. The proposed brick has a traditional 'reclaimed' appearance that compliments the other high quality materials and is welcomed in this case. The proposed dwellings are of a simple, traditional form and design that work well within this rural aspect. This, coupled with the proposed high quality external materials and a strong landscaping scheme, effectively delivers a site that assimilates well into the surrounding landscape and forms an attractive development, as well as a sense of place. The proposal is visually acceptable within this setting and complies with the relevant planning policies in this case.

## 5.2 Neighbour Amenity

5.2.1 The main potential impact relates to the dwellings immediately opposite the application site. The layout has been designed to meet the privacy guidelines between first floor habitable windows and the boundaries for private amenity spaces. There is no direct overlooking caused by this development, the closest neighbouring property to this site is Stone Barn House, and a distance of approximately 27m separates the frontage of the proposed dwelling on plot 10 from the front of this neighbouring dwelling. In addition, mature foliage that forms the frontage to the neighbouring property softens any viewpoints into this site. The impact of the proposed development upon the amenity of this neighbouring property would be minimal.

5.2.2 The size and position of the proposed gardens vary, although they are proportional to the size of the dwellings that they serve. When considered with the small informal open space that is proposed on site, the amenity of the future occupiers of these dwellings is more than acceptable in this case.

### 5.3 Highways and Surface Water Drainage

5.3.1 The proposal has been revised to satisfy highway and drainage concerns. The details submitted are now satisfactory. A neighbour has raised concern regarding the transport assessment and sustainability of the site. It is recognised above by MCC Highways that *“the site is not well placed in respect of walking and cycling, although the area does not benefit from footways the ability for pedestrians and cyclists to share the highway with other users is achievable due to the low number and low speeds of vehicles that use the network on a daily basis. Although walking and cycling should be actively encouraged and promoted, regrettably it is unrealistic to secure off-site improvements to encourage and promote walking and cycling as there are no discernible locations in the vicinity of the development that people could legitimately walk or cycle to.....Penallt is on the local bus link between Monmouth and Chepstow, bus stops are located within walking distance of the site and the frequency of service is reasonable considering its predominantly rural location, the bus service provides wider opportunities to travel further afield from either Monmouth or Chepstow.”*

5.3.2 With regard to surface water drainage a revised scheme has been submitted wherein the applicant has considered the sustainable drainage issue and promoted the use of roadside swales to both store and control discharge of surface water to the ground and to the existing roadside ditch. Representations received from neighbours have raised concern regarding the potential for flooding. This proposal offers a degree of betterment and a balancing regime for the surface water run-off from the existing highway and proposed shared residential road. The proposal satisfies both highway and surface water drainage concerns.

### 5.4 Foul Drainage

5.4.1 This proposal is located in an area where there is no mains drainage which is why an on-site sewage treatment plant is proposed. Welsh Water commented to this effect during the Local Development Plan process but did not raise any concern. Concern has been raised by neighbours regarding the potential of flooded septic tanks and effluent issues which currently exist in the village being further aggravated by the proposed development. The applicant has submitted a Ground Investigation Report (Core Geotechnics Ltd SW of Penallt Monmouth 16 March 2015). Natural Resources Wales have assessed the drainage proposals including the assessment of the risks to the water environment, there is no objection to the findings of the report for the purposes of this application. Further control and specification is issued through the application for a permit to discharge which is covered under separate legislation. It can be concluded therefore that information provided for foul drainage is acceptable for the purposes of this planning application.



## 5.5 Response to the Representations of the Community/ Town Council

- i) Over-development of the plot – this has been addressed in Paragraph 5.1.2 above.
- ii) Density requires a separate shared parking area with hard surface at the lowest point that will exacerbate drainage – this issue has been addressed in Paragraph 5.3.2 above.
- iii) Social Housing should be integrated not segregated from the open market properties.  
MCC Planning Response: plots 8, 9 and 10 are situated at the entrance point to the site, and the aspect of these properties face the highway, a highway that is shared and immediately overlooked by the market dwellings. These plots are viewed as an integral part of the development. Plots 5, 6 and 7 are served by the same access road with a frontage that faces north and a south-facing rear garden; this sits broadly level with the adjacent plot 4 which is a market dwelling and shares the same aspect as that of plots 2 and 3. In this case the affordable units are not visually distinct, and functionally relate well to all other dwellings as the informal open space that serves the overall site is located to the front of these affordable units. The development is considered to be integrated and works successfully with the constraints of the site to provide an efficient yet non-segregated form of development.
- iv) Additional landscaping required to minimise the impact on neighbours – this has been addressed in paragraph 5.1.1 above.

## **6.0 RECOMMENDATION: APPROVE**

Subject to a Section 106 agreement that secures the following:

- (i) 60% Affordable Housing ( Plots 5 - 10)
- (ii) Maintenance and management of the strategic landscaping by Seren Housing Group (Strategic landscaping that forms the boundary to the affordable dwellings and vendor in accordance with approved maintenance and management schedule to be agreed by the Local Planning Authority)
- (iii) Maintenance and Management of the 'Informal Open Space' by Seren Housing Group

### Conditions:

1. Time Condition (five years in which to commence development)
2. Implementation in accordance with approved plans
3. Compliance with agreed external materials
4. A method statement based on the recommendations outlined in Section 6.0 (Conclusions and Mitigation) of the report 'Land at South West Penallt Monmouthshire- Phase 1 Habitat Survey & Ecological Impact Assessment' (as modified by advice on timing of the translocation of the hedgerow to September – October or mid-April – May to minimise risk/harm to dormice)
5. Submission of a Lighting scheme
6. Implementation of landscaping scheme.
7. Protection/ maintenance of landscaping.

8. Removal of Permitted Development Rights for solar panels.
9. No boundary materials other than that approved as part of the planning application.
10. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/01/15

**gan Melissa Hall BA(Hons) BTP MSc  
MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 20 Ebrill 2015**

## Appeal Decision

Site visit made on 29/01/15

**by Melissa Hall BA(Hons) BTP MSc  
MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 20 April 2015**

**Appeal Ref: APP/E6840/A/14/2229155**

**Site address: 34 Pen y Pound, Abergavenny, Monmouthshire NP7 7RN**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Jim Vickers against the decision of Monmouthshire County Council.
- The application Ref DC/2013/00862, dated 4 October 2013, was refused by notice dated 6 June 2014.
- The development proposed is a two storey detached dwelling.

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The site address on the application form is 34 Pen y Pound whereas the annotation on the indicative site layout plan refers to land at 34 and 36 Pen y Pound. The appellant has clarified that the site is currently two parcels of land in the separate ownership of two neighbouring landowners, albeit the application is made by the owner of No 34 only.
3. The application is made in outline form with all matters reserved for subsequent consideration. A site plan and a floor plan drawing have been submitted with the application, which are for indicative purposes only.
4. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 states that an application for outline planning permission must state the upper and lower limit for the height, width and length of each building included in the development proposed. Whilst the Design and Access Statement (DAS) details the width and length of the proposed dwelling, the height is stated only as 'two storeys'. However, it is on this basis that the Council considered the application and upon which I determine the appeal.
5. I note that the red line boundary denoting the application site does not include the proposed access. However, the DAS states that access will be provided via the existing residential driveway serving 36 and 36a Pen y Pound. I am therefore satisfied that the requirements of the Order have been met in this regard.

6. The planning application form specifies a one bedroom dwelling whereas the indicative floor plan drawing shows a three bedroom dwelling and the DAS refers to a four bedroom dwelling. However, as the application is in outline form only, such detail is reserved for subsequent consideration and I have dealt with the principle of the development in coming to my decision.
7. The proposal was amended following submission to the Council but prior to its determination. The amendment is shown on the illustrative site layout plan and comprises of a change to the footprint of the dwelling. I am satisfied that no party would be prejudiced by my consideration of these amendments. I have therefore taken this into account in my determination of the appeal.

### **Main Issues**

8. These are:

- The effect of the proposed development on the character and appearance of the surrounding area, including whether the proposed development would preserve the setting of an adjacent Grade II Listed Building.
- The effect of the proposed development on highway safety.

### **Reasons**

#### *Character and appearance*

9. The surrounding area is characterised predominantly by residential development of a mix of scale, form, design and external appearance. There are also other forms of development in close proximity including a football club / sports ground and a tennis club, which add to the variety in the built form. Notwithstanding this variety, plot sizes in the vicinity of the site are, for the most part, generous and give the area a low density, spacious feel.
10. The appeal site currently forms part of the large rear garden serving No 34 but also incorporates a triangular parcel of land associated with No 36. Although, the size and layout of the plot may be more modest compared to the majority of those in the vicinity, I do not find that it is so constrained as to appear cramped or disproportionate in terms of its relationship with its surroundings.
11. Furthermore, as there is no uniformity in terms of the surrounding built form and given the mixed character that I have described, neither do I consider that the construction of a two storey dwelling at this location would appear 'shoehorned' into the site or that it would compromise the overall spacious character of the area.
12. The appeal site lies adjacent to a Grade II Listed Building, which is a residential property known as 'The Willows'. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to have special regard to whether the proposed development would preserve the setting of the listed building.
13. I understand that the building is listed as an early 19<sup>th</sup> Century classical villa and that the list description describes the elevation which faces the appeal site as utilitarian. I observed that the rear elevation of The Willows has few features of architectural merit and that the small courtyard area separating the rear elevation from the common boundary is functional in nature and makes no significant contribution to the setting of the listed building.

14. In this context, I find that the construction of a building with a separation distance that can be achieved in line with that shown on the indicative site layout plan would not compromise the appreciation of the Listed Building or its relationship with its surroundings from this vantage point. Thus the setting of the listed building would be preserved, consistent with the requirements of the Act.
15. I note the concerns of third parties that in coming to a view that the development would not harm the setting of the listed building, Cadw carried out a desk top assessment rather than a site visit. Be that as it may, from my observations of the site I agree that the relationship would be acceptable for the reasons I have given.
16. Consequently, I do not find conflict with Policy DES 1 of the adopted Monmouthshire Local Development Plan (LDP), which *inter alia* requires new development proposals to respect the local character and distinctiveness of the built, historic and natural environment.

### *Highway safety*

17. The existing driveway serving Nos 36 and 36a is of single width and has direct access onto Pen y Pound. It is positioned in close proximity to two other existing vehicular accesses serving the neighbouring dwelling and the tennis club and opposite the car park serving the football club.
18. On exiting the driveway, visibility of oncoming traffic to the right is severely restricted owing to a bend in the road and the position of 34 Pen y Pound. There appears to be little opportunity to improve visibility in this direction and there are no such improvements before me.
19. Owing to such severe restrictions, I am concerned that any additional vehicular movement onto this junction would give rise to an increased potential for vehicular conflict. The driver of any vehicle needs to emerge from behind the front elevation of No 34, cross the footway and move into the carriageway in order to gain visibility of oncoming traffic from the right. The proximity to other existing accesses merely exacerbates the potential for conflict.
20. I acknowledge that the Council has not provided any accident data pertaining to the use of the existing access, and that existing residents may have become accustomed to the junction and adjusted their behaviour accordingly. I also accept that the increase in vehicle movements associated with one dwelling may be limited.
21. However, in my view, the existing access arrangements are poor and do not therefore justify increasing the risk to highway safety. Given the unfavourable highway conditions that I have described, I am of the opinion that the potential for vehicular conflict, which is already significant, would increase in these circumstances.
22. I also acknowledge that the new driveway serving the dwelling would provide the opportunity for a passing place. However, this would be situated at the end of the driveway away from the junction with Pen y Pound, and would rely on the driver exiting the drive to be aware of a vehicle joining from the main highway. I am not convinced that such an arrangement would be satisfactory for the driver entering the driveway from the main road, which may result in reversing onto Pen y Pound. This matter further convinces me of the inappropriate nature of the development in highway safety terms.

23. I also understand that a convex safety mirror is to be installed on the highway by the owner of No 36 to replace a damaged and removed mirror, which would allegedly provide clear sight of oncoming traffic. Setting aside that the Council has taken issue with such a suggestion, this does not form part of the scheme before me, and I have not therefore given it significant weight in coming to my decision.
24. For the above reasons, the proposed development would compromise highway safety. It would therefore fail to meet the objectives of LDP Policies MV1 and DES1, which require new development to provide a safe environment for road users.
25. I have had regard to the sustainability of the location and the importance of reducing the need to travel with facilities and services in close proximity. I also note the appellant's contention that flexibility should be applied due to the existence of a historic townscape. Nevertheless, I do not consider that these matters outweigh the adverse effects I have identified.

### **Other Matters**

26. My attention has been drawn to alleged inconsistencies in the Council's decision making and to other infill development in the surrounding area. I do not know the full facts of the cases referred to or the particular planning circumstances in which they were granted. However, each proposal must be considered on its own merits, which is what I have done.
27. I note the concerns of other parties regarding the effect of the proposed development on protected trees and the living conditions of neighbours. The Council considers that a sufficient separation distance can be achieved between the siting of a new dwelling and the existing neighbouring properties so as to ensure that there would be no unacceptable overlooking, overbearing or overshadowing effect on the occupants. Based on the illustrative site layout plan before me, I am satisfied that detailed design could be controlled at reserved matters stage such that the living conditions of neighbours would be protected.
28. Turning to the trees, the Council has confirmed that root protection areas have been identified on the submitted survey so as to ensure that the trees are protected during construction. However, it adds that as access is a reserved matter, it is not apparent at this stage to what extent the trees would be affected. As the appeal has been dismissed for other reasons, I have taken this matter no further. However, the effect of the proposed development on the protected trees would need to be fully assessed in the event of any revised scheme.
29. In respect of other issues raised, constraints imposed by a restrictive covenant are for the appellant to address separately, and are not matters for this appeal.

### **Conclusion**

30. Although I have found no harm to the character and appearance of the area or to the setting of the listed building, the proposal would compromise highway safety to the extent that it is an overriding reason why permission should not be granted. Having regard to all matters raised, I thus conclude that the appeal should be dismissed.

*Melissa Hall*

INSPECTOR